



EL DORADO COUNTY PLANNING COMMISSION

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

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

MINUTES

**Regular Meeting
February 26, 2009 – 8:30 A.M.**

1. CALL TO ORDER

Meeting was called to order at 8:36 a.m. Present: Commissioners Rain, Mathews, and Heflin; Paula Frantz-County Counsel; and Char Tim-Clerk of the Planning Commission.

2. ADOPTION OF AGENDA

Motion: Commissioner Rain moved, seconded by Commissioner Heflin, and unanimously carried (3-0), to adopt the agenda as presented.

AYES: Heflin, Rain, Mathews

NOES: None

ABSENT: MacCready, 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:** February 12, 2009

Motion: Commissioner Heflin moved, seconded by Commissioner Rain, and unanimously carried (3-0), to approve the minutes of February 12, 2009, as presented.

AYES: Rain, Heflin, Mathews

NOES: None

ABSENT: MacCready, Tolhurst

b. **GOV09-0002** submitted by GEORGETOWN DIVIDE RECREATION DISTRICT (Agent: Blair Aas, SCI Consulting Group) for Finding of General Plan Consistency per Government Code Section 65401 for proposed impact fee program approved by the District's Board of Directors on November 20, 2008. The program identifies all proposed recreational development and the nexus study to fund such development.

Commissioner Mathews pulled this item from the Consent Calendar.

Thomas Lloyd presented this item to the Commission with a recommendation to find the request consistent with the General Plan.

Chair Mathews inquired how the proposed park impact fees were in comparison with other districts. He was concerned that the district was in a "catch-up" mode because the mobile home fee, which is very similar to the fee for a single-family home, is normally considered affordable housing. He would like to see the Nexus Study.

Larry Appel, Deputy Director-Planning, informed the Commission that the County needs to respond within 40 days of receipt of the request as there is an unwritten rule that if the requesting agency is opposed to a continuance that is outside of the 40 days, then it has the same affect as finding that their request is consistent with the General Plan.

County Counsel Paula Frantz indicated that State law would not allow "catch-up" and the fee needs to be based on the impact of each new house. She also stated that the Recreation District does not have independent authority to pass fees and would require the Planning Commission's recommendation as the County adopts the ordinance for fees. If the Planning Commission requests more time for this item, then it would be appropriate for a continuance.

In response to Commissioner Heflin's request to see other district's fees, Ms. Frantz stated that it was not relevant to this item, but that staff could possibly provide that type of information to him for his review. She stated that the Nexus Study is very specific to an area and may not show other districts.

Chair Mathews stated that he did not want to continue the item, but was interested in pointing out the issue that high fees will impact development.

Art Marinaccio stated that if the Commission is unsure of the development of the area and wants to see the Nexus Study, then the item should be continued.

Blair Aas, applicant's agent, and Carl Clark, applicant, responded to the various inquires, as summarized: (1) Fees are allocated on household sizes, using the 2000 census, for the land use designations; (2) El Dorado Hills and Cameron Park are two times higher than the proposed Georgetown fees that are in the range of \$4,000; (3) District Board understands that this is unfortunate timing due to economy, but this is for future planning; (4) Outreach meetings have been conducted with local builders; and (5) Discussions with County to phase in the increase of fees.

Commissioner Tolhurst identified a discrepancy in wording regarding funding between the Resolution and the Staff Report.

Mr. Aas agreed that the language may need to be re-worded.

Mr. Clark stated that this is a small district and they are trying to provide a firm foundation by setting a 20 year Master Plan and would like the Commission to review the Nexus Study. He also stated that there have been over 50 planning meetings in the last three years on this and are still continuing to have discussions with the local builders. It is important to continue the long-term planning so that it is in place when the economy upturns.

Steve Carlson is concerned that they are taking an affordable area and now making it unaffordable.

Chair Mathews indicated that he was satisfied with the responses from the applicant and applicant's agent.

No further discussion was presented.

[Clerk's Note: Mr. MacCready arrived at 8:40am to take his seat on the Commission. Mr. Tolhurst arrived at 8:47am to take his seat on the Commission.]

Motion: Commissioner Mathews moved, seconded by Commissioner Rain, and carried (4-0), to find the proposed park impact fee nexus study to develop future park amenities with the district are consistent with applicable policies of the adopted 2004 El Dorado County General Plan, per Government Code Section 65401.

AYES: MacCready, Heflin, Rain, Mathews

NOES: None

ABSTAIN: Tolhurst

c. **GOV09-0003** submitted by **California Montessori Project (Buckeye Union School District)** for Finding of General Plan Consistency pursuant to Government Code Section 65402(a) for the acquisition of the proposed real property. The property, identified by Assessor's Parcel Number 319-220-48, consisting of 5 acres, is located at the intersection of Maggie Lane and Shingle Springs Drive, in the Shingle Springs area, Supervisorial District IV.

Art Marinaccio requested to have this item pulled from the Consent Calendar.

Thomas Lloyd presented this item to the Commission with a recommendation to find the request consistent with the General Plan.

Art Marinaccio disclosed that he is a former Buckeye Union School District and Montessori parent and is also a member of the Buckeye Union School District's oversight committee for

bonds. Mr. Marinaccio stated that this property, including the surrounding parcels, should be included in the Community Region.

Dione Beilby, Deputy Director for the Montessori Project, stated that it is a public school and is no longer a private school. She indicated that they are interested in acquiring the property to the north for expansion purposes and that this is a State project.

Steve Carlson, owner of the property, informed the Commission that he had spent approximately \$50,000 to build a house on the land, but eventually determined that the area was not conducive to residential dwellings and the school would be a more appropriate use.

No further discussion was presented.

Motion: Commissioner MacCready moved, seconded by Commissioner Mathews, and unanimously carried (5-0), to find the acquisition of the proposed real property by the California Montessori Project consistent with applicable policies of the adopted 2004 El Dorado County General Plan, pursuant to Government Code Section 65402(a).

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

END OF CONSENT CALENDAR

**5. DEPARTMENTAL REPORTS AND COMMUNICATIONS
(Development Services, Transportation, County Counsel)**

Pierre Rivas provided a summary of the Board of Supervisor's actions at the February 24, 2009, hearing:

- Z07-0010/PD07-0006/TM07-1438/Porter: This item was unanimously approved.
- Conceptual Review process: Revisions were made which will allow the applicant to choose between being heard by the Planning Commission or the Board. Staff will be finalizing the changes and can report back as it progresses.

6. COMMISSIONERS' REPORTS – None presented.

9:00 A.M.

PUBLIC FORUM/PUBLIC COMMENT – None presented.

7. DESIGN REVIEW

DR08-0006/Bob Dog Pizza submitted by REBECCA SCHWARTZ-LEUCH and BRYAN LEUCH (Agent: Blaise D'Angelo) for design review of the construction of a new 2,587 square foot building. The property, identified by Assessor's Parcel Number 034-323-10, consisting of 0.29 acre, is located on the north side of U.S. Highway 50, approximately 1,500 feet east of the

intersection with State Route 89 in the Meyers area, Supervisorial District V. (Statutory Exemption pursuant to Section 15061(b)(3) of the CEQA Guidelines)**

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

Blaise D'Angelo, applicants' agent, summarized the project and stated that they did have a point of contention with Condition 14. He stated that they would contain run-off on-site, but did not want to provide off-site improvements.

Commissioner Tolhurst requested more clarification on Condition 14 and since the parcel was a vacant lot, inquired how Condition 26 would be satisfied.

Pierre Rivas indicated that Condition 26 was a standard condition for Environmental Management. There is a website that lists hazardous sites (i.e., gas stations, etc.) and, absent any identification of this parcel, this would then satisfy the condition. Mr. Rivas deferred to Environmental Management if any other type of document was needed.

In regards to Condition 14, Eileen Crawford/DOT and Mr. Rivas agreed that additional language could be included in the condition to specify analysis of pre and post development of the property.

No further discussion was presented.

Motion: Commissioner Tolhurst moved, seconded by Commissioner MacCready, and unanimously carried (5-0), to 1. Certify that the project is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines; and 2. Approve Design Review DR08-0006 based on the findings proposed by staff, subject to conditions as modified, which include amending Condition 14.

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

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

Findings

1.0 CEQA FINDINGS

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

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the adopted plan (AP) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the County General Plan designates the subject parcel as Adopted Plan, which refers to the Tahoe Regional Planning Agency's Regional Plan. The parcel is located within TRPA Plan Area Statement (PAS) 125, Meyers Commercial, which refers to the Meyers Community Plan. As detailed above, the proposed restaurant is consistent with the Meyers Community Plan. The conditional approval of this design review application, therefore, conforms to the Adopted Plan land use designation.
- 2.2 As discussed above, the project is consistent with all applicable sections of the Meyers Community Plan Design Guidelines including access, bicycle racks, building design, building materials/colors, landscaping, lighting, parking, signage, and the screening of outdoor service areas.

3.0 ZONING FINDINGS

- 3.1 The proposed use is permitted by design review permit within subarea 3 (MCP-3) of the Meyers Community Plan, pursuant to Section 17.58.180.A provided that the administrative findings outlined below can be made by the Planning Commission.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because sufficient landscaping, lighting, and parking is provided. The proposed building is also consistent with the development standards contained within Table 17.58.190.A.

4.0 DESIGN REVIEW FINDINGS

- 4.1 *The proposed use and design conforms to the General Plan and Zoning Ordinance.*

As discussed above in the General Plan and Zoning findings sections, the proposed use and building design conform to the Meyers Community Plan, Meyers Community Plan Design Guidelines, and Zoning Ordinance because of the project's adherence to guidelines concerning access, bicycle racks, building design, building materials/colors, landscaping, lighting, parking, signage, and the screening of outdoor service areas.

- 4.2 *The proposed use and design will not be detrimental to the public health, safety, and welfare, nor injurious to the neighborhood.*

The proposed use and design would not be detrimental to the public health, safety and welfare or injurious to the neighborhood as it will fit within the context of the surrounding mix of residential and commercial land uses adjacent to the project site and result in insignificant environmental, visual, noise, and traffic impacts to surrounding

residents and businesses. Further, the proposal was reviewed and supported by the Meyers Community Roundtable.

5.0 ADMINISTRATIVE FINDINGS (PARKING RELIEF)

5.1 Pursuant to Section 17.18.040.D.2 of the Zoning Ordinance, administrative relief from the strict compliance with the provisions for commercial and industrial uses may be granted where the planning director or planning commission finds all of the following:

- a. *The intent of the parking ordinance is preserved.* The intent of the parking ordinance is preserved as the site contains adequate parking for the proposed use based on a high turnover of pizza by the slice customers, high volume of seasonal pedestrian and bicycle traffic, and provision of pizza delivery service.
- b. *The parking provided is sufficient to serve the use for which it is intended.* The off-street parking provided is sufficient for the proposed use because of the high turnover of pizza by the slice customers, high volume of seasonal pedestrian and bicycle traffic, and provision of pizza delivery service. Further, the project consists of the relocation of an existing restaurant across U.S. Highway 50. Documentation submitted by the project owners concluded that six parking spaces have provided sufficient parking for the existing business in operation for the past nine years.
- c. *The modification will not be detrimental to the public health or safety.* The reduction of four required parking spaces is not detrimental to the public health or safety because the 11 on-site parking spaces shown on the site plan are sufficient to serve the proposed use. No on-street parking or public health or safety hazards would occur.

Conditions of Approval

I. PROJECT DESCRIPTION

1. This design review permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits E through L, dated February 26, 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 permit authorizing the construction of a new 2,587 square foot building for Bob Dog Pizza. An eight-foot tall monument sign is permitted with approximately 40

square feet of sign display area. Eleven parking spaces are permitted along with associated landscaping. Public sewer and water will be provided to the subject site by the South Tahoe Public Utility District (STPUD).

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

II. PROJECT CONDITIONS OF APPROVAL

Planning Services

2. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Design Review Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
3. Prior to building permit issuance, the applicant shall provide a written description, together with appropriate documentation, demonstrating conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services permit center staff prior to final occupancy for verification of compliance with applicable conditions of approval.
4. The applicant is responsible for providing 11 off-street parking spaces at all times while the restaurant is in operation pursuant to 17.18.060 of the Zoning Ordinance. All on-site parking shall meet the parking lot design standards contained in Section 17.18.030 of the County Code. The required parking shall be provided as shown on the approved site plan, Exhibit E.
5. In accordance with the Parking Lot Landscaping and Buffering Standards (Section 17.18.090, El Dorado County Zoning Ordinance), the applicant shall submit a final landscape plan consistent with the approved landscape plan, Exhibit G, prior to issuance of a building permit. The final landscape plan shall reflect the continuation of the required landscape buffer along the entire length of the northeastern property line. Additionally, staff will make an on-site inspection to verify compliance with the final landscape plan prior to occupancy.

6. Prior to final building occupancy, all outdoor lighting shall conform to Section 17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation, as determined by Planning Services. The final lighting plan shall be consistent with the approved preliminary lighting plan, Exhibit H.
7. Prior to occupancy of the structure as a restaurant, the applicant shall pay all Development Services fees, if applicable.
8. Prior to building permit issuance, the applicant shall provide Planning Services proof of all permits required by the Tahoe Regional Planning Agency.

California Department of Transportation (Caltrans)

9. Prior to final building occupancy, the applicant shall provide Planning Services proof of an encroachment permit issued by Caltrans.

El Dorado County Department of Transportation

10. Prior to grading permit issuance, the applicant shall update the site improvement and grading plan to conform with the County of El Dorado "Design and Improvement Standards Manual," the "Grading, Erosion and Sediment Control Ordinance," the Drainage Manual," the "Storm Water Management Plan," the "Off-Street Parking and Loading Ordinance," and State of California Handicapped Accessibility Standards.
11. Prior to grading permit issuance, the applicant shall update the drainage report, dated October 2008, to conform to the County Drainage Manual and Storm Water Management Plan which addresses design storm requirements, storm water runoff increases, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
12. The applicant shall complete an application for a commercial grading permit and is subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed.
13. The applicant shall provide a soils report time of grading permit application addressing, at a minimum, grading practices, compaction, erosion potential, ground water and pavement section based on TI and R values. Any export to be deposited within El Dorado County shall require an additional grading permit.
14. Prior to grading permit issuance, the applicant needs to address the potential flooding impacts at the convergence of the two outfall swales located at the NE side of the Magua Street encroachment. A pre and post drainage impacts analysis resulting from the development shall be provided with the drainage plan.

15. Prior to grading permit issuance, the applicant shall provide a driveway profile at both encroachment locations commensurate with County standards.
16. Prior to building permit issuance, the applicant shall update the site plan to reflect improvements to the bike trail location which shall include: County approved removable type bollards, County approved bike trail delineation across the driveway, County approved signage, and appropriate pavement tie-in details.
17. The applicant shall provide a bike rack location at the building prior to final building occupancy.
18. Prior to grading permit issuance, the applicant shall update the design of the pond location at B with an appropriate outlet and the discharge location from the property which shall not negatively impact County right-of-way, downstream properties, or adjacent properties.
19. Prior to grading permit issuance, the applicant shall update the design of the rainstore location at C and the infiltration pond at D with an appropriate outlet design and the discharge location from the property which shall not negatively impact the adjacent property or Caltrans right-of-way.

Environmental Management Department

20. Prior to commencement of project construction, the water quality monitoring wells on-site shall be protected to the satisfaction of the Environmental Management Department.
21. Prior to building permit issuance, construction plans shall be submitted to the Environmental Management Department for review and approval.
22. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
 - Application of water on disturbed soils and unpaved roadways a minimum of three times per day
 - Using track-out prevention devices at construction site access points
 - Stabilizing construction area exit points
 - Covering haul vehicles
 - Restricting vehicle speeds on unpaved roads to 15 miles per hour
 - Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust
23. Prior to grading permit issuance, a Fugitive Dust Plan (FDP) shall be submitted with appropriate fees to and approved by the Air Quality Management District (AQMD).

24. Burning of vegetative wastes that result from “Land Development Clearing” must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
25. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
26. 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.
27. If this facility will store reportable quantities of hazardous materials (55 gallons/liquid, 500 lbs/solid or 200 cubic feet/gas) or generate hazardous waste, prior to commencing operations the owner/operator must:
 - Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
 - Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
 - Train all employees to properly handle hazardous materials and wastes.
 - Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

Lake Valley Fire Protection District

28. The 2007 California Building Code, Section 701A.3.2.4, and Public Resource Code Section 4291 requires a minimum clearance of 100 feet, or to the property line of all flammable vegetation to be maintained around all structures by the property owner. This is for the purpose of creating and maintaining defensible space vegetation clearance around the structure. This does not include individual species of ornamental shrubs and landscaping. Any trees greater than 14 inches in diameter at 4.5 feet above grade level will require tree marking. Contact the Lake Valley Fire Protection District, Vegetation Management Division at 530-577-2447 to schedule an appointment for tree marking or for a required PRC 4291 Defensible Space inspection prior to final building occupancy.
29. As this project is located within a fire hazard severity zone, as designated by the California Department of Forestry and Fire Protection (Cal-Fire), all of the construction standards located in the 2007 California Building Code, Chapter 7A, Materials Construction Methods for Exterior Wildfire Exposure, are required to be incorporated into this project prior to building permit issuance.

30. Prior to building permit issuance, the 10 foot driveway in front of the building needs to be a minimum width of 12 feet.
31. At time of building permit submittal, the plans shall reflect access for a fire engine to negotiate from the front of the structure to the rear of the structure.
32. A complete set of engineered building plans must be submitted to the Fire District for review prior to the issuance of a building permit.
33. The site is subject to a final Fire District inspection prior to final building occupancy.

8. SPECIAL USE PERMIT

S08-0012/Rancho Olivo Vineyards submitted by NELLO OLIVO to allow the use of an existing 3,750 square foot accessory building for a home-based wine making operation. Wine production would be limited to a maximum of 1,500 cases a year, of which, approximately 750 cases would be sold through wholesale and retail distribution. The property, identified by Assessor's Parcel Number 109-090-07, consisting of 21 acres, is located on the south side of Rancho Road, approximately 660 feet south of the intersection with Lariat Road in the Shingle Springs area, Supervisorial District II. (Categorical Exemption pursuant to Section 15303(e) of the CEQA Guidelines)**

Commissioner Heflin announced that this item came before the Agricultural Commission when he was a member.

County Counsel Paula Frantz indicated that there were no issues of Commissioner Heflin acting on this item as a member of the Planning Commission.

Gina Hunter informed the Commission that after speaking with County Counsel, it was determined that although an analysis of the project had been done in regards to the recently approved Winery Ordinance, the Staff Report was not updated to reflect this. She was requesting this item be trailed and heard just before the workshops scheduled for 1:30pm. The request was agreed upon by the Commission.

When it was time for the item to be heard, Ms. Hunter stated that additional time would be required to make the necessary changes and requested that the item be continued to the March 26, 2009, meeting.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Tolhurst, and unanimously carried (5-0), to continue item to the March 26, 2009, meeting.

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

9. REZONE/PARCEL MAP

Z07-0057/P07-0052/Cold Springs Estates submitted by LIVING CARE I, LLC/DEMETRE HARAMBAKIS (Agent: Gene Thorne & Associates) to rezone from Estate Residential Five-Acre (RE-5) to One-Acre Residential (R1A) and create four parcels ranging in size from 1.01 to 1.71 acres. Design waivers have been requested for the following: (a) Not require inclusion of a ten (10) foot roadway shoulder for Pedestrian/Bike paths along the subject property frontage on Cold Springs Road; (b) Allow creation of Parcels 1 and 3 exceeding the 3:1 lot depth to width ratio; (c) Allow the centerline of Boulder Lane to not follow the centerline of the proposed right-of-way; (d) Allow the use of a modified Standard Plan 101B for Boulder Lane (20-foot travel surface, 1 foot shoulders); and (e) Allow the existing width of Cold Springs Road along the project frontage to be considered adequate with no changes to the existing roadway. Also, a request to eliminate a pedestrian/bike path required by General Plan Transportation and Circulation Element Policy TC-4i which seeks the inclusion of pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities in Community Regions where feasible. The property, identified by Assessor's Parcel Number 323-250-42, consisting of 5.08 acres, is located on the west side of Boulder Lane, southwest of the intersection with Cold Springs Road, in the Placerville Area, Supervisorial District III. (Mitigated negative declaration prepared)*

Pierre Rivas presented the item to the Commission with a recommendation of approval to the Board of Supervisors. Mr. Rivas indicated that there was a change to staff's recommended action and, based on the findings provided by the applicant as identified as Exhibit F – page 6, the recommendation was now to approve all of the requested design waivers.

Eileen Crawford/DOT explained that the recommendation for the design waiver being changed from denial to approval was because there are certain design criteria they try to achieve for projects, with one being to center the road between the right-of-way limits. However, one of the other issues is when one road connects to another road; DOT wants that road to be as perpendicular as possible, with the design criteria being at least a 70 degree angle. The current road is at a 50 degree angle and if the road is moved over within the right-of-way limit, it can achieve a 70 degree angle. After looking at the two design criteria, it was more preferable to have the 70 degree entrance of Boulder Lane coming up to Cold Springs Road rather than have it centered between the two. Ms. Crawford also requested language modification to Condition 22.

Michael Smith/Gene Thorne and Associates, applicant's agent, was in agreement with the change in staff's recommendation on the design waiver and the modification to Condition 22. He also requested that the first six bolded words ("When the design waiver is granted") in the first sentence of Condition 23 be removed. Staff was in agreement.

Kathy Russell/Gene Thorne and Associates, submitted maps to the Commission for her presentation regarding the agricultural buffer setback issue (General Policy 8.1.3.1). She indicated that this is a mute point for this project as there are two parcels that separate the Agricultural District from the project site, and is, therefore, not considered an adjacent parcel. Ms. Russell also stated that this is an infill project.

Commissioner Heflin thought that this was an appropriate project for the area.

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner MacCready, and unanimously carried (5-0), to recommend the Board of Supervisors take the following actions: 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 proposed by staff; 3. Approve Rezone Z07-0057 and Tentative Parcel Map P07-0052 based on the findings proposed by staff, subject to the conditions as modified, which include amendments to Conditions 22 and 23; and 4. Approve the following design waivers as the required findings have been made: (1) Not require inclusion of a ten (10) foot roadway shoulder for Pedestrian/Bike paths along the subject property frontage on Cold Springs Road; (2) Allow creation of Parcels 1 and 3 exceeding the 3:1 lot depth to width ratio; (3) Allow the use of a modified Standard Plan 101B for Boulder Lane (24-foot travel surface, 1 foot shoulders); (4) To allow the existing width of Cold Springs Road along the project frontage to be considered adequate with no changes to the existing roadway; and (5) Allow the centerline of Boulder Lane to not follow the centerline of the proposed right-of-way.

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

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 Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Zoning Administrator and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 The County finds that through feasible conditions and mitigations placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Medium-Density Residential (MDR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the MDR land use designation allows a maximum density of one (1) dwelling unit per one (1) acre and parcel sizes that range from 1.00 to 5.00 acres.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility), 2.2.5.3 (future rezoning), 5.3.1.2 (lots less than five-acres relying on septic systems), 5.3.1.7 (public wastewater facilities in Community Regions), 5.7.1.1(emergency water supply), 6.2.2.2 (high wildland fire hazard), 6.2.3.2 (fire safe access), 7.1.2.1(disturbance of slopes in excess of 30 percent), 7.4.4.4 (oak tree canopy retention and replacement), 7.5.1.3 (cultural resource studies), the proposed amendment to 8.1.3.1 (buffer agriculturally zoned lands) and the criteria resolution, and 8.1.4.1 (Agricultural Commission review). It has been determined that the project is consistent with the General Plan. Because of the project's provision of adequate access, adequate water supply, lot configuration, and efforts to fit within the context of the surroundings land uses, it is consistent with the General Plan policies identified above.

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

3.0 REZONE FINDINGS

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

The One-Acre Residential (R1A) zone district is consistent with the General Plan Medium-Density Residential (MDR) designation which allows a density of one dwelling unit per one acre on parcels ranging in size from 1.0 to 5.0 acres. As illustrated on the General Plan Land Use Designation and Zoning District Consistency Matrix, Table 2-4, which defines compatible zone districts with the correct land use designation, the proposed R1A zone districts is consistent with the MDR designation, given that the proper infrastructure and services are available to support the proposed density. The project would provide the required infrastructure consistent with the rezone and tentative parcel map request. With the tentative parcel map site design and the project-specific conditions related to improvements for infrastructure, this project meets the applicable conditions of General Plan Policy 2.2.5.3.

The rezone is compatible with the existing pattern of development in the project vicinity which is representative of five (5) acre parcels as well as one (1) acre parcels (see Exhibits A, B, C, D, and G). The project vicinity is equally representative of five (5) acre

zoning (RE-5) as it is for one (1) acre zoning (R1A), and all of the zoning in the area is consistent with the areas MDR General Plan designation. Specifically, properties across Boulder Lane are zoned R1A and are currently one (1) acre in size or have the potential to be split into one (1) acre parcels, and approval of the project will result in all but one (1) lot being served off of Boulder Lane having R1A zoning and conforming parcel sizes.

4.0 ZONING FINDINGS

4.1 The subject site is to be zoned One-Acre Residential (R1A) which permits the proposed parcel sizes of 1.01 to 1.71 acres under Section 17.28.080(A).

4.2 The existing and proposed residential uses at the subject site are permitted by right under Section 17.28.060(A). As proposed, the project meets all applicable development standards contained within Section 17.28.080 of the *El Dorado County Zoning Ordinance*.

5.0 PARCEL MAP FINDINGS

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

All necessary improvements have been considered by the reviewing disciplines to determine that this tentative parcel map is consistent with the policies of the 2004 General Plan, as analyzed and described in the staff report and the General Plan findings above.

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

As proposed and conditioned, the tentative parcel map conforms to the development standards within the One-Acre Residential zone district and the Minor Land Division Ordinance.

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

The site is physically suitable for the proposed type and density of development. The project was designed in a manner which allows suitable emergency water, emergency access, and septic disposal area, conforms to oak tree canopy removal and replacement standards, and avoids significant disturbances to slopes in excess of 30 percent, and fits within the context of the surrounding residential land uses in the project vicinity. The proposed development meets the density and minimum parcel sizes allowed in the MDR General Plan land use designation and conforms to the minimum parcel size and development standards of the R1A zone district. Future development would require consistency with applicable General Plan policies and Zoning Ordinance Requirements.

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

The proposed parcel map is not anticipated to cause substantial environmental damage as determined in the Initial Study and Mitigated Negative Declaration prepared by staff.

6.0 DESIGN WAIVER APPROVAL FINDINGS

6.1 To not require inclusion of a ten (10) foot roadway shoulder for Pedestrian/Bike paths along the subject property frontage on Cold Springs Road.

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

The subject site is located within the Placerville Community Region and DISM standard plan 101B would require the construction of a ten (10) foot shoulder with sidewalks along the Cold Springs Road project frontage; however, the project site is not located within an area which is designated by the El Dorado County Bicycle Transportation Plan, adopted January 25, 2005, for inclusion of bike paths, nor is there curb gutter and sidewalks in the immediate area of this project. There is no ten (10) foot shoulder in the project vicinity on Cold Springs Road. The project frontage on Cold Springs Road is a cut slope which ranges from just a few feet in height to over ten (10) feet in height. Requiring the widening of the on-site section of Cold Springs Road would result in extensive grading and removal of oak canopy. Significant additional grading and removal of oak canopy would result from the inclusion of a ten (10) foot shoulder. The applicant has requested to be relieved of the requirement per General Plan Policy TC-4i for the inclusion of sidewalks/bike paths along this project frontage and Planning Services is in support of this request. The applicant has submitted a "Design Waiver Request and Findings" attached as Exhibit F. DOT supports the proposed design waivers with the inclusion of a an irrevocable offer to dedicate in fee 30 feet of right-of-way and any slope easements along the entire frontage of Cold Springs Road as determined by DOT, prior to filing the parcel map.

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

Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from significant grading and oak canopy removal to construct a ten (10) foot shoulder for pedestrian and bike paths that would not connect to any existing pedestrian or bike paths.

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

The removal of the requirement for a ten (10) foot shoulder along Cold Springs Road would not create a situation which would be injurious to adjacent properties or pose a hazard to the health, safety and welfare of the public. The removal of this shoulder would not impact any existing pedestrian or bicycle path network.

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

The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

6.2 To allow creation of Parcels 1 and 3 exceeding the 3:1 lot depth to width ratio.

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

The subject site is unique in that there is an existing residence near the approximate middle of the parcel, and the existing parcel shape constrains proposed parcel design. Also, the project has been designed so that proposed Parcel 1 has an east to west parcel configuration eliminating multiple residential parcel adjacencies to agriculturally zoned lands across Cold Springs Road. The proposed design waiver allows creation of three additional parcels consistent with the minimum lot size requirements and development standards of the underlying zoning designation, One-Acre Residential (R1A), and consistent with the General Plan Designation of Medium Density Residential (MDR) which allows 1 to 5 acre parcels. The applicant has submitted a "Design Waiver Request and Findings" attached as Exhibit F.

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

Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from denial of the division of the subject parcel creating four (4) additional parcels consistent with the minimum lot size requirements and development standards of the underlying zoning designation, One-Acre Residential (R1A), and consistent with the General Plan designation of Medium-Density Residential (MDR) which allows 1 to 5 acre parcels.

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

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

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

The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report. The greater than 3:1 lot

depth to width ratio will create parcels that will be consistent with the development standards of the R1A zone district and applicable policies of Chapter 17 of the County Code.

6.3 To allow the use of a modified Standard Plan 101B for Boulder Lane (20-foot travel surface, 1 foot shoulders).

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

The subject site is unique in that there it is located within the Placerville Community Region which would normally require a 28-foot roadway per the DISM. However, due to the relatively low average daily trips (ADT) and limited development potential along Boulder Road, requiring a roadway width of 28 feet may be excessive, and construction of this requirement would result in extraordinary costs to the applicant for a four (4) lot parcel split. The applicant has submitted a "Design Waiver Request and Findings" attached as Exhibit F.

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

Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from construction of a 28-foot roadway to serve the limited number of parcels taking access off of Boulder Lane. This requirement would result in extraordinary costs to the applicant for a four (4) lot parcel split.

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

The reduction of roadway width for Boulder Lane serving a limited number of parcels lot will not result in a situation that would be injurious to adjacent properties or pose a hazard to the health, safety and welfare of the public. The required 20-foot roadway with 1-foot shoulders would be sufficient to meet fire safe standards for access and has been reviewed and approved by both the El Dorado County Fire Protection District and the Department of Transportation.

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

The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

6.4 To allow the existing width of Cold Springs Road along the project frontage to be considered adequate with no changes to the existing roadway.

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

The subject site is located within the Placerville Community Region and DISM standard plan 101B would require the construction of a roadway standard of 36-foot roadway width. Cold Springs Road is currently a 23-foot wide regional roadway. The roadway width does not vary significantly between Placerville Drive and Coloma. The General Plan Transportation and Circulation TC-1 identifies the roadway as a 2-lane regional road requiring only spot improvement and does not indicate systematic improvements to this roadway until at least 2025. The frontage improvement would be isolated and would not serve a greater network of roadway at the requested width. The applicant has submitted a "Design Waiver Request and Findings" attached as Exhibit F. DOT supports the proposed design waivers with the inclusion of an irrevocable offer to dedicate in fee 30 feet of right-of-way and any slope easements along the entire frontage of Cold Springs Road as determined by DOT, prior to filing the parcel map.

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

Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from significant grading and oak canopy removal to construct the increased roadway section that would not connect to any greater network of roadway at the requested width.

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

The removal of the requirement for widening Cold Springs Road would not create a situation which would be injurious to adjacent properties or pose a hazard to the health, safety and welfare of the public. The project has been conditioned to require an Irrevocable Offer of Dedication of 30 feet of right-of-way along the Cold Springs Road project frontage with applicable slope easements to allow road widening at an appropriate time in the future.

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

The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

6.5 To allow the centerline of Boulder Lane to not follow the centerline of the proposed right of way.

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

The existing Boulder Lane is primarily located on the Living Care property from Cold Springs Road to the end of the Living Care parcel. The existing right-of-way on the Living Care property is 25 feet in width and was reserved by deed. No right-of way exists over Assessor's Parcel Number 323-250-10 which is to the east and directly opposite the Living Care property on the corner of Cold Springs Road and Boulder Lane.

Within the proposed right-of-way along the common boundary of the Living Care property and Assessor's Parcel Number 323-250-45 are several large multi-branched oak trees. Locating the centerline of the proposed road improvements along the centerline of the right-of-way will result in the loss of the trees. The General Plan seeks to preserve oak tree canopy.

Locating the roadway within the proposed easement allows location of the proposed encroachment in a manner that maximizes sight distance from Boulder Lane onto Cold Springs Road. The proposed encroachment lies as nearly as possible upon the existing encroachment but not at the same angle. Forcing the proposed roadway and therefore the proposed encroachment to the centerline of the proposed right-of-way moves the encroachment to the west and to a lower elevation. These changes to the proposed design negatively impact sight distance. With the proposed roadway centerline not limited to the proposed right-of-way centerline, the angle of intersection of the proposed roadway with Cold Springs Road can be approximately 75 degrees rather than about 50 degrees. The Design Manual requires a minimum 70 degree intersection angle.

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

The lack of an existing right-of-way on Assessor's Parcel Number 323-250-10 creates unusual right-of-way needs for this project. The existing oak trees constitute an environmental constraint. Neighboring property owners are cooperating to resolve the right-of-way needs but have expressed a desire to save the oak trees within the new right-of-way if at all possible. Strict application of the design requirements will result in the removal of the mentioned oak trees. Strict application of the requirement will increase grading cuts and fills by forcing the proposed roadway to the east of the existing road and into the up-sloping terrain that lies east of the existing roadway. These unnecessary hardships can be avoided by granting the design waiver.

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

The proposed waiver allows for correction of the existing 50 degree intersection angle of Boulder Lane with Cold Springs Road to 75 degrees. The proposed waiver allows for maintaining the sight distance requirements of the intersections. In the area of the oak

trees of concern, the improvements proposed for Boulder Lane roadway essentially follow the existing road alignment. The proposed design waiver works to enhance public health, safety, convenience and welfare.

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

Granting this design waiver will be in harmony with the General Plan oak canopy policy. This design waiver works to preserve the general existing topography and native vegetation as advocated by General Plan Objective 2.3.1. The Design Manual does call for road centerlines to be equal distance from and parallel to the right-of-way centerline. However, the Subdivision Ordinance does allow for the granting of design waivers when the proper conditions exist. Granting this design waiver will not have the effect of nullifying the objectives of any law or ordinance applicable to the division.

The consideration of oak tree preservation, sight distance maximization, intersection angle and the low traffic volume of Boulder Lane all support the reasonable nature of this design waiver request to allow the proposed roadway centerline to not coincide with the proposed right-of-way centerline.

~~7.0 DESIGN WAIVER DENIAL FINDINGS~~

~~7.1 To allow the centerline of Boulder Lane to not follow the centerline of the proposed right-of-way.~~

~~7.1.1 There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.~~

~~The applicant has not submitted sufficient information to allow DOT to determine that there are special conditions or circumstances peculiar to the property which would justify approval of the proposed design waiver. The applicant has submitted a "Design Waiver Request and Findings" attached as Exhibit F. DOT does not support the proposed design waivers. DOT maintains that the proposed access road must follow and be within the proposed/existing easements.~~

~~7.1.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.~~

~~Strict application of County design and improvement requirements would not cause extraordinary and unnecessary hardships in developing the property; however, the application of the requirements would result in additional oak canopy removal for road construction as the design waiver was intended to align the roadway to avoid several large oak trees within the proposed right-of-way.~~

~~7.1.3 The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.~~

~~The proposed design waiver is not be anticipated to be injurious to adjacent properties or pose a hazard to the health, safety and welfare of the public.~~

~~7.1.4 This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.~~

~~The proposed design waiver would 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 rezone and parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit A through J dated February 26, 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 would constitute a violation of permit approval.

The project description is as follows:

Rezone the 5.08-acre parcel identified as Assessor's Parcel Number 323-250-42 from Estate Residential Five-Acre (RE-5) to One-Acre Residential (R1A) and to a tentative parcel map to create four (4) parcels ranging in size from 1.01 to 1.71 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 must be submitted for review and approval and shall be implemented as approved by the County.

II. MITIGATED NEGATIVE DECLARATION CONDITONS OF APPROVAL

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

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

If an active nest of a bird of prey or MBTA bird is found in the project study area, then the biologist shall flag the active nest tree so that a minimum 250-foot Environmentally Sensitive Area (ESA) around the nest tree if the nest is of a bird of prey, and a minimum 100-foot ESA around the nest if the nest is of an MBTA bird other than a bird of prey.

No construction activity shall be allowed in the buffer until the biologist determines that the nest is no longer active, or unless monitoring determines that a smaller buffer will protect the active nest.

The construction contractor shall install stakes or temporary flagging, fencing, etc., at the edge of the minimum 250-foot or 100-foot ESA. The ESA shall be maintained throughout the construction period.

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 project specific conditions.

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

Enforcement/Monitoring: El Dorado County Planning Services

III. PROJECT CONDITIONS OF APPROVAL

Planning Services

3. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor. Upon completion of appraisal, the applicant must pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivisions Ordinance, to the El Dorado County Parks and Recreation Department, and shall submit the receipt to the El Dorado County Office of the County Surveyor prior to filing of the parcel map.
4. Any oak trees removed from the site shall be mitigated as specified in the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008. Mitigation for loss of tree canopy shall be implemented to reduce impacts from oak tree loss. Fulfillment of a combination of the options a and c, or options b and c below, will reduce impacts to a less than significant level:

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

archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.

9. In accordance with CEQA § 15064.5, should previously unidentified paleontological resources be discovered during construction, the project sponsor is required to cease work in the immediate area until a qualified paleontologist can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall ensure that all construction personnel understand the need for proper and timely reporting of such finds and the consequences of any failure to report them.
10. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
11. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed with Planning Services.
12. All fees associated with the tentative parcel map shall be paid prior to filing of the final parcel map.
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.
14. The applicant shall submit an approved Wildfire Fire Safe Plan prepared by a Registered Professional Forester (RFP) and approved by the El Dorado County Fire Protection District and/or California Department of Forestry and Fire Protection.
15. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in *Section 66474.9(b)* of the *Government Code*.

The subdivider shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an

approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in *Section 66499.37*.

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

Air Quality Management District

16. Prior to grading permit issuance, a Fugitive Dust Mitigation Plan (FDP) shall be submitted with appropriate fees to and approved by the Air Quality Management District (AQMD).
17. Burning of vegetative wastes that result from “Land Development Clearing” must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
18. The application of architectural coating shall adhere to District Rule 215 Architectural Coatings.
19. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
20. The following measures shall be used to reduce impacts on air quality from equipment exhaust emissions:
 - Use low-emission on-site mobile construction equipment
 - Maintain equipment in tune per manufacturer specifications.
 - Retard diesel engine injection timing by two to four degrees.
 - Use electricity from power poles rather than temporary gasoline or diesel generators.
 - Use reformulated low-emission diesel fuel.
 - Use catalytic converters on gasoline-powered equipment.
 - Substitute electric and gasoline-powered equipment for diesel powered equipment where feasible
 - Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
 - Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
 - Configure construction parking to minimize traffic interference.
 - Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; Rerouting construction traffic off congested streets; and provide dedicated turn lanes for movements of construction trucks and equipment on and off site.

Department of Transportation (Specific Conditions)

21. **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.
22. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate in fee 30 feet of right-of-way ~~and any slope easement from the existing centerline of Cold Springs Road~~ along the entire parcel frontage of Cold Springs Road as determined by Department of Transportation, prior to filing the parcel map. This offer will be accepted by the County.
23. **On-site Access Improvements:** ~~When the design waiver is granted,~~ The applicant shall construct the on-site portion of Boulder Lane to a 20-foot wide roadway with 1-foot shoulders on each side consistent with the provisions of the El Dorado County Design and Improvement Standards Manual (DISM), **Standard Plan 101B, without curb, gutter and sidewalk**, in effect at the time improvement plans are submitted for review and approval. 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.
24. **Turnaround:** The applicant shall provide a turn around on 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.
25. The applicant shall be subject to encroachment permit, Standard Plan 103D. The applicant shall submit plans and encroachment permit application for this work prior to or concurrently with application for grading permit for site work, and plans shall be approved by the County prior to commencement of on-site grading. This work must be substantially complete, as determined by the Department of Transportation, prior to occupancy of the site.
26. **Road and Public Utility Easement:** The applicant shall provide a 50-foot wide non-exclusive road and public utility easement for the on-site access roadway prior to the filing of the parcel map.

Department of Transportation (Standard Conditions)

27. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
28. **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.

29. **Maintenance Entity:** The proposed project must form an entity for the maintenance of the private roads, parking facilities, landscaping, 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.
30. **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).
31. **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.
32. **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.
33. **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.
34. **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.
35. **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.
36. **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.

37. **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.
38. **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.
39. **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.
40. **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.
- The ultimate drainage outfall of the project.

Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts. The improvements shall be completed to the approval of the Department of Transportation, prior to the filing of the final map or the applicant shall obtain an approved improvement agreement with security.

41. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the final map.
42. **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 final map.
43. **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.
44. **CEQA Review:** All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.

45. **Off-site Improvements (Security):** Prior to the filing of the parcel map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
46. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

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

47. **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.
48. **TIM Fees:** The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

El Dorado County Fire Protection District

49. Prior to filing the parcel map, the applicant shall submit review fee of \$120.00 to the Fire District.
50. Prior to filing the parcel map, show documentation from EID that water system will meet 1000 gpm@ 20 psi for two hours fire flow.
51. If fire flow can not be met, the applicant shall use a NFPA 13D home sprinkler system in place of fire flow. This condition will require a deed restriction, prior to filing the parcel map.
52. Boulder Lane shall be a minimum of 20-foot all weather surface.

County Surveyor's Office

53. All survey monuments shall be set prior to filing the Parcel Map.
54. 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 P07-0052 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

10. REZONE/TENTATIVE SUBDIVISION MAP

Z08-0026/TM08-1476/Vista Grande Estates submitted by BOBBIE LEBECK, NICOLE YOUNG and ERIC ALLIGUE (Agent: Lebeck Young Engineering) to rezone from Estate Residential Five-Acre (RE-5) to One-Acre Residential (R1A) and create five parcels ranging in size from 1 to 1.07 acres. Three Design Waivers have been requested for the following: (a) Reduce the road improvements on Vista Grande to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders; (b) Reduce the road improvements on Sierrama Drive to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders; and (c) Allow the creation of parcels which do not front a road. The property, identified by Assessor's Parcel Number 070-160-58, consisting of 5.07 acres, is located on the east side of Sierrama Drive, approximately 2,400 feet north of the intersection with Meder Road in the Shingle Springs Area, Supervisorial District IV. (Negative declaration prepared)*

Jonathan Fong presented the item to the Commission with a recommendation of approval to the Board of Supervisors. He informed them that the project is located within the Asbestos Review area, which requires as part of the Air Quality Management District's recommendation to submit an Asbestos Dust Mitigation Plan prior to any grading. The applicant had provided a geologist's report which identified no asbestos was located on the property. Therefore, staff is recommending a modification to Condition 40 requiring a submittal of a Fugitive Dust Plan as opposed to an Asbestos Dust Mitigation Plan. In accordance with the modification of this condition, then staff is requesting additional language be added to Finding 2.6 to reflect this. Mr.

Fong also alerted the Commission to a typo in the Staff Report on page 8, in the design waiver discussion it references a cul-de-sac road in error, as the only roads to be improved are Vista Grande and Sierrama and no cul-de-sac would be proposed for this project. Mr. Fong also stated that one letter from the public had been received requesting off-site road improvements be performed.

Bobbie Lebeck, applicant, stated that this is an in-fill project. She also identified typos in the Staff Report, one on page 7 in the design waivers, which should read "Sierrama Drive along the project boundary" and the other on page 8, which states a Traffic Study was done, when in fact the project was too small and did not require one. Ms. Lebeck also requested language modification to Conditions 1.a and 1.b to match DOT's Condition 13. She also wanted to ensure that Condition 8 would apply to the eventual owner of the parcel and not them.

Ray Anderson stated that there will be an increase in traffic and inquired as to why a court configuration wasn't being proposed. In addition, he did not want to participate in a maintenance entity for road maintenance.

Charlie Jensen also inquired as to why there wasn't a cul-de-sac instead of accessing through Vista Grande.

Jan Jensen spoke regarding the roads.

Ms. Lebeck explained that the project is a "U" shaped property with three sides having existing roads. The project will provide a nicer, wider road. She explained that Vista Grande Road is in an easement, but is on the neighbor's side and the improvements will be done within the easement. In addition, there will now be three more people to help with road maintenance.

Eileen Crawford/DOT indicated that although Condition 20 is a DOT standard that states that a maintenance entity will be formed, this does not create any obligation for the existing homeowners, but does require the new homeowners to have some means of maintaining the roads.

Chair Mathews stated that he did not have any problems with the rezone request and the parcel is allowed to be split. He was interested in minimizing impacts.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Rain, and carried (4-1), to recommend the Board of Supervisors take the following actions: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; 2. Approve Rezone Z08-0026 based on the findings proposed by staff; 3. Approve Tentative Subdivision Map Application TM08-1476 based on the findings proposed by staff, subject to the conditions as modified, which include amendments to Conditions 1 and 40 and the additional language to Finding 2.6; and 4. Approve the following design waivers since appropriate findings have been made: a) To reduce the road improvements on Vista Grande to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders; b) To reduce

the road improvements on Sierrama Drive to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders; and c) To allow the creation of parcels which do not front a road.

AYES: Heflin, Tolhurst, Rain, Mathews

NOES: MacCready

Findings

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

FINDINGS FOR APPROVAL

1.0 CEQA Findings

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

2.0 Tentative Map Findings

2.1. The proposed parcel sizes are consistent with the General Plan land use map and policies.

The project will require a Rezone from RE-5 to R1A. The R1A Zone District is consistent within the MDR General Plan Land Use Designation. The project will create five (5), one-acre residential parcels which will be consistent within the MDR land use designation. The proposed parcel sizes will be consistent with the General Plan Land Use Map and applicable General Plan policies.

2.2. The design or improvements of the proposed division are consistent with the General Plan.

The subdivision will create 5 residential parcels on a 5.07-acre site. The proposed density will be consistent within the MDR land use designation. The proposed road improvements will be consistent with the requirements of the General Plan. The subdivision will be consistent with the retention and replacement provisions of Policy 7.4.4.4 and riparian areas will be protected consistent with Policy 7.3.3.4.

The project will be served by EID public water and private on-site septic systems. The septic systems have been designed to accommodate the potential demand and repair areas have been designated on each of the proposed lots.

2.3. The site is physically suitable for the type of development proposed.

The project site contains adequate buildable areas for the five (5) proposed lots. Adequate public utilities are available to serve the project and the proposed road improvements and Design Waivers will be consistent with the County Design Manual and the General Plan.

2.4. The site is physically suitable for the proposed density of development.

The project will create five residential parcels. Adequate developable areas have been provided for each of the parcels. The site will be capable of sustaining the proposed development.

2.5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitats.

The project will mitigate the potential impacts to oak canopy consistent with General Plan Policy 7.4.4.4 and the Oak Woodland Management Plan. The project will pay the rare plant mitigation fee at the time of building permit issuance as required by the Zoning Ordinance. No riparian features exist on-site that will be damaged as a result of the project. The project will mitigate for the impacts to biological resources as required by the County Code.

2.6. The design of the subdivision or type of improvements are not likely to cause serious public health or safety hazards.

The project will widen the existing Sierrama Drive and Vista Grande Drive. The project has been designed to provide adequate access for the proposed parcels. The proposed lots that do not front a public road will be accessed via driveway access easements. The project will not include any designs or require improvements that will be detrimental to the public health, safety, or welfare of residents in the project area.

Based on the submitted Geologist Report for the project, no asbestos or ultramafic rock was found on-site, therefore the project will not be required to submit an Asbestos Dust Mitigation Plan and a Fugitive Dust Plan will be sufficient for all construction activities.

- 2.7. The design of the subdivision or the improvements are suitable to allow for compliance with the requirements of Section 4291 of the Public Resource Code (Section 4291 establishes criteria for fire and fuel breaks around buildings).**

The proposed lots have been designed in accordance with the Development Standards of the R1A Zone District and the County Design Manual. The proposed buildable areas will provide for the required 30 foot setback as required by the Fire Safe Regulations.

- 2.8. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed division.**

The subdivision will perform road improvements to the adjoining roads and will not conflict with any easements for access through the subdivision.

3.0 Zoning Findings

- 3.1 The Zone Change is consistent with the General Plan.**

The Rezone would amend the parcels zoning from Estate-Residential Five-Acre (RE-5) to One-Acre Residential (R1A). The Rezone is consistent within the Medium Density Residential (MDR) land use designation. The Rezone has been evaluated against the specific criteria include in General Plan Policy 2.2.5.3 and it has been determined that the adequate site conditions exist to support the increase in density.

4.0 Design Waiver Findings

- 4.1 To reduce the road improvements on Sierrama Drive to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders;**

- 4.1.1 There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,**

The proposed project will create five (5) additional residential parcels. The project will not create additional traffic that will require roads to be improved to the Standard Plan 101B requirement. No substantial pedestrian needs will result in the creation of five additional parcels and sidewalk, curb, and gutters will not be necessary in the project area.

- 4.1.2 Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,**

The required 28 foot wide roadway will create additional grading and environmental impacts including additional oak canopy removal and additional impacts to biological resources in the area.

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

The reduced roadways will not limit vehicular access to the site. The roadways as proposed will allow for two way vehicular access throughout the site and will not impair emergency vehicles from accessing the project site and proposed parcels.

4.1.4 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 Design Waiver will be consistent with the objectives of the County Design Manual and the Fire Safe Regulations. The reduced road widths will not nullify any applicable County ordinances applicable to the subdivision.

4.2 To reduce the road improvements on Vista Grande Drive to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders;

4.2.1 There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,

The proposed project will create five (5) additional residential parcels. The project will not create additional traffic that will require roads to be improved to the Standard Plan 101B requirement. No substantial pedestrian needs will result in the creation of five additional parcels and sidewalk, curb, and gutters will not be necessary in the project area.

4.2.2 Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,

The required 28 foot wide roadway will create additional grading and environmental impacts including additional oak canopy removal and additional impacts to biological resources in the area.

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

The reduced roadways will not limit vehicular access to the site. The roadways as proposed will allow for two way vehicular access throughout the site and will not impair emergency vehicles from accessing the project site and proposed parcels.

4.2.4. 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 Design Waiver will be consistent with the County Design Manual and the Fire Safe Regulations. The reduced road widths will not nullify any applicable County ordinances applicable to the subdivision.

4.3 To allow the creation of parcels which do not front a road.

4.3.1 There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,

The existing parcel is uniquely shaped. The requested waiver will be required to provide access to two of the proposed parcels.

4.3.2 Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,

Due to the unique orientation of the existing parcel, strict application of road frontage requirements cannot be met. The requested waiver will necessary to utilize the full development potential of the site.

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

The lots would be accessed via driveway easements which would provide adequate access to the parcels. The waivers would not allow for any modification that will be detrimental to the health, safety or welfare of the public.

4.3.4 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 design waiver will be consistent with the objectives of the County Design Manual, the Fire Safe Regulations and the Subdivision Ordinance. Approval of the waiver will ensure that adequate access will be available to the proposed lots which do not front Sierrama Drive or Vista Grande Drive.

Conditions of Approval

Planning Services:

1. This Subdivision Map and Rezone is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit B (tentative subdivision map) dated October 23, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require

approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Rezone from Estate Residential Five-Acre (RE-5) to One-Acre Residential (R1A).

Tentative Map creating 5 residential lots. The lots would be served by EID public water and individual septic systems.

The gross acreages of the proposed lots shall correspond to the table below:

Lot Number	Gross Area (acres)
1	1.0
2	1.07
3	1.0
4	1.0
5	1.0

Three Design Waivers would be approved as follows:

- a) To reduce the road improvements on Vista Grande onsite to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders;
- b) To reduce the road improvements on Sierrama Drive along project boundary to a modified 101B Standard with a road width of 20 feet with 2 foot shoulders;
- c) To allow the creation of parcels which do not front a road.

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

CONDITIONS OF APPROVAL

Planning Services

- 2. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Final Map.

3. Construction activities shall be limited to 7:00a.m. to 7:00p.m. on weekdays and 8:00a.m. to 5:00p.m. on weekends and federally recognized holidays. This limitation shall be written on the grading plans. Planning Services shall confirm the inclusion of this requirement prior to issuance of a grading permit.
4. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall confirm the inclusion of this requirement prior to issuance of a grading permit
5. All Development Services Planning fees shall be paid prior to filing of the Final Map.
6. The applicant shall submit to Planning Services the recording fee and the 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.
7. The developer shall pay the mitigation Oak Conservation In-lieu Fee or provide a replacement plan for all oak canopy removed as part of road and infrastructure improvements. The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based upon the in-lieu fee established by the Board of Supervisors. The applicant shall provide proof of payment of the mitigation in-lieu fee or replace plan prepared by a qualified professional to Planning Services prior to issuance of a grading permit.
8. All future oak canopy removal as a result of residential development of the subdivision shall pay the oak mitigation fee at a 2:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the in-lieu fee established by the Board of Supervisors. The applicant shall provide proof of payment of the mitigation in-lieu fee to Planning Services prior to issuance of a building permit. This note shall be placed on the Final Subdivision Map. Planning Services shall verify this note prior to filing the final map.
9. The subdivider shall pay a \$150.⁰⁰ appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
10. 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 to the County Recreation District at the time of filing the final map.

11. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.
12. The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

The Department of Transportation:

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

Table 1				
ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDT H*	RIGHT OF WAY**	EXCEPTIONS/ NOTES
Sierrama Drive <i>(offsite along project boundary)</i>	Modified Std Plan 101B (3"AC over 8"AB Min.)	20ft	50ft <i>existing</i>	No curb, gutter and sidewalk.
Vista Grande Drive <i>(onsite from Sierrama Dr to end)</i>	Modified Std Plan 101B (3"AC over 8"AB Min.) Std Plan 103D @ intersection w/ Sierrama Dr. Std Plan 114 or equivalent turnaround	20ft	44ft <i>existing</i>	No curb, gutter and sidewalk.

** Non-exclusive road and public utility easements included

14. **Vehicular Access Restrictions:** Prior to filing of the map, the applicant shall record a vehicular access restriction on the Lot 3 driveway over Lot 2 and on the Lot 4 driveway over Lot 5 prior to filing of the map.

15. **Turnaround:** The applicant shall provide a turn around at the end of Vista Grande Drive 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.
16. **Offsite Easements:** Applicant shall provide all necessary recorded easements for the drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.
17. **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.

DOT STANDARD CONDITIONS

18. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
19. **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 shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
20. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.
21. **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).
22. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
23. **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.
24. **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.
 25. **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.
 26. **Grading Permit / Plan:** The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado “Design and Improvement Standards Manual”, the “Grading, Erosion and Sediment Control Ordinance”, the “Drainage Manual”, the “Off-Street Parking and Loading Ordinance”, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
 27. **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.
 28. **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.
 29. **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.

30. **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.

31. **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.

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

33. **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.
34. **Off-site Improvements (Security):** Prior to the filing of a parcel map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
35. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
 - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

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

36. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
37. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

El Dorado County Fire Protection District

38. The project shall provide a potable water system that is capable of supplying the required fire flow of 1,000 gallons per minute with a 20 psi residual for a two hour period. This flow rate is in addition to the highest maximum daily consumption and is based on the premise that a single family dwelling is to be of Type V-B wood frame construction and shall not exceed 3,600 square feet in size. Any home exceeding 3,600 square feet shall supply a fire flow of 1,500 gpm. The Department shall review and approve the fire flow prior to filing the final map.
39. The District shall review and approve the road improvement plans. The District shall review and approve the plans prior to filing the final map.

Department of Environmental Health- Air Quality Management District

40. The applicant shall prepare a Fugitive Dust—~~Asbestos Hazard Mitigation~~ Plan. The District shall review and approve the plan prior to issuance of a grading plan.
41. The project shall adhere to all District rule during project construction.

Surveyor's Office:

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

11. REZONE/PLANNED DEVELOPMENT/PARCEL MAP

Z06-0002/PD06-0002/P06-0001/Sunstone Business Park submitted by EL DORADO DEVELOPMENT PARTNERSHIP GROUP (Agent: Lebeck Young Engineering) to rezone from Research and Development-Design Control (R&D-DC) to Research and Development-Planned Development (R&D-PD); Allow the construction of 25 buildings totaling approximately 205,212 square feet, with the individual buildings ranging in size from 5,700 to 13,375 square feet; Create 25 parcels ranging in size from 1 to 1.52 acres; and Two Design Waivers have been requested to allow the following: (a) Omit the sidewalks along the proposed 'Road A' and 'Road B'; and (b) Reduce the right-of-way width requirement from 70 feet to 50 feet except at the

project entrances. The property, identified by Assessor's Parcel Number 117-100-32, consisting of 33.18 acres, is located on the south side of Sandstone Court, southwest of the intersection with Golden Foothill Parkway, in the El Dorado Hills Area, Supervisorial District II. (Negative declaration prepared)*

Jonathan Fong presented the item to the Commission with a recommendation of approval and a denial of a Design Waiver to the Board of Supervisors. Mr. Fong informed the Commission that staff has received several public comment letters identifying concerns with the project. He also summarized staff's memo dated February 10, 2009 which identified conditions that DOT had requested to be modified.

Brandon Ghetia, applicant, identified areas in the Staff Report that he was not in agreement with and felt merited changes. He also requested that Condition 4 be removed as it has already been met. In regard's to staff's recommendation for denial of the design waiver to omit sidewalks, Mr. Ghetia stated that the sidewalks do not provide any viable means of transportation as there are no other sidewalks and this requirement would put a financial strain on the development. He also said that if the Fire Department is satisfied with not having a required turnaround, then that requirement should be removed. Mr. Ghetia indicated that he had met with residents from the Four Seasons development and have addressed their concerns regarding lighting and noise. In addition, the Economic Development Advisory Committee and the El Dorado Hills Business Park Board of Directors are in support of this project.

County Counsel Paula Frantz recommended that the Commission do not remove Condition 4 as requested by the applicant, because if a condition has been satisfied, it will be "checked-off" as being in compliance and will allow the permit to move forward.

Bobbie Lebeck, applicant's agent, summarized Mr. Ghetia's change requests regarding the conditions of approval: (1) Condition 21-Table 1, in Exceptions/Notes: Add "and no sidewalk" to Road A and Road B; (2) Condition 22: 50 foot right-of-way; (3) Condition 24 (Turnaround): Remove; (4) Condition 25: Inconsistent with Staff Report, should be Design Standard 103F with no taper; and (5) Conditions 26 and 27: Ensure that developer will have the option to utilize B.6.d of the Grading Ordinance-Design Manual if needed.

Coy Baugh/Four Seasons, distributed a letter to the Commission. He requested that they consider the following: (1) Maintain the grading elevations/lot sizes as presented in the exhibit; (2) Condition project to have only one-story structures; (3) Request fast-growing, dense, evergreen trees planted on the west side that will fit with the environment and that are planted no later than one year; (4) Request light poles on west side to be short and not have flood lights; and (5) Request construction period be from 8:00am – 4:30pm, with a 48 hour notice if explosives will be used.

Commissioner Tolhurst and Mr. Baugh discussed in more detail the lighting issue, with Commissioner Tolhurst stating that as long as it meets the County standards, Mr. Baugh's issues would more than likely be addressed.

Jim O’Camb/El Dorado Hills Fire Department stated that their biggest issue is always being able to get their rigs in and people out, so a roadway needs to be open and clear and able to support the rigs. Therefore, their requirement of getting in doesn’t necessarily have to meet DOT standards. Mr. O’Camb stated that for a turnaround, as long as it meets the turning radius, then they are okay with it.

Eileen Crawford/DOT, stated that Condition 24-Turnarounds does contain the language “or approved equivalent” which provides options for the applicant to satisfy this condition. She also stated that DOT has received numerous complaints regarding the lack of sidewalks in the business park and DOT tries to avoid placing pedestrians in the roadway. Commissioner Heflin felt that since these are independent businesses, sidewalks would not be utilized. Commissioner Tolhurst disagreed by stating that a business park is a park and is significantly used by pedestrians during lunch breaks, etc. He felt that sidewalks attract more business and are an amenity. Ms. Crawford stated that there are other businesses in the park that were conditioned for sidewalks due to the nature of the business (i.e., daycare, church). She also explained that the sidewalks would be placed inside the track.

Ms. Crawford concurred with applicant’s request for Condition 22 to be corrected to 50 foot right-of-way. However, if it is to be a County-maintained road, then it has to be a 60 foot right-of-way, which is what the existing roads are. She also agreed to the requested change in Condition 25 to exclude taper. In regards to Conditions 26 and 27, she stated the applicant would not lose the option of utilizing section B.6.d.

Doug Hus, adjacent owner, stated that requiring sidewalks would be imposing a burden on the developer. Small businesses are the tenants and on-going maintenance and liability for the sidewalks would increase costs and doesn’t see it as a positive. He also said that he liked the development as it is subdividing a large parcel and therefore making it conducive to more business ownership.

Patty Scholberg said that the houses that back up to the business park are located at a lower level than the business park and would like only single-story buildings allowed.

Harry Marks, who lives along the wall that borders the business park, requested that the Commission consider all of the items that are being addressed by the public.

Mr. Ghetia explained that although they are proposing single-story structures, they still want the flexibility to provide a two-story building if so desired by an applicant. He also stated that the houses adjacent to the development, which are already depressed, would have a wall and landscaping between them and the proposed structures. He explained that the closest building to the wall would be 87 feet and the wall is approximately 8 feet tall. Mr. Ghetia stated that the Design Guidelines that they submitted would be approved with the project and page 38 identifies the building sizes. He also wanted to point out that Condition 37 lists construction hours earlier than what is being requested by the public. He again reiterated his request to not be required to have sidewalks. Mr. Ghetia also stated that he will utilize the County’s approved list when identifying plants to use for the development and will obtain a professional landscaper.

In response to a request for the public to be provided advance notice of any explosives being used, Ms. Crawford stated that OSHA requires notification to the Fire Department and CHP 10 days in advance and a changeable message sign to be put up five days in advance.

Mr. Fong stated that Condition 1 currently states “office and warehouse development” and staff recommends changing it to allow the range of uses as specified in the Design Guidelines, which is also being adopted.

There was discussion on the applicant’s request to have a medical facility which would be allowed to have overnight stays. It was stated that this is a broader discussion and the applicant could apply for that special use separately, if so desired.

Commissioner Heflin inquired if there were any other options to provide pedestrian pathways besides sidewalks. Ms. Frantz indicated that in the past, the Commission has conditioned different types of sidewalks and widths.

Commissioner Rain requested that the applicant utilize more mature trees that have a fast-growth rate when the landscaping begins. Mr. Fong stated that the Design Guidelines could be modified to address those concerns.

Chair Mathews indicated that he is in favor of the sidewalks and they shouldn’t be eliminated just because other areas don’t have them. He is fine with the right-of-way being changed to 50 foot and it not being County-maintained. Ms. Lebeck clarified that the right-of-way has nothing to do with the road width. The road is 40 feet wide and the right-of-way is just the easement area. If the right-of-way was 60 foot then the lot size would have to be reduced. Ms. Crawford explained that if they accepted the roads it would be accepted in fee, so the County would own the roads that they are maintaining. Therefore, if the road was accepted, then would recommend a modification to Condition 22 to include “in fee” so that the land would be dedicated to the County.

Chair Mathews also said that he would like to have evergreens planted on the western side, but didn’t want to prohibit development by limiting the building size.

No further discussion was presented.

Motion: Commissioner MacCready moved, seconded by Commissioner Rain, and unanimously carried (5-0), to recommend the Board of Supervisors take the following actions: 1. Adopt the Negative Declaration based on the initial study prepared by staff; 2. Approve Rezone Z06-0002, Planned Development PD06-0002 adopting the Development Plan as the official development plan, and Parcel Map P06-0001, based on the findings proposed by staff, subject to the conditions as modified, which include amendments to Conditions 1 [reference uses in Planned Development Design Guidelines], 21-Table 1 [5 foot sidewalks], 22 [50 foot right-of-way, in fee], and 25 [Standard 103F excluding taper] and the revised conditions listed in the February 10, 2009 memorandum, and amend Design Guidelines – page 22 to include 15 gallon size non-deciduous plantings to occur where project abuts a residential zone; 3. Approve Design Waiver #2 based on the findings

proposed by staff; and 4. Deny Design Waiver #1, since the required findings cannot be made.

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

Findings for Approval

1.0 CEQA Findings

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

2.0 General Plan Findings

2.1 The project is consistent with the General Plan.

The project would allow for a range of uses consistent within Research and Development (R&D) land use designation.

The proposal is consistent with the intent of General Plan Policies 2.2.1.5, 2.2.3.1, 2.8.1.1, TC-Xf, TC-5b, 5.1.2.1, 7.3.5.1, 7.3.5.2, 7.4.4.2, 9.1.2.4, and 9.1.2.8 concerning the requirement for a Planned Development request, the floor/area ratio, lighting glare, traffic impacts, landscaping, and the inclusions of provisions that promote non-vehicular travel. Because of the project's provisions of adequate access, site design, and attention to architectural design features that fit within the context of the surrounding uses, it is consistent with the General Plan policies identified above.

3.0 Zoning Findings

3.1 The project is consistent with the El Dorado County Zoning Ordinance.

The project would allow for a range of uses consistent within the Research and Development Zone District.

The project would include the adoption of Development Plan and Design Guidelines which would allow deviation from the Development Standards of the R&D district. The requested deviation would not substantially vary from the intent of the R&D district would remain.

4.0 ADMINISTRATIVE FINDINGS

4.1 Planned Development Findings

4.1.2 The planned development zone request is consistent with the General Plan.

The Development Plan would allow land uses consistent within the R&D land use designation. Adequate vehicular access would be provided and no incompatibilities would result as part of the project. The project has been development to comply with applicable General Plan Policies as well as applicable policies of the Carson Creek Specific Plan.

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

The project has been designed to provide adequate landscaping and parking for the site. Streetscape landscaping design criteria have been incorporated within the Design Guidelines to achieve a desirable environment within the project boundaries.

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

Adoption of the Development Plan would allow for incorporation of Design Guidelines as part of the project. The Design Guidelines would allow for a specific list of permitted uses which deviates from the Development Standards of the R&D Zone District. Flexibility has been incorporated to allow reduced lot sizes not allowed within the R&D Zone District.

To justify the exceptions to R&D regulations, the Design Guidelines would include strict criteria to ensure the objectives and goals of the R&D Zone District would be achieved. Specific landscaping, lighting, building siting, and construction criteria are included which would maintain a desirable environment within the project boundaries.

4.1.5 The site is physically suited for the proposed uses.

The 33-acre site is mildly sloped with no significant biological features on-site. The proposed project would not require the degradation of significant biological or riparian resources as a result of the project.

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

The project is located within the El Dorado Hills Business Park which has adequate utilities and infrastructure to service the project.

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

The proposed uses do not significantly detract from the natural land and scenic values of the site since it is devoid of native trees and shrubs.

4.2 Parcel Map Findings

4.2.1 The proposed parcel map, including design and improvements, is consistent with the General Plan policies and land use map.

The proposed office and warehouse uses are consistent within the R&D land use designation. The proposed size of the development would be consistent with the Floor Area Ratio allowed within the R&D land use designation. The project has been designed to comply with applicable General Plan policies.

4.2.2 The proposed parcel map does conform to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.

Through the application of the PD, the project is consistent with the minimum parcel size requirements of the R&D zone district and is consistent with the Development Standards of the zone district. Adequate parking and landscaping would be provided. All roads and encroachments would be consistent with the County Design Manual.

4.2.3 The site is physically suitable for the proposed type and density of development.

The site contains no natural features that would be impacted by the proposed type or density of development. The proposed land uses would not exceed the FAR of the R&D land use designation. The proposed office and warehouse uses would be suitable for the site.

4.2.4 The proposed parcel map is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.

The project site is devoid of natural features. No oak canopy or riparian areas are located onsite. The site has been previously disturbed under an approved grading permit.

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

The project has been designed to provide adequate circulation through the development. Encroachments onto the County roads are consistent with the Design and Improvement

Standards Manual. The proposed office and warehouse land uses would not be likely to cause public hazards.

5.0 Design Waiver Findings

5.1 Design Waiver #2: To reduce the right-of-way width requirement from 60 feet to 50 feet except at the project entrances.

5.1.1 There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,

The project has been designed to meet the road width requirements of Standard Plan 101A. The designed improvements could be constructed within a 50 foot right-of-way; thus the 60-foot right-of-way would be unnecessary.

5.1.2 Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,

The ~~70~~60-foot right-of-way is a requirement of the General Plan. As discussed above, the required road improvements could be developed within the reduced 50 foot right-of-way. The additional 10 feet of right-of-way would be unnecessary and would restrict future development potential of the proposed lots.

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

All required road improvements would be constructed within the reduced right-of-way. The reduction in the right-of-way width would not result in any hazards or would be injurious to the health, safety, and welfare of the public.

5.1.4 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 required road improvements would be constructed consistent with the Design and Improvement Standards Manual and the Fire Safe Regulation. The reduced right-of-way would not conflict with any applicable County ordinances or policies.

Findings for Denial

1.0 Design Waiver Findings

1.1 Design Waiver #1: To omit the sidewalks along the proposed 'Road A' and 'Road B';

1.1.1 There are no special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,

The project site does not contain unique topographical constraints or biological resources that would prohibit the construction of the required sidewalk. The site is undeveloped and would allow for construction of the sidewalks and would not impair the development potential of the project site.

1.1.2 Strict application of the design or improvement requirements of this chapter would Not cause extraordinary and unnecessary hardship in developing the property,

The sidewalk requirements would not be a hardship on the project. The development would be required to construct a new looped roadway system providing a 40 foot wide travel lane throughout the development. The Department of Transportation has allowed a reduction of the sidewalk requirement limiting the improvements to one side of the road only.

1.1.3 The waiver would be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public,

The sidewalk improvements would be a benefit to the pedestrians utilizing the sidewalk. The absence of non-motorized transportation means would result in a hazardous environment between vehicular traffic and pedestrians within the development.

1.1.4 The waiver would have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.

The sidewalks are required by General Plan Policy TC-5b. Approval of this Design Waiver would be inconsistent with the General Plan and would result in a detriment to the health, safety and welfare of the general public in the area.

Conditions of Approval

1. This rezone, parcel map and planned development is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits E-J, February 26, 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:

A rezone, planned development, and parcel map to allow for ~~an office and warehouse development.~~ A range for uses as enumerated in the Planned Development Design Guidelines.

Rezone to add the Planned Development overlay to change the parcel zoning from Research and Development (R&D) to Research and Development- Planned Development (R&D- PD).

The Development Plan allows the construction of 25 buildings totaling 211,660 square feet of improvements. The individual buildings would range in size from 5,700 square feet to 12,375 square feet. The Development Plan includes the adoption of Design Guidelines for the project site which supersede the Development Standards of the R&D Zone District listed in Chapter 17.35 of the Zoning Ordinance.

A phased Parcel Map creating 25 parcels each approximately one-acre in size. Each of the proposed buildings would be sited on a separate parcel. The parcel map is proposed to be filed in four phases.

One Design Waiver would be approved to allow the following:

The right-of-way width requirement is reduced from 60 feet to 50 feet except at the project entrances.

2. All development within the project shall comply with the Development Plan and Design Guidelines approved as part of the Development Plan. Planning Services staff shall verify compliance with the Design Guidelines prior to issuance of any permit.
3. Unless stated in the Development Plan and Design Guidelines all development within the project shall comply with applicable ordinances or Development Standards of the County Code.
4. The applicant shall prepare a Public Facilities and Services Financing Plan as required by General Plan Policy 10.2.1.5. The Plan shall be submitted to Planning Services and shall be reviewed and approved by the County prior to the issuance of any permits for the project.
5. All Development Services fees shall be paid prior to clearance by Development Services of the parcel map.
6. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

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

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

El Dorado Hills Fire Department

7. The potable water system for the purpose of fire protection for this commercial development shall provide a minimum fire flow of 1,500 gpm with a minimum residual pressure of 20 psi for a two hour duration. This fire flow shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of the system shall be supplied to the Fire Department for review and approval.
8. This development shall install Mueller Dry Barrel Fire hydrants conforming to the El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 300 feet. The exact location of each hydrant and all fire protection system devices shall be determined by the Fire Department.
9. To enhance the nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and the Fire Safe Regulations.
10. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by the El Dorado Hills Fire Department Standard 103.
11. This development shall be prohibited from installing any type of traffic calming devices that utilize a raised bump or a lower dip section of roadway.
12. Each building shall be addressed in accordance with the Fire Department requirements.
13. The applicant shall provide the Fire Department with a CD that contains all the CAD files for the project.
- ~~14.~~ The fire access roadways servicing all buildings shall be designed to accommodate a 40-foot inside and a 56-foot outside turn radius.
- ~~15.~~ All buildings shall be fire sprinklered in accordance with NFPA-13, 2007 edition, and the Fire Department requirements.

- 1716. This development shall provide a minimum of two unobstructed access roadways during the construction of any building.
- 1817. All trash enclosures shall be located a minimum of 5 feet from a building wall.
- 1918. The minimum ingress and egress width for emergency response vehicles shall be 20 feet.
- 2019. A KNOX box shall be installed on each building to contain the master key to open all exterior doors.

El Dorado County Department of Transportation

2120. **Road Design Standards:** The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map: (the requirements outlined in Table 1 are minimums)

ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH*	RIGHT OF WAY**	DESIGN SPEED	EXCEPTIONS/ NOTES
Road A	Std Plan 101A	40ft	50ft <i>IOD required</i>	25 mph	Type 2 vertical curb and gutter, <u>and 5 ft sidewalk on one side only along the frontage of lots 10, 11, 12, 13, and 16</u>
Road B	Std Plan 101A	40ft	50ft <i>IOD required</i>	25 mph	Type 2 vertical curb and gutter, <u>and 5 ft sidewalk on one side only along the frontage of lots 10, 13, 14, 15, and 16</u>

- Road widths are measured from curb face to curb face or edge of pavement to edge of pavement if no curb (traveled way). Curb face for rolled curb and gutter is 6" from the back of the curb.
 ** Non-exclusive road and public utility easements included

2221. **Offer of Dedication:** Prior to filing of map, the applicant shall irrevocable offer to dedicate in fee 60 50 of right of way along Road 'A' and Road 'B'. This offer shall be ~~rejected~~ accepted by the County.

2322. **Dead End Roads:** Pursuant to Article 2, Section 1273.09 of the SRA Fire Safe Regulations, the maximum length of a dead-end road, including all dead-end roads accessed from the dead-end road, shall not exceed the following cumulative lengths, regardless of the numbers of parcels served:

- parcels zoned for less than one acre-----800 feet

- parcels zoned for 1 acre to 4.99 acres-----1320 feet
- parcels zoned for 5 acres to 19.99 acres -----2640 feet
- parcels zoned for 20 acres or larger -----5280 feet

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

2423. **Turnaround:** The applicant shall provide a turn around *at the end of the roadways* used for phasing 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 map.

FRONTAGE AND OFFSITE IMPROVEMENTS

2524. The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachments from Proposed Street A, onto Suncast Lane and Sandstone Road to the provisions of County Design Standard ~~103G~~ 103F excluding taper. 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.

IRREVOCABLE OFFERS OF DEDICATION/EASEMENTS

2625. **Cut Slopes:** Per the El Dorado County Grading Design Manual, the top of cut slopes shall not be made nearer a permit area boundary line than one fifth the vertical height of cut with a minimum of two (2) feet and a maximum of ten (10) feet. The setback may need to be increased for required interceptor drains. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
2726. **Fill Slopes:** Per the El Dorado County Grading Design Manual, the toe of the fill slope shall not be made nearer to the permit area boundary line than one half the height of the slope with a minimum of two (2) feet and a maximum of twenty (20) feet. Where a fill slope is to be located near the permit area boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the building official deems necessary to protect the adjoining property from damage as a result of such grading. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.

2827. **Offsite Easements:** Applicant shall provide all necessary recorded easements for the drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.

DOT STANDARD CONDITIONS

2928. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.

3029. **Road & Public Utility Easements:** The applicant shall provide a ~~40~~ 50 foot wide ~~and 30 foot wide non-exclusive~~ road and public utility easements for the on-site access roadways as indicated in Table 1 above prior to the filing of the map.

3130. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or “not a county maintained road” road sign as required by the Department of Transportation prior to the filing of the map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.

3231. **Sidewalks:** Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the Department of Transportation prior to issuance of building permits. Pedestrian easements shall be provided where necessary. Final lane configurations, including the need for additional rights-of-way, shall be subject to review and approval of the Department of Transportation prior to improvement plan approval.

3332. **Curb Returns:** All curb returns, at pedestrian crossing, will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.

3433. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the map.

3534. **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).

3635. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.

3736. **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.
3837. **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.
3938. **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.
4039. **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.
4140. **Grading Permit / Plan:** The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado “*Design and Improvement Standards Manual*”, the “*Grading, Erosion and Sediment Control Ordinance*”, the “*Drainage Manual*”, the “*Off-Street Parking and Loading Ordinance*”, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
4241. **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.
4342. **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.

4443. 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.

4544. Drainage Study / SWMP Compliance: The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

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

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

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

4645. Drainage, Cross-Lot: Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities.

- Drainage easements shall be provided where deemed necessary prior to the filing of the final map.
4746. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the final map.
4847. **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.
- ~~49. **Off-site Improvements (Security):** Prior to the filing of a final map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.~~
- ~~50. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:~~
- ~~d. 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.~~
 - ~~e. Approved improvement plans and specifications of the required off site improvements, prepared by a civil engineer.~~
 - ~~f. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.~~

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

5148. **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.
5249. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

El Dorado County Surveyor

5350. All survey monuments shall be set prior to filing and recording the parcel map.
5451. Prior to filing the Parcel Map, a letter to the County Surveyor shall be required from all agencies that have conditions place on the map. The letter shall state that all conditions placed on the map by that agency have been met.

[Clerk's Note: Commission's changes to Design Guidelines, page 22 are attached at end of minutes.]

12. ZONING ORDINANCE AMENDMENT

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)* *[continued from 2/12/09 hearing]*

Shawna Purvines stated that this was the second hearing for this item as they were still accepting public comment at the last hearing. They have not received any public comments and staff is recommending approval to the Board of Supervisors.

Cindy Shaffer clarified that this amendment relates to affordable housing and not the County's density bonus.

No further discussion was presented.

Motion: Commissioner Tolhurst moved, seconded by Commissioner MacCready, and unanimously carried (5-0), to recommend the Board of Supervisors take the following actions: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and 2. Approve OR06-0006, Affordable Housing Density Bonus Ordinance, amending the Zoning Ordinance, Title 17, addressing 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.

AYES: Rain, Heflin, MacCready, Tolhurst, Mathews

NOES: None

1:30 P.M.

13. WORKSHOPS

a. Camino-Pollock Pines Community Region: Discussion to determine if Planning Commission should recommend to Board of Supervisors to change the Camino Pollock Pines Community Region to a Rural Center.

Peter Maurer presented the workshop item to the Commission. He indicated that changing it to Rural Center does very little.

Chair Mathews clarified that the rules are generally the same for a Community Region and a Rural Center with the exception being sewer service. He also clarified that the emergency response time is more for a Rural Center so that could be considered an adverse effect if changed.

In response to Commissioner Heflin's inquiry, Mr. Maurer stated that the policies relating to cultural resources and historic preservation don't differentiate between the two types.

An e-mail from Jerrie Reese was distributed to the Commission.

Tom Mahach suggested creating a new designation titled Rural Community Region and acknowledge the lack of sewers. He stressed that it was important to not lose sight of the community identity. Mr. Mahach also stated that there should be a transition zone between Rural Centers, Community Regions and Agricultural Districts.

Tom Schultz supported Mr. Mahach's comments on community identity and creating a Rural Community Region designation.

Valerie Zentner/El Dorado County Farm Bureau stated that her concern were the agricultural lands located in Agricultural Districts with a Community Region overlay, which did not make sense. The area that is being discussed today is intensively farmed and she is in favor of a Rural Center or a Rural Community Region.

Sue Taylor identified herself as a Camino resident for over 30 years and a past member of the Ad Hoc Committee. She discussed the following points: (1) Camino, Pollock Pines and Cedar Grove are all different communities; (2) Agricultural buffers; (3) Mixed Use Development; (4) The need to have maps corrected as it has been 5 years since General Plan has been adopted; (5) Piecemealing is happening on developments; (6) Would like a historic district for downtown Camino; (7) Rural Center creates a buffer for agriculture; and (8) Camino is the “face” for Apple Hill.

Chair Mathews clarified that Ms. Taylor’s goal was to keep Camino rural and identify that it differs from Pollock Pines and Cedar Grove because it is more agricultural-oriented.

Art Marinaccio stated that the Commission did a disservice in changing the area to a Community Region. It had been done too fast with not enough review. He stated that the question at hand was do the policies need to be fixed or does the name on the maps need to be changed. He suggested that the Commission deal with this issue within the policies, otherwise it is just a waste of time.

Bob Smart said that this issue is not developer-driven and the Commission should do this for the people.

Cindy Shaffer suggested that they look at the zoning designations at the lower end of the range instead of changing all land use designations.

Christa Campbell, Camino resident, President of the Apple Hill Growers Association and Board Member of the Camino Community Action Committee, said that this discussion should be brought to the community, especially Camino. This is more complex than what most people realize. Along the Carson Road corridor, there is a piece of property owned by Sierra Pacific that they have been considering to develop and the community has been in negotiations with them for several years on that potential project.

Carolaree Hyder stated that there needs to be some type of protection since developers will always push the barriers.

Richard Whalen, Diamond Springs resident, said that he was in support of the Rural Center re-designation and that El Dorado and Diamond Springs should also be brought forth for re-designation.

Patsy Thompson, Camino resident, values the rural atmosphere of the community and suggested that during the review, that the Commission keep in mind the new septic regulations and how new developments can meet them.

Lois Bailey Hacker felt that the Commission should hold a public meeting in Camino and Pollock Pines to explain the designations and listen to the community.

Chair Mathews stated that it would be more appropriate for the District Supervisors to participate in that type of meeting. He also requested Mr. Maurer to briefly summarize for the audience the differences between zoning and land use designation.

Dwayne Nelson, District Ranger, stated that he continually is required to handle wildland and urban interfaces. He said that the loss of open space for development is irretrievable and caution needs to be taken.

Noah Briel said that there is a misconception that High Density is the villain. He felt that people are not being practical just because they do not want more people in their area and that the State will not accept that reasoning.

Mr. Mahach suggested that the Commission recommend that the Board bring the zoning into conformance with the land use designations in preparation for the General Plan changes. This would help dispel public confusion.

Robin Stanley, Camino resident, appreciated the memo that Commissioner MacCready had sent to the residents regarding this issue and felt that this needs to be started somewhere and it should be Camino.

Mr. Marinaccio said that if there is no sewer than there is not going to be a high number of units per acre. He also stated that the DOT Transportation Plan does not show any change in traffic levels for this area and feels that this is creating a lot of fear-mongering.

Ms. Campbell re-emphasized that Camino is unique due to the agriculture and wanted to clarify that although there are commercial activities in the area, it is only for three months out of the year.

Pat Farrell, Camino resident, appreciated the Commission's attempt explaining the issue. Assuming that there is a difference with one having a higher density, wants Camino to be more of a rural area.

Ms. Taylor reminded the Commission that at a recent Board meeting, Supervisors Sweeney and Nutting were going to change this designation but that staff had convinced them to notify the public through the Planning Commission.

No further discussion was presented.

[Clerk's Note: Commissioner Tolhurst left his seat on the Commission at 3:32pm]

Motion: Commissioner MacCready moved, seconded by Commissioner Mathews, and unanimously carried (4-0), to recommend the Board of Supervisors initiate changes in the Camino, Pollock Pines, and Cedar Grove area to consider revising the designation of a Community Region to Rural Centers or a combination of Rural Centers and Rural Regions and to direct staff as part of the initiation to work with the public to prepare maps early in the process.

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

b. **Density Bonus:** Discussion to determine if Planning Commission should recommend to Board of Supervisors to either institute a General Plan elimination of the Density Bonus or institute changes, where appropriate.

Peter Maurer presented the workshop item to the Commission. He pointed out that a while back, staff had brought to the Board of Supervisors a formal resolution to initiate a General Plan amendment to resolve some conflicts between the mandatory planned development and 30% open space requirements of the General Plan and other policies. Staff had asked the Board to consider this policy as part of the overall picture of open space and planned development and the Board had specifically removed this policy from consideration of that General Plan amendment. In the meantime, the Commission had already requested a workshop on this issue.

Commissioner MacCready stated that his concern is that the open space looks nice now, but 10 years down the road if could be a different situation as there is no maintenance of the open space and this includes the wildlife habitat.

Art Marinaccio suggested that they avoid setting aside land as open space if it is considered developable. He felt that lands should not be set aside as open space just to get the Density Bonus. Mr. Marinaccio thought that this policy has resulted in better projects and the policy should be left alone.

Paul Sayegh stated that he does not have a problem with the policy but on how it is implemented. He informed the Commission that his property borders the Alto project, which is coming before the Commission soon, and all of the projects in the Malcolm-Dixon Road area are requesting the Density Bonus. Mr. Sayegh said that when he bought his house 20 years ago, the surrounding land was RE-5, now he is having to deal with something entirely different. He suggested a checklist be used for proposed developments wanting to dedicate land to open space and some of the questions should include: (1) Will the community benefit? (2) Does the Density Bonus affect existing property owners and could the open space be used to decrease impacts? (3) Does the Density Bonus increase or decrease environmental impacts? and (4) Does the Density Bonus create a different lifestyle with the existing homeowners and the new development?

Kathye Russell/Gene Thorne & Associates, said that open space, parks, and wildlife corridors are all separate and that open space could become weed lots if there is no maintenance.

Valerie Zentner/El Dorado County Farm Bureau, supports the Density Bonus when targeted to development, but sees development going into rural regions and near agriculture. Planned Development with open space or conservation easement makes sense and unmanaged land is a problem.

Cheryl MacDougall said that that it needs to be determined if open space is a loophole for the developer or a true benefit to the community.

Cindy Shaffer spoke on the differences between the two Density Bonuses (one for affordable housing and the other in the County Code). She also stated that the County is not being over-run by these types of projects and since they are discretionary, if the Board does not like it, then it does not get approved. Ms. Shaffer stressed that if the issues are with the policy, then there are enough safeguards to prevent bad projects from being approved while still allowing good projects to move forward.

Noah Briel said that the ultimate goal for Density Bonus is a community where people can walk instead of driving, as most people would walk ¼ mile. Density Bonus can build a better community and save land in the process.

Commissioner Rain said that this policy allows them to view projects on a case-by-case basis.

Vern Miller stated that he lives next to the Malcolm-Dixon properties and although he doesn't like Density Bonus, he accepts it and felt that it should be used as written to ensure it does not get abused. Mr. Miller said that he doesn't think mitigation fees for land outside of the area is right as it does not benefit the public located in the development area. He also addressed public benefit versus public availability and said that if the land is behind gates, then it is not available to the public.

Olga Sciorelli said that the General Plan 2.2.4 objective had a lot of thought put into it based on the wording and the diagrams. She stated that two projects that she recently did had open space which was not "throwaway" land. By clustering lots, it decreases the disturbance of the terrain and decreases the miles of roadway required. Ms. Sciorelli suggested trying to connect various open spaces as it has a visual benefit and also creates a buffer. She stated that the policy is working and that there have been many good projects that have come through because of this. She also reminded them that these are discretionary projects.

Commissioner Rain requested clarification on a motion made by the Board of Supervisors on October 20, 2008. County Counsel Paula Frantz explained that the Board's motion was to continue the process of Planned Development with Density Bonus with public benefit and it does not necessarily have to be accessible to the public. She stated that they were clarifying an earlier action taken on a project and that it had not been a global policy change.

No further discussion was presented.

Motion #1

Motion: Commissioner MacCready moved, seconded by Commissioner Heflin, and failed (2-2), to recommend that the Board of Supervisors initiate an amendment to the General Plan that: 1. The Density Bonus provided for in 2.2.4.1 A through C shall not apply to Rural Centers nor rural lands; 2. All Density Bonus open spaces in Community Regions shall have part of the open space developed into at least a park, picnic area, ball fields or other recreational use per to 2.2.3.1.A. These areas for the welfare of the general public

shall be developed by the developer and completed prior to the finalization of the map and maintained by the Home Owners Association (HOA). In addition, an Open Space Maintenance Program for that portion that was not converted to recreation, shall be submitted for approval to Planning Department before final map or some such time; 3. To compensate the developer, recommend the Board of Supervisors increase the Density Bonus from 1.5 to 1.6; 4. If the Board of Supervisors declines to change the Density Bonus as recommended above, then in 2.2.4.1. B the last sentence shall be changed to: In calculating the maximum density permitted by the General Plan Land Use Designation, the County shall exclude undevelopable lands, bodies of water such as lakes, ponds, rivers, perennial streams, and wetlands.

AYES: MacCready, Heflin
NOES: Rain, Mathews
ABSENT: Tolhurst

Chair Mathews said that he doesn't have a problem with the Density Bonus as it can create a better project. He would suggest language that talks about public benefit and the neighbors that live in the project area. Open space can create a buffer that also provides value to the neighbors. A developer needs to review what the local public desires (open space, walking paths, etc.).

Ms. Frantz stated that this can be done through direction to staff instead of a General Plan amendment, if so desired.

Commissioner MacCready said that open space is going to be an eyesore and fire hazard, which is why he wants to put a global requirement of an Open Space Management Plan.

Commissioners Rain and Mathews said that they want to review projects on a case-by-case basis in regards to requiring an Open Space Management Plan.

Mr. Maurer indicated that they already require some type of maintenance (i.e., HOA or Fire Safe Plan) and require a review of the CC&Rs.

Chair Mathews indicated that he didn't necessarily want to initiate a General Plan Amendment, but said that if the County is asking a developer to build a better project and that developer is going to profit by that, then the focus needs to be on the immediate neighborhood first and the County second.

Mr. Maurer stated that perhaps the appropriate thing would be to continue the item to allow staff to draft language that is an interpretation of the policy, distribute it to the public and bring the comments back to the Commission to review the interpretation.

Chair Mathews clarified that the principle components of the interpretation are (1) the obvious benefit to the project; (2) the parcels that are immediately adjoining the development – since the density is being increased, they should have a benefit; and (3) County – public in general.

Motion #2

Motion: Commissioner Mathews moved, seconded by Commissioner Rain, and unanimously carried (4-0), to continue the item to the March 26, 2009, meeting for consideration.

AYES: MacCready, Heflin, Rain, Mathews

NOES: None

ABSENT: Tolhurst

14. ADJOURNMENT

Meeting adjourned at 5:16 p.m.

APPROVED BY THE COMMISSION

Authenticated and Certified:

Walter Mathews, Chair