



EL DORADO COUNTY PLANNING SERVICES

John Knight..... District I
John MacCready..... District II
Dave Machado..... District III
Walter Mathews..... District IV
Alan Tolhurst..... District V
Jo Ann Brillisour..... Clerk of the Commission

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MINUTES

**Regular Meeting of the Planning Commission
January 25, 2007 – 8:30 A.M.
BUILDING C HEARING ROOM
2850 Fairlane Court, Placerville, CA**

1. CALL TO ORDER

Called to order at 8:45 a.m. Present: Commissioners Mac Cready, Machado, Mathews, Tolhurst, and Knight; Paula F. Frantz, County Counsel; and Jo Ann Brillisour, Clerk to the Planning Commission.

2. ADOPTION OF AGENDA

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER MACHADO AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE AGENDA, AS PRESENTED.

3. PLEDGE OF ALLEGIANCE

A Pledge of Allegiance was given by the Commission and those persons in the audience.

4. CONSENT CALENDAR (All items on the Consent Calendar were approved by one motion unless a Commission member requested separate action on a specific item.)

Minutes: January 11, 2007

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER MAC CREADY AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONES MAC CREADY, MACHADO, MATHEWS, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO APPROVE THE CONSENT CALENDAR.

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS

These items were considered during the day as time permitted.

Commissioner Machado asked about inclusionary zoning. He would like staff to inquire as to whether the Board wants to consider this issue. Shawna Purvines informed the Commission of a workshop being held on January 29 in the Supervisors Meeting Room from 2 PM to 4 PM.

Greg Fuz said the Oak Woodland item this afternoon will be an on-going report from the consultant.

The draft EIR for floor area ratio is in the review period and will be on the agenda February 8 to receive public input on the document.

a. **Election of Officers:** Chair, First Vice Chair, and Second Vice Chair for 2007

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO NOMINATE COMMISSIONER KNIGHT CHAIR FOR 2007.

MOTION: COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO NOMINATE COMMISSIONER MACHADO FIRST VICE CHAIR FOR 2007.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACHADO AND UNANIMOUSLY CARRIED, IT WAS MOVED TO NOMINATE COMMISSIONER MATHEWS SECOND VICE CHAIR FOR 2007.

b. **OR07-0001 - Grading, Erosion, and Sediment Control Ordinance:** Proposed update of the El Dorado County grading, Erosion and Sediment Control Ordinance (Section 15.14 of the County Code) and Volume III of the El Dorado County Design and Improvement Standards Manual.

Greg Fuz introduced Brian Baca and the other individuals in the audience that participated in the drafting of these documents. Mr. Baca gave a power point presentation on the item. Input was received from Keith DeLapp, Dennis Youngdahl, and Earl McGuire. No action was required.

CONSENT CALENDAR/APPLICATIONS

River Use Permits: Request submitted by STEVEN BATES to transfer RUP#63 from ACTION WHITEWATER ADVENTURES, a California Corporation, to CHRISTOPHER PYLE, owner of CHRISTOPHER ROBIN.

Staff: Noah Rucker-Triplett recommended approval. No input was received.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE THE TRANSFER OF RIVER USE PERMIT #63 FROM ACTION WHITEWATER ADVENTURES, a California Corporation, TO CHRISTOPHER PYLE, owner of CHRISTOPHER ROBIN.

END OF CONSENT CALENDAR

6. COMMISSIONERS' REPORTS - None

PUBLIC FORUM/PUBLIC COMMENT - None

7. PRESENTATIONS

River Management Plan: Update

Noah Rucker-Triplett introduced Harry Mercado, Chair of the River Management Advisory Committee, who gave a power point presentation on a proposed flood littering ordinance. Input was received from Bill Center, campground owner. Paula Frantz, County Counsel, said if the Board is interested in pursuing this issue, it would be up to the Board to initiate preparation of such an ordinance. No action was taken.

**8. REZONES/PLANNED DEVELOPMENTS/TENTATIVE SUBDIVISION MAPS
(Public Hearing)**

a. **Z06-0024** submitted by JAMES LOSCH to rezone property from Commercial-Design Review District (C-DC) to Limited Multifamily Residential-Community Design Review District (R2-DC). The property, identified by Assessor's Parcel Number 097-020-42, consisting of 5.18 acres, is located on the west side of Carlson Way, 400 feet south of the intersection with Pleasant Valley Road, in the **Diamond Springs area.** (Supervisory District III) (Negative declaration prepared)

Staff: Shawna Purvines recommended approval. Peter Maurer informed the Commission regarding no longer being able to make a de minimis finding on a project. It is up to the applicant to contact Fish and Game to obtain an exemption if they feel there is no impact from the project. The design review for this project would be staff level. There is a public notice and notice to property owners within 500 feet for staff level design reviews. There is also the 10-day appeal period available.

Jim Losch was present but had nothing further to add. Due to the increased fees in the area, the project has been put on hold at the present time. Art Marinaccio commented this is tied in with affordability issues. When this property was zoned commercial, multifamily was allowed in such a zone. There was no further input.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, AND APPROVE Z06-0024 REZONING ASSESSOR'S PARCEL NUMBER 097-020-42 FROM COMMERCIAL-DESIGN REVIEW DISTRICT (C-DC) TO LIMITED MULTIFAMILY RESIDENTIAL-COMMUNITY DESIGN REVIEW (R2-DC), BASED ON THE FINDINGS AS AMENDED.

Findings

1.0 CEQA FINDING

1.1 The County has considered the negative declaration together with the comments received and considered during the public hearing process. 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 proposed project could not have a significant effect on the environment.

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

~~1.4 The project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91) is applicable.~~

2.0 LEGISLATIVE FINDINGS

2.1 The proposed use is consistent with the policies in the El Dorado County General Plan, as adopted on July 19, 2004, as discussed in the General Plan section of this staff report.

2.2 The rezone is found to comply with the requirements of Chapter 17.06, and the proposed project is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.

2.3 The site is physically suitable for multifamily development at a density of 5 to 20 dwelling units per acre.

b. Z06-0012/PD06-0013/TM06-1414/Pearl Place Town Homes submitted by JAMES RUCKER to rezone properties from Limited Multifamily Residential (R2) to Limited Multifamily Residential-Planned Development (R2-PD); development plan to convert four new duplex structures into eight individual ownership condominium units consisting of four residential buildings of two-story construction with common areas; and tentative subdivision map creating eight condominium lots and one common area parcel. The properties, identified by Assessor's Parcel Numbers 051-541-04 and -05, consisting of 0.94 acre, are located on the northwest corner of the intersection with Pearl Place and Courtside Drive, in the Diamond Springs area. (Supervisory District III) (Categorically exempt pursuant to Sections 15305 and 15301(k) of the CEQA Guidelines)

Staff: Michael Baron recommended conditional approval. James Rucker stated that a Community Facilities District does exist. Commissioner Mac Cready asked about the 20-year conversion. Peter Maurer said that restriction was recently modified and does not apply to this project. Paula

Frantz, County Counsel, said this project was not originally low-cost housing, so the 20-year conversion would not apply in this instance. Commissioner Mac Cready asked the definition of open space. Mr. Maurer replied, stating staff felt this project minimally met the requirement for open space. Commissioner Machado supported this project. There are two-car garages, an appropriate density for this property, and good landscaping. Commissioner Mathews agreed with Commissioner Machado. Mr. Rucker commented they only cover 28 percent of the property. There is a lot of open area for a family with young children. There was no further input.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTIONS 15305 AND 105301(k) OF THE CEQA GUIDELINES; APPROVE Z06-0012 REZONING ASSESSOR'S PARCEL NUMBERS 051-541-04 AND -05 FROM LIMITED MULTIFAMILY RESIDENTIAL (R2) TO LIMITED MULTIFAMILY RESIDENTIAL-PLANNED DEVELOPMENT (R2-PD) BASED ON THE FINDINGS PROPOSED BY STAFF; APPROVE PD06-0013/TM06-1414, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

Findings

1.0 CEQA Finding

1.1 The project has been found to be Categorically Exempt from CEQA pursuant to Section 15305 stating that "Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density", and 15301(k) that applies to the "Division of existing multiple family or single-family residences into common-interest ownership . . . where no physical changes occur which are not otherwise exempt." The site is level and no physical changes are proposed as part of this project.

2.0 General Plan Finding

2.1 The proposed use and design conforms to the General Plan in that the parcel is located within a community region, the proposed use and developmental density are consistent with both land use designation and floor area ratio policy and the natural resources on site will be protected pursuant to related policies in the General Plan.

2.2 As proposed and conditioned, the project is consistent with General Plan Policies Ho-3g, TC5a, and 2.2.3.1 concerning affordable housing, pedestrian access, and the Planned Development Overlay.

3.0 Rezone/Planned Development Findings

3.1 That the PD zone request is consistent with the general plan.

The proposed zone change request to rezone the property from Limited Multifamily Residential (R2) to Limited Multifamily Residential-Planned Development (R2-PD) is consistent with its

land use designation and Policy 2.2.5.3 regarding rezones in general, as the project is an existing development previously approved under ministerial building permit. Additionally, the General Plan contains several policies pertinent to the project whose consistency was discussed under the General Plan section of the staff report.

3.2 That the proposed development is so designed to provide a desirable environment within its own boundaries.

The development plan is consistent with the existing and surrounding development within the project vicinity.

3.3 That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.

No exceptions to the development standards are proposed other than minimum lot size for each unit.

3.4 That the site is physically suited for the proposed uses.

The site is a new condominium development that is located within a developed high density residential community region.

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

The existing development has been adequately served with water, sewer, and electric and gas utilities. Each unit will continue to be separately metered and served by PG&E for electricity. Gas, water, and sewer services will be administered by the Homeowners Association, and no additional meters will be required or requested from the El Dorado Irrigation District (EID).

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

The new development conforms to its multi-family residential surroundings. Added landscaping required for approval will not detract from the appearance of the site.

4.0 Tentative Map Findings

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

As proposed, the tentative map conforms to the Multifamily Residential (R2) General Plan land use designation.

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

As proposed, the tentative map conforms to the development standards within the Limited Multifamily Residential (R2) Zone District and the Major Land Division Ordinance.

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

The site is physically suitable for the proposed type and density of development as it is of relatively flat topography, and is located in an area of similar multi-family development.

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

The proposed tentative map is not likely to cause substantial environmental damage, as it is a condominium conversion of a new multi-family complex.

Conditions

1. The subject tentative map and planned development approval is based upon and limited to compliance with the project description, dated **January 25, 2007**, 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, as approved, shall consist of the following:

- a. A rezone of the parcel from Limited Multifamily Residential (R2) to Limited Multifamily Residential - Planned Development (R2 - PD).
- b. A development plan to convert four new duplex structures into eight individual ownership units, consisting of four residential buildings of two-story construction. The common area contains open space and landscape area.
- c. A tentative subdivision map creating eight individual ownership units and one common area parcel on 0.94 acres.

Planned Development

2. All site improvements shall conform to Exhibits E, F, G, H, and I.
3. All exterior lighting shall be shielded in conformance with Section 17.14.170(C) to prevent light and glare from spilling onto adjacent properties or roads.

Tentative Map

Planning Services

4. Prior to recording the final map, CC&Rs with a homeowners' maintenance agreement, to include but not be limited to those requirements under §17.28.121 of the County Code, shall be submitted to Planning Services for review and approval. The CC&Rs shall be recorded concurrently with the final map.
5. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of the filing of the final map.
6. The subdivider shall be subject to a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.

Department of Transportation

7. The applicant shall install a four-foot wide sidewalk along the entire frontage of Pearl Place behind the existing curb and gutter. The sidewalk shall be connected to the existing sidewalk on Courtside Drive. The applicant shall obtain an encroachment permit from the Department of Transportation and shall construct the sidewalk per County standards.
8. The curb return at the intersection shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.

Diamond Springs Fire Protection District

9. Prior to recordation of the final map the applicant shall annex the development into a Community Facilities District (CFD) for the provision of public services permitted under Government Code § 53313, including fire suppression services, emergency medical services, and fire prevention activities and other services for which proceedings are under consideration, and as such, shall be subject to the special tax approved with the formation of such CFD with the developments inclusion or annexation into the CFD.
10. The developer shall provide a Facilities Improvement Letter from the El Dorado Irrigation District, confirming required fire flow.

County Surveyor

11. 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 shall be coordinated with the County Surveyors Office.

12. The applicant shall provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 16.44.120(B)(2) with the legal right to improve that access as required by the County Design Manual.

9. **GENERAL PLAN AMENDMENT/REZONE** (Public Hearing)

AZ05-0002/Planned Development PD06-0031 submitted by MERCY HOUSING to change the land use designation from Medium Density Residential (MDR) to Multifamily Residential (MFR); rezone the same property from One-acre Residential (R1A) to Multifamily Residential-Planned Development (RM-PD); and development plan for a 70-unit apartment complex. The property, identified by Assessor's Parcel Number 327-160-47, consisting of 6.97 acres, is located on the south side of Runnymede Drive, approximately 500 feet east of the intersection with El Dorado Road, in the **Diamond Springs/El Dorado area**. (Supervisory District II) (Mitigated negative declaration prepared)

Staff: Peter Maurer recommended conditional approval. Commissioner Mac Cready suggested incorporating outdoor open space that can be utilized by everyone in the project. Commissioners Machado and Mathews asked for further clarification on the project.

Stephan Daves, Mercy Housing, said this project is very preliminary. He explained the proposed project. The architect for the project explained the location of the community building and proposed landscaping. Mr. Maurer explained the Missouri Flat road improvement area.

Janet Wallins was unaware of this project. Their area is country. If you have a project like this, you should have a cyclone fence around the project so the children will be contained in the project. There should be a stop sign on Mother Lode Drive at El Dorado Road. Mrs. Wallins is not against this project. They have the roads to handle it, but you have to consider the people that live there already. Art Marinaccio supported what the proponent requested today. This is an appropriate area for multifamily. Affordable housing is a critical issue for this County. Ken Sherrod, property owner of the subject property, likes what they are proposing. This project will not be very visible from the highway. There was no further input.

MOTION: COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MATHEWS, TOLHURST, AND KNIGHT; NOES – COMMISSIONER MACHADO, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED, APPROVE AZ05-0002 CHANGING THE LAND USE DESIGNATION ON ASSESSOR'S PARCEL NUMBER 327-160-47 FROM MEDIUM DENSITY RESIDENTIAL (MDR) TO MULTIFAMILY RESIDENTIAL (MFR), AND REZONE THE SAME PROPERTY FROM ONE-ACRE RESIDENTIAL (R1A) TO MULTIFAMILY RESIDENTIAL-PLANNED DEVELOPMENT (RM-PD), ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS/MITIGATION MEASURES AS MODIFIED.

Findings

1.0 CEQA FINDING

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal. ~~A *de minimis* finding on the project's effect on fish and wildlife resources can be found and the project is therefore not subject to the payment of State Fish and Game fees pursuant to State Legislation (California Fish and Game Code Section 711.4).~~
- 1.2 The County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 GENERAL PLAN FINDINGS

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

3.0 PLANNED DEVELOPMENT FINDINGS

- 3.1 *The PD zone request is consistent with the general plan.*

PD06-0031 is an application to add a –PD combining zone to the proposed Multi-Family Residential (RM) zone. The application of this combining zone is consistent with the policies of the El Dorado County General Plan as discussed in the staff report.

- 3.2 *The proposed development is so designed to provide a desirable environment within its own boundaries*

Recreational facilities, a community center, and other on-site amenities have been provided to create a desirable environment within the boundaries of the project site.

- 3.3 *Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography*

No proposed exceptions to the standard requirements of the Multi-Family Residential (RM) zone are included within the application.

- 3.4 *The site is physically suited for the proposed uses.*

With previously approved grading on the site, the soils, topography, and other local site factors are appropriate and adequate to accommodate the proposed uses on the site.

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

Adequate water, sanitary sewer, storm sewer, roads, utilities, and other public services are available to the site and each of the proposed residential structures, or will be provided as conditions of approval.

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

Alterations to the topography of the site and construction of new buildings will change the views of and through the site, although these changes will not significantly detract from natural land and scenic values currently existing on the site.

Conditions

1. This general plan amendment, zoned change, and preliminary development plan is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits D-J, dated January 25, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows: General Plan amendment to change the land use designation from Medium Density Residential (MDR) to Multi-Family Residential (MFR), rezone from One-Acre Residential (R1A) to Multi-family Residential-Planned Development (RM-PD), and approval of a conceptual development plan for up to 80 units of attached multifamily housing units in seven buildings, with 149 parking spaces,

landscaping, and community open space. A community center will also be constructed for the management office and resident recreation

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.

CEQA Mitigation Measures

2. Mitigation Measure AQ-1

- *A Fugitive Dust Plan Application or Asbestos Dust Mitigation Plan Application shall be submitted to and approved by the Air Quality Management District prior to start of project construction.*
- *Project applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.*
- *Applicant shall submit a list of all proposed architectural coatings to the District for approval prior to the issuance of a building permit. All architectural coatings shall adhere to District Rule 215 Architectural Coatings.*
- *Applicant shall submit a list to the District stating which of the standard heavy equipment and mobile source mitigation measures shall be complied with, given intended construction equipment and availability of alternative fuels and vehicles. Said list shall be approved prior to issuance of a building permit.*
- *Prior to construction or installation of any new point source emissions units or non-permitted emission units, authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagrams, equipment specifications, and emission factors.*

Monitoring – The Air Quality Management District shall review the required submittal documents prior to issuance of permits and shall inspect the construction site as needed.

3. Mitigation Measure Noise-1

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

4. Mitigation Measure Noise-2

Motorized construction equipment shall be equipped with intake/exhaust mufflers and engine shrouds, in accordance with manufacturers' specifications.

5. Mitigation Measure Noise-3

Noise-generating equipment, including portable power generators and air compressors, should be located at the furthest distance possible from the nearest occupied residence.

Monitoring (for Noise 1, 2, and 3): Planning Services shall review improvement plans to ensure these requirements are placed as notes on the building plans, and shall investigate reports of excess noise.

6. Mitigation Measure Trans-1

- *The Runnymede access road shall be dedicated to the county.*
- *The right of way for Runnymede Drive shall be dedicated to the county.*

Monitoring: The Department of Transportation shall review offers of dedication prior to issuance of building permits for the project.

7. Mitigation Measure Trans-2

A pedestrian path/sidewalk shall be provided on Runnymede Drive and on the access road, connecting the project site to the shopping center to the north.

Monitoring: The Department of Transportation shall review improvement plans to ensure that the required sidewalk is included.

8. All mitigation measures identified in the mitigated negative declaration for design review, DR03-0014S, are hereby incorporated by reference.

Department of Transportation

9. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department 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. The improvements shall be substantially completed, to the approval of the Department of Transportation, prior to occupancy.

10. Applicant shall pay the traffic impact fees in effect at the time a building permit is issued.

11. Prior to issuance of building permits, the developer shall enter into an Improvement Agreement with the County for, and shall design and construct, the realignment of Runnymede Drive from the easterly boundary of Assessor's Parcel Numbers 327-160-29/46 to El Dorado Road on the alignment set by the 2000 El Dorado Road Interchange PSR. The Agreement may include reimbursement of improvements to Runnymede Drive that are in excess of that needed to access the site, and the requirement for security to guarantee performance of the Improvement Agreement. The construction of the Runnymede Drive realignment shall be substantially complete, as determined by the Department of Transportation, prior to issuance of building permits. The construction of

the roadway across Assessor’s Parcel Numbers 327-160-29/46 will require procurement of the right of way across that parcel.

Prior to occupancy of the first building, the applicant shall construct the following roads in conformance with the Design and Improvements Standards Manual with the following widths:

Road Name	Reference	Road Width	Exceptions/Notes
Runnymede Drive	Standard Plan 101B	36 feet (IOD for 50-foot R/W, plus utility/slope easements)	Type 2 vertical curb and gutter, with 6-foot sidewalks
Access road from Runnymede Drive into site	Standard Plan 101B	36 feet (IOD for 50-foot R/W), plus utility/slope easements, IOD to be rejected	Type 2 vertical curb and gutter, with 6-foot sidewalks

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

13. 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 a construction permit. Sidewalks shall be connected to any walk/trail systems in the project open space areas. Pedestrian easements shall be provided where necessary. Sidewalks shall be installed concurrently with road construction.
14. All curb returns at pedestrian crossing shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp. All curb returns shall be profiled on the improvement plans with elevations shown at least 25 feet before the beginning (BC) and at least 25 feet past the end (EC) of the curb, at the BC and EC, and at a minimum of quarter curve lengths, in a clockwise direction.
15. Applicant shall establish an entity, acceptable to the County, to maintain the access road and sidewalk, through the project and through any intervening parcel(s), to Runnymede Drive, prior to occupancy of any building.
16. Applicant shall provide a driveway, access and encroachment for Assessor’s Parcel Numbers 327-160-29/46 onto the site access road, to replace the existing driveway access onto Runnymede Drive. Construction of the replacement driveway shall occur concurrently with road construction. Construction activities shall not block access to said parcel except on a temporary basis as may be necessary during construction working hours.
17. Applicant shall irrevocably offer for dedication, to the County, the portion of the access road on the project site and obtain an irrevocable offer of dedication for the portion of the access road across Assessor’s Parcel Number 327-160-30, prior to building permit issuance.

18. As specified in the conditions of approval, the ~~subdivider~~ developer is required to perform off-site improvements. If it is determined that the ~~subdivider~~ developer does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the ~~subdivider's~~ developer's expense and within 120 days of ~~filing the final map~~ submittal of a building permit or grading permit, acquire by negotiation or commencement proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. ~~In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Agent, 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:~~

Where the developer is required to make improvements on land which neither the developer nor the County has sufficient title or interest to make such improvements, prior to submittal of a building permit or grading permit, the developer shall submit to the Deputy Director of Planning for approval:

- a. A legal description ~~and plat, prepared by a civil engineer or land surveyor~~ 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 of the required off-site improvements.
- c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Prior to the submittal of a building permit or grading permit, the developer shall enter into an agreement pursuant to Government Code Section 66472.5 to complete the required off-site improvements including the full costs of acquiring any real property interests necessary to complete the required improvements.

In addition to the agreement, the developer 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.

19. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
20. Any import or export of fill material to be borrowed or deposited within El Dorado County shall require an additional grading permit for that offsite grading.
21. 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.

22. 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 with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.
23. Improvement plan centerline stationing shall conform to as-built plans. If there is any question about the stationing, the Department of Transportation will be the sole authority in setting the stationing.
24. The access road connection to the County road shall have a Type T intersection, as pursuant to El Dorado County Standard Plan 103D.
25. Improvement plans for on-site and off-site road improvements shall be prepared by a registered civil engineer and shall be subject to County Department of Transportation approval.
26. A construction permit shall be obtained from the Department of Transportation prior to the commencement of any road construction.
27. Street signs, in conformance with Standard Plan 105 (B-1), shall be installed at Runnymede Drive prior to final inspection of the road construction. The El Dorado County Department of Transportation shall review and approve the type, design, and location of all signs required under this condition prior to installation.
28. A stop sign, pursuant to Standard Plan 105-A, shall be installed at the intersection of El Dorado Road at Runnymede Drive prior to final inspection of the road construction.
29. A "Not a County Maintained Road" sign, 24 inches x 30 inches, black on white, shall be installed on the road leading to the development, at its intersection with Runnymede Drive prior to final inspection of the road construction. On the same post, a W-53 "Not a Through Road" sign shall also be placed.
30. If blasting activities are to occur in conjunction with grading or improvements, applicant shall ensure that such blasting activities are conducted in compliance with state and local regulations.
31. If burning activities are to occur during the construction of the project improvements, applicant shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.

Planning Services

32. Prior to the issuance of a building permit for the construction of any building on the site, a new Planned Development application shall be submitted to and approved by the County, consistent with the provisions of Chapter 17.04 of the El Dorado County Code.
33. 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 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.

34. If human remains are discovered at any time during the grading or improvement phase, the County Coroner and the 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. If archaeological artifacts are discovered, the developer shall retain an archaeologist to make recommendations for the treatment of the artifacts. Treatment of Native American remains or archaeological artifacts shall be the responsibility of the developer and shall be subject to the review and approval of the County Planning Director.
35. The project applicant shall construct an extension of an eight-inch sewer force main of adequate size and a sewer lift station in order to adequately serve the proposed project. The lift station and portions of the eight-inch line will be placed off-site, connecting to the existing system in place along Runnymede Drive. Review and approval of engineering plans for such an extension shall be approved by EID and El Dorado County prior to construction.
36. The applicant shall obtain sufficient meters to serve the project from the El Dorado Irrigation District prior to issuance of a building permit.

El Dorado County Air Quality Management District

37. A Fugitive Dust Plan (FDP) Application shall be submitted to and approved by the District prior to start of project construction.
38. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

39. The applicant shall submit a list of all proposed architectural coatings to the District for approval prior to the issuance of a Building Permit. All architectural coatings shall adhere to District Rule 215 Architectural Coatings.
40. The applicant shall implement the following conditions to reduce impacts on air quality from equipment exhaust emissions during all construction involved in this project:
 - Use low-emission on-site mobile construction equipment.
 - Retard diesel engine injection timing by two to four degrees.
 - Use electricity from power poles rather than temporary gasoline or diesel generators.
 - Use catalytic converters on gasoline-powered equipment.
 - Do not leave inactive construction equipment idling for more than two minutes.
41. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagrams, equipment specifications and emission factors.

Diamond Springs-El Dorado Fire Protection District

42. The developer shall meet with the fire protection district to determine where the proper fire lanes shall be installed and identified at the site, to provide for easy access by fire and emergency apparatus during incidents that may occur at the complex.
43. All applicable Building and Fire Codes shall be adhered to and determined when a full set of building and site plans are received by the fire protection district.
44. All residential buildings on the site shall be equipped with an automatic fire sprinkler system. The fire sprinkler system shall extend and cover all areas of the building.
45. A fire flow of a minimum of 1,500 gallons per minute for the duration of two hours at a minimum 20 psi. shall be provided for any future development.
46. A Knox box shall be installed per District Requirements to be monitored with an electrical shunt.
47. A fire hydrant shall be installed, in compliance with the provisions of the C.F.C. Section 903, so that they will be within 150 feet of any portion of any new buildings, in a location acceptable to the fire protection district.
48. Fire department connection placement shall be approved by the fire district.
49. Fire apparatus access roads shall be provided in accordance with Sections 901 and 902.2 for every facility, building or a portion of a building hereafter constructed or moved into

the jurisdiction when any portion of the facility or any portion of the exterior wall of the first story of the building is located more than 150 feet from the fire apparatus access as measured by an approved route around the exterior of the building or facility.

10. WINERY ORDINANCE

Discussion and direction to staff regarding the preparation of the Draft Wineries Ordinance Project Description for purposes of environmental review and recommendations to the Board of Supervisors; and consideration of staff's Public review Draft Ordinance, dated June 28, 2006, the Agricultural Commission's Recommended Winery Ordinance, dated January 4, 2006, and the Industry Subcommittee Adopted Proposed Winery Ordinance, dated January 3, 2007.

Commissioner Mac Cready recused himself on this item.

Staff: Pierre Rivas went over some background information on the meetings that have been held on the development of the different versions of this ordinance. Staff is seeking direction from the Commission on the proposed changes. Staff is planning to take the Project Description to the Board in February.

Bill Stephans, Agricultural Commissioner, said a lot of work has gone into the proposed ordinance. He believes that the Agricultural Commission version includes the Industry recommendation. He explained the Administrative Permit which would allow people to continue with what they are doing today and would go before the Zoning Administrator but not be a public hearing.

Larry Appel would like to focus on the ordinance or types of ordinances today. If changes need to be made to the permit process that could be added to the ordinance once the Project Description has been decided.

Bill Snodgrass said the industry is asking for better definitions. It is not asking for additional things to do. This is actually more restrictive. He does not remember hearing of any complaints regarding special events on parcels over 20 acres in size. The problems occur on the smaller parcels.

Paul Bush, representing the El Dorado Winery Association, said the industry draft does limit what they can do. It was written to allow agriculture to continue in the County. They included Charitable Events, because there are not many areas in the County for such events. Marketing Events are to sell your products. They feel the impact from 250 individuals is very little. They believe what they have come up with is very good for the industry and the community.

Art Marinaccio would like to dispel combining the proposals into one. If we are going to do an EIR, we will need a range of alternatives. The basic cornerstone of the document is what is allowed by right and what is not, both in and out of Agricultural Districts. The impacts depend on what type of area you are in. If you are in an agricultural area, there

will not be much of an impact. If you are in a residential area, there will be a larger impact. What the industry wants is a minor permit process.

Thalia Georgiadis believes this ordinance should be under the Ranch Marketing Ordinance. The ordinance is too long. It needs to be simplified. There are too many items in this ordinance. There are some sections that need to be made clearer. The Purpose was taken from Ranch Marketing. Special Events needs more work as well as Tasting Facilities. Traffic needs to be addressed. She would not support different requirements for wineries than other agricultural uses. Ms. Georgiadis does not believe commercial uses should be allowed in residential areas.

Valerie Zetner, El Dorado County Farm Bureau, said perhaps we should look at what is currently on the books, staff's proposal, and the Agricultural Commission proposal as alternatives. They do not care what term is used, i.e., minor permit, use permit, but the process needs to be speedier. Both proposed drafts are more restrictive than what we have on the books. We have to remember the economic impact of agricultural in the County. We have to allow the wineries to market their wines on the property. Otherwise, it will not be viable.

Kim Beal, Association of Realtors, spoke about disclosures for agricultural properties. She spoke about the Right to Farm Ordinance (Chapter 17.13). There are other parts of the Ordinance that should be moved into the Right to Farm Ordinance so people know what can be done on their property by looking in one section of the ordinance. She supports moving the Winery Ordinance into the Ranch Marketing Ordinance.

Dave Pratt, member of the Agricultural Commission, Wine Growers Association, and grape grower said they want to be able to market themselves.

Ted Hennis, property owner in South County and employee of a winery, said if we had this type of ordinance in place when the Mira Flores Winery was approved, they would have had fewer problems when that permit was approved.

John Mac Cready, owner of Sierra Vista Winery, read his comments into the record.

Chair Knight asked if there was any thought of combining the Winery Ordinance with the Ranch Marketing Ordinance. Mr. Rivas said the Board did consider that issue but decided to go ahead with the separate Winery Ordinance. Chair Knight stated commercial uses should be in commercial area. They should be allowed to have special uses, wine tasting, marketing events, and unrelated commercial sales that are secondary to the winery's operation. The only area where we get comments is on special events, which needs to be defined. Commissioner Tolhurst said there needs to be a cap on the size of facilities.

Mr. Appel asked if there is something in any of the ordinances that the Commissioners do not like. Commissioner Mathews commented on the maximum number of people at events. Traffic mitigation falls under that. He still does not understand why this is not under Ranch Marketing. Ms. Frantz said the wineries are year-round where ranch marketing is seasonal. Wineries are more throughout the County whereas ranch

marketing is located more in certain areas of the County. Commissioner Mathews said he is not opposed to special events. Commissioner Tolhurst is in support of the wineries; however, other agricultural pursuits are having more problems growing their crops. Commissioner Machado said the Planning Commission looks at land use, what is not injurious to the public. Can you bring wine from another county, cellar it on your property, and sell it on your property? Dave Pratt said in order to sell under your own label you are supposed to have done something to the wine. Paul Bush said it is federal law that 50 percent of the wine sold on your property needs to be from your vines. Commissioner Machado asked what an agricultural related museum is. Should they really be allowed by right? There is no size mentioned for such a facility. Mr. Stephans said the size would be a percentage of the winery. Commissioner Machado asked if a commercial kitchen is for wine tasting only or is it for a restaurant. Mr. Stephans said it is only for events related to the winery. Commissioner Machado said there is no paving, only road base for restaurants. Some of these items need to be pulled out of the ordinance and be more scrutinized.

Staff discussed continuing this item to February 8, 2007. The Commission concurred.

11. **GENERAL PLAN UPDATE**

Oak Woodland Management Plan: Project update including discussion on the following items: Key mapping assumptions; fee assumptions; preliminary mapping/fee outcomes; and General Plan Policy implications.

This item was continued to February 9, 2007, at 8:30 a.m.

12. **ZONING ORDINANCE UPDATE** - None

13. **DEPARTMENT OF TRANSPORTATION** - None

14. **COUNTY COUNSEL'S REPORTS**

The Congregate Care Facility was challenged by Fish and Game on CEQA issues.

15. **DIRECTOR'S REPORTS** - None

16. **ADJOURNMENT**

Meeting adjourned at 4:22 p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

John Knight, Chair

