



COUNTY OF EL DORADO PLANNING COMMISSION

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

Dave Pratt, Chair, District 2
Walter Mathews, First Vice-Chair, District 4
Tom Heflin, Second Vice-Chair, District 3
Lou Rain, District 1
Brian Shinault, District 5

Char Tim Clerk of the Planning Commission

MINUTES

Regular Meeting
September 27, 2012 – 8:30 A.M.

1. CALL TO ORDER

Meeting was called to order at 8:30 a.m. Present: Commissioners Rain, Heflin, Pratt, Mathews and Shinault; Paula Frantz-County Counsel*; and Char Tim-Clerk of the Planning Commission.
[*Arrived at 9:09 a.m.]

2. ADOPTION OF AGENDA

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

AYES: Rain, Mathews, Shinault, Heflin, Pratt
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: September 13, 2012

Staff Recommendation: Approve Meeting Minutes as presented

END OF CONSENT CALENDAR

Motion: Commissioner Mathews moved, seconded by Commissioner Rain, and carried (5-0), to approve the Consent Calendar.

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

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

Roger Trout, Development Services Director, spoke on the following items:

- County Budget was heard on September 17, 2012 and was formally adopted on September 25, 2012;
- Board of Supervisors did not approve an extension to the Urgency Sign Ordinance Moratorium;
- On September 18, 2012, the Board of Supervisors approved a comment letter prepared by Sacramento County on the Draft EIR for the Mather Airport Master Plan and staff will forward a copy of the letter to the Commission once it has been finalized;
- A Special Meeting was held on September 24, 2012 by the Board of Supervisors regarding direction on the Oak Woodland Management Plan (OWMP) and the Land Use Policy Programmatic Update (LUPPU). The Board approved staff's recommendation on the OWMP and directed staff to proceed with the new NOP for the LUPPU;
- On September 25, 2012, the Board of Supervisors approved the funding agreement for the preparation of an EIR for the Tilden Park project; and
- Commended County Counsel Paula Frantz on an excellent job of coordinating and instructing a writing class for Planning and DOT staff.

Peter Maurer informed the Commission that due to a settlement agreement on Creekside Plaza, the applicant was requesting the Board rescind their approvals. This project would be returning to the Commission with an EIR to address various issues raised in the lawsuit.

Eileen Crawford/DOT stated that the Silver Springs agreements were approved by the Board of Supervisors on September 24, 2012.

6. **COMMISSIONERS' REPORTS**

Chair Pratt inquired on the status of a bike event policy and stressed the importance of having this item move higher on DOT's list of priorities.

9:00 A.M. – TIME ALLOCATION

7. **PUBLIC FORUM/PUBLIC COMMENT** – None

8. **SPECIAL USE PERMIT**

S12-0012/Badger's Dog Training submitted by JEFF and RENEE BADGER to allow the use of an existing horse arena for dog training as an expanded home occupation. The property, identified by Assessor's Parcel Number 319-060-61, consisting of 5 acres, is located on the south side of Austin Lane, approximately 600 feet east of the intersection with Green Valley Road, in

the Greenstone area, Supervisorial District 3. [Project Planner: Tom Dougherty] (Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines)**

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

Commissioner Heflin commented that the noise and odor issues had been addressed.

Renee Badger/applicant was present and available for questions.

Chair Pratt closed Public Comment.

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner Mathews, and carried (5-0), to take the following actions: 1. Find the project is Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities); and 2. Approve Special Use Permit S12-0012 based on the Findings and subject to the Conditions of Approval as presented.

AYES: Rain, Shinault, Mathews, Heflin, Pratt

NOES: None

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

Findings

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

1.0 CEQA FINDINGS

1.1 The dog training facility is found to be Categorically Exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

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

2.0 GENERAL PLAN FINDINGS

- 2.1 The Planning Commission finds the project is consistent with the following General Plan policies:
- a. 2.2.5.21 (compatibility with surroundings) because as conditioned, it would be compatible with surrounding uses, have minimal impacts on visual resources, existing utilities, existing emergency response access and times, and will create noises at insignificant levels. There are adequate services to facilitate the site, such as water, power and telephone communication facilities.
 - b. 6.2.3.2 (adequate access) because both DOT and the Diamond Springs-El Dorado Fire Protection District have found that the project has adequate emergency access capability.
 - c. 6.5.1.7 (noise exposure) because project is conditioned that dogs cannot be left onsite, have owners present, and that the classes are for short periods of time and the project is anticipated to create only occasional noise impacts from a potential random bark. No significant noise impacts are anticipated that will conflict with County standards listed in Table 6-2 in the General Plan that limits noise emission levels.

3.0 ZONING FINDINGS

- 3.1 The project site is zoned RE-5 and pursuant to Section 17.28.200.G, home occupations that require special considerations including home occupations conducted outside of the residence. The project, as proposed and conditioned, is compliant with the Zoning Ordinance.

4.0 SPECIAL USE PERMIT FINDINGS

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

The proposed use is consistent with the policies and requirements of the General Plan, as set forth in Finding 2.1.

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

The use will not conflict with the adjacent uses as the use is not anticipated to create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report.

4.3 **The proposed use is specifically permitted by Special Use Permit.**

The proposed use complies with the requirements of County Code Section 17.28.200.G (special use permit required for the RE-5 Zone District), and 17.28.210 (development standards for the RE-5 Zone District).

Conditions of Approval

Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

Exhibit F.....Site Plan
Exhibit G.....Parking Plan

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.

Approval of the Special Use Permit allows the use of an existing horse arena for dog training as an expanded home occupation within the existing 1.66-acre parcel identified by Assessor's Parcel Number 319-060-61, and consisting of the following:

- a. Training classes for a maximum of five dogs per class, one evening a week, up to three classes per evening, for up to 30 weeks a year;
- b. Up to three combined class competitions per year for up to 10 dogs and 20 people; and
- c. No dogs are permitted to be left onsite and owners shall be present at all times.

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

2. **Expiration:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit

and make diligent progress toward implementation of the project and compliance with conditions of approval.

3. **Changes or Expansions of the Approved Project:** Expansions to the approved project shall be subject to review and approval by the Development Services Director. Should the Director find that additional expansions of the use or facilities would significantly change what was approved, the Director shall decide if the changes can be approved administratively or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit. This review shall always occur prior to any approved project modifications.
4. **Lighting:** Any outdoor lighting utilized by the project shall comply with County Code Section 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should any installed light be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.
5. **Compliance Responsibility:** The property owners are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the property owners.
6. **Parking:** The applicants shall assure that all parking areas are maintained to be dust and mud free, and all grasses in those areas shall be kept clear to a two-inch stubble.
7. **Fish and Game Fee:** A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services immediately following the hearing project approval.
8. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The 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 a Special Use Permit.

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

Air Quality Management District

9. The proposed project has the potential to generate and release particulate matter (PM10) in the form of fugitive dust during the dog training activities. To prevent fugitive dust, the applicant shall be in compliance with AQMD Rule 223 Fugitive Dust at all times.
10. The proposed project has the potential to generate odors. The applicant shall be in compliance with AQMD Rule 205 Nuisance at all times.

9. PLANNED DEVELOPMENT REVISION/PARCEL MAP

PD97-0004-R/P12-0002/Placerville Professional Building submitted by MISSOURI FLAT VENTURES LP (Agent: Palos Verdes Properties, Inc.) for the following: 1) Revision of an approved Development Plan to modify the proposed use, site plan, and building elevations to construct one professional office building totaling 11,997 square feet; and 2) Tentative Parcel Map to subdivide a 2.535 acre parcel into two commercial parcels of 0.97 acre and 1.56 acres in size. The property, identified by Assessor's Parcel Number 327-130-03, consisting of 2.535 acres, is located on the west side of Missouri Flat Road immediately north of Prospectors Plaza and approximately 1,100 feet north from the intersection with U.S. Highway 50, in the unincorporated area of Placerville, Supervisorial District 3. [*Project Planner: Pierre Rivas*] (Negative Declaration prepared)*

Pierre Rivas presented the item to the Commission with a recommendation for approval. He stated that a public comment letter had been received, but the issues were more addressed to the adjacent future proposed project identified as The Crossings. Mr. Rivas indicated that he had met with the member of the public to discuss his concerns.

Leonard Grado/applicant provided detailed information on the project's parking lot and the adjacent parking lot of the future proposed project identified as The Crossings.

Commissioner Rain disclosed that he met with the applicant prior to today's hearing.

Chair Pratt closed Public Comment.

Mr. Rivas informed the Commission that there was an error in the Staff Report on page 11, paragraph 5. He stated that the sentence "*As discussed above in the **Pedestrian/Bike Paths, Policy TC-4i** section, DOT has conditioned the project to provide a new Class 2 bike lane along the project frontage on Missouri Flat Road.*" should be struck out.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Rain, and carried (5-0), to take the following actions: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; 2. Approve Planned Development Revision PD97-0004-R,

adopting the Development Plan as the official Development Plan, based on the Findings and subject to the Conditions of Approval as presented; and 3. Approve Tentative Parcel Map P12-0002 based on the Findings and subject to the Conditions of Approval as presented, with the approvals based on the edit identified in the Staff Report.

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

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

Findings

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The 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 based are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Commercial land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because the Commercial land use designation includes commercial retail, office, and services as compatible uses.
- 2.2 The proposal is consistent with the intent of General Plan Policies 2.2.1.2 (commercial uses), 2.2.5.21 (compatibility with surroundings), 2.8.1.1 (lighting impacts), TC-4i (bike lanes), TC-5b (curbs and sidewalks), TC-Xf (traffic levels), 5.3.1.1, 5.3.1.7 (public wastewater), 5.7.1.1 (adequate emergency water and related facilities), 6.2.3.2 (adequate

access), 9.1.2.4, 9.1.2.8, (non-motorized transportation) concerning the requirement for a planned development request, lighting glare, traffic impacts, potable and emergency water supply, waste and storm water and the inclusions of provisions that promote non-vehicular travel. Because of the project's provisions of adequate access, site design, and attention to architectural design features that are compatible with the surrounding uses and consistent with the Missouri Flat Design Guidelines, it is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The project is consistent with the El Dorado County Zoning Ordinance designation of Commercial because the proposed project provides areas for office, retail, and restaurant uses pursuant to Section 17.32.180 of the Zoning Code.
- 3.2 The project, as proposed and conditioned is consistent with the El Dorado County Zoning Ordinance Development Standards because the two proposed commercial parcels are being addressed with a planned development application, and the proposed buildings meet the development standards pursuant to Section 17.32.200 of County Code.

4.0 ADMINISTRATIVE FINDINGS

4.1 Planned Development Findings

- 4.1.1 **The planned development zone request is consistent with the General Plan.** The planned development request is consistent with the General Plan because the application is for a commercial development, being developed to serve the residents, businesses and visitors, consistent with the Commercial land use designation, 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 proposed development provides landscaping, lighting, pedestrian traffic, and subdued design features which will enhance the environment for the tenants within the office, retail, and/or restaurant development consistent with the Missouri Flat Design Guidelines.
- 4.1.3 **Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.** The project is being developed or conditioned to comply with all County Code requirements.
- 4.1.4 **The site is physically suited for the proposed uses.** The site is physically suited for the proposed uses since it is located within a business and commercial environment and the development area is concentrated along the existing road corridor.
- 4.1.5 **Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.** All required utilities are available

for the proposed uses, including, but not limited to, water supply, sewage disposal, roads, and utilities.

- 4.1.6 **The proposed uses do not significantly detract from the natural land and scenic values of the site.** The proposed uses do not significantly detract from the natural land and scenic values of the site since it is devoid of native trees and shrubs and the proposal will provide the required landscaping.

4.2 Parcel Map Findings

- 4.2.1 **The proposed parcel map, including design and improvements, is consistent with the General Plan policies and land use map.** The Parcel Map request is consistent with the General Plan, because the application is for a commercial development being developed to serve the residents, businesses and visitors, consistent with the Commercial land use designation, and is consistent with applicable policies as outlined in Finding 2.2.

- 4.2.2 **The proposed parcel map does conform to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.** The Tentative Parcel Map conforms to the applicable standards and requirements of the County's zoning regulations except for minimum parcel size for each unit and the Minor Land Division Ordinance, because the project site has been evaluated in accordance with the Commercial development regulations, and it has been found that the project complies with the minimum design standards, as conditioned.

- 4.2.3 **The site is physically suitable for the proposed type and density of development.** The site is physically suitable for the proposed type and density of development because the site is located within lands designated by the General Plan for commercial uses, and it can be found that the site is suited for the retail/office/restaurant development.

- 4.2.4 **The proposed Parcel Map is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.** The proposed Parcel Map will not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. The Parcel Map is an administrative document to allow the individual ownership of the two parcels within the development. No significant environmental impacts are anticipated by the Parcel Map.

- 4.2.5 **The design of the Parcel Map is not likely to cause serious public health hazards.** The design of the Parcel Map is not likely to cause serious public health hazards. The proposed parcel map would not create an undue negative impact upon adjoining properties. It can be found that the improvements would not be detrimental to the public health, safety and welfare or injurious to immediate project vicinity because the surrounding infrastructure is in place that can support it.

5.0 FINDINGS OF CONSISTENCY WITH THE MC&FP

5.1 The project is conditioned to require annexation into the Community Facilities District No. 2002-01 (Missouri Flat Area), therefore, the project is found to be consistent with the Missouri Flat Circulation and Funding Plan.

6.0 FINDINGS OF CONSISTENCY WITH THE MISSOURI FLAT DESIGN GUIDELINES

6.1 The project was analyzed for consistency with the applicable sections of the guidelines for the landscaping, lighting, architectural design, materials and colors of the buildings, trash enclosures, bike racks, and signs; and as conditioned, the project is found to be consistent with the Missouri Flat Design Guidelines.

Conditions of Approval

Planning Services

1. Development Plan, and commercial Parcel Map are based upon and limited compliance with the project description, the Staff Report Exhibits and Conditions of Approval set forth below.

Any deviations from the project description; exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The project allows for Tentative Parcel Map, and commercial Development Plan for the parcels currently identified by Assessor's Parcel Numbers 327-130-03 as follows:

a. Planned Development: Development Plan allows the construction of one single-story building on Parcel 2 with Parcel 1 to remain undeveloped until a new or revised Planned Development is approved.

The approved Development Plan shall be a commercial office building totaling 11,997 square feet and includes the following 13 Exhibits:

- Exhibit F-1Site Plan (Sheet A1.1)
- Exhibit F-2Site Details (Sheet A1.2)
- Exhibit G-1.....Site Plan/Building Elevations (Sheet 1)
- Exhibit G-2.....Building Elevations (Sheet A3.1)
- Exhibit G-4.....Roof Plan (Sheet A2.3)
- Exhibit H.....Sign Plan (3 pages)
- Exhibit I-1Electrical Site Plan
- Exhibit I-2Lighting Information (Sheet SE.2)

- Exhibit J-1Landscape Irrigation Water Analysis (Sheet I-1)
- Exhibit J-2Irrigation Details (Sheet I-2)
- Exhibit J-3Irrigation Legend (Sheet I-3)
- Exhibit J-4Preliminary Planting Plan (Sheet L-1)
- Exhibit J-5Planting Details (Sheet L-2)

b. Tentative Parcel Map: Parcel Map shall create two commercial as follows in the table below:

Placerville Professional Building Tentative Parcel Map Parcel Summary		
Parcel No.	Acres	Proposed Development
1	0.97	7,000 sf office/retail or 3,500 sf fast food*
2	1.56	11,997 sf office
Total Project Acres/sq. ft.	2.53±	18,997 sf or less

* Anticipated development only. Future development of Parcel 1 would require approval of a Planned Development application.

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

The subject property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto.

Minor modifications to the approved Development Plan may be administratively approved by the Development Services Director in accordance with the findings under County Code Section 17.04.070. Major modifications shall require approval of a revision to the Development Plan subject to approval by the Planning Commission.

2. **Planned Development Expiration:** The Planned Development shall remain valid for a period of three years from the date of approval unless the applicant files for a time extension prior to the expiration of the map.
3. **Tentative Parcel Map Expiration:** The tentative parcel map shall remain in effect for three years from the date of approval. If the map has not been filed within this timeframe, an extension may be requested prior to expiration of the map. Any required fees shall be paid to process the time extension.

4. **Conditions Compliance:** Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval. The written description for each tenant improvement shall state how it complies with the whole project parking tally as discussed in Condition 9 below.
5. **Site Improvements:** Building design, colors, building placement, and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with all Exhibits listed in Condition 1 above. Minor variations may be permitted; however, any major changes in the design and location of building, building elevations, landscaping, trash enclosure, bike racks, access driveways, or parking shall require review and approval by Planning Services prior to project modifications.

The project proposes the following colors and materials for the associated building components:

The roof-mounted equipment shall be located inside a roof well and shall not be visible at all.

6. **Landscaping:** The final landscape plan shall be consistent with Exhibits J-1, J-2, J-3, J-4, and J-5; and comply with Zoning Code Chapter 17.18.090 and General Plan Policies 7.3.5.1 and 7.3.5.2; and be approved by Planning Services prior to issuance of a building permit. The following additional information would need to be submitted prior to final inspection of installed landscaping:
 - a. Completed, signed Model Water Efficient Landscape documents consistent with the new County Model Water Efficient Landscape Ordinance.
 - b. A filed copy of an irrigation audit report or survey approved by El Dorado Irrigation District with the Certificate of Completion.

The applicant shall install and maintain the landscaping in accordance with the approved final landscaping plan in perpetuity.

7. **Lighting:** All outdoor lighting shall conform to the Electrical Site Plan/Photometric Site Plan Exhibit I-1 and I-2, and Section 17.14.170 of the Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Any light fixture shown on Exhibit I-1 that does not have a specification sheet submitted with the building permit that specifically states that fixture meets the said full cutoff standards, shall require a fixture substitution that meets that requirement. In addition, the following apply:

- a. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.
- b. Any lighting for outdoor display areas shall be turned off within 30 minutes after the closing of the business. No more than 50 percent of the parking lot lighting may remain on during hours of non-operation. Any security lighting on the buildings shall be designed with motion-sensor activation.
- c. Pursuant to page 3.43 the Missouri Flat Design Guidelines, no pole light shall exceed 15-feet in height.

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

8. **Signs:** All signage installed as part of the project shall demonstrate consistency with the approved Sign Plan as shown in Exhibit H for location, materials, sizes and colors. There shall be no signs and/or banners placed, mounted, displayed in any window, in any building, within the approved project area.
9. **Parking:** Parking shall be improved consistent with Chapter 17.18 of the County Code, including the April 14, 1993 California Accessibility Regulations. Prior to issuance of any tenant improvement/building permit within the entire Development Plan area, the applicant for the tenant improvement shall provide a parking tally of all existing and proposed parking which shall be kept by all parcel and building owners as well as Planning Services to ensure the proposed use combinations will not result in a change that requires more parking than the total allowed spaces under the approved Development Plan.

Parking shall conform to the approved Site Plan (Exhibit F-1). Any tenant improvement use that causes the total approved number of parking spaces to be exceeded shall not be approved until such time as additional parking is legally created, reviewed, and then approved by Planning Director or designee.
10. **Joint Access and Parking Agreement:** A joint access and parking agreement shall be provided to ensure on-going access and maintenance of the parking areas, signs, lighting, landscaping, trash enclosure, and bicycle rack to all property owners within the project area. A copy of said agreement shall be provided to Planning Services for review and approval, and the approved agreement shall then be recorded and a copy shall be provided to Planning Services prior to filing of the Parcel Map.
11. **Cultural Resources:** 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 Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

12. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,101.50 Department of Fish and Game fee (unless applicant has obtained a fee waiver from DF&G) prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.
13. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

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

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

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.

El Dorado County Department of Transportation

Project Specific Conditions:

14. **Offer-of-Dedication (In Fee), Missouri Flat Road:** The applicant shall irrevocably offer to dedicate, in fee, the necessary right-of-way to measure 60 feet from the center line west for the on-site portion of Missouri Flat Road along the entire property frontage as shown on the tentative map, prior to filing the final map. This offer will be accepted by the County.

15. **Frontage Improvements:** The applicant shall construct 6 foot sidewalk(s), type-2 curb and gutter in conformance with standard plan 101A of the Design and Improvement Standards Manual (DISM) along the property frontage of Missouri Flat Road. The applicant shall construct a crosswalk at the existing entrance to Prospector's Plaza. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
16. **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 within the County right-of-way. 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 the filing of the parcel map.
17. **Parcel Map Improvement Agreement & Security:** If the required improvements are not completed prior to filing of the map or if the Engineer's Estimate is \$100,000 or greater for the required improvements, the developer shall enter into a Parcel Map Improvement Agreement (PMIA) with the Department of Transportation for onsite roadway, drainage infrastructure, grading, etc. The developer shall also provide a security to guarantee performance of the PMIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map. The improvements shall be installed to the satisfaction of DOT prior to the filing of the parcel map.
18. **Vehicular Access Restriction:** The applicant shall record a vehicular access restriction along the entire frontage of Missouri Flat Road, excluding the locations of the approved access encroachment, prior to filing of the map
19. **Reciprocal Easement(s):** Prior to the approval of the final building permit the applicant shall provide evidence of a reciprocal easement agreement between Prospector's Plaza and the proposed project Placerville Professional Building and the proposed Sundance Plaza Properties (or proposed Crossings project) for the easement located across the subject property.
20. **Community Facilities District Annexation:** The owner shall enter into an agreement in recordable form with the County that obligates the property to participate in the Community Facilities District No. 2002-01 (Missouri Flat Area CFD), which is the financing district approved by the El Dorado County Board of Supervisors for the Missouri Flat Area, at such time in the future that the County processes an annexation of territory into the CFD. The agreement shall be executed by the property owner and approved by the County prior to the issuance of any building permits. The financing obligation shall run with the property's title and bind all future assignees and/or successors in interest in the subject property.

Should timing of building permit review process coincide with an annexation process underway by the County, the applicant may participate in said process in lieu of entering

into an agreement, provided the annexation election has been held, the property owner, for subject application, voted in favor of being annexed, and the annexation election is successful.

Standard Conditions:

21. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
22. **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.
23. **Curb Returns:** All curb returns, at pedestrian crossing, will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and 4 feet of sidewalk/landing at the back of the ramp.
24. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.
25. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
26. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
27. **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.
28. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from the County Department of Transportation, and pay all applicable fees prior to filing of the final map.