



COUNTY OF EL DORADO PLANNING COMMISSION

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

Char Tim Clerk of the Planning Commission

MINUTES

Regular Meeting June 25, 2009 – 8:30 A.M.

1. CALL TO ORDER

Meeting was called to order at 8:35 a.m. Present: Commissioners Rain, Pratt, Heflin, Mathews, and Tolhurst; Paula Frantz-County Counsel*; and Char Tim-Clerk of the Planning Commission. [**Arrived at 8:53 a.m. and was in attendance at the start of the public hearing portion.*]

2. ADOPTION OF AGENDA

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

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

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:** June 11, 2009

END OF CONSENT CALENDAR

Motion: Commissioner Rain moved, seconded by Commissioner Heflin, and carried (4-0), to approve the Consent Calendar.

AYES: Pratt, Heflin, Rain, Mathews
NOES: None
ABSTAIN: Tolhurst

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

Pierre Rivas informed the Commission that he had met with the Cameron Park Design Review Committee at their June 22, 2009, meeting. The Committee is interested in developing community design guidelines for Cameron Park.

Roger Trout stated that over the last several weeks the Board of Supervisors has had workshops on the General Plan implementation and at the June 30, 2009, Board meeting, the 12-month action plan will be finalized.

Mr. Trout also stated that at the June 30, 2009, Board meeting, the Department will be requesting funds in order to close the books for the FY 2008/09 budget as a result of revenue projections not meeting actuals. In addition, the Department will be requesting to readjust the FY 2009/10 budget to reflect the decrease in revenue projections and this could result in staff reductions.

6. COMMISSIONERS' REPORTS – None

9:00 A.M.

PUBLIC FORUM/PUBLIC COMMENT – None

7. SPECIAL USE PERMIT

S09-0007/Smith Flat House Courtyard submitted by JOHN CONFORTI to allow outdoor events including concerts, theatre, craft shows, exercise and dance instruction, workshops, and children's events within an outdoor courtyard. The property, identified by Assessor's Parcel Number 048-240-14, consisting of 1.81 acres, is located on the north side of Smith Flat Road, approximately one-fourth mile east of the intersection with Broadway, in the Placerville area, Supervisorial District III. (Categorical Exemption pursuant to Section 15301(a) of the CEQA Guidelines)

Mike Baron presented the item to the Commission with a recommendation for approval. Mr. Baron stated that public comment letters had been received which supported the project, but some voiced concern regarding outdoor concerts.

The Commission had discussion with staff regarding restroom facilities, the requirement of a 6-foot fence, and the requirement of paving the unpaved parking lot area.

John Conforti, applicant, informed the Commission that the application had included weddings and non-profit fundraisers, but it was not included in the Staff Report. He also stated that at the time of the application submittal, he had informed staff that if he was required to pave the overflow parking area then he would not be able to proceed. Mr. Conforti provided a brief history of the Smith Flat house and stated that the permit will allow him to bring revenue in which will allow the current health and wellness center to continue. He requested the following from the Commission: (1) Add weddings and non-profit fundraisers to the project description;

(2) Not require the paving of the unpaved overflow parking; (3) Not require the 6-foot fence on property line; and (4) Extend ending time to 10:00 pm for Friday and Saturday.

Carol Patten supports the project and said that these proposed activities are lacking in the community. She requested that Conditions #6 & #7 be reconsidered as they would be a burden to the applicant.

Susan Fraser said that there is economic development potential for this project and limiting the ending time to 7:00 pm would be tying their hands.

Steve Bremer, neighbor, stated that noise is a concern and gave the example of noise issues he is facing with the local bar, which is inside noise compared to the project's proposed outdoor activities. He said that the main concern was the amplified PA system.

Dr. Benjamin Ling supports the project and stated that the Smith Flat House is a group-based intervention and this is an opportunity to transform the community into a model for other cities.

Lance Cola supports the project and explained that the Smith Flat house started in his family in the 1850s and Mr. Conforti has put in significant time and effort into this project.

Maureen Gill reinforced that the applicants are very conscientious to the community and the neighbors and that this unique property honors the history of the community.

Barry Batchelor indicated that his property is 200 feet from the subject parcel and in the summertime, the foliage blocks his view of the project's buildings and decreases the noise level. He stated that Mr. Conforti should be applauded for his efforts to make this financially viable. Mr. Batchelor feels that the noise will not be an issue and supports the project.

Kimberly Craft lives across from the area bar and stated that noise is not an issue. She is excited to see more things coming to Smith Flat and looks forward to the events.

Art Marinaccio stated that making a historic building economically viable is a challenge. He encouraged the Commission to approve the project, provide flexibility to the applicant, and only limit the uses if they absolutely have to.

Mary Walden is grateful to the applicant for the wonderful place he has created for them to work at.

Dave Machado reiterated many of the statements already made by the public and stated that the main issue seems to be noise. He said that crowd noise and parking lot noise could not be mitigated. If needed, the Commission could condition the project to a seasonal timeframe.

Ann McCullen said that this is a holistic center that could develop into something similar found in Napa and Monterey. She also stated that this project will help bring people into the community.

Mr. Conforti informed the Commission that during the noise study, he personally went to various areas surrounding the parcel and in regards to the area that Mr. Bremer lives, Mr. Conforti was unable to hear any noise coming from the subject parcel. He also discussed different methods of utilizing the PA system that would actually decrease the noise level outside of the area.

Commissioner Tolhurst supports the project but stated that it was their job to protect against adverse effects and condition projects appropriately. He also stated that in his view, the parking and fence were not an issue.

Commissioner Heflin agreed with Commissioner Tolhurst regarding the parking and fencing not being an issue. He also agreed with the applicant's request to change the ending times to 10:00pm on Friday and Saturday.

Commissioner Heflin informed staff that he would like to suggest a workshop in the near future regarding noise levels in the County and the scientific basis that is used.

Commissioner Pratt stated that the current health and wellness program is good, but years from now this property could be something entirely different and it was important to remember that the Special Use Permit runs with the land. He suggested limiting the number of people at an event to the same number limitations identified in the Winery Ordinance. Commissioner Pratt also said that this project is inside a Community Region of Placerville, but for all practical purposes, it is a Rural Center with a historical aspect.

Commissioner Rain agreed with Commissioner Heflin's comments and said that it was important to have "checks and balances" on the noise decibel levels.

County Counsel Paula Frantz informed the Commission that they have the ability to set up a monitoring condition if they so desire and that there were many methods of monitoring that they could chose from.

Commissioner Heflin and Rain were interested in revisiting the project in a year and having the meeting noticed to the neighbors to get their input on the noise issue.

Commissioner Pratt indicated that if there would be a monitoring condition, then he would not request setting a limit on the number of people at the events.

There was significant discussion on extending ending times of events on Fridays and Saturdays in regards to conforming to the General Plan.

County Counsel Frantz suggested that any action taken today by the Commission be done on a conceptual basis and articulate the findings well so staff can return, even on consent, with findings. She explained that the Commission can approve a project that is not compliant with every policy of the General Plan, but explanation is needed on how it overall meets the goals and standards of the noise element of the General Plan and articulate why. The current proposed findings do not address the issue to the full extent from which the Commission is making the changes.

Staff requested to summarize the changes the Commission has stated during their discussions so they can return back with the appropriate modifications. As agreed by the Commission, the following changes are to be made: (1) Modify Condition #1 to change project description to read “...outdoor special events including such as weddings, fundraisers,” and “special events will end by 7:00 PM Sunday through Thursday and 10:00 PM Friday and Saturday”; (2) Modify Condition #6 to make it consistent with last sentence of Condition #1 that was modified; (3) Delete Condition #7; (4) Add new condition that states “The additional unpaved parking lot shall consist of four inches aggregate base compacted at ninety-five percent”; and (5) Add new condition that states “This permit shall be heard by the Planning Commission on or about one year following approval of this permit to ensure that the special events are not creating a nuisance to the surrounding neighborhood from excessive noise”.

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner Rain, and unanimously carried (5-0), to take the following conceptual actions: 1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15301(a); 2. Approve Special Use Permit S09-0007 based on the findings proposed by staff, subject to the conditions of approval as modified; and 3. Direct staff to return on July 9, 2009, Consent Calendar, with revised findings and conditions of approval for consideration.

AYES: Pratt, Tolhurst, Rain, Heflin, Mathews

NOES: None

8. GENERAL PLAN AMENDMENT/REZONE

A08-0014/Z08-0038 submitted by ROBERT JAMES CAMPBELL to amend the land use designation from Medium Density Residential (MDR) to Commercial (C) for a portion of APN 327-213-08; and rezone from Single-Family One-Acre Residential District (R1A) to Commercial-Design Community (C-DC) for APN 327-213-06 and a portion of APN 327-213-08. The property, identified by Assessor’s Parcel Numbers 327-213-06 and -08, consisting of 13.48 acres, is located on the south side of Missouri Flat Road, approximately 360 feet west of the intersection with Forni Road, in the Diamond Springs area, Supervisorial District III. (Negative declaration prepared)

Aaron Mount presented the item to the Commission with a recommendation to the Board of Supervisors for approval. He stated that there is no development proposed with the application.

Art Marinaccio stated that there are problematic traffic issues in that area and without actual use being proposed with the application it makes this difficult. Allowing a blanket zoning that would allow a building permit that didn’t deal with the traffic issues is a big concern. He felt that this was a classic property for the Mixed Use Development.

Robert Campbell, applicant, stated that during a meeting with Planning and DOT he had offered ingress/egress to all the surrounding properties. Mr. Campbell distributed a "System Map" to the Commission for their review.

Pierre Rivas requested the Commission to review Exhibits C and D for explanation of the placement of the proposed General Plan Land Use Designation boundary line and indicated that it is following a large water main and the slope of the land. Mr. Rivas stated that the application is a consistency rezone for the majority of the property and it was adding the Design Control zoning overlay so any development of the property would require the review and approval of a discretionary design review application on any portion that is commercial.

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner Pratt, 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 General Plan amendment application A08-0014 and Rezone application Z08-0038 based on the findings proposed by staff.

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

Findings

1.0 CEQA Findings

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

2.0 General Plan Findings

- 2.1 The proposed General Plan Amendment from Medium Density Residential to Commercial is consistent with all applicable policies of the General Plan including 2.2.1.2 (land use type and density), 2.2.5.21 (land use compatibility), 2.5.2.1 (commercial facilities), 5.2.1.3 (public water system connection), 5.7.1.1 (fire protection), and 10.1.5.5 (retail development opportunity) because of the location in a Community Region, existing and proposed land use pattern adjacent to the site, design review

submittal requirement, the current availability of supporting utilities and infrastructure, proximity to emergency responders, and the County's intent to maintain an adequate supply of sites for retail opportunities.

- 2.2 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density or intensity zoning district. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed density and use.

3.0 Zoning Findings

- 3.1 A rezone to Commercial – Design Community will allow the property to be consistent with the proposed and existing General Plan designation of Commercial.
- 3.2 The rezone will meet the intentions of Policy 2.2.5.2 because the establishment of a new zone designation of Commercial – Design Community (C – DC) and the ensuing uses it allows is consistent with the allowed uses intended by the Commercial (C) land use designation.
- 3.3 The rezone would meet the intentions of Policy 2.2.5.3 because the location in a Community Region, the current availability of supporting utilities and infrastructure, proximity to emergency responders, and the existing and proposed land use pattern.
- 3.4 The proposed project is consistent with the El Dorado County Zoning Ordinance designation of Commercial (C) and the development standards within Section 17.32.040.

9. REZONE/TENTATIVE MAP

Z08-0004/TM08-1466/Blackhawk Estates submitted by BRUCE WIRTANEN (Agent: Patterson Development) to rezone from Exclusive Agricultural District (AE) to Estate Residential Five-Acre District (RE-5) and Estate Residential Ten-Acre District (RE-10); A tentative map creating 9 lots, ranging in size from 5 acres to 11.5 acres for APN 078-200-71; and Design Waiver request to allow the creation of parcels with a length in excess of three times the width for Lots 4 and 5. The property, identified by Assessor's Parcel Numbers 078-200-70 and -71, consisting of 77.42 acres, is located on the north and south side of Blackhawk Lane, approximately .25 miles east of the intersection with Mt. Aukum (E16), in the Pleasant Valley area, Supervisorial District II. (Mitigated negative declaration prepared)

Aaron Mount notified the Commission that earlier that week, the applicant had requested an additional design waiver for the project. County Counsel Paula Frantz informed the Commission

that they could not hear the new design waiver request today since it had not been publicly noticed for today's hearing.

Bruce Wirtanen, applicant, indicated that the additional design waiver request had "fallen through the cracks" and he had thought it had been taken care of late last year.

The applicant was asked if he would like to proceed with the request without the new design waiver or preferred to have the project renoticed with the additional request. Mr. Wirtanen preferred to have the new design waiver included in the project.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Pratt, and unanimously carried (5-0), to set a new hearing with new public noticing for the July 23, 2009, meeting.

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

[Clerk's Note: At 12:02 pm, Chair Mathews left his seat on the Commission and Commissioner Tolhurst assumed the duties of Chair.]

10. REZONE/PLANNED DEVELOPMENT/TENTATIVE MAP

Z07-0033/PD07-0020/TM07-1448/McCann Subdivision submitted by MICHAEL, ROBYNN, and JOSHUA MCCANN to rezone from Planned Agricultural 20-Acre (PA-20) to One-Family Residential-Planned Development (R1-PD) and Open Space-Planned Development (OS-PD); Development Plan and Tentative Subdivision Map to subdivide parcel into 72 single-family residential parcels ranging in size from 6,002 to 16,809 square feet and one 7.5 acre open space lot; and design waivers have been requested for the following: (a) Allow Lots 17, 18, 20, 21, 48, 50, 51, and 52 to have less than the required lot widths; (b) Allow flag-shaped lots on Lots 17, 18, and 51; and (c) Allow sidewalks to be reduced from six feet to four feet in width. The property, identified by Assessor's Parcel Number 331-420-12, consisting of 24.3 acres, is located approximately 1,600 feet east of the intersection of Truscott Lane and Union Mine Road, in the El Dorado area, Supervisorial District III. (Mitigated negative declaration prepared) *[continued from 3/12/09, 4/23/09 & 5/28/09 meetings]*

Tom Dougherty distributed a staff memo dated June 25, 2009, with recommendations to delete Condition #16.e and modify Conditions #18 and #24, as summarized in the memo, and stated that these changes addressed the issues identified at the last Commission meeting.

There was significant discussion on the proposed development adding more pressure to existing roadways, particularly access to Union Mine High School and how it may affect the student drop-off location. Commissioner Pratt suggested that access to the backside of the school should be reviewed at some point for traffic flow instead of just having frontside access. It was also

suggested that the addition of a 3-way stop sign may need to be considered to help facilitate student drop-offs.

There was discussion with staff regarding the requested design waivers, particularly the flagged lots.

Robynn McCann, applicant, stated that all of the areas of concern from the last meeting have been addressed. She also said that the school had sent letters that identified their areas of concern and those have been addressed by staff. Ms. McCann requested that the Commission approve all of the design waivers as it is only 60% density, it won't affect the exterior parcels, and is not intended to increase the density.

Commissioners Heflin and Rain indicated that they supported staff's recommendations with the modifications identified in the staff memo.

No further discussion was presented.

Motion: Commissioner Pratt moved, seconded by Commissioner Rain, and carried (4-0), 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 submitted by staff; 3. Approve Rezone Z07-0033, based on the findings proposed by staff; 4. Approve Planned Development PD07-0020 adopting the development plan as the official Development Plan based on the findings proposed by staff, subject to the conditions of approval; 5. Approve Tentative Map TM07-1448 based on the findings proposed by staff, subject to the conditions of approval as modified to include: (a) Deletion of Condition #16.e. and (b) Modification of Conditions #18 and #24, as summarized in staff memo dated June 25, 2009; 6. Approve the request for design waiver to reduce the sidewalks from six feet to four feet wide; and 7. Deny the following design waivers since appropriate findings required in Section 16.40.010 cannot be found to exist: a) To allow Lots 17, 18, 20, 21, 48, 50, 51 and 52 to have less than the required lot widths; and b) To allow flag-shaped lots on Lots 17, 18 and 51.

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

Findings

1.0 CEQA Findings

1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated

Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.

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

2.0 General Plan Findings

- 2.1 As proposed, the project is consistent with the High Density Residential (HDR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because this land use designation identifies those areas suitable for intensive single-family residential development. Residential subdivisions utilizing the planned development concept are directed to maintain a density range from one to five dwelling units per acre. The project proposes a density of three units per acre. The 63 single-family residential parcels ranging in size from 6,002 to 16,809 square feet and one 7.5-acre open space lot conform to the General Plan land use designation.
- 2.2 As conditioned and with strict adherence to County Code, the proposal is consistent with all applicable Policies of the General Plan. As conditioned, the proposal is consistent with the intent of General Plan Objectives 2.1.1 (Community Region boundaries), Policies 2.1.1.2 (Community Region definition), 2.1.1.7 (adequate roads, utilities and addressing fire hazards), 2.2.3.1 (open space for Planned Developments), 2.2.5.3 (rezone criteria), 2.2.5.21 (compatibility with surroundings), 2.8.1.1 (lighting impacts), TC – 4i (bike lanes), 5.1.2.1 (adequate utilities), 5.2.1.2 (water for emergency), 5.2.1.4 (available domestic water), 5.3.1.1 (public wastewater), 5.7.1.1 (adequate emergency water and related facilities), 6.2.3.2 (adequate access), 7.3.3.4 (impacts to wetlands), 7.4.4.4 (impacts to oak canopy, 8.1.3.2, 8.1.4.1, 8.2.2.5 (impacts to agricultural lands), Objective 9.1.2, 9.1.2.8, Objective 9.1.3, 9.1.3.1 (trails and sidewalks). Because of the review for General Plan consistency, and as conditioned and mitigated, less than significant impacts to water, agricultural lands, visual qualities, noise, traffic, services, public facilities, public utilities, and on existing emergency response capabilities will occur. The project can be found to be compatible with the local community. It has been reviewed and conditioned by the Diamond Springs-El Dorado Fire Protection District, Department of

Transportation, County Surveyor and the El Dorado Irrigation District noting there are adequate available utilities such as water, power and solid waste facilities. As conditioned and mitigated, the project provides adequate access and site design that ensure compatibility with surrounding land uses, and is consistent with the General Plan policies identified above.

3.0 Zoning Findings

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards with an approved rezone to R1-PD and OS-PD, and with the exception of Lots 17, 18, 19, 20, 21, 48, 50, 51, 63 of the proposed 72 single-family residential parcels ranging in size from 6,002 to 16,809 square feet and one 7.5-acre open space lot parcels conform to existing zoning and the development standards in Section 17.28.040 for minimum lot width of 60 feet, minimum parcel size of 6,000 square feet when served by public water and sewer, building setback requirements of 20 feet in the front yards, five feet for the side yards and 15 feet for the rear yards as well having the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

4.0 Administrative Findings

4.1 Planned Development

- 4.1.1 The Development Plan can be found to be consistent with the General Plan because the application is for clustering the residential lots and use of mass pad grading to limit the impacts to the allowable development area and thus permitting the natural features of the open space area to be preserved, and is consistent with applicable policies as outlined in Finding 2.2.
- 4.1.2 The proposed development is so designed to provide a desirable environment within its own boundaries. The Development Plan is providing lighting, and design features which will maintain the natural features of the Deadman Creek area as well as provide a buffer from the adjacent school.
- 4.1.3 With the addition of the Planned Development overlay creating the opportunity to evaluate any changes in the future with the submission of a revision to an approved Development Plan. The Development Plan, as conditioned and mitigated and with strict adherence to County Code, can be found to exist in compliance with all County Code requirements.
- 4.1.4 The site is physically suited for the proposed uses because it is located within a Community Region and is designated by the General Plan for high-density residential use. As conditioned and mitigated and with strict adherence to County Code, there will be sufficient infrastructure to support the project.

- 4.1.5 All required utilities are available for the residential uses, including, but not limited to, water supply, sewage disposal, roads, and utilities.
- 4.1.6 The proposed uses can be found not to significantly detract from the natural land and scenic values of the site by concentrating the intended high-density use in one area and surrounding it with open space for buffering and preservation of the natural features.

4.2 Tentative Subdivision Map

- 4.2.1 *The proposed tentative subdivision map, including design and improvements, is consistent with the General Plan policies and land use map. As proposed, and modified by the conditions of approval, the map conforms to the High Density Residential General Plan land use designation and applicable General Plan policies including land use compatibility, lot size, fire safe access and emergency water supply, and mitigation for indigenous oak tree canopy and wetland impacts.*
- 4.2.2 *The site is physically suitable for the type and density of development proposed. The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately 3.00 units per acre.*
- 4.2.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat. Potential environmental impacts for the subdivision have been minimized by the lot designs, use of mass pad grading to concentrate infrastructure locations in the development area thus creating fewer impacts to the natural features in the open space area. The loss of indigenous oak tree canopy will be mitigated by in-lieu fee requirements, the wetlands will be mitigated for minimal impacts, and the potential for erosion during grading activities will be minimized by adherence to Best Management Practices required during the grading permit.*
- 4.2.4 *The subdivision shall have adequate access to accommodate the proposed density. The project has been conditioned to comply with El Dorado County Department of Transportation and Diamond Springs-El Dorado Fire Protection District requirements to assure adequate access.*
- 4.2.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties. The Diamond Springs-El Dorado Fire Protection District reviewed the proposed tentative subdivision map and conditioned the map for adherence to fire safe standards which will ensure that the project does not create serious public health and safety problems or unacceptable fire risk to current and future occupants of adjoining properties.*

5.0 Design Waiver Findings

5.1.0 Design Waiver Approval Findings

Allow sidewalks to be reduced to from six feet to four feet wide. The support for the design waiver is based on the following findings:

- 5.1.1 *It can be found that special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver* because DOT has stated they would support the design waiver to reduce the sidewalks from six feet to four-foot wide with the required 40-foot road width and 50-foot right-of-way. The permitted reduction would reduce the required grading and lessen the impacts to the natural features.
- 5.1.2 *It can be found that strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property* no agency or individual solicited for comments found that the six-foot width would be necessary and that the four-foot width can be found to be adequate to support the level of anticipated pedestrian circulation.
- 5.1.3 *It can be found that the adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public* because Diamond Springs - El Dorado County Fire Protection District and El Dorado County Department of Transportation have reviewed the subdivision request and design waiver request, and as conditioned, have recommended approval of the layout and design of the proposed lots and emergency access of the proposed parcels with implementation of the required *Wildland Fire Safe Plan*, and their recommended conditions of approval.
- 5.1.4 *It can be found that this waiver 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* because the project has been mitigated and conditioned to meet all applicable County Codes.

5.2.0 Design Waiver Findings for Denial

Permit a design waiver to deviate from the requirements of the El Dorado County Design Improvement Standards Manual (DISM). Design waivers have been requested to allow less than the required lot width for lots 17, 18, 20, 21, 48, 50, 51 and 52 pursuant to Volume II, Section 2.B.5, to allow flag-shaped lots for Lots 17, 18 and 51 pursuant to Volume II, Section 2.B.7, both of the DISM. The findings for denial for the design waiver are based on the following findings:

- 5.2.1 *It cannot be found that special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver* because the design waivers appear to simply increase the lot density with no extra benefit to the project or the County. The additional flag lots do not provide any identified benefits such as reduction of grading or avoidance of natural resources. There are no special conditions found warranting the design waiver request.

- 5.2.2 *It cannot be found that strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property because as submitted the project currently includes 30.87 percent open space and could retain that as well as the development area footprint by simply merging the substandard lots.*
- 5.2.3 *It cannot be found that the adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public because front yard setback and lot width requirements are in place to assure structure and resident protection from outside road hazards and to provide adequate emergency ingress/egress capabilities.*
- 5.2.4 *It can be found that this waiver would 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 because it can be found the reduction of lot width and to allow flag lots would only allow greater density and would not provide a public benefit.*

Conditions of Approval

1. This tentative subdivision map is based upon and limited to compliance with the project description, the Staff Report exhibits marked Exhibits A-R 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 Planned Agricultural 20-Acre (PA-20) to One-Family Residential-Planned Development, (R1-PD). The 7.4996-acre open space lot shown in Exhibit F will be rezoned to Open Space-Planned Development (OS-PD).

Tentative Subdivision Map and Development Plan to subdivide the property into 63 single-family residential parcels ranging in size from 6,002 to 16,809 square feet and one 7.5-acre open space lot. Sidewalks are to be reduced to from six feet to four feet wide. All lots will be served by public water and sewer and would be required to participate in a funding program to construct new access through roads and improve the existing ones to include Union Mine Road from Truscott Road to State Route 49, Truscott Road to Solstice Circle, and Patterson Road to Pleasant Valley Road/State Route 49. A phasing plan does not accompany this approval. The following table is a breakdown of the interior of the subdivision and the approved lots:

McCann Tentative Subdivision Map Total Area Summary			
Road right-of-way	168,960.4 sq. ft.	3.8788 acres	15.96 percent
Open space	326,682.7 sq. ft.	7.4996 acres	30.87 percent

Residential parcels	562,757.2 sq. ft.	12.9191 acres	53.17 percent
Total area	1,058,400.3 sq. ft.	24.2975 acres	100 percent

McCann Tentative Subdivision Map Individual Lot Area Summary (Lots in bold to be re-designed to have 60-foot frontage, Lots with strikeout shall be deleted)			
Lot No.	Gross Area (Total parcel area in square feet)	Lot No.	Gross Area (Total parcel area in square feet)
1	6,063	38	7,955
2	7,500	37	7,115
3	7,415	38	7,955
4	7,294	39	7,763
5	7,372	40	7,466
6	7,556	41	8,167
7	7,731	42	16,809
8	8,496	43	11,414
9	8,469	44	11,881
10	7,954	45	12,347
11	6,749	46	12,562
12	6,060	47	10,691
13	6,914	48	11,311
14	6,696	49	7,454
15	6,669	50	8,792
16	6,607	51	14,142
17	9,710	52	7,860
18	7,724	53	6,553
19	10,167	54	6,002
20	10,735	55	6,309
21	8,040	56	6,641
22	7,931	57	7,832
23	6,489	58	8,423
24	6,779	59	7,730
25	6,006	60	6,785
26	6,009	61	7,348
27	6,542	62	7,532
28	6,199	63	7,290
29	7,360	64	6,686
30	6,505	65	6,475
31	6,842	66	6,263
32	6,050	67	6,052
33	6,308	68	6,035
34	6,074	69	6,089
35	6,004	70	7,122
36	6,004	71	8,374
37	7,115	72	8,474
38	7,955	Lot A	7.4996 acres

The applicants shall submit a revised map deleting Lots 17, 18 and 51 (flag lots) and re-design Lots 20, 21, 48, 50 and 52 to provide for a minimum of 60-foot lot frontage. The revised map shall also label the open space lot as "Lot A" and "Open Space Lot," with a note on the Final Map that said Lot A is to be maintained in perpetuity as permanent open space.

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 from the Mitigated Negative Declaration

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

2. All areas designated on the tentative map as an "Open Space Lot" shall be zoned as Open Space-Planned Development (OS-PD) as part of the rezone application. Minor deviations from approved exhibits shall be allowed as needed to accommodate roads and grading adjustments that may occur during development of final improvement plans and the final map. **MM Lu-1.**

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

3. Prior to disturbance of any waters of the United States including any wetland features, the wetland delineation study for the project site shall be submitted to the Corps for their verification and approval. If fill of any potential waters of the U.S are anticipated, the appropriate Corps 404 permit must be obtained prior to the fill activity occurring. The appropriate terms of mitigation including the wetland acreage to be mitigated for would be defined in the issued Corps permit. Any waters of the U.S. that would be lost or disturbed should be replaced or rehabilitated at a "no-net-loss" basis in accordance with the Corps' mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement

should be at a location and by methods agreeable to the Corps. A total of 0.3092 acres of channels and 0.0497 acres of seasonal wetlands were mapped in the combined study area and infrastructure corridors. Wetland mitigation for this project shall be required. Mitigation may include the purchase of mitigation credits from an approved wetland mitigation bank at an appropriate ratio for each acre of wetland /waters proposed to be impacted as determined by the Corps of Engineers. [MM Bio 1].

Monitoring: The applicant shall provide a copy of the 404 permit, if required, to Development Services prior to issuance of the grading permit. If no permits are required by the Corps, a letter from the Corps shall be provided to Development Services stating that no permit shall be required for this project.

4. A 50-foot setback line shall be recorded on the final map that begins at all high-water marks or the outer boundary of any adjacent wetlands along Dead Man Creek as determined by the Corps of Engineer's verified wetland delineation of waters of the United States. No development shall occur within the setback area. No proposed lot boundary lines shall infringe on said setback lines. The identification shall be made on the final map, Site Plan Review, grading and building plans where applicable. [MM Bio 2].

Monitoring: Prior to filing of final map, Site Plan Review (SPR), grading and/or building plan approval, Development Services shall verify that the identification has been made on the final map, Site Plan Review, grading and building plans where applicable. The setback lines shall be shown on any submitted development plans submitted for the grading permit and Development Services shall verify this prior to issuance of any grading permit.

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

Monitoring: The applicant shall provide a copy of the 1602 permit to Development Services prior to issuance of the grading permit.

Planning Services Site Specific and Standard Conditions

6. The applicant shall pay the full mitigation in-lieu fee for all oak canopy removed as part of road and infrastructure improvements. The mitigation fee shall be paid at a 2:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The applicant shall provide to Development

- Services proof of payment of the mitigation in-lieu fee prior to issuance of a grading permit or removal of any oak trees.
7. The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.
 8. Prior to filing of the Final Map, Development Services shall verify that all Development Services Department fees have been paid.
 9. The applicant shall submit to Development Services the Department of Fish and Game filing fee and noticing fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
 10. Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on Saturday. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards. Development Services shall verify this requirement is placed on the Grading Plans prior to issuance of a grading permit.
 11. Prior to issuance of a grading permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Development Services if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.
 12. A water meter award letter from El Dorado Irrigation District or similar assurance form the water purveyor, guaranteeing water service upon demand to each of the parcels created, shall be submitted to Development Services at the time of filing the Final Map.
 13. Pursuant to Section 16.12.090, the project is responsible for parkland dedication which shall be satisfied by park in lieu fees. 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 General Services Facilities Department, and shall submit the receipt to El Dorado County Development Services with the Final Map application.
 14. Prior to filing a final map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).

15. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.
If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Development Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by the County Development Services Director.
16. A Homeowner's Association (HOA) shall be formed that shall be responsible for enforcement of the Covenants, Conditions, and Restrictions (CC&Rs) which shall be recorded for each parcel. Said CC&Rs shall, at a minimum, include the following provisions:
 - a. Implementation of all provisions of the Fire Safe Plan, to be approved by Diamond Springs-El Dorado Fire Protection District and Calfire.
 - b. Ongoing management and maintenance of the ten-foot wide trail easements shown on the final map.
 - c. The HOA shall be fully responsible for the ongoing maintenance and monitoring of the shared private road easement area that is entirely within the subdivision boundary as shown on TM07-1448, Exhibit F, as well as the associated drainage facilities and the associated fire safety management of those areas to specifications recommended by the Fire Safe Plan.
 - d. The HOA shall share in the maintenance and monitoring of the entire 50-foot wide easement area for Truscott Road from the west subject Subdivision boundary to where it encroaches onto Union Mine Road, and from the east boundary to where it joins with Solstice Circle, as well as the associated drainage facilities and the associated fire safety management of those areas to specifications recommended by the Fire Safe Plan to be approved by Diamond Springs-El Dorado Fire Protection District and Cal Fire.
 - d.e. The HOA shall be fully responsible for the management, monitoring and maintenance associated with the open space management of the 7.5-acre open space lot shown on TM07-1448, Exhibit F.
 - ~~e. The HOA shall form a Lighting and Landscape District to fund the street lighting and the ongoing maintenance thereof, and any shared street landscaping and perimeter boundary fencing within the subdivision.~~

- f. Any future changes in the aforementioned provisions of the final County approved version of the CC&Rs shall require further County approval.

The Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to Development Services for review, and subsequent County approval, prior to filing of the Final Map. Any future changes in the aforementioned provisions of the final County approved version of the CC&Rs shall require further County approval.

17. The trail shown on the submitted Tentative Subdivision Map (Exhibit F) shall be recorded as a ten-foot wide dedicated trail easement on the Final Map. Development Services shall review and approve the location of the trail easement prior to filing the Final Map.
18. The twelve street lights shown in Exhibit K shall conform to Zoning Code 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. The height of the lights shall be a maximum of 16-feet tall from finished grade to the top of the light head. ~~A Lighting and Landscape District be formed to fund the street lighting and any shared street landscaping within the subdivision. Development Services shall receive proof of the formation of said District prior to filing the Final Map.~~
19. The developer shall enter into an agreement with the School Districts to pay the sum of \$8,288.00 per residential unit constructed within the boundaries of the subdivision. The agreement shall provide for an annual adjustment in the fee by the increase in the Engineering News Record Construction Cost Index. This annual adjustment is based upon a base amount of \$8,288.00 as of January 1, 1997. The increase shall be calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The applicant should contact the County Office of Education prior to the issuance of any building permits to verify the applicable fee at the time of building permit issuance. The fee shall be payable by the owner of record at the time the building permit is issued and the agreement or a notice of restriction shall be recorded on the property to alert subsequent owners of this obligation.
20. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the Government Code.

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

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

El Dorado County Department of Transportation

- 21 **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 WIDTH*	RIGHT OF WAY	EXCEPTIONS/ NOTES
Truscott Lane <i>(offsite from Union Mine Road to the edge of the project property)</i> (Segment B-C)	Modified Std Plan 101B <i>(3"AC over 8"AB Min. or as recommended by geotechnical engineer)</i>	42 ft minimum	60 ft preferred but 50 ft allowed due to constraints	Curb, and gutter. A 4-foot sidewalk on the north side of roadway is required. Parking allowed on the north side in an 8-foot wide paved shoulder. A 5-foot wide bike lane on both sides.
Street A, B, & C- <i>(onsite)</i> (Includes Segment C-D and northward to G)	Modified Std Plan 101B <i>(3"AC over 8"AB Min. or as recommended by geotechnical engineer)</i>	48 ft (parking allowed either side) Street B south of Road A intersection: 40 ft Street C cul-de-sacs: 40 ft	60 ft	Curb, gutter, and 4-foot sidewalks on both sides required. A 4-foot wide bike lane on both sides of the roadways consistent with the Highway Design Manual. Bike lanes would only be required on Road B north of the intersection with Road A.
<i>Solstice Circle South (offsite from the edge of the project property to existing Solstice Circle South)</i> (Segment D-E)	Modified Std Plan 101B <i>(3"AC over 8"AB Min. or as recommended by geotechnical engineer)</i>	28 ft	60 ft	Curb and gutter required. No sidewalks required. No Parking signs to be installed by applicant.

* 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

22. **Encroachment Permit:** a) The applicant shall obtain an encroachment permit from DOT for all work done on Solstice Circle South and Union Mine Road. 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.
- b) The applicant shall construct the roadway encroachment from Cody Lane to Truscott to the provisions of County Design Std 103D. 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.
23. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate a Road and Public Utilities Easement for each segment of roadway as indicated in Table 1, upon completion of the construction of each roadway.
24. **Maintenance Entity:** The proposed project shall form an entity for the maintenance of the private roads, parking facilities, landscaping, lighting, and drainage facilities. A Zone of Benefit (ZOB) shall be formed for the perpetual maintenance of Road A, Solstice Circle South, and Truscott Lane (Segment B-C) within 120 days of submittal of a complete Offer of Dedication application from the Union Mine High School District. The remaining roadway segments in Table 1 must either be included in this ZOB or must be maintained by a separate maintenance entity. DOT shall review the documents forming the ZOB and the maintenance entity to ensure the provisions are adequate prior to filing of the map.
25. **Turnaround:** All proposed turnarounds shall be built 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.
26. **Temporary Turnaround:** Until Street B is connected as a through road north of the project, the applicant shall provide a temporary turnaround at the end of the road. The applicant shall also install a temporary standard barricade at the end to signify a future roadway connection will be constructed in the future. 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.
27. **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.
28. **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.

29. **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.
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 final map or the applicant shall obtain an approved improvement agreement with security.

31. **Traffic Impact Mitigation:** Pursuant to the conclusions of the project-specific traffic study, the applicants shall pay their fair share for: 1) the installation of an additional approach lane for southbound traffic on Forni Road, 2) installation of a traffic signal at Pleasant Valley and Patterson, and 3) the installation of a traffic signal at Pleasant Valley and SR 49 West. The applicant shall pay for these improvements as determined by DOT, prior to filing of the Final Map.

32. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
33. **Road & Public Utility Easements:** The applicant shall provide a 50-foot wide non-exclusive road and public utility easement for the on-site access roadways prior to the filing of the map.
34. **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 for this encroachment shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
35. **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.
36. **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.
37. **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 Final Map.
38. **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).
39. **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.
40. **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.
41. **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.
42. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the Final Map.
 43. **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.
 44. **Grading Permit / Plan:** A subdivision grading permit is required for the project. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "*Design and Improvement Standards Manual*", the "*Grading, Erosion and Sediment Control Ordinance*", the "*Drainage Manual*", the "*Off-Street Parking and Loading Ordinance*", and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
 45. **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.
 46. **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.
 47. **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.
48. **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.
 49. **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.
 50. **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.
 51. **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.
 52. **Off-site Improvements (Security):** Prior to the filing of the 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.

53. **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 map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

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

54. **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 "Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the Final Map.
55. **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.
56. **TIM Fees:** The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

Environmental Management Department - Hazardous Materials Division

57. 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 work plan and conduct a Phase II ESA and any required site remediation activities prior to developing property.

Diamond Springs-El Dorado Fire Protection District

58. Required fire flow for a residential type parcel split for less than 3,600 square feet is 1,000 gallons per-minute, for duration of 2 hours, at a minimum 20 p.s.i. Over 3,600 square feet is 1,500 gallons per-minute, for duration of 2 hours, at a minimum 20 p.s.i.
59. Fire Hydrants: Average spacing between hydrants is 500 feet on residential streets and 1,000 feet when parcels are greater than two acres, per CFC Section 508 and Appendix C. Fire hydrants shall be accessible to fire department apparatus by roads meeting the requirements of Section 503, and fire hydrant placement shall be approved by this Fire District.
60. Fire apparatus access roads, 20 to 29 feet wide, shall be posted on both sides as a fire lane, with no parking allowed on either side of the roadway.
61. Fire apparatus access roads, 30 to 39 feet wide, shall be posted on one side as No Parking, Fire Lane, with parking allowed only on the opposite side of the roadway.
62. Fire apparatus access roads 40 feet and greater may allow parking on both sides of the roadway.
63. A Fire Safe Plan shall be required for this subdivision by a Fire District approved Fire Safe Planner, per California Department of Forestry State Responsibility Area (SRA) Fire Safe Regulations. The purpose is to reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic setting of fuel modification and greenbelt shall provide.
64. Approval of subject project is conditioned on meeting the public safety and fire protection requirements of the County of El Dorado General Plan, which shall include provision of a financing mechanism for said services. The financing mechanism shall include inclusion within, or annexation into, a Community Facilities District ("CFD") established under the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311 et seq.) established by the Diamond Springs / El Dorado Fire Protection District ("District") for the provision of public services permitted under Government Code § 53313, including fire suppression services, emergency medical services, fire prevention activities and other services (collectively "Public Services"), and as such, shall be subject to the special tax approved with the formation of such CFD with the Tract's inclusion or annexation into the CFD.

County of El Dorado Office of the County Surveyor

65. 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.
66. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office prior to filing the Final Map

11. DESIGN REVIEW

DR00-0011/76 Gas Station/Circle K Mini Mart submitted by CONOCOPHILLIPS (Agent: Griffin Williamson) for a Design Review for a proposed 2,976 square foot Circle K mini-mart and a 76 gas station, with 6 fuel stations, for a total of 12 fueling positions, under a 4,000 square foot canopy. The property, identified by Assessor's Parcel Number 090-430-42, consisting of 0.64 acres, is located on the south side of U.S. Highway 50 at the southeast corner of the intersection of Mother Lode Drive and South Shingle Road in the Shingle Springs area, Supervisorial District II. (Environmental Impact Report (EIR) prepared) *[continued from 5/14/09 meeting]*

Lillian MacLeod stated that at the May 14, 2009, meeting, this item had been continued for 30 days to allow the missing figures to be reviewed by the public. Mrs. MacLeod said that during this time period, the consultant identified some typos and requested to make minor modifications, which are referenced in the staff memo dated June 8, 2009. She also informed the Commission that the color of the building was discussed at the last meeting and the applicant has submitted a revised color chart. Mrs. MacLeod proceeded to summarize the contents of the staff memo dated June 8, 2009.

Laurie D'Alessandro, representative of Convenience Retailers, LLC, stated that they have met the requirements and have addressed concerns; therefore, she was requesting the Commission's approval.

Griffin Williamson, applicant's agent, said that all of the requirements have been met and requested to proceed with the project.

Commissioner Rain recommended that the Commission approve the project even though it most likely will be appealed to the Board.

No further discussion was presented.

Motion: Commissioner Rain moved, seconded by Commissioner Heflin, and carried (4-0), to: 1. Accept the *Corrections to the Final EIR* in Exhibit 1; 2. Certify that the Final EIR, as based on the findings in Attachment 3 of the staff report and as corrected in Exhibit 3: (a) Has been completed in compliance with CEQA; (b) Was presented to the Commission and

that the Commission reviewed and considered the information contained in the Final EIR prior to approving the project; and (c) That it reflects Planning Services' independent judgment and analysis; 3. Adopt the *Mitigation Monitoring and Reporting Program* in Attachment 4 of the staff report, as revised in Exhibit 2; and 4. Approve the design review, DR00-0011, as the required findings can be made as noted in Attachment 2 based on the analysis in the staff report and the modification of the project to include mitigation measures and conditions itemized in Attachment 1, as revised.

AYES: Pratt, Heflin, Rain, Tolhurst

NOES: None

ABSENT: Mathews

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

Findings

1. The proposed project, as mitigated and conditioned, will not have a significant effect on the environment and an EIR has been filed. Further, the project will not affect wetlands, watercourses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. 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. The proposed use and design conforms to the General Plan General Plan Policies 2.2.1.5, 2.4.1.4, 2.5.2.2, 2.8.1.1, TC-Xd and TC-Xf (as amended by voter approval of Measure Y in November 2008), TC-Xg, TC-4e, and 2.6.1.3 in that the site is located within the Community Region of Shingle Springs in an area of existing commercial facilities, proposed development falls well under the building intensity threshold for the site, the use is consistent with commercial development as defined under the Commercial land use designation, conditions and mitigation measures consisting of right-of-way dedications, roadway and frontage improvements, and payment of TIM fees, as reflected in revisions to Mitigation Measures 4.12.1a, .1b, and .1c, will reduce traffic impacts from both the design and use of the site to less than significant, and the subject application, DR00-11, complies with the requirement for discretionary review.

Further, the proposed use and design, as mitigated and conditioned, conforms to the Zoning Ordinance by being a use allowed by right within the Commercial Zone that is consistent with the development standards of setbacks, minimum lot size and width, and maximum building coverage and height. Further, in compliance with the requirements for a design review due to its visibility from U.S. Highway 50, the proposed site design conforms to signage, parking, landscaping, and lighting requirements under Chapters 17.16, 17.18, and Section 17.14.170, respectively.

3. The proposed use and design will not be detrimental to the public health, safety, and welfare, or injurious to the neighborhood, as the potential impacts were analyzed and

found to be less than significant under the CEQA Findings in Attachment 3, subject to the mitigation measures and required monitoring program, conditions of approval, and compliance with all applicable provisions under the County Code.

Conditions of Approval

Development Services:

1. The project, as approved, shall allow a 2,976 square foot Circle K mini-mart and 76 fuel station with 6 fueling stations under a proposed 4,000 square foot canopy conforming to Exhibits E, F (Revised), F1, G, G1, and H. The following building colors are to be used:

Circle K Building

Wainscoting = ~~Beige~~ “Sierra Aspen” tile; Contrast trim “Vermillion Red”

Walls = ~~White~~ Dunn Edward “Weathered Coral” paint

Accent = Red paint/tile

Sign = Circle K logo

Canopy

Sides Fascia = “Oasis White” and “Red”

Columns = “Oasis White”

Accent = “Oasis Silver”

Sign = 76 logo”

2. Landscaping along the road frontages shall be maintained to insure line-of-sight visibility pursuant to American Association of State Highway and Transportation Officials (AASHTO) or Caltrans Highway Design Manual standards to the satisfaction of the Department of Transportation. At a minimum, no foliage, sign or structural feature between the height of 30 inches and seven feet above grade shall extend into the cross-visibility areas (CVA) defined as follows:
 - a. At a corner formed by any encroachment onto the roadway, the CVA shall be a triangle having two sides 15 feet long, running along the driveway/encroachment edge and the roadway edge-of-pavement, said length beginning at their intersection, and the third side formed by a line connecting the two ends.
 - b. At any street corner intersection, the CVA shall be a triangle having two sides 35 feet long, running along each roadway edge of pavement, said length beginning at their intersection, and the third side formed by a line connecting the two ends.
3. A final landscape plan, to include a Water Conservation Concept Statement, shall be submitted during the building permit process and will be reviewed and approved by staff for substantial compliance with Exhibit J, the preliminary landscape plan. An on-site inspection verifying compliance with the plan will be performed by staff prior to final occupancy.

4. All exterior lighting shall conform to Exhibit I. Motion sensor activation will be required for the rear wall lighting.
5. Signage shall conform to Exhibit K.
6. The trash receptacle enclosure doors shall remain closed at all times when not in use.
7. The project shall be subject to the issuance of a building permit from the El Dorado County Building Department.
8. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,768.25 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.

Department of Transportation: (as revised January 5, 2009 based on amendments to Measure Y)

9. **Encroachment Permits:** The applicant shall obtain an encroachment permit from the Department of Transportation and shall construct the driveway encroachments from the proposed project onto Mother Lode Drive and South Shingle Roads to the provisions of Standard Plan 110 of the County *Design and Improvement Standards Manual (DISM)*. The encroachments shall be located as far away from the intersection of Mother Lode Drive / South Shingle Road / US Highway 50 Eastbound on and off ramps as feasible. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to issuance of a building permit.
10. **Deceleration Lane Improvements:** The applicant shall modify the right only lane on the US Highway 50 Eastbound off-ramp at Mother Lode Drive to a through lane and provide a deceleration lane for turning into the project site from Mother Lode Drive. The improvements shall be completed to the satisfaction of the Department of Transportation prior to final occupancy approval.
11. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate in fee, a 50 foot right-of-way (half-width) along the entire frontage of South Shingle Road and Mother Lode Drive and a 20 foot radius at the northwest property corner as determined by the Department of Transportation prior to issuance of a building permit. This offer will be accepted by the County. The applicant shall also irrevocably offer to dedicate a slope easement adjacent to the proposed right-of-way along South Shingle Road and Mother Lode Drive of sufficient width to accommodate the proposed slope and 5 feet beyond the top of slope.
12. **Construction Easements:** The applicant shall provide any required temporary construction easements needed for the approved U.S. Highway 50/Ponderosa/South

Shingle Roads Interchange Improvement CIP Projects Nos. 71333 and 71338 within 14 days of written request for said easement.

13. **On-site Frontage Improvements:** The applicant shall improve the project frontage consistent with the provisions of the *DISM* Standard Plans 101A and 109 in effect at the time improvement plans are submitted for review and approval. The Department of Transportation may determine at the time of improvement plan submittal, given the status and timing of the forthcoming CIP projects, that installation of these frontage improvements is not appropriate. If so, the applicant shall submit a cash in-lieu payment to the County at the time of permit issuance for the curb, gutter, and sidewalk improvements. The improvements shall be completed to the satisfaction of the Department of Transportation prior to issuance of a building permit.
14. **Right-in / Right-out:** Due to the proposed CIP projects and the improvements to the adjacent intersections and interchange, the driveway encroachments may be restricted to right-in / right-out vehicular access as determined by the Department of Transportation . This condition shall appear on all site plans and installation of appropriate signage may be required by the Department prior to issuance of a building permit.

Department of Transportation Standard Conditions: (as updated in compliance with current standards and requirements)

15. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
16. **Road & Public Utility Easements:** The applicant shall irrevocably offer to dedicate a 50-foot wide (half-width) non-exclusive road and public utility easement along South Shingle Road and Mother Lode Drive, prior to issuance of building permits. Slope easements shall be included as necessary.
17. **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 prior to improvement plan approval.
18. **Curb Returns:** All curb returns at pedestrian crossings 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.
19. **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 County prior to being used.

20. **Construction Hours:** Construction activities shall be conducted in accordance with the General Plan Public 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.
21. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the *DISM* from the County Department of Transportation, and pay all applicable fees prior to issuance of a building permit.
22. **Import/Export Grading Permit:** Any import or export to be deposited or borrowed within the County shall require an additional grading permit for that offsite grading.
23. **Grading Permit / Plan:** A commercial grading permit is required for the project. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County's "*Design and Improvement Standards Manual*", the "*Grading, Erosion and Sediment Control Ordinance*", the "*Drainage Manual*", the "*Off-Street Parking and Loading Ordinance*", and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of the Department of Transportation and/or Development Services (whichever is applicable).
24. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the County's Resource Conservation District (RCD) and the Department of Transportation or Development Services (whichever is applicable). The RCD shall review and make appropriate recommendations to the County. Upon receipt of the RCD's report, 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 *Grading Ordinance* and *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.
25. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the RCD. If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation or Development Services (whichever is applicable) shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
26. **Soils Report:** At the time of submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report subject to the requirements of the *Grading Ordinance* for review and approval from the Department of Transportation

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

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

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

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or the applicant shall be required to 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. A Scoping Meeting for the required drainage study between County staff and the engineer shall occur prior to the first submittal of improvement plans. The engineer shall bring a watershed map and any other existing drainage system information to the Scoping Meeting. The improvements shall be completed to the approval of the Department of Transportation or Development Services (whichever is applicable), prior to final occupancy.

28. **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.

29. **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.
30. **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) with the State Water Resources Control Board (SWRCB) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity. This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, filing fee, location map, and Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the filing shall be submitted to the County prior to building permit issuance and, in compliance with state law, must be done prior to commencing construction.
31. **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 the Department of Transportation that contains the drainage report, structural wall calculations, and geotechnical reports in PDF format, and the record drawings in TIF format.
32. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time of issuance of the first building permit.

Environmental Management:

33. The applicant shall comply with all County and State requirements relative to the use, storage, and monitoring of all hazardous materials stored and/or utilized on the site.
34. Plans for the convenience store must be submitted to and approved by Environmental Health at the time of construction. All plans must be in compliance with the requirements contained in the California Uniform Retail Food Facilities Law.
35. The project is subject to the issuance of a permit from the Environmental Management Department for the installation of all components related to the gasoline fueling station. This will require the submittal of plans for review and approval with the payment of fees.
36. Should ground water be encountered at the site during the installation of fuel storage tanks, a vadose zone, or well monitoring system will be required. The design and installation of same will be subject to the review and approval of the Environmental Management Department. To assure compliance with this issue the applicant shall notify the Environmental Management Department once all tank excavation is complete and prior to the placement of any bedding or backfill material to verify the existing field conditions as they relate to the presence of groundwater.

37. The on-site facility improvements shall include the installation of one or more oil / water separators as a component of the surface water runoff controls. The design and installation of this system shall be subject to the review and approval of the Environmental Management Department.
38. A Hazardous Materials Management Plan (HMMP) shall be prepared for this facility. This plan is subject to the review and approval of the Environmental Management Department. All contact information, as required as a part of this plan, shall be provided to the Department prior to the use of this facility by the public.

El Dorado County Fire Protection District:

39. The location of fire hydrants and systems for fire flows are to meet the requirements of the El Dorado County Fire Protection District. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the District.
40. 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 El Dorado County harmless from any legal fees or costs the County may incur as a result of such action.

The developer and land owner 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 this permit.

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

12. ADJOURNMENT

Meeting adjourned at 12:22 p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

Alan Tolhurst, Chair Pro Tem