



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 February 22, 2007 – 8:30 A.M. BUILDING C HEARING ROOM 2850 Fairlane Court, Placerville, CA

1. CALL TO ORDER

Chair Knight called the meeting to order at 8:37 a.m. Present: Commissioners Mac Cready, Machado, Mathews, and Knight; Paula F. Frantz, County Counsel (after 9:00 a.m.); and Jo Ann Brillisour, Clerk to the Planning Commission.

2. ADOPTION OF AGENDA

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER MAC CREADY, IT WAS MOVED TO ADOPT THE AGENDA, WITH ADDENDUM. COMMISSIONER MACHADO PULLED ITEM 7 FROM THE CONSENT CALENDAR/APPLICATIONS.

3. PLEDGE OF ALLEGIANCE

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

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.)

a. **Minutes:** February 8, 2007

The minutes were continued to the meeting of March 8, 2007.

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS - None

6. COMMISSIONERS' REPORTS

Commissioner Machado spoke about information being given to applicants that no more design waivers would be allowed. He does not believe that was the action taken by the Board. Perhaps a letter should be sent to the planners informing them about the issue. Larry Appel will clarify this issue with the planners. Chair Knight asked that this issue be placed on the March 22 agenda as an action report item.

CONSENT CALENDAR/APPLICATIONS

7. RIVER USE PERMITS

River Use Permit #28 – Request submitted by PAT FISHER, owner of South Bay River Rafters, to transfer River Use Permit #28 to DON KOOLMES.

Staff: Noah Rucker-Triplett recommended approval of the transfer. After further review, he does not believe the one-year provisional permit is necessary, just that the transfer be approved without any restrictions. Commissioner Machado agreed. There was no further input.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, MATHEWS, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO APPROVE THE TRANSFER OF RIVER USE PERMIT #28 FROM PAT FISHER, OWNER OF SOUTH BAY RIVER RAFTERS, TO DON KOOLMES, BASED ON THE FINDING PROPOSED BY STAFF.

Finding

The application for the transfer of River Use Permit #28 from Pat Fisher, owner of South Bay River Rafters, to Koolriver Adventure Tours, Inc., owned by Don Koolmes, meets the standards required by River Management Plan Element 6.2.1.4.

END OF APPLICATION CONSENT CALENDAR

PUBLIC FORUM/PUBLIC COMMENT – The following individuals spoke about the proposed winery ordinance: John Smith, Douglas Leisz, Paul Bush, Valerie Zetner, Ron Mansfield, and Dave Pratt.

8. PLANNED DEVELOPMENTS (Public Hearing)

- a. **PD06-0003** submitted by BURNETT PARK, LLC (Agent: James Losch) to allow the construction of a six-unit multifamily rental project on property, identified by Assessor's Parcel Number 082-531-22, consisting of 0.78 acre, located on the north side of Estepa Drive, 500 feet northwest of the intersection with Cambridge Road, in the **Cameron Park area**. (Supervisory District I) (Mitigated negative declaration prepared)

Staff: Roman Anissi recommended conditional approval.

Commissioner Machado asked how many bedrooms per unit. The applicant responded three. Commissioner Machado likes the shared Estepa access. Commissioner Mathews likes the size of the units and how the duplexes are oriented to buffer the single family residential area.

Jim Losch explained the process he must go through with Fish and Game. He briefly explained the project. There was no further input.

Commissioner Machado commented regarding the limited number of parking spaces; however, there are trade-offs that make the project appealing.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS, AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, MATHEWS, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED, AND APPROVE PD06-0003, ADOPTING THE DEVELOPMENT AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

Findings

1.0 CEQA FINDINGS

1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.

1.2 By including mitigation for special-status plants, no significant impacts to the environment will result from this project. Mitigation is included in the project permit that address potentially significant impacts within Biological Resources, Land Use, and Mandatory Findings of Significance categories of the Initial Study based on special-status plants that may exist on the project site. Requiring a survey during the bloom period and either avoiding or removing and transplanting found plants to the satisfaction of the California Department of Fish and Game (CDFG) and/or US Fish and Wildlife Services (USFWS) will reduce the level of impacts within the categories to a level that is less than significant.

1.3 The project will not affect wetlands, watercourses, riparian lands, or animal life and habitats, or other terrestrial matters under the jurisdiction of the California Department of Fish and Game (CDFG). Impacts to special-status plant species will require mitigation in order to reduce the level of impacts to the environment below a level that is significant. The project is, however, subject to environmental filing fees of \$1,800 plus a \$50 County Recorder processing fee based on CDFG Code Section 711.4 and Senate Bill 1535.

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

2.0 PLANNED DEVELOPMENT FINDINGS

2.1. *That the Planned Development (PD) is consistent with the General Plan.*

As proposed, the PD application and necessary improvements are consistent with the policies and land use designation of the adopted 2004 General Plan. The project meets the Multi-Family Residential (MFR) standard for use and density by providing a six-unit multi-family residential project. PD criteria are being addressed concurrent with site design providing an appropriate density for a project located within the Cameron Park Airport Overflight Safety Zone 3. The six units are compatible with the surrounding pattern of development. Other similarly designed projects with comparable densities exist in the immediate area. The proposed development plan is compatible with the Cameron Park Airport CLUP, adequate public services exist or will be provided to serve the project, road improvements and fees will off-set traffic impacts, and there are no significant biological resources on the site.

2.2 *The proposed development is designed to provide a desirable environment within its own boundaries.*

This project provides 43 percent common open space area where 30 percent is required based on PD standards. The site incorporates the gentle slope and topography of the site into the overall design by placing buildings on the higher elevations of the parcel away from Estepa Drive. Combined with the siting of buildings, the use of an earth tone building color palette and placement of the parking areas away from the main street and outside of setbacks creates a sensible environment within the project boundaries. In addition, the installation of comprehensive landscape and irrigation will maintain a visually attractive project by softening the structures to be built on the site.

2.3 *That any exception to the standard requirements of the zone regulations are justified by the design or existing topography.*

The project proposes no deviations to the underlying Limited Multifamily Residential (R2) Zone development standards.

2.4 *The site is physically suited for the proposed use.*

This area of Cameron Park is designated for multifamily residential development, and the property is an infill site surrounded by similar types of single- and multifamily projects. The Cameron Park Airport CLUP allows multifamily development within Overflight Safety Zone 3 with the PD application. As an infill lot, direct access is available onto Estepa Drive for Lots 158 and Lots 159 that will combine and share access using one main encroachment.

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

Adequate public services are available or will be provided as conditioned by installation of road, water, and sewer line improvements. Adequate fire and police protection, parks and recreational opportunities, as well as schools, exist in the area. These public services will be available for this multifamily project.

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

This 0.78-acre site is an infill parcel that is surrounded by similarly developed or developing projects. As designed, the project proposes a sensitive site design that incorporates landform grading techniques and building siting to create a balanced and aesthetically pleasing product that fits within the neighborhood. Rock outcroppings and boulders that exist on-site are integrated into the design in order to enhance the natural and scenic qualities that exist at this property. Exterior colors of buildings will be tan stucco with dark brown or tea chest trim. The selected colors will blend the buildings with the existing earth tone colors that are characteristic of the property and the surrounding neighborhood.

Mitigation Measures/Conditions

Mitigation Measures

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

1. Prior to the approval of grading and/or improvement plans, a qualified biologist shall conduct an on-site botanical survey during the bloom period of special-status plants to determine if such plants exist on the project site.

In the event that special-status plants are found and impacts to the species cannot be avoided, the applicant shall obtain approval from the California Department of Fish and Game (CDFG) and/or the US Fish and Wildlife Services (USFWS) for the removal of found special-status plants. The applicant shall provide evidence in writing from the CDFG and/or the USFWS that removal of found special-status plants occurred to the satisfaction of the affected agency and/or agencies.

2. Prior to the issuance of building permits, the applicant shall make an in lieu-fee payment of \$3,982.50, or the fee in effect at the time of building permit issuance, for construction of a six-unit multifamily residential development within Rare Plant Mitigation Area 1.

Conditions

Project Description

3. Approval is only for an apartment rental project referenced by the attached exhibits to include: one duplex and one four-plex each consisting of two-story construction; a project total of 7,932 square feet of habitable floor area and 1,602 square feet of garage floor area; 18 off-street parking spaces to include six garage spaces, six spaces in tandem with each garage, five common parking spaces, and one handicap space; and 14,753 square feet of common area open space with no common area amenities.
4. Exterior colors and materials for buildings shall substantially conform to the following color palette: the exterior of the buildings will be tan stucco with dark brown or tea chest trim and grey 30-year fire resistant roof shingles will be installed for the project. All exterior building materials, treatments, and landscaping shall be maintained in good visual repair, at all times.

Department of Transportation

5. The applicant shall obtain approval of project improvement plans and cost estimates consistent with the *Subdivision Design and Improvements Standards Manual* from the Department of Transportation, and shall pay all applicable fees to the Department of Transportation prior to the commencement of any improvements.
6. The applicant shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the *County of El Dorado Major Land Division Ordinance*, prior to the commencement of the commercial grading permit.
7. The applicant shall pay the traffic impact fees in effect at the time a building permit is issued.
8. The applicant shall widen the frontage along Estepa Drive to 15 feet measured from the existing centerline of Estepa Drive to face of curb to *Design Standard Plan 101B*. The applicant shall construct either a Type 2 curb-and-gutter or a Type 1 rolled curb depending on if the final drainage study identifies that drainage can be contained in curb section, as well as a 4-foot wide sidewalk along the property frontage of Estepa Drive to *Design Standard Plan 104* and *101B*. These improvements shall be completed prior to the issuance of the first occupancy permit.
9. The applicant shall be required to make off-site improvements on Estepa Drive and construct either a Type 2 curb-and-gutter or Type 1 rolled curb depending on if the final drainage study identifies that drainage can be contained in curb section, as well as a 4-foot wide sidewalk along *Design Standard Plan 104* and *101B*. These off-site improvements shall extend between Assessor's Parcel Number 082-531-20 to the existing

- driveway encroachment on Assessor's Parcel Number 082-770-45. These improvements shall be completed prior to the issuance of the first occupancy permit.
10. The applicant shall construct a modified *Design Standard Plan 103G* driveway to connect the project to Estepa Drive. The applicant shall also process an Encroachment Permit for the driveway connection and culvert located within the public right-of-way. These improvements shall be completed prior to the issuance of occupancy permits.
 11. A final drainage study shall be prepared by the applicant and shall be submitted with the subdivision grading and improvement plans to be reviewed and approved by the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
 12. Grading plans shall incorporate appropriate erosion control measures as provided in the *El Dorado County Grading Ordinance* and the *El Dorado County Storm Water Management Plan*. Appropriate run-off controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
 13. The applicant shall submit a soils and geologic hazards report to be prepared to meet the requirements of the *El Dorado County Grading Ordinance*. The report shall be submitted to the Department of Transportation for review and approval. The findings of the detailed geologic and geotechnical investigations shall be incorporated into the grading design plans.
 14. Grading plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
 15. The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September of each year, the applicant shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review. Recommendations from the RCD will be forwarded to the Department of Transportation which shall approve or conditionally approve such a plan and shall require the applicant to implement the plan prior to October 15 of each year.
 16. Upon completion of required improvements and prior to the County accepting such improvements, the applicant shall provide a compact disc (CD) to the Department of Transportation with the drainage report, structural wall calculations, and geotechnical reports in .pdf format with record drawings to be provided on the same CD in .tif format.

17. All construction activities shall be conducted according to the County noise regulations and shall be limited to the following hours and days: 7:00 am to 5:00 pm on any weekday; 8:00 am to 5:00 pm on Saturdays; and prohibited on Sundays and holidays.
18. Should asbestos-containing rock be exposed during grading, construction of roads, excavation for underground facilities, building foundations, or any construction related activity, then County Ordinance 4548 shall apply.
19. If blasting activities are to occur in conjunction with grading or improvements, the applicant shall ensure that such blasting activities are conducted in compliance with state and local regulations.

Fire Department

20. Prior to the approval of any building permits, a Fire Safe Plan review fee of \$120.00 shall be submitted to the Cameron Park Fire Department.
21. The applicant shall install three new fire hydrants for the project. Fire hydrants shall be located within 150 feet of all portions of the building pursuant to CFC 903.2.
22. Prior to the approval of building permits, the applicant shall install an on-site looped water line to extend from the existing eight-inch water main line located within Estepa Drive. The improvement shall be reviewed and approved by the Cameron Park Fire Department prior to issuance of any building permit. The looped system shall be designed to provide a fire flow of 2,250 gallons per minute (gpm) under 20 pounds of pressure (psi) for a period of two hours. In lieu of a looped water system, the applicant shall design the water connection pursuant to the El Dorado Irrigation District (EID) standards to upgrade the existing water line located within Estepa Drive. The upgrade will include a 10-inch water line for a section of 120 feet and a reduction to an 8-inch water line for a section of 50 feet to meet EID standards and to the satisfaction of the Cameron Park Fire Department.

Planning Services

23. Prior to the approval of occupancy permits, the applicant shall provide to Planning Services a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.
24. Prior to the approval of occupancy permits, the applicant shall schedule an inspection with Planning Services for verification of compliance with applicable conditions of approval.
25. Off-street parking shall not be reduced at any time. Garage parking shall be kept free and clear to accommodate vehicular parking only.

26. Parking areas shall be improved to a minimum of two inches of asphaltic concrete (AC) over four inches of aggregate base or equivalent improvements in concrete. The applicant, property owner, and/or property management company shall maintain in good visual and operable repair all parking, driveways, shared access, and related surface improvements associated to the project.
27. The applicant shall connect to the existing six-inch sewer line located in Estepa Drive.
28. Prior to the issuance of building permits, the applicant shall submit to the Development Services Department an Avigation and Noise Easement for a project located within the Cameron Park Overflight Zone Safety Area 3 to be submitted to the Board of Supervisors for approval and recording.
29. The final landscape plan shall meet Zoning Code Chapter 17.18.090, and General Plan Policies 7.3.5.1, 7.3.5.2, and 7.4.4.4. The final landscape plan and Water Conservation Landscape Standards form shall be provided to and be approved by the Deputy Planning Director or designee prior to issuance of a building permit. Applicant shall install and maintain landscaping in accordance with the approved final landscaping plan in perpetuity or unless otherwise modified through any future permit.
30. Common area lighting is not permitted. Patio area lighting shall be shielded and must conform to the provisions of the lighting ordinance.
31. Refuse and recycling materials shall be stored in individual containers within the garage area of each unit and shall only be located outside of the garage on trash/recycling pick-up days.
32. Outdoor air conditioning units shall be located in the rear yard and/or patio area of each unit and shall be screened from public views. Roof mounted air conditioning units shall not be allowed.
33. Propane tanks shall be located underground. The location of propane tanks shall be shown on the site improvement/grading plans.
34. Gates shall not be allowed across the access drive.
35. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the finds is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review the grading plans prior to the issuance of a grading permit.

36. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall review the grading plans prior to the issuance of a grading permit.
37. 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.

Cameron Park Community Services District (CPCSD)

38. Park impact fees and fire development fees shall be paid to the Cameron Park Community Services District (CPCSD) prior to issuance of building permits or issuance of the first occupancy permit.

Environmental Management

39. Prior to approval of grading and/or improvement plans, the applicant shall provide a Fugitive Dust Prevention and Control Plan and Contingent Asbestos Hazard Dust Mitigation Plan shall be submitted to and approved by the district prior to the start of project (FDP) application with appropriate fees to the Air Quality Management District (AQMD) for review and approval.
40. All project construction activities shall adhere to AQMD Rule 224 for Cutback and Emulsified Paving Materials.
41. All project architectural coatings shall adhere to AQMD Rule 215.
42. Any burning of wastes that result from ‘Land Development Clearing’ must be permitted through the AQMD. Only vegetative waste material may be disposed of using an open outdoor fire pursuant to AQMD Rule 300.

43. The following measures shall be implemented during construction activities to maintain the air quality standards established by the AQMD. The standards include: use of low emission on-site mobile construction equipment, maintenance of on-site equipment to manufacture's specifications, retardation of on-site diesel engine injection timing by two to four degrees, use of electricity from power poles rather than temporary gasoline or diesel generators, use of reformulated low-emission diesel fuel, use of catalytic converters on gasoline powered equipment, substitution of electric and gasoline powered equipment for diesel-powered equipment where feasible, inactive construction equipment shall not remain idling for periods in excess of two minutes, materials shall be scheduled for delivery during off-peak hours, configure construction parking to minimize traffic interference, and develop a construction traffic management plan.
44. Prior to the construction or installation of any new point source emission units or non-permitted emission units such as gasoline dispensing facilities, boilers, internal combustion engines, the applicant shall submit an authority to construct application to be reviewed and approved by the AQMD. Submittal of the application shall include facility diagram(s), equipment specifications, and emission factors.

The action today can be appealed to the Board of Supervisors within ten working days.

- b. **PD06-0004** submitted by BURNETT PARK, LLC (Agent: James Losch) to allow the construction of a six-unit multifamily rental project on property, identified by Assessor's Parcel Number 082-531-21, consisting of 0.58 acre, located on the north side of Estepa Drive, 500 feet northwest of the intersection with Cambridge Road, in the **Cameron Park area**. (Supervisory District I) (Mitigated negative declaration prepared)

Staff: Roman Anissi recommended conditional approval.

Jim Losch was present but had no further comments. There was no input.

Commissioner Machado again commented about the limited parking; however, there is additional landscaping, shared access, etc., that make the project appealing.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, MATHEWS, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED, AND APPROVE PD06-0004, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

Findings

2.0 CEQA FINDINGS

1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.

1.2 By including mitigation for special-status plants, no significant impacts to the environment will result from this project. Mitigation is included in the project permit that address potentially significant impacts within Biological Resources, Land Use, and Mandatory Findings of Significance categories of the Initial Study based on special-status plants that may exist on the project site. Requiring a survey during the bloom period and either avoiding or removing and transplanting found plants to the satisfaction of the California Department of Fish and Game (CDFG) and/or US Fish and Wildlife Services (USFWS) will reduce the level of impacts within the categories to a level that is less than significant.

1.3 The project will not affect wetlands, watercourses, riparian lands, or animal life and habitats, or other terrestrial matters under the jurisdiction of the California Department of Fish and Game (CDFG). Impacts to special-status plant species will require mitigation in order to reduce the level of impacts to the environment below a level that is significant. The project is, however, subject to environmental filing fees of \$1,800 plus a \$50 County Recorder processing fee based on CDFG Code Section 711.4 and Senate Bill 1535.

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

2.0 PLANNED DEVELOPMENT FINDINGS

2.1. *That the Planned Development (PD) is consistent with the General Plan.*

As proposed, the planned development application and necessary improvements are consistent with the policies and land use designation of the adopted 2004 General Plan. The project meets the Multifamily Residential (MFR) standard for use and density by providing a six-unit multi-family residential project. Planned development criteria are being addressed concurrent with site design providing an appropriate density for a project located within the Cameron Park Airport Overflight Safety Zone 3. The six units are compatible with the surrounding pattern of development. Other similarly designed projects with comparable densities exist in the immediate area. The proposed development plan is compatible with the Cameron Park Airport CLUP, adequate public services exist or will be provided to serve the project, road improvements and fees will off-set traffic impacts, and there are no significant biological resources on the site.

2.2 *The proposed development is designed to provide a desirable environment within its own boundaries.*

This project provides 34 percent common open space area where 30 percent is required based on PD standards. The project incorporates a majority of the rock outcroppings and boulders on the site into the design. This project balances existing topography, the shared access component, and building siting to provide a desirable environment within its own boundaries. Combined with the siting of buildings, the use of an earth tone building color palette and placement of the parking areas away from the main street and outside of setbacks creates a sensible environment within the project boundaries. In addition, the installation of comprehensive landscape and irrigation will maintain a visually attractive project by softening the structures to be built on the site.

2.3 *That any exception to the standard requirements of the zone regulations are justified by the design or existing topography.*

The project proposes no deviations to the underlying Limited Multifamily Residential (R2) Zone development standards.

2.4 *The site is physically suited for the proposed use.*

This area of Cameron Park is designated for multifamily residential development, and the property is an infill site surrounded by similar types of single and multifamily projects. The Cameron Park Airport CLUP allows multifamily development within Overflight Safety Zone 3 with the planned development application. As an infill lot, direct access is available onto Estepa Drive for Lots 158 and Lots 159 that will combine and share access using one main encroachment.

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

Adequate public services are available or will be provided as conditioned by installation of road, water and sewer line improvements. Adequate fire and police protection, parks and recreational opportunities, as well as schools exist in the area. These public services will be available for this multi-family project.

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

This 0.58-acre site is an infill parcel that is surrounded by similarly developed or developing projects. As designed, the project proposes a sensitive site design that incorporates grading techniques and building siting to create a balanced and aesthetically pleasing product that fits within the neighborhood. Rock outcroppings and boulders that exist on-site are integrated into the design in order to enhance the natural and scenic qualities that exist at this property. Exterior colors of buildings will be tan stucco with dark brown or tea chest trim. The selected colors will

blend the buildings with the existing earth tone colors that are characteristic of the property and the surrounding neighborhood.

Mitigation Measures/Conditions

Mitigation Measures

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

2. Prior to the approval of grading and/or improvement plans, a qualified biologist shall conduct an on-site botanical survey during the bloom period of special-status plants to determine if such plants exist on the project site.

In the event that special-status plants are found and impacts to the species cannot be avoided, the applicant shall obtain approval from the California Department of Fish and Game (CDFG) and/or the US Fish and Wildlife Services (USFWS) for the removal of found special-status plants. The applicant shall provide evidence in writing from the CDFG and/or the USFWS that removal of found special-status plants occurred to the satisfaction of the affected agency and/or agencies.

2. Prior to the issuance of building permits, the applicant shall make an in lieu-fee payment of \$3,982.50, or the fee in effect at the time of building permit issuance, for construction of a six-unit multi-family residential development within Rare Plant Mitigation Area 1.

Conditions

Project Description

3. Approval is only for an apartment rental project referenced by the attached exhibits to include: one duplex and one four-plex each consisting of two-story construction; a project total of 7,932 square feet of habitable floor area and 1,602 square feet of garage floor area; 18 off-street parking spaces to include 6 garage spaces, 6 spaces in tandem with each garage, 5 common parking spaces, and 1 handicap space; and 8,526 square feet of common area open space with no common area amenities.
4. Exterior colors and materials for buildings shall substantially conform to the following color palette: the exterior of the buildings will be tan stucco with dark brown or tea chest trim and grey 30-year fire resistant roof shingles will be installed for the project. All exterior building materials, treatments, and landscaping shall be maintained in good visual repair, at all times.

Department of Transportation

5. The applicant shall obtain approval of project improvement plans and cost estimates consistent with the *Subdivision Design and Improvements Standards Manual* from the

- Department of Transportation, and shall pay all applicable fees to the Department of Transportation prior to the commencement of any improvements.
6. The applicant shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the *County of El Dorado Major Land Division Ordinance*, prior to the commencement of the commercial grading permit.
 7. The applicant shall pay the traffic impact fees in effect at the time a building permit is issued.
 8. The applicant shall widen the frontage along Estepa Drive to 15 feet measured from the existing centerline of Estepa Drive to face of curb to *Design Standard Plan 101B*. The applicant shall construct either a Type 2 curb-and-gutter or a Type 1 rolled curb depending on if the final drainage study identifies that drainage can be contained in curb section, as well as a four-foot wide sidewalk along the property frontage of Estepa Drive to *Design Standard Plan 104* and *101B*. These improvements shall be completed prior to the issuance of the first occupancy permit.
 9. The applicant shall be required to make off-site improvements on Estepa Drive and construct either a Type 2 curb-and-gutter or Type 1 rolled curb depending on if the final drainage study identifies that drainage can be contained in curb section, as well as a four-foot wide sidewalk along *Design Standard Plan 104* and *101B*. These off-site improvements shall extend between Assessor's Parcel Number 082-531-20 to the existing driveway encroachment on Assessor's Parcel Number 082-770-45. These improvements shall be completed prior to the issuance of the first occupancy permit.
 10. The applicant shall construct a modified *Design Standard Plan 103G* driveway to connect the project to Estepa Drive. The applicant shall also process an Encroachment Permit for the driveway connection and culvert located within the public right-of-way. These improvements shall be completed prior to the issuance of occupancy permits.
 11. A final drainage study shall be prepared by the applicant and shall be submitted with the subdivision grading and improvement plans to be reviewed and approved by the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
 12. Grading plans shall incorporate appropriate erosion control measures as provided in the *El Dorado County Grading Ordinance* and the *El Dorado County Storm Water Management Plan*. Appropriate run-off controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
 13. The applicant shall submit a soils and geologic hazards report to be prepared to meet the requirements of the *El Dorado County Grading Ordinance*. The report shall be submitted to the Department of Transportation for review and approval. The findings of

the detailed geologic and geotechnical investigations shall be incorporated into the grading design plans.

14. Grading plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
15. The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September of each year, the applicant shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review. Recommendations from the RCD will be forwarded to the Department of Transportation which shall approve or conditionally approve such a plan and shall require the applicant to implement the plan prior to October 15 of each year.
16. Upon completion of required improvements and prior to the County accepting such improvements, the applicant shall provide a compact disc (CD) to the Department of Transportation with the drainage report, structural wall calculations, and geotechnical reports in .pdf format with record drawings to be provided on the same CD in .tif format.
17. All construction activities shall be conducted according to the County noise regulations and shall be limited to the following hours and days: 7:00 am to 5:00 pm on any weekday; 8:00 am to 5:00 pm on Saturdays; and prohibited on Sundays and holidays.
18. Should asbestos-containing rock be exposed during grading, construction of roads, excavation for underground facilities, building foundations, or any construction related activity, then County Ordinance 4548 shall apply.
19. If blasting activities are to occur in conjunction with grading or improvements, the applicant shall ensure that such blasting activities are conducted in compliance with state and local regulations.

Fire Department

20. Prior to the approval of any building permits, a Fire Safe Plan review fee of \$120.00 shall be submitted to the Cameron Park Fire Department.
21. The applicant shall install three new fire hydrants for the project. Fire hydrants shall be located within 150 feet of all portions of the building pursuant to CFC 903.2.

22. Prior to the approval of building permits, the applicant shall install an on-site looped water line to extend from the exiting eight-inch water main line located within Estepa Drive. The improvement shall be reviewed and approved by the Cameron Park Fire Department prior to issuance of any building permit. The looped system shall be designed to provide a fire flow of 2,250 gallons per minute (gpm) under 20 pounds of pressure (psi) for a period of two hours. In lieu of a looped water system, the applicant shall design the water connection pursuant to the El Dorado Irrigation District (EID) standards to upgrade the existing water line located within Estepa Drive. The upgrade will include a 10-inch water line for a section of 120 feet and a reduction to an 8-inch water line for a section of 50 feet to meet EID standards and to the satisfaction of the Cameron Park Fire Department.

Planning Services

23. Prior to the approval of occupancy permits, the applicant shall provide to Planning Services a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.
24. Prior to the approval of occupancy permits, the applicant shall schedule an inspection with Planning Services for verification of compliance with applicable conditions of approval.
25. Off-street parking shall not be reduced at any time. Garage parking shall be kept free and clear to accommodate vehicular parking only.
26. Parking areas shall be improved to a minimum of two inches of asphaltic concrete (AC) over four inches of aggregate base or equivalent improvements in concrete. The applicant, property owner, and/or property management company shall maintain in good visual and operable repair all parking, driveways, shared access, and related surface improvements associated to the project.
27. The applicant shall connect to the existing six-inch sewer line located in Estepa Drive.
28. Prior to the issuance of building permits, the applicant shall submit to the Development Services Department an Avigation and Noise Easement for a project located within the Cameron Park Overflight Zone Safety Area 3 to be submitted to the Board of Supervisors for approval and recording.
29. The final landscape plan shall meet Zoning Code Chapter 17.18.090, and General Plan Policies 7.3.5.1, 7.3.5.2 and 7.4.4.4. The final landscape plan and Water Conservation Landscape Standards form shall be provided to and be approved by the Deputy Planning Director or designee prior to issuance of a building permit. Applicant shall install and maintain landscaping in accordance with the approved final landscaping plan in perpetuity or unless otherwise modified through any future permit.

30. Common area lighting is not permitted. Patio area lighting shall be shielded and must conform to the provisions of the lighting ordinance.
31. Refuse and recycling materials shall be stored in individual containers within the garage area of each unit and shall only be located outside of the garage on trash/recycling pick-up days.
32. Outdoor air conditioning units shall be located in the rear yard and/or patio area of each unit and shall be screened from public views. Roof mounted air conditioning units shall not be allowed.
33. Propane tanks shall be located underground. The location of propane tanks shall be shown on the site improvement/grading plans.
34. Gates shall not be allowed across the access drive.
35. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the finds is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review the grading plans prior to the issuance of a grading permit.
36. In the even of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall review the grading plans prior to the issuance of a grading permit.
37. 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.

Cameron Park Community Services District (CPCSD)

38. Park impact fees and fire development fees shall be paid to the Cameron Park Community Services District (CPCSD) prior to issuance of building permits or issuance of the first occupancy permit.

Environmental Management

39. Prior to approval of grading and/or improvement plans, the applicant shall provide a Fugitive Dust Prevention and Control Plan and Contingent Asbestos Hazard Dust Mitigation Plan shall be submitted to and approved by the district prior to the start of project (FDP) application with appropriate fees to the Air Quality Management District (AQMD) for review and approval.
40. All project construction activities shall adhere to AQMD Rule 224 for Cutback and Emulsified Paving Materials.
41. All project architectural coatings shall adhere to AQMD Rule 215.
42. Any burning of wastes that result from ‘Land Development Clearing’ must be permitted through the AQMD. Only vegetative waste material may be disposed of using an open outdoor fire pursuant to AQMD Rule 300.
43. The following measures shall be implemented during construction activities to maintain the air quality standards established by the AQMD. The standards include: use of low emission on-site mobile construction equipment, maintenance of on-site equipment to manufacture’s specifications, retardation of on-site diesel engine injection timing by two to four degrees, use of electricity from power poles rather than temporary gasoline or diesel generators, use of reformulated low-emission diesel fuel, use of catalytic converters on gasoline powered equipment, substitution of electric and gasoline powered equipment for diesel-powered equipment where feasible, inactive construction equipment shall not remain idling for periods in excess of two minutes, materials shall be scheduled for delivery during off-peak hours, configure construction parking to minimize traffic interference, and develop a construction traffic management plan.
44. Prior to the construction or installation of any new point source emission units or non-permitted emission units such as gasoline dispensing facilities, boilers, internal combustion engines, the applicant shall submit an authority to construct application to be reviewed and approved by the AQMD. Submittal of the application shall include facility diagram(s), equipment specifications, and emission factors.

The action today can be appealed to the Board of Supervisors within ten working days.

9. **TENTATIVE SUBDIVISION MAP** (Public Hearing)

TM05-1398/Thousand Oaks, Unit 3 submitted by HELEN L. THOMAS (Agent: Gene E. Thorne & Associates) proposing to create 3 lots ranging in size from 1.83 to 3.35 acres in size. Design waivers have been requested to allow the following: a) Irregular shaped lots and frontage for Lots 2 and 3 to be less than 100 feet as shown on the tentative map; and b) Permit the existing roads to remain as they currently exist. The property, identified by Assessor's Parcel Number 070-300-15, consisting of 8.4 acres, is located on the south side of St. Ives Court, approximately 500 feet south of the intersection with Meder Road, in the **Shingle Springs area**. (Supervisorial District IV) (Mitigated negative declaration previously prepared and advertised)

This item was continued from the meeting of December 14, 2006.

Staff: Jason Hade recommended the project be continued off-calendar. The environmental document must be recirculated and readvertised. Commissioner Machado asked when the item could be heard. Larry Appel explained the recirculation process.

Gene Thorne was present and informed the Commission how long they have been in the process.

The Commission took a short break.

Mr. Appel said April 12 would work for scheduling this item.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED BY THOSE COMMISSIONERS PRESENT (Commissioner Tolhurst was absent), IT WAS MOVED TO CONTINUE TM05-1398 TO THE MEETING OF APRIL 12, 2007.

10. **REZONE** (Public Hearing)

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**. (Supervisorial District III) (Negative declaration prepared)

Paula Frantz, County Counsel, said there was an advertising mistake on this project when it was previously heard by the Commission, so the Commission will be hearing this application again today. This will be a completely new hearing.

Staff: Shawna Purvines recommended approval, suggesting deletion of Finding 1.4 as the County can no longer find that a project has a de minimis impact. There will be further review by staff when a project is submitted on this property. It would only come before the Planning Commission if staff's decision is appealed.

Jim Losch said the mitigation fees in District III have gone up very high. At this point, they have no project. His clients have no idea what they will be doing. When a project comes in, a traffic study will have to be completed.

Commissioner Mathews asked if the subject property is for sale. Mr. Losch does not know.

A property owner directly below the parcel in question said all the construction on the subject property has flooded her property and three other parcels. Her well has been destroyed by the flooding. The reservoir that was originally in this area has been filled with debris. They flood every year now. If the property is changed to residential there will be more homes and they feel additional flooding. Mr. Losch said any development on this property would have to pipe any drainage down to Pleasant Valley Road. There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MAC CREADY AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, MATHEWS, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, 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 CONTROL (C-DC) TO LIMITED MULTIFAMILY RESIDENTIAL-COMMUNITY DESIGN REVIEW (R2-DC) BASED ON THE FINDINGS AS MODIFIED.

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 base 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.

11. CONCEPTUAL REVIEW

AZ05-0001/P05-0010, Cameron Park Bowl submitted by GENE E. THORNE, agent for George Caputo. The project involves the construction of a two-story 62,640 square foot building for a 36-lane bowling alley to include a restaurant with bar on the second floor and a two-story 39,722 square foot office building. The project is designed with 451 parking spaces and access off Cameron Park Drive. The property, identified by Assessor's Parcel Number 083-020-29, is located approximately 500 feet north of the intersection of Meder Road and Cameron Park Drive, in the **Cameron Park area**. (Supervisory District IV)

Staff: Roman Anissi said this is the first conceptual review being done by the Planning Commission. Larry Appel said staff is not asking the Commission to make a decision on this project today. There are specific issues where staff would like direction. There will be more of these types of applications coming before the Commission in the future.

Commissioner Mac Cready asked if this type of review adds more time to the processing of applications. Mr. Appel said it will add time at the beginning of the process but hopefully reduce time at the end of the process. Staff would like some early direction from the Commission on the issues addressed in the staff report. Complex projects or those where staff does not know how the Commission feels on a large project would be coming before the Commission for this type of review.

Chair Knight did meet with the applicant. He can see where this type of process may save time. There are rare plant and fly zone issues related to this project.

Commissioner Machado also has met with the applicant. He asked for clarification on the size of the parcel. Referring to Exhibit C, there is a portion of the parcel designated Open Space. Mr. Anissi said the size of the parcel is an estimate. Commissioner Machado does not see oak canopy on this property. There is scrub oak and Manzanita. Why are we not providing more access off Cameron Park Drive? Mr. Appel said in the past month or so the Department of Transportation has agreed to a pocket and access from Cameron Park Drive. Commissioner Machado spoke about the cut on the property as shown in Exhibit G.

Gene Thorne said they are not sure it will be concrete tilt-up buildings. This parcel is on the General Plan amendment list later this afternoon (#57). Without encroaching onto the 30 percent slope, there is no way to develop this project. The rare plants will be better mitigated by taking access from Cameron Park Drive. Taking access from Cameron Park Drive will allow less grading on site. Under oak woodlands, it is four to five percent and not 40 to 59 percent. Of that percentage they have to retain 90 percent. Storm drainage was brought up by the Department of Transportation. When the project is done, the drainage problems will be better in the area than they are now. Without grading you cannot do anything on this property. Primarily, conditions from the Department of Transportation require road improvements on Cameron Park Drive. It makes a lot of sense to take access off Cameron Park Drive than Meder Road. He does not agree with staff's optimistic assumption on the rare plant issue. That is a large stumbling block.

Mr. Thorne went over some background information on how the Open Space designation was placed on the property.

Jack O'Cam said there is not much for seniors in the County. He joined a 50 plus bowling league in Folsom. They are looking forward to this project. There are many elderly bowlers in the County that would use this project.

Carolyn Doty, Cameron Park/Shingle Springs Chamber of Commerce, commented they have received very many phone calls in favor of this project. They encourage the Commission to strongly consider this project and make it a part of the community.

Art Marinaccio said this is a great opportunity to see how the General Plan policies will work. There is no practical reality to preserving oak canopy on this project, in these types of soils. They went from 40 percent slopes to 30 percent slopes the last minute of the General Plan process. The General Plan policies are a disaster. We need to look at how the policies work on the ground. He does not see a mention of Chapter 10, the Economic Element. Staff needs to start looking at that element. We need to work with BLM to make sure the necessary infrastructure the community needs is there.

There was no further input.

Mr. Thorne spoke about bifurcating the process. They would like to proceed with the parcel map to divide the parcel into two parcels. They need to split the parcel in the future and would like that part of the project now.

Jim Ware, Department of Transportation, said they have made the determination that access off Cameron Park Drive would be the best alternative. The slope is probably 90 feet. He believes the visual impact can be mitigated. You must mitigate the project to pre-project flow rates.

Commissioner Machado spoke about the disposal of the cut material. The fill will go to another commercial project in Cameron Park that needs fill. There will be a lot of traffic from trucks in Cameron Park for quite a while. Will the Department of Transportation work with the applicant so there are a few as possible trips through an area that is the least objectionable? Mr. Ware said they would be working with the applicant on peak hour trips, etc.

Commissioner Machado asked if the General Plan amendment for this project could be part of the list this afternoon. Mr. Appel said it is on the list.

Chair Knight feels this is the best we can do with this difficult parcel.

Commissioner Mathews does not believe the trees can be considered oak canopy. He believes this will be a very good project and would encourage the project.

Commissioner Machado is happy to see the conceptual process. He believes it will save money for the applicant and that we will get better projects.

Mr. Anissi said he would like to see the General Plan amendment on the agenda this afternoon completed prior to this project coming forward. He would also like to see the applicant get the necessary information from Fish and Game. Mr. Appel said the General Plan amendment should be left as part of the project. If the County's amendments are done first, it will be eliminated from the project.

No action was taken.

12. ORDINANCE AMENDMENT (Public Hearing)

OR07-0002 initiated by the El Dorado County Planning Commission to consider amending Chapter 17.22 of the County Code, Site Plan Review, to include a General Plan Consistency Analysis. (General Plan FEIR [SCH2001082030])

Staff: Larry Appel presented this item in the absence of Roger Trout. Staff recommended approval to the Board of Supervisors.

Art Marinaccio said there was no worse idea that anyone came up with in the General Plan process than the conformity review process. With this amendment you are making building permits discretionary. It is a bad idea. The Commission should pass the amendment on to the Board but should recommend it not be adopted.

Commissioner Mathews said Mr. Marinaccio brings up a good point. Why put another layer of bureaucracy on a building permit? Mr. Appel said all jurisdictions he has worked for had this type of review. A building permit should also be consistent with the adopted plan.

Commissioner Machado asked if you build a single family residence or add on to your residence, what the process would be after this ordinance is adopted versus now. Mr. Appel explained.

Paula Frantz, County Counsel, said this amendment is time critical in that the urgency ordinance expires in March. Unless there is an ordinance in place, it would be hard to approve building permits. She further explained.

Commissioner Machado said perhaps the Commission should pass this on today and ask that Mr. Appel give the consistency information to the Commissioners. Mr. Appel said he would come back to the Commission, perhaps with someone from the Permit Center, and explain the process. Chair Knight asked that it be placed on the agenda of March 22, 2007.

MOTION; COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS CERTIFY THAT THE AMENDMENT IS CONSISTENT WITH THE GENERAL PLAN FEIR (SCH 2001082030) AND APPROVE OR07-0002, AMENDING CHAPTER 17.22 OF THE COUNTY CODE, SITE PLAN REVIEW, TO INCLUDE A GENERAL PLAN CONSISTENCY ANALYSIS (see proposed amendment below), BASED ON THE FOLLOWING FINDINGS:

Findings

1.0 CEQA Finding

1.1 Ordinance OR07-0002 is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because it has no potential for resulting in physical changes to the environment, directly or indirectly.

2.0 Legislative Findings

1.1 Ordinance OR07-0002 is consistent with Section 17.10 of the County Zoning Ordinance (Amendments) because the Planning Commission initiated the amendment through a resolution of intention pursuant to Section 17.10.010 (C), and hearings were conducted in accordance with 17.10.040.

1.2 Ordinance OR07-0002 is consistent with the 2004 General Plan adopted on July 19, 2004. The Ordinance amendment specifically implements Policy 2.2.5.20 that was a mitigation measure of the General Plan FEIR (SCH 2001082030).

Proposed Ordinance Amendment

IV. SITE PLAN REVIEW

17.22.300 Purpose. The purpose of this subchapter is to provide for the review and approval of development projects consistent with the provisions of this Title, where review is required or necessary to ensure compliance with adopted County standards, to provide appropriate on-site design of parking, circulation, building location, landscaping and lighting, and to protect the public health, safety and welfare. (Ord. 4589 §§2, 5, 2001) The purpose is also to demonstrate consistency with the General Plan pursuant to General Plan Policy 2.2.5.20.

17.22.310 Approval Authority. The Development Services Planning Director or his designee shall have approval authority of original jurisdiction for site plan review. The approval of a site plan review application shall be considered a ministerial permit pursuant to CEQA. (Ord. 4589 §§2, 5, 2001)

17.22.320 Standards and Requirements. Standards for site plan review shall be those established pursuant to Chapters 17.06, 17.14, 17.16, 17.18, the applicable zone district provisions, and any other standards or requirements adopted by El Dorado County by ordinance or resolution. (Ord. 4589 §§2, 5, 2001)

17.22.xxx General Plan Consistency Requirements. Standards for demonstrating consistency with the General Plan pursuant to General Plan Policy 2.2.5.20 will be on a form established by the Development Services Department.

17.22.xxx Applicability of General Plan Consistency Requirements. Requirements for General Plan Consistency shall apply to:

- A. All building permits for new structures, as defined in the General Plan, greater than 120 square feet, including additions to existing structures.
- B. Building Permits or other permits that require a grading permit.

17.22.xxx Inapplicability. The General Plan Consistency requirements are not applicable to any of the following:

- A. Any permits that require a finding of consistency with the 2004 General Plan pursuant to other provisions of state law or local ordinances.
- B. Any permits issued in accordance with an approved development agreement to the extent the development agreement prevents the application of policies of the 2004 General Plan.

17.22.xxx General Plan Consistency Options

If proposed development does not conform to General Plan policies pursuant to the site plan review as set forth above, no permit shall be issued for the development unless:

A. The applicant modifies the application to eliminate any inconsistencies identified.

B. The applicant applies for and is granted a planned development application after discretionary review and CEQA analysis. The planned development application is hereby authorized whether or not a planned development is otherwise required by ordinance and would not require a rezone to add the planned development combining zone, but in all other respects, the planned development application will be processed in accordance with Section 17.04, and any appeals will be processed in accordance with Section 17.22.220.

C. Reasonable use of the property would otherwise be denied, as determined by the Development Services Director.

13. GENERAL PLAN UPDATE

- a. **Resolution of Intention 2007-02;** to initiate public hearings to make minor corrections and adjustments to the adopted Land Use maps determined necessary and appropriate in order to facilitate the review and update of the Zone District maps.

Staff: Lillian Mac Leod presented this item in the absence of Roger Trout, recommending adoption of the Resolution of Intention. Staff has resolved Items 1 and 2 on Page 2 of the staff report. Item 4 should also be added to the list.

Art Marinaccio said 107 is also an EID parcel and should probably come off too. We need to determine whether Items 77 through 81 should be designated Commercial or Industrial. The entire area through Missouri Flat needs to be reviewed.

Mrs. Mac Leod said this is the first batch of proposed changes. The EID properties could be included with the next Resolution.

Mr. Marinaccio talked about the Mineral Resources overlay on both the Weber Creek and Diamond Springs Quarry. The state has mapped the sites for Mineral Resources. He referred to Items 62, 63, 64, 65, 66, and 67. Larry Appel said we are not taking them out of the Mineral Resource area. It is just simply moving the overlay back where it should have been placed. We are not trying to change anything that the state has identified as being under a Mineral Resource overlay. On #59, Mr. Marinaccio said there is a boundary line adjustment in the works to take a portion of Greenstone Country and make it a part of the Brunius property.

Mr. Appel said this is just the initiation of the process. After the Resolution is adopted, the property owners will be contacted regarding the proposed change.

Mr. Marinaccio would like to have a chance to sit down with the state to make sure the mapping is correct. Commissioner Mac Cready said this is an initiation of the process. You can go back to the property owners before any change is made.

Mrs. Mac Leod said without the Kingsville and EID properties, the changes can be made under an exemption. Staff is proposing to have these changes to the Board in June.

Camille Courtney asked at what point the High Density Residential outside a Community Region will be considered. Mrs. Mac Leod commented this is a multi-stage process. This is the first step.

Thalia Georgiadis said they will be coming forth with a project for the Kingsville properties in the near future. She did talk to Lillian Mac Leod this morning and said those properties could be removed from this list.

There was no further input.

Mr. Appel said staff proposed its original recommendation with the removal of the EID and Kingsville properties. The change can be done on an exemption with the remaining properties and would be processed quickly.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MAC CREADY AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, MATHEWS, AND KNIGHT; ABSENT - COMMISSIONER TOLHURST, IT WAS MOVED TO ADOPT RESOLUTION OF INTENTION 2007-02.

- b. **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.

Staff: Larry Appel went over the goals for the meeting today. Steven Hust gave a power point presentation.

Commissioner Machado asked which types of trees have been eliminated. He also asked the acreage we will be going with. Rick Lind explained.

Commissioner Machado asked if Policy 7.4.4.4 was put in the General Plan to help resolve the lawsuit. Paula Frantz, County Counsel, replied Policy 7.4.4.4, Option A, was put in the 1996 General Plan as a mitigation measure and required retention of canopy only. The Board made a change to retention or replacement. The judge found there was no evidence that replacement was as much protection of the environment as retention. When the Plan was rewritten, the consultant was given the original policy as a starting point. The consultant came up with the two-phase approach. Option B was from the 2004 General Plan. Option A has been in the plan in some form since 1996.

Commissioner Machado asked if the Commission has any authority to pull out any categories or suggest reduction of certain areas.

Judy Ehrogotti said, as an individual property owner going through the system, if the health of the oak trees was looked at and not the type that would answer the question. If they are healthier they would be more apt not to burn down. We have to make the definition looser on what is a healthy tree. Option A should be eliminated.

Art Marinaccio said there are some real basics that the Commission has to deal with and give this process some direction. The Commission needs to read the studies that were included in our General Plan. They are very specific, and it is not Policy 7.4.4.4. Let's look at one map that shows what is important, not all the criteria. Before we do anything, we need to see a map of what we want to protect. The Commissioners are going to have to read some of the biological studies. Valley oak woodland needs to be protected. There is very little of it. Blue oak woodland has regeneration problems. We need to map the high priority areas. Any areas in Community Regions or Rural Centers should be removed from the maps. We need to know why we are doing this. If the General Plan policies are not correct, that needs to be fixed. Implementing Option A or Policy 7.4.4.4 is infeasible. The Commission needs to give some direction on narrowing down the mapping.

Kathy Russell said the fundamental issue is that we have a General Plan that does not work. She agrees with Mr. Marinaccio's comments. As Mr. Marinaccio asked, what are we trying to accomplish? How much money are we willing to spend? There are millions of dollars from the federal government in grants. Why are we talking about private individual's property?

John Stiltzmler gave the Commission some written information. He read excerpts from the information he presented. What about private property rights? This oak tree protection has no place in El Dorado County. Heritage oaks have a place. He has two options, send it to the Supervisors and take it out of the General Plan, and if there has to be a limit, make it 1,000 feet. This has to be simplified. You are impacting the people of El Dorado County. We are already at gridlock.

Camille Courtney said Policy 7.4.4.4 states the County is requiring one of two mitigation options. If you adhere to the retention requirements, why do you have to replace what you remove? Policies 7.4.4.4 and 7.4.5.2 seem to be inconsistent. They are talking about trunks and not canopy. She is not sure the County has thoroughly thought this through. The Community Regions are where the County has planned for development. As it stands, this is very hard to work with. It is important to identify the Important Biological Corridors and preserve those areas.

Valerie Zetner, El Dorado County Farm Bureau, stated in Policy 7.4.4.2 we start out encouraging, and we continue to mandate mitigation that does not work. They favor voluntary incentive programs. This kind of policy does not work in the Rural Regions. We have policies that are inconsistent. She had hoped we would have come up with the list of inconsistencies and statements as to why the policies do not work. The study area is huge. We probably do not need this kind of thing in Fairplay.

Cindy Schaffer, Echo Lane Investors, said the maps were created by assumptions. To amend the maps you should exclude developed properties from the matrix and revisit the 500 acre increment and perhaps have 1,000 to 2,000 acre increments.

Commissioner Machado said for the next meeting he would like to see the acreage reduced; start with something below 4,000 feet; can the consultant prepare more maps? Chair Knight agreed to

reducing the elevation but make sure we take the Important Biological Corridors into consideration. Commissioner Machado would like to go to a low elevation; delete the Community Regions and Rural Centers; reduce the mapping substantially. He would look at 2,000 feet for the elevation. Mr. Hust will look at different elevations. Commissioner Machado mentioned the conflict between Policy 7.4.4.4 and 7.4.5.2. If six inch trees and under could be removed from the canopy calculations, the numbers could be reduced. Mr. Hust commented that Policy 7.4.5.2 was for the creation of an ordinance. Commissioner Machado said you should not have to calculate non-healthy trees. Those should be removed. Chair Knight again commented we have to identify environmentally important corridors. We are trying to direct growth in the Community Regions and Rural Centers. Commissioner Mac Cready said we should be trying to preserve natural habitat. On Option B, it should be one-to-one rather than two-to-one. Commissioner Machado said he did not hear an answer to what we are trying to preserve. Commissioner Mathews understands the intent of Policy 7.4.4.4, but the implementation does not make sense. We need to define the priorities, lower the elevation.

Mr. Hust said staff will be back on March 22 with new information. Chair Knight would like to see what a new map would look like. Take out the non-important areas. Lower the elevation. Let's see what it looks like.

There was no further input. No action was taken.

ADDENDUM

- c. **Integrated Natural Resources Management Plan:** To receive comments from the Commissioners on the INRMP work program information considered by the Board of Supervisors and previously distributed to the Commission on February 8, 2007.

This item was taken before Item 13.b. Staff: Steven Hust presented this item stating this plan will be on the Board agenda March 6.

Commissioner Machado asked how similar the INRMP and Oak Woodland Management Plans will be. Commissioner Mathews said the INRMP is a little too far reaching. We need to find a common ground. How much land are we going to protect versus fire land protection. What about affordable housing? As spoken to earlier today, there are a lot of types of oaks (scrub), etc., that do not need to be protected. Commissioner Machado asked if it is possible that a parcel will be hit with both an oak tree fee and an INRMP fee. Mr. Hust assumes all the fees will be blended into one fee. Chair Knight asked if there is an end in sight as asked by Commissioner Machado at an earlier meeting. We always need to take a look at the costs.

Mr. Hust did comment that the Scope of Services included up to 70 various meetings. There will be many opportunities to discuss costs, affordable housing, etc.

No action was taken.

14. ZONING ORDINANCE UPDATE - None

15. **DEPARTMENT OF TRANSPORTATION** - None

16. **COUNTY COUNSEL'S REPORTS** - None

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

18. **ADJOURNMENT**

Adjourned at 5:10 p.m.

APPROVED BY THE COMMISSION

Authenticated and Certified:

_____ John Knight, Chair

