



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

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

MINUTES

**Regular Meeting of the Planning Commission
April 26, 2007 – 8:30 A.M.
BUILDING C HEARING ROOM
2850 Fairlane Court, Placerville, CA**

1. CALL TO ORDER

Meeting called to order at 8:40 a.m. Present: Commissioners Mac Cready, Machado, Mathews, Tolhurst (left meeting at 3:00 p.m.), and Knight; Paula F. Frantz, County Counsel; and Jo Ann Brillisour, Clerk to the Planning Commission.

2. ADOPTION OF AGENDA

MOTION: COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE AGENDA, AS PRESENTED. In the afternoon session, Item 13 was taken first, then 11.b, 10, 11.a, and 12.

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.)

- a. **Minutes:** March 22, 2007

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE THE CONSENT CALENDAR.

5. **DEPARTMENTAL REPORTS AND COMMUNICATIONS** – None

6. **COMMISSIONERS' REPORTS**

Commissioner Tolhurst informed the Commission of the action taken by TRPA on the Heavenly Ski Resort.

Commissioner Mathews has spoken to several of the wine growers, and they are happy with the existing wine ordinance. It seems we might be spending a lot of time unnecessarily on the ordinance. Larry Appel said the Board has given direction on the ordinance. If anyone has comments, they should be directed to the Board.

Commissioner Machado spoke about a special use permit considered at the last meeting that also contained a finding of consistency for a road abandonment on the subject property. He wants to make sure the County is aware of the other subdivisions in the area and the road connections that will be necessary. Jon Vegna, Department of Transportation, said their department is aware of these issues.

PUBLIC FORUM/PUBLIC COMMENT - None

7. **FINDINGS OF CONSISTENCY** (Public Hearing)

- a. **GOV07-0005** submitted by the EL DORADO COUNTY CHIEF ADMINISTRATOR'S OFFICE for a finding of consistency with the General Plan on the El Dorado County 2007 Proposed Five-year Capital Improvement Program.

Staff: Jason Hade recommended the Commission find the request consistent with the County General Plan.

Laura Gill, Chief Administrative Office, said this is a preliminary Capital Improvement Plan. She gave a very brief overview of the plan.

Commissioner Machado said the Department of Transportation staff should let the public know about the road improvements that are scheduled. He spoke about getting the Sheriff's substation in El Dorado Hills built as soon as possible. Commissioner Machado asked what is being done with the old Sheriff's office when the new complex is completed. The City of Placerville is looking for a larger facility. Ms. Gill has heard about several agencies interested in using the facility. She will be looking at the possible uses for the existing facility. Commissioner Machado asked about the regional park in El Dorado Hills. He spoke about the County and community service districts working together to construct the park.

Commissioner Tolhurst said there is a lack of projects in the Tahoe area. Ms. Gill spoke about the projects in that area. There is a lot of discussion taking place, but there is nothing concrete at the present time.

There was no further input.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR EL DORAD

b. Request submitted by the O COUNTY CONSISTENT WITH THE COUNTY GENERAL PLAN.EL DORADO HILLS COMMUNITY SERVICE DISTRICT for a finding of consistency with the General Plan for their Proposed Park Impact Fee Nexus Study Update.

Staff: Roman Anissi presented this item. The Building Industry Association and the District have not come to resolution on some of the issues brought up at the last hearing. Staff continues to recommend a finding of consistency with the General Plan. Staff recommends the Commission find the Nexus Study consistent with the General Plan with the understanding that the agencies will continue working on this plan after such a finding is made.

Diana Hillyer, Planning Director for the Community Services District, gave a brief power point presentation on their study.

Commissioner Tolhurst asked for clarification on the Quimby fees. Ms. Hillyer explained. Commissioner Tolhurst said it appears the highest increase is in multifamily and single family. There is very little increase in Serrano. Ms. Hillyer explained the review process done on the study.

Commissioner Machado asked about the size of pools, community buildings, etc. in the old plan and the proposed plan. Ms. Hillyer said the office and maintenance buildings square footage has changed. Commissioner Machado asked if they have had any meetings with the County's Affordable Housing Task Force. Ms. Hillyer said they have not but would be happy to work with the group. Commissioner Machado is concerned about affordable housing. He does not believe that wording was brought up at any of the meetings held since the last Commission meeting. Referring to Page 18, table 6, Commissioner Machado asked about the aquatic facility.

Commissioner Tolhurst asked about the lower fees in Serrano.

Commissioner Mathews asked about the commercial aspect. Ms. Hillyer commented it is included in the study but not the fee. Commissioner Mathews asked if anyone has done a study on the number of mobile homes in the area and the possibility of additional units.

Dennis Rodgers, North State Building Industry Association, said they have a very positive working relationship with the CSD staff. They still have concerns: 1. How the existing level of service is going to be addressed; and 2. Costs of development for the facilities which is the basis

for the fee. Affordable housing is very important. The exaction process has a way of limiting the diversion of construction.

Mike McDougall, MJM, acknowledged Dianna Hillyer and the staff for working with them on fees. There are two issues that need to go back to the CSD. There are existing deficiencies. The second issue is the square footage fee issue.

There was no further input.

Ms. Hillyer said they are aware there are policy questions that need to be addressed.

Commissioner Machado contacted other jurisdictions regarding their fees. He feels there are still some buildings in the plan that need to be scaled down. The fire districts have converted to a square foot fee. He would like any fee converted to a square footage fee. He believes they still have a lot of work to do, affordable housing, square footage fee, existing deficiencies.

Chair Knight has met with Dianna Hillyer and the BIA. He feels they are consistent with the Parks and Recreation portion of the County General Plan but not necessarily with other portions of the plan.

Commissioner Machado would like to continue the item off calendar and send the plan back to the CSD with several identified issues: a. Address the issues of affordable housing; square footage fee; b. Come back with specifics about how the shortfall will be funded; c. Continue to work with the BIA on some of the costs; and d. Ask the Board of Supervisors to waive the policy that does not allow them to bill commercial development.

Paula Frantz, County Counsel, said the ordinance in 1997 did not ask that the fee be imposed on commercial. If the study indicates there is an impact from commercial the ordinance could be modified.

After the motion and before voting, Ms. Hillyer said she does not believe affordable housing is just an El Dorado Hills issue. The El Dorado Hills park impact fee does not prevent affordable housing in the County.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONTINUE THIS ITEM OFF CALENDAR AND THAT THE IDENTIFIED ISSUES BE DISCUSSED BY THE CSD AND BE BROUGHT BACK TO THE COMMISSION AT A LATER DATE.

8. NOTICE OF PREPARATION (Public Hearing)

TM06-1426/Rancho Dorado: The project consists of a tentative subdivision map for 185 residential lots, a 5.42 acre passive natural park site, 37.04 acres of open space, and 8.4 acres of public roads. The property, identified by Assessor's Parcel Number 120-070-02, consisting of 121.84 acres, is located adjacent to U.S. Highway 50, approximately 300 feet easterly of the El

Dorado/Sacramento County line, in the El Dorado Hills area. (Supervisorial District I)
Applicant: MILLENNIUM MARKETING & DEVELOPMENT/Thomas W. Galuski.

Staff: Peter Maurer presented this item in the absence of Gina Hunter and recommended the Commission receive public input. No action is necessary on a Notice of Preparation. He explained the purpose of the meeting today. Mr. Maurer asked that people put their comments in writing. Chair Knight explained the location of the project site and the access points. He said the major issue will be traffic. The parcel to the east is privately owned. The traffic flow would be changed on Wilson Boulevard. The traffic flows over Saratoga and Wilson would be changed.

Commissioner Machado asked if there is any affordable housing proposed. Greg Fuz said this is a chance for the Commission to identify any alternatives that could be considered.

Ken Avelino, resident in El Dorado Hills, did submit written comments, with pictures, of the site. There is a wetland area in the project. There will also be a traffic impact. There are many types of wild animals that will be impacted.

Dick Wright spoke about the Endangered Species Act. This land must be surveyed for the different species. There is also endangered fauna. There is an impact to the sewer and water. There will be a visual impact as you enter El Dorado County. The EIR is 14 years old and needs to be completely reviewed.

There was no further input.

Commissioner Machado asked if this is a chance to encourage the applicant to come in with a much denser project because of its location. Larry Appel said issues of this type would be considered in the EIR. Greg Fuz said they could look at a mixed-use concept. A General Plan amendment might be necessary depending on the types of development proposed.

No action was taken.

9. SPECIAL USE PERMITS (Public Hearing)

- a. **S06-0024** submitted by TED and ANDREA BECHARD to allow an expanded home occupation for a winery to produce a maximum of 250 cases per year from an existing two-acre organic vineyard. The property, identified by Assessor's Parcel Number 093-110-38, consisting of 20 acres, is located on the north side of Rooster Court, 650 feet east of the intersection with Grizzly Flat Road, in the Somerset area. (Supervisorial District II) (Categorically exempt pursuant to Section 15303(c) of the CEQA Guidelines)

Staff: Peter Maurer said items 9.a. and 9.b. would normally go to the Zoning Administrator. They were brought to the Commission because of the home occupation aspect of the applications. Commissioner Mac Cready feels the conditions on these two permits should be more in line as they are the same type of operation. Mr. Maurer said each permit is unique. There were differences in the conditions because of the requests to go beyond what has been

approved as a home occupation winery in the past. Many of the conditions are based on what the applicant is proposing. Staff must also look at the location of the proposed use.

Michael Baron presented this item with a recommendation for conditional approval. A letter was received from an adjacent property identifying several concerns.

Mr. Maurer said Page 2 of the staff report states distillation; it should be changed to fermentation.

Commissioner Mac Cready said the Environmental Management condition on the next application (Condition 8) should be included on this permit.

Ted Bechard explained his operation. Commissioner Mac Cready asked how long he has been in production. Mr. Bechard replied approximately two years. Commissioner Mac Cready asked how much production he plans to get off the acreage. Mr. Bechard replied four to six tons. Commissioner Mac Cready asked what he is going to do with the extra material. Mr. Bechard said it can be taken off site.

Commissioner Machado asked about the easement to access his property. This is a classic problem that was not resolved in the winery ordinance. Mr. Bechard said the easement is for the benefit of his parcel, not the Jones parcel. They would have to have additional acreage in production to go to a larger operation. They do not have any employees.

Mr. Maurer said since this is a residentially zoned parcel, they would need to have a special use permit regardless of the type of winery they have. That is a policy question. Do we want to allow a winery on less than five acres? Under what we have today, they are only allowed to do what is requested in the staff report. In the future, if they have five acres they could apply for a use permit for additional uses or have the property rezoned. Commissioner Mac Cready said if they get five acres in production, they should apply for the zone change.

Commissioner Machado said he is not sure he likes the expansion in Condition 2. Mr. Maurer said staff expanded this condition because other uses under a home occupation allow four visitors at one time. Commissioner Machado commented this property is located in an agricultural district.

Commissioner Tolhurst asked if the four distributors are individual buyers. Mr. Bechard explained.

Janice Whitcomb spoke in support of the project. It fits in well with the other uses in the area.

John Smith, Oak Stone Winery, said there are always concerns with wineries, i.e., waste water, solids from fermentation, smell. He has two wineries and has never had any problems with waste. The size of this winery should have no impact on the neighborhood.

Ray Davis said they enter on Rooster Lane. There are four other residents down Rooster Lane. The families on the road generate more traffic daily than the applicant would. He spoke in favor

of the application. The applicants are good neighbors. This area is quite appropriate for this type of use. Commissioner Mac Cready asked if Rooster Lane is a through road. Mr. Davis explained.

There was no further input.

Commissioner Tolhurst would like to change four distributors in Condition 1 to one; otherwise you are asking for future problems.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15303(c) OF THE CEQA GUIDELINES AND APPROVE S06-0024 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Changes made during the hearing today are indicated by ~~double strikethrough~~ for deletions and double underlining for additions.

Findings

1.0 CEQA Finding

- 1.1 This project has been found to Categorically Exempt from the requirements of CEQA pursuant to Section 15303C of the CEQA Guidelines stating that the construction and location of limited numbers of new, small facilities or structures where only minor modifications are made in the exterior of the structure. No major improvements have been proposed for this project.
- 1.2 The Planning Commission finds that the 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 95667.

2.0 General Plan Findings

- 2.1 It can be found that the proposed use is consistent with the policies in the 2004 El Dorado County General Plan, as discussed in the General Plan Section of this staff report.

3.0 Special Use Permit Findings

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

This project meets the intent of the General Plan because the agricultural operations support the intent of the uses allowed within the Agricultural District overlay.

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

With the specific case limitation placed on the project, as recommended by the Agriculture Commission, Planning Services and Department of Transportation, the proposed special use permit would not be detrimental to the public health, safety and welfare. Furthermore, the processing and storage of wine within the existing single-family dwelling will not be detrimental to the neighborhood as the nearest residence is several hundred feet away.

- 3.3 *The proposed use is specifically permitted by special use permit pursuant to this Title.*

The proposed expanded home occupation is located within the Residential Estate 10-acre (RE-10) Zone District, which allows expanded home occupations through the issuance of a special use permit pursuant to Section 17.36.080(I) of the El Dorado County Zoning Ordinance.

Conditions

El Dorado County Planning Services

1. This special use permit approval is based upon and limited to compliance Planning Commission Exhibit D, dated April 26, 2007, with the project description, dated December 19, 2006, 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, consists of the following:

A request for a special use permit to allow an expanded home occupation for a winery to produce a maximum of 250 cases per year from an existing two acre organic vineyard.

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

2. Any wine tasting activities shall be by appointment only and shall be limited to no more than ~~four (4)~~ one (1) distributors and wine wholesalers at one time. Tasting shall be

limited to the hours of 8:00 a.m. to 6:00 p.m. Wine tasting shall not be permitted by the general public.

3. No special events, e.g. weddings, concerts, festivals, etc., shall be allowed on the property.
4. Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months of approval of this special use permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
5. 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 the County harmless from any legal fees or costs the County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

El Dorado County Department of Transportation

6. The applicant shall construct a paved encroachment for Rooster Lane onto Grizzly Flat Road to the provisions of County Standard Plan 103C or verify that an encroachment currently exists which conforms to the requirements of Standard Plan 103C. An encroachment permit, as approved by the Department of Transportation, shall be obtained by the applicant for these improvements, which shall be accomplished prior to the issuance of a business license or other permit to operate the winery.

El Dorado County Environmental Management – Environmental Health Division

7. Prior to initiating the use, the applicant shall apply for and obtain a waiver of Waste Discharge Requirements for small wineries in accordance with Regional Water Quality Control Board Central Valley Region Resolution No. R5-2003-0106. The applicant shall comply with the conditions of the waiver and the associated monitoring and reporting program. A copy of the Waiver of Waste Discharge shall be received by Environmental Health Division prior to initiating the use.

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

- b. **S06-0025** submitted by KATHLEEN and ROBERT HALL to allow a home occupation winery proposing to produce a maximum of 500 cases of wine with internet sales and wholesale distribution. The properties, identified by Assessor's Parcel Numbers 319-070-09 and -11, consisting of 9.723 acres, is located on the east side of Greenstone Road, approximately 0.1 mile south of the intersection with Green Valley Road, in the **Greenstone area**. (Supervisory District IV) (Categorically exempt pursuant to Section 15301(e) of the CEQA Guidelines)

Staff: Tom Dougherty recommended conditional approval, proposing modification to several conditions.

Commissioner Mac Cready asked what the Agricultural Commission reviewed. Peter Maurer said they saw what is proposed by the applicant. The staff report is written after the application goes to the Agricultural Commission, and their comments are incorporated in the conditions of approval.

Commissioner Tolhurst asked for clarification on the application. Is it 250 or 500 cases? Mr. Dougherty said it is 250 based on the comments from the Agricultural Commission. Mr. Maurer said the 250 is based on the first home occupation for a winery.

Robert Hall said they will see about six tons of output this year. He explained their proposal and process they have gone through. They were never told about the 250-case limit. Mr. Hall read from the written information he submitted for the record. The packet included several letters from adjacent property owners speaking in favor of the request. Two hundred fifty cases per year is not economically feasible.

Eileen Crawford, Department of Transportation, explained the policies in the General Plan that precipitated Condition 9.

Mr. Hall said their house is 73 feet from the centerline of the road. He is concerned with being able to add on to his house with Condition 9. Mr. Maurer said the setback for RE-5 is 30 feet, so they would have no problem adding on to the front of their home.

Bill Stephans, Agricultural Commissioner, said one of the reasons to restrict the use to 250 cases was because of the two parcels. Also, the operation is not on agricultural land. The Agricultural Commission felt 250 cases were appropriate for the RE-5 Zone. Paula Frantz, County Counsel, said one way to deal with the issue of two parcels would be to merge them. Mr. Stephans said this is a home occupation, not a commercial operation.

Paula Frantz, County Counsel, said you have residential zoning. Different residential zones may allow different types of home occupations. There are certain uses allowed by use permit that may be appropriate and may not be. They need to be looked at on a case-by-case basis. With a special use permit there is broad discretion on what are appropriate conditions and limitations to place on that permit. You need to look at the surrounding neighbors and whether the use is compatible.

Kathleen Hall said both parcels are under the use permit. She does not want to go through this process again. She hopes other people can move to El Dorado County and do what they have been doing for 17 years.

There was no further input.

Commissioner Mathews would be opposed to limiting the production to 250 cases per year. Commissioner Mac Cready said if we get problems down the line it could be counter productive to agriculture, doing this in a residential area.

Ms. Frantz said there is nothing such as a precedent with a use permit. There may be instances where no amount of cases should be allowed on a certain parcel.

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER TOLHURST AND CARRIED BY THE FOLLOWING VOTE: AYES - COMMISSIONERS MAC CREADY, MATHEWS, TOLHURST, AND KNIGHT; ABSENT – COMMISSIONER MACHADO, IT WAS MOVED TO FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15301(e) OF THE CEQA GUIDELINES AND APPROVE S06-0025 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1.0 CEQA Findings

- 1.1 El Dorado County has determined that the project is exempt from the requirements of CEQA pursuant to Section 15301(e) of the CEQA Guidelines which exempts the minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

- 2.1 As proposed, the project is consistent with the General Plan which designates the subject site as Low-Density Residential and Important Biological Corridor (LDR/IBC) because accessory agricultural uses are compatible as a home occupation.
- 2.2 As conditioned, the proposal is consistent with the intent of General Plan Policies 2.2.5.2, 7.4.2.9, 8.2.2.2, 10.1.7, 10.1.7.2, and 10.1.7.4 because of the review for General Plan consistency, impacts of the proposal on existing natural resources, review of the proposal by the Agricultural Commissioners, and approval of the expansion of a home based business.

3.0 Special Use Permit Findings

- 3.1 **The issuance of the permit is consistent with the General Plan.** The applicant's proposal has been determined to be in compliance with County regulations, addressing environmental issues and health and safety concerns. All project-related environmental

issues have been evaluated. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.

- 3.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood**, based on the conclusions contained in the staff report. The use will not conflict with the adjacent uses as it will be contained, for the most part, within an existing accessory building. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the expansion of the existing home-based business within the existing building, using existing driveways and encroachments onto Greenstone, will not have a detrimental affect nor be injurious to the neighborhood.
- 3.3 **The proposed use is specifically permitted by special use permit pursuant to County Code Sections 17.28.200 (A) and 17.28.200.G.**

Conditions

El Dorado County Planning Services

1. This special use permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits F1 (S1), F2 (S2), both dated January 6, 2007, Exhibits G1 (two color elevation photographs on one sheet labeled S06-0025) and G2 (labeled Country Barn Company, Rev A, Size C), all dated April 26, 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:

Special use permit to allow the production of wine as an expanded home occupation pursuant to section 17.28.200 A of the El Dorado County Zoning Ordinance. No tasting room or tasting area is proposed, and the maximum amount of wine permitted per year will be ~~250~~ 500 cases. Grapes from ~~local~~ off-site growers may be used on occasion to supplement vineyard production provided the majority of the grapes used for wine are grown on-site. The deliveries of those grapes are limited to the bin volume that can be accommodated in the back of a pick-up truck, not exceeding four (4) truck loads per crush season, ~~and there will be no routine deliveries of grapes from off site vineyards~~. There will be no on-site sales, tasting room, or employees and all operations will be carried out by the parcel owners and family members. All sales will be wholesale and to occur off-site via internet, telephone, or mail, and in accordance with applicable licensing requirements. The production facility or any portion of the subject parcels related to the wine making will not be open to the public, and access to the accessory building and home-based wine making operation will be from Greenstone Road only.

The winemaking shall only occur in the existing accessory building 36 feet x 36 feet (1,296 square feet) and adjoining exterior concrete crush pad 12 feet x 36 feet (432 square feet), (from Permit # 171416 , finalized by the County Building Services on January 12, 2006). A total of 1,728 square feet would be utilized in the production of altered grape products on the premises. Improvements or modifications to this accessory structure that would increase the height or expand the size are not permitted.

The operational activities shall include crushing grapes and producing and bottling wine in the existing accessory building and on the adjoining concrete pad. Proposed output of wine grape products will be housed within the existing accessory building noted in Exhibits F1, F2, G1 and G2.

~~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.~~

2. All outdoor lighting shall conform to §17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of the Planning Services.
3. One unlighted sign not to exceed six square feet of message area and eight feet above ground level advertising authorized activities on the premises sign shall be permitted at the driveway entrance to 3701 Greenstone Road, in compliance with County Code Section 17.28.190 (D).
4. Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months of approval of this special use permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with the conditions of approval.
5. 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 the County harmless from any legal fees or costs the County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.
6. Prior to commencement of any use authorized by this permit, the applicant shall pay all Planning Services processing fees.

El Dorado County Environmental Management – Environmental Health Division

8. Prior to initiating the use, the applicant shall apply for and obtain a waiver of Waste Discharge Requirements for small wineries in accordance with Regional Water Quality Control Board Central Valley Region Resolution No. R5-2003-0106. The applicant shall comply with the conditions of the waiver and the associated monitoring and reporting program. A copy of the Waiver of Waste Discharge shall be received by Environmental Health Division prior to initiating the use.

El Dorado County Department of Transportation

9. The applicant shall verify the existence of 30 feet of County right of way or irrevocably offer to dedicate (IOD), in fee, 30 feet of right of way along the entire on-site frontage along Greenstone Road, and shall be accomplished prior to initiating the use. This offer will be accepted by the County.

Diamond Springs – El Dorado Fire Protection District

10. A Knox Lock shall be installed per District requirements prior to initiating the use.
11. A fire apparatus access road shall be provided to meet the County's Design and Improvement Standards Manual and Fire Safe Regulations, addressing driveway width to the structure and turnaround at the structure. Plans for this access roadway shall be reviewed and approved by the Fire District, both before and after construction, prior to initiating the use. This roadway access shall be maintained to the initial construction standard by the applicant as long as the special use permit is in effect.
12. Gates on driveways shall meet County requirements with appropriate Knox lock installation.

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

10. ZONE CHANGE (Public Hearing)

Z05-0014 submitted by DEBORAH PRISK to rezone property from One-half Acre Residential (R20,000) to Limited Multifamily Residential-Planned Development (R2-PD). The property, identified by Assessor's Parcel Number 054-332-02, consisting of 0.45 acre, is located on the southwest side of Lime Kiln Road, approximately 250 feet southeast of the intersection with China Garden Road, in the **Diamond Springs area**. (Supervisorial District III) (Negative declaration prepared)*

Staff: Aaron Mount recommended approval to the Board of Supervisors.

The applicant was not present. There was no public comment.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, AND APPROVE Z05-0014 REZONING ASSESSOR'S PARCEL NUMBER 054-332-02 FROM ONE-HALF ACRE RESIDENTIAL (R20,000) TO LIMITED MULTIFAMILY RESIDENTIAL-PLANNED DEVELOPMENT (R2-PD) BASED ON THE FINDINGS PROPOSED BY STAFF.

Findings

1.0 CEQA FINDING

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

2.0 LEGISLATIVE FINDINGS

- 2.1 The proposed zone change is consistent with the policies in the El Dorado County General Plan as discussed in the General Plan section of this staff report.
- 2.2 The zone change 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 multi-family development at a density of 5 to 24 dwelling units per acre.

11. ZONE CHANGES/PARCEL MAPS (Public Hearing)

- a. **Z06-0017/P06-0017** submitted by CHAMY LEE to rezone property from Estate Residential Ten-acre (RE-10) to Single-family Three-acre Residential (R3A), and tentative parcel map proposing to create three parcels ranging in size from three to four acres. The property, identified by Assessor's Parcel Number 110-020-08, consisting of 10.4 acres, is located on the east side of Lake Hills Drive, southeast of the intersection

with Lake Hills Court, in the **El Dorado Hills area**. (Supervisory District I) (Negative declaration prepared)

Staff: Jonathan Fong recommended approval to the Board of Supervisors. He received several telephone calls from individuals requesting the item be continued as they have not had time to review the staff report which was just posted on the internet. Many of those individuals are in attendance today.

The applicant's representative, Jason Vine of Claybar Engineering, indicated that the applicants do agree to participate in the Road Maintenance Agreement.

Eileen Crawford, Department of Transportation, addressed several issues brought up by the neighbors. Their department will not support the neighbor's request for a design waiver on the driveways as they are less than standard. Requests for speed limit signs and intersection markings have a standard process that goes through the Department of Transportation and can be initiated by anyone.

Gary Fletcher and Peggy Christianson are in opposition to the rezone. Jay Dennis spoke about speed signs, speed limits, current traffic problems in the area, etc. He would like to see the lots remain five or ten acres. Sean Nuggant also spoke in opposition. He is concerned about the properties in this area eventually becoming one-acre parcels. Art Marinaccio supports the request.

There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, AND APPROVE Z06-0017 REZONING ASSESSOR'S PARCEL NUMBER 110-020-08 FROM ESTATE RESIDENTIAL TEN-ACRE (RE-10) TO SINGLE-FAMILY THREE-ACRE RESIDENTIAL (R3A) BASED ON THE FINDINGS PROPOSED BY STAFF, AND APPROVE P60-0017 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.

- 1.3 The project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the California Department of Fish and Game (CDFG). The project is subject to the CDFG environmental filing fee of \$1,800 and a \$50 El Dorado County 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.

2.0 General Plan Findings

2.1 That the proposed tentative map and rezone is consistent with applicable general and specific plans;

The proposed rezone from Estate Residential Ten-acre (RE-10) to Single-family Three-acre Residential (R3A) is consistent with the General Plan which designates the parcel as Medium Density Residential (MDR) which allows for the proposed parcel sizes. The proposed R3A zoning is consistent within the El Dorado Hills Community Region.

3.0 Tentative Map Findings

3.1 The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance;

The Department of Transportation and the El Dorado Hills Fire Department have reviewed the existing road conditions and have determined that the proposed improvements would provide adequate access. Adequate public water and sewer services exist that would be sufficient to serve the project.

The proposed parcels provide adequate area to meet the development standards of the R3A zone district.

3.2 The site is physically suitable for the proposed type and density of development;

As determined through a Cultural Resource Study, Biological Survey, and Arborist Report the project site does not contain any natural resources that would be significantly impacted through the proposed residential development of the project.

The project would require the removal of one oak tree. The project would be conditioned to replace the impacted oak as required by the General Plan.

3.3 The design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;

The required site improvements will not cause significant impacts to the environment or wildlife. As determined by the Biological Survey and Arborist Reports, the project would not result in significant environmental impacts.

Conditions

Planning Services

1. This parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E (tentative parcel map) dated February 13, 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:

The project would allow a three-lot parcel map and rezone. The rezone would change the parcel from Estate Residential Ten-acre (RE-10) to Single-family Three-acre Residential (R3A). The parcel sizes are as follows: Parcel 1- 3 acres, Parcel 2- 3.3 acres, Parcel 3- 4.1 acres.

All parcels would take access via private driveways onto Lake Hills Court. A Fire Safe Regulation hammerhead turnaround would be constructed along the driveway access to Parcel 1 approximately 321 feet south of the intersection with Lake Hills Court. Lake Hills Drive would be improved to a half width of 20 feet pursuant to Standard Plan 101B. Lake Hills Court would be improved to 24 feet pursuant to Standard Plan 101C.

One oak tree would be removed on Parcel 3 within the proposed building location as shown on the parcel map. The project would be required to connect to public water and wastewater services.

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.

2. During all grading and construction activities in the project area on the proposed parcels, an archaeologist or Historian approved by the Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent

and/or future parcel owner shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find 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 appropriate measures are taken or the site is determined not to be of significance.

3. 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.
4. The applicant shall be required to pay Park-in-Lieu fees of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090.
5. The applicant shall replace the one removed oak tree with a 1:1 replacement ratio. Replacement trees shall be planted on site to the satisfaction of the Development Services Director. An agreement to the satisfaction of County Counsel and the Development Services Director shall be required to ensure the long term maintenance and preservation of the replacement trees. Maintenance shall be required for a 10-year period. Any trees that do not survive during this period shall be replaced. The replacement trees shall be planted prior to final inspection, and the maintenance agreement shall be provided to Planning Services prior to issuance of a building permit.
6. The applicant shall adhere to all oak protection measures enumerated in the February 15, 2007, *Tree Care Incorporated* letter on file with Planning Services.

Department of Transportation

7. The applicant shall improve the property frontage along Lakehills Drive to a total half width of 20 feet from the existing roadway centerline according to El Dorado County Standard Plan 101B (without curb, gutter, and sidewalk). The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the parcel map.
8. The applicant shall improve the property frontage along Lakehills Court to a total width of 24 feet according to El Dorado County Standard Plan 101C. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the parcel map.

9. The applicant shall irrevocably offer (or verify existing offer) to dedicate, in fee, 30 feet of right of way for the on-site portion of Lakehills Drive along the entire property frontage, prior to the recordation of the map. This offer will be accepted by the County.
10. The applicant shall irrevocably offer (or verify existing offer) to dedicate, in fee, 30 feet of right of way for the on-site portion of Lakehills Court along the entire property frontage, prior to the recordation of the map. This offer will be rejected by the County.
11. The applicant shall provide a 20 foot wide slope easement contiguous to the right of way along the entire front of Lakehills Drive, prior to recordation of the parcel map.
12. The applicant shall irrevocably offer to dedicate, prior to the recordation of the map, a 30 foot wide road and public utilities easement along the entire eastern boundary line of Parcel 2 which is needed for access to Parcel 1. The offer will be rejected by the County.
13. A vehicular access restriction exists along the entire frontage of Lakehills Drive. Therefore, all parcels shall take access via Lakehills Court.
14. The applicant shall place a vehicular access restriction along the entire driveway access to Parcel 1, which shall be placed along the boundary between Parcel 2 and 3. The Department of Transportation shall verify the vehicular access restriction prior to recordation of the parcel map.
15. The applicant shall adhere to all standard Department of Transportation conditions. The conditions shall be met prior to recordation of the parcel map.
16. The applicant shall make applications and pay appropriate fees to the Department of Transportation for the request of installation of speed limit signage and intersection signage in the project vicinity along Lakehills Drive. The application shall be made prior to recordation of the parcel map.

El Dorado Hills Fire Department

16. The potable water system for the purpose of the fire protection shall provide a minimum fire flow of 1,500 gallons per minute (gpm) with a minimum residual pressure of 20 psi for two-hour duration. This requirement is based on a single family dwelling 4,800 square feet or less in size. Any home larger than 4,800 square feet shall be required to provide the fire flow for the square footage of that dwelling or shall be sprinklered in accordance with NFPA 13D and Fire Department requirements. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department. The Department shall review and approve the system prior to recordation of the parcel map.
17. The applicant shall extend a public water system to service the project. The location and quantity of fire hydrants shall be determined by the Fire Department. The Department

shall review and approve the installation of the hydrants prior to recordation of the parcel map.

18. The applicant shall prepare a Wildland Fire Safe Plan. The Department shall review and approve the plan prior to recordation of the parcel map.
19. The driveways serving the new parcels shall be designed to a maximum grade slope of 20 percent. If the driveway exceeds 20 percent, the dwelling shall be conditioned to install a residential fire sprinkler system in accordance with Department requirements. The Department shall review and approve driveway design prior to issuance of a building permit.
20. Any future development shall provide a minimum setback of 30 feet as required by the State Fire Regulations.

Air Quality Management District

21. The applicant shall make applications and pay the appropriate fees for an Asbestos Dust Mitigation Plan. The District shall review and approve the plan prior to commencement of any construction.
22. The applicant shall comply with all District air quality rules during project construction.

El Dorado Hills Community Services District

23. Each parcel will have the existing Covenants, Conditions, and Restrictions (CC&Rs) recorded on the new parcels.

County Surveyor

24. All survey monuments must be set prior to filing of the parcel map.
 26. Prior to filing of the parcel map, a letter to the County Surveyor shall be required from all agencies that have conditions placed on the map. The letter shall state that all conditions placed on the map by that agency have been met.
- b. **Z06-0026/P06-0023** submitted by HAROLD and JACKIE PALMER/JARED SWARBRICK (Agent: Patterson Development) to rezone property from Estate Residential Five-acre (RE-5) to Single-family Two-acre Residential (R2A), and tentative parcel map proposing to create two lots ranging in size from 2.42 to 2.58 acres. A design waiver has been requested to reduce the road width from 24 to 20 feet per Standard 101C. The property, identified by Assessor's Parcel Number 092-060-64, consisting of 5.0 acres, is located on the east side of Sierra Oaks Drive, 385 feet north of the intersection with China Hill Road, in the **Diamond Springs/El Dorado area**. (Supervisorial District II) (Negative declaration prepared)

Staff: Roman Anissi recommended approval to the Board of Supervisors with two changes to the Conditions of Approval.

There was no one in the audience wishing to give input.

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, AND APPROVE Z06-0026 REZONING ASSESSOR'S PARCEL NUMBER 092-060-64 FROM ESTATE RESIDENTIAL FIVE-ACRE (RE-5) TO SINGLE-FAMILY TWO-ACRE RESIDENTIAL (R2A) BASED ON THE FINDINGS PROPOSED BY STAFF, AND APPROVE P60-0023 BASED ON THE FINDINGS, SUBJECT TO THE CONDITIONS PROPOSED BY STAFF WHICH INCLUDE THE MODIFICATION TO CONDITION 20 AND THE REMOVAL OF CONDITION 23.

Findings

1.0 CEQA FINDINGS

1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The 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 The Initial Study identifies that this project proposes a less than significant impact 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 the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

2.0 REZONE FINDING

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

The Single-family Two-acre Residential (R2A) Zone is consistent with the Medium Density Residential (MDR) land use designation based on the Consistency Matrix, Table 2-4. The R2A zone allows parcels to be a minimum of 2 acres in size while the MDR designation recommends 1.0 to 5.0 acres depending on the availability of infrastructure and public resources. The rezone is compatible with the surrounding pattern of development where a majority of parcels are 1.0 to 2.5 acres within a 500-foot radius of the property. With the tentative parcel map site design and the project-specific conditions related to improvements for infrastructure and design, this project meets the applicable conditions of *Policy 2.2.5.3*. This project also meets applicable policies outlined by the General Plan including, but not limited to, those established for wetland buffers,

preservation of oak woodland tree canopy, slope preservation, and adequacy of public services and utilities.

3.0 TENTATIVE PARCEL MAP FINDINGS

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

All necessary improvements have been considered by the reviewing disciplines in order to determine that this tentative parcel map, including design and improvements, is consistent with the policies of the General Plan. The General Plan MDR land use designation allows a maximum density of one dwelling unit for parcels that are between 1.0 and 5.0 acres in size. The tentative map provides a 2.42-acre parcel 1 and 2.58-acre parcel 2, both of which address the allowed density and parcel size which is allowed within the MDR. This project will require that improvements for infrastructure such as for the road, water utility connection to the EID, a fire sprinkler system, be implemented during the processing of the final parcel map or during the review of building and grading permit applications. No impacts to biological resources, including oak trees, will be required, and County grading and drainage standards will be implemented to ensure that pre- and post-construction Best Management Practices (BMPs) are implemented in the design of future development on the property.

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

With the rezone, the new parcels 1 and 2 will be zoned R2A and existing development meets the zone regulations for development standards with the process of this project. Future residential development on either new parcel shall remain outside of the required setbacks and shall observe the established development standards of the underlying zone. By requiring necessary road improvements of 24-foot plus shoulders to Standard Plan 101C, a connection to the 6-inch water line for water delivery, installation of a fire sprinkler system, and designing any future residential component with pre- and post-construction Best Management Practices (BMPs) to meet County standard, this project meets the policies of the minor land division ordinance.

3.3 *The site is physically suitable for the proposed type and densities of development.*

This property is well suited within an established neighborhood in order to accommodate the R2A zone with the MDR designation. The proposed subdivision of the 5.0-acre lot into two new parcels can accommodate the existing single-family residential development on the new 2.42-acre parcel 1, while allowing the new 2.58-acre parcel 2 to remain vacant for future residential development. The pond, man-made drainage channel, oak trees and oak woodland tree canopy, and 30 percent slopes will not be impacted by this project because of proper site design and the amount of available land on the property that would allow for future residential development. The .1 percent of the property that comprises of 30 percent slopes is located adjacent the dam and will be partially located on parcel 1 and 2. Future development shall not impact these sloping areas. The property has an average slope between 1 and 10-percent and gently slopes

from the rear toward the front property line. The location of the building envelopes are situated outside of the front, side, and rear setbacks and directs direct development to the least sensitive parts of the property. Future development on parcel 2 will not affect site resources that exist closer to the center of the property. There is adequate land available on the property to allow for future residential development on parcel 2 to include areas available for developing a residence and providing adequate septic disposal areas that will observe a 50-foot buffer from the man-made drainage channel and 100-feet from the pond.

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

As designed, the two-parcel map will not have a significant impact on the environment. Any future development will be directed to the least sensitive portions of the property. Oak trees and oak woodland tree canopy shall be protected in place on and adjacent to the project site. Since the project is located within rare plant Mitigation Area 2, an in-lieu fee will be assessed during the building permit review phase which is suitable for impacts within this area. In addition, this project will not impact any drainage or wetlands either on- or off-site because future development activity shall incorporate proper Best Management Practices (BMPs) in order to contain or divert run-off to County and Regional Water Resources Control Board (RWQCB) standards.

4.0 DESIGN WAIVER FINDINGS

The Design and Improvements Standards Manual (DISM) requires that full road improvements be made to meet Standard Plan 101C and the request to reduce the road width from 24 feet to 20 feet to Standard Plan 101C cannot be justified based on the following:

4.1 *There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver.*

There are no special conditions or circumstances that are specific to this property and the road easement in order to justify the waiver because the full road improvements can be made without the need to impact any sensitive resources, including oak trees.

4.2 *Strict application of the design or improvement requirement of this chapter would cause extraordinary and unnecessary hardship in developing the property.*

There will be no extraordinary or unnecessary hardships in making the full road improvements to Standard Plan 101C placed on the property owner. The additional improvements will require a limited amount of road improvement along the road easement and property frontage to be widened with an additional of 2 feet of gravel added to each side of Sierra Oaks Drive to meet the design standard.

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

The required improvements to widen the road to Standard Plan 101C will occur within the road easement and will not be injurious to adjacent properties and will not be detrimental to the health, safety, convenience, and welfare of the public.

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

Justification of the requested design waiver cannot be made and this decision would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.

Conditions

Project Description

1. This rezone and tentative parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-L dated April 26, 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:

Approval of this project allows only the following: rezone of the 5.0-acre lot referenced as Assessor's Parcel Number 092-060-64 from Estate Residential Five-acre (RE-5) to Single-family Two-acre Residential (R2A) and a tentative parcel map to subdivide the 5.0-acre lot into one 2.42-acre and one 2.58-acre parcel. The existing residential single-family structure, a shed, and a barn will be located on the new 2.42-acres parcel 1. Parcel 2 will remain vacant for future single-family-residential development to occur outside of the required 30-foot front, side and rear yard setback areas with septic areas to be located no closer than 50 feet from the man-made drainage channel and no closer than 100 feet from the pond. New development will connect to the existing El Dorado Irrigation District (EID) 6-inch water line located in Sierra Oaks Drive and septic disposal areas will occur on the property and outside of the 50-foot drainage and 100-foot pond buffer areas. Access onto the property will be provided by an improved driveway to be constructed on the Sierra Oaks Drive frontage.

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

2. 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.

3. The applicant shall make the actual and full payment of planning processing fees for the rezone and the tentative parcel map application prior to the County Recorder processing the final map.
4. Prior to the issuance of building permits, the applicant shall make a payment from Quimby in-lieu fees to Planning Services for one unit. The Quimby fee shall be based on the most recent assessed land value per acre based on information provided by an independent appraisal or information provided by the El Dorado County Assessor's Office. The formula that Planning will use to determine the in-lieu fee is as follows:

$$\left[5 \text{ acres} \times \frac{(1 \text{ unit} \times \# \text{ persons per unit})}{1000 \text{ persons per acre}} \right] \times \$ \text{assessed valuation per acre} = \$ \text{in-lieu fee}$$

5. Prior to the approval of a final parcel map, the applicant shall provide evidence that a connection to the existing EID 6-inch water line located within Sierra Oaks Drive for potable water is established. The EID and Diamond Springs/El Dorado Fire Protection District have determined that the minimum fire flow for this project is 1000 gallons per minute (gpm) for a period of 2-hours while maintaining 20 pounds per square inch (psi) or residual pressure. The existing system can only deliver 500 gpm at 20 psi for 2-hours. In order to provide this fire flow, the applicant must upgrade the 6-inch water line to 10-inches for a length of 2100 feet and to 8-inches for a length of 1200 feet. In lieu of the upgrade, the Diamond Springs/El Dorado Fire Prevention District will require a Notice of Restriction (NOR) to be placed on the final map that will require any new residential building install a fire sprinkler system and the EID will allow a connection to the 6-inch water line to charge the system.
6. All on-site oak trees shall be retained in place and shall not be removed from the property with the approval of this rezone and tentative parcel map. In addition, all oak trees along the road easement and property frontage of Sierra Oak Drive shall be retained in place and shall not be removed with the necessary road improvement required by this rezone and tentative parcel map.

7. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the applicant 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 find 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.
8. 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.

Department of Transportation

9. The applicant shall improve the entire property road frontage of Sierra Oaks Drive to 24 feet wide with four feet of shoulders to *Design and Improvements Standards Manual (DISM)* Standard Plan 101C prior to filing the final parcel map.
10. The applicant shall install all necessary signage such as stop signs, street name signs, and/or 'not a county maintained road' sign as required by the Department of Transportation prior to filing the final parcel map.
11. The applicant shall confirm that the existing roadway structural section is adequate and meets County road standards, or shall improve the road accordingly to the current County Department of Transportation and/or Fire Safe regulations, prior to filing the final parcel map.
12. The applicant shall make an Irrevocably Offer to Dedicate (IOD) the on-site road and public utility easement for Sierra Oaks Drive along the entire property frontage. This offer will be rejected by the County.
13. The applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads not maintained by the County, that is required for access to County or State maintained roads. If a Zone of Benefit, Home Owner Association or informal road maintenance association does not exist or cannot be formed to maintain non-County maintained roads, the applicant should be aware that Civil Code 845 requires that the owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in repair, and in the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner.

14. 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.
15. 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 and the Division of Building Services, prior to occupancy.
16. The applicant shall provide a soils and geological hazards 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.
17. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that off-site grading.
18. 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 for drainage into the County right of way and Building Services Division of the Development Services Department for on-site drainage.
19. 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.
20. Applicant shall pay the traffic impact fees in effect at the time a building permit is issued. Until such time as updated traffic impact fees are adopted pursuant to the General Plan, any subdivisions will be required to either (1) execute an agreement agreeing to pay the higher fees, even after building permits have been issued deemed complete or (2) have a notice of restriction placed on the final map prohibiting the issuance of building permits until the updated traffic impact fees are adopted.
21. 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.

22. 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.
- ~~23. 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.~~

Diamond Springs-El Dorado Fire Prevention District

24. Prior to the issuance of building permits and issuance of the final parcel map, the applicant must consult with the Diamond Springs-El Dorado Fire Prevention District about required fees, plan reviews, and/or site visits for this project.
25. A Notice of Restriction (NOR) shall be recorded with the parcel map stating that prior to the approval of any new residential building permit on either parcel 1 or 2 that the Diamond Springs-El Dorado Fire Prevention District will be consulted and that any new residential buildings shall be required to install a NFPA 13D residential sprinkler system either with a direct connection to the EID 6-inch water line or connection to a 3,000-gallon water storage tank to the satisfaction of the Diamond Springs-El Dorado Fire Prevention District.

Environmental Management

26. Show all drainages on the parcel map that may have an effect on the location of septic systems.
27. Subject to Environmental Health approval as required in the Minor Land Division Ordinance.
28. Prior to approval of grading and/or improvement plans, the applicant shall provide an Asbestos Dust Mitigation Plan (ADMP) and application with the appropriate fees to be reviewed and approved by the County Air Quality Management District (AQMD). In preparing the ADMP, the applicant must retain a certified geologist in order to conduct an investigation for naturally occurring asbestos. The findings and recommendations of such an investigation are to be implemented into the ADMP.
29. All project construction activities shall adhere to AQMD Rule 224 for Cutback and Emulsified Paving Materials.

30. 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.
31. 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.

County Surveyor

32. All survey monuments must be set prior to filing the parcel map.
33. Prior to the approval of the building permits, grading permits, and/or filing of the final parcel map, 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 a legal right to improve that access as requirement by the *El Dorado County Design and Improvements Standards Manual (DISM)*.
34. Prior to filing the final parcel map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The letter will state that all conditions placed on the map by that agency have been met.

12. ZONE CHANGE/PLANNED DEVELOPMENT/DESIGN REVIEW (Public Hearing)

Z06-0042/PD06-0027/DR90-0031R submitted by RAUSCHEBACH MARVELLI BECKER to rezone property from Commercial (C) to Commercial-Planned Development; planned development evaluating the project impacts associated floor-area ratio exceeding the 0.25 maximum allowed under General Plan Policy 2.2.1.5; and revision to an approved design review for the expansion of the existing Belair Market from 50,345 square feet to 60,122 square feet, with minor modifications to the building exterior. The property, identified by Assessor's Parcel Number 083-456-10, consisting of 4.14 acres, is located within the Goldorado Shopping Center, south of Palmer Drive, east of Cameron Park Drive and north of U.S. Highway 50, in the Cameron Park area. (Supervisory District IV) (Negative declaration prepared)*

Staff: Mel Pabalinas recommended approval to the Board of Supervisors.

Mike Gates from Raleys clarified that the sales area will be increased with the expansion. There was no other input.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, APPROVE Z06-0042/PD06-0027/DR90-0031R REZONING ASSESSOR'S PARCEL NUMBER 083-456-10 FROM COMMERCIAL (C) TO COMMERCIAL-PLANNED DEVELOPMENT, 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 El Dorado County has considered the negative declaration together with the comments received during the public review process. The negative declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.3 This project is not located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,850.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, less \$50.00 processing fee, is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources. Under the revised statute effective January 1, 2007, a project proponent asserting a project will have no effect on fish and wildlife should contact the CDFG and the CDFG will review the project, make the appropriate determination, and in "no effect" cases, the CDFG will provide the project proponent with documentation of exemption from the filing fee requirement.

2.0 ADMINISTRATIVE FINDINGS

2.1 General Plan

The project is commercial in nature conforming to the commercial land use designation under General Plan Land Use Map. The project was reviewed and verified for

conformance with specific land use policies involving building intensities, planned development standards, and rezoning.

2.2 Zoning Code

The project site is zoned Commercial with Design Control (-DC) Overlay. The subject Bel Air Market is within a regional shopping center, Goldorado Shopping Center. The project meets the applicable zoning standards including signs, building setbacks, parking (with requested deviation), and lighting.

2.3 Planned Development

The proposed expansion and modifications to the Bel Air Market and requested deviation from parking has been reviewed pursuant to Chapter 17.02 of the El Dorado Zoning Code (planned development) and verified conformance to applicable standards of the zoning code and General Plan policies. In accordance with Section 17.04.030 of the County Code, a Development Plan cannot be approved unless the Planning Commission can make the following findings:

2.3.2 The Planned Development request is consistent with the General Plan.

As required through the planned development, staff has reviewed the submitted project plans (site, preliminary grading, elevation, and sign) and verified conformance to the standards of the zoning code. Staff also reviewed for consistency with the General Plan Policy 2.2.1.5 and determined that the project would not have significant impacts to the environment.

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

The project involves an expansion of an existing retail facility within an existing community shopping center (Goldorado Shopping Center). The entire center provides various commercial services and is adequately served by an existing on and off-site circulation network, pedestrian paths, parking, landscaping, and connectivity outside of the its boundaries.

2.3.4 The exceptions to the standard requirements of the zone regulations are justified by the design and existing topography.

The project does not require exceptions to the County Code.

2.3.5 The site is physically suited for the proposed uses.

The proposed expansion and modification of the Bel Air Market is located within the existing Goldorado Shopping Center, which is an established retail facility.

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

The project site is located within the Goldorado Shopping Center and is adequately served by existing EID's public water and sewer services, El Dorado County drainage system and public road networks, and other local fire protection and emergency services.

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

The project is commercial in nature within an existing community shopping center and would not impact any natural land or scenic values of the developed site.

2.4 Design Review

The project is located with the community of Cameron Park, which is designated in an area within the county requiring project review for architectural design, site planning, and safety. The Cameron Park Design Review Committee reviewed the project including the sign elements and exterior details, and recommended approval.

Conditions

Planning Services Division

1. This design review revision, rezone and planned development is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits E-H, dated March 16, 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 would constitute a violation of permit approval.

The project description is as follows:

- Revision to an approved design review for the expansion of the existing Bel Air Market from 50,345 square feet to 60, 122 square feet and minor modifications to the building exterior. The expansion consists of areas in the front and rear mezzanine (storage/mechanical) rooms and offices totaling 1,800 square feet. The expansion to the ground floor area is to be 7,977 square feet and would include areas for coolers, freezers and storage. A new depressed loading dock, measuring 30 feet x 80 feet, would be constructed, one loading dock would be removed, minor re-landscaping would occur in the rear of the building, and a retaining wall shall be constructed along the exterior wall of the expansion. The proposed project would require an additional 39 parking stalls for the entire shopping center; the applicant proposes to re-stripe the parking lot to accommodate the required parking spaces. Modifications to the façade include rebuilding of the

wooden trellis, renovation to gable feature, installation of a new automatic sliding door and aluminum framing, and replacement of various attached wall signs.

- Rezone of the property from Commercial (C) to Commercial-Planned Development (C- PD) and Planned Development (PD). The proposed rezone would establish a combination district with the underlying Commercial zoning for the subject property. With a PD overlay, proponents have the opportunity to utilize specific planning and development techniques in order best implement the project.
- Planned Development evaluating potential impacts associated with the excess in Floor-Area Ratio (FAR) over the 0.25 maximum required under General Plan Policy 2.2.1.5.

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.

2. Prior to issuance of building permit, the applicant shall remit payment of any outstanding fees as detailed and required in the *Agreement for Payment of Processing Fees* authorized for this project.

*The following are the original approved conditions (in sequence) under Design Review DR09-0031 for the Goldorado Shopping Center. The conditions that are **not** applicable to this project are shown with a ~~strike through~~ while the conditions that are applicable are shown with an underline, and any changes to the condition are shown with a double underline.*

- ~~3.1. At least one area shall be provided for the dropping off and loading of passengers. This area shall consist of a vehicle turnout lane located outside of the normal travel lanes with a minimum dimension of 35 feet in length and 10 feet in width. The passenger loading zone shall be located in an area close to Bel Air and Payless and which provides the passengers with safe access to these buildings.~~
- ~~4. 2. All commercial loading zones shall be created as shown on the revised site plan received 12/20/90. All loading zones shall be a minimum of 12 feet in width and 40 feet in length with a fourteen foot vertical clearance. The double loading zone for Building 3 shall be widened to 24 feet to meet the width requirement.~~
- ~~5. 3. A minimum of seven (7) RV parking spaces shall be delineated within the shopping center parking lot. The location of these RV spaces shall be clearly indicated for the benefit of the customers.~~

~~If the total area leased for restaurant type businesses is increased, the number of RV parking spaces must be increased accordingly, pursuant to Section 17.18.060(16), Off-Street Parking and Loading, of the El Dorado County Code.~~

- ~~6. 4. All parking spaces shall be clearly delineated with white or yellow painting.~~
- ~~7. 5. Drive aisles, approach lanes, commercial loading/unloading zones, passenger drop-off/loading zones, "no parking" zones, pedestrian crossings, RV parking spaces, and traffic controls shall be clearly marked and/or signs shall be installed.~~
- ~~8. 6. Stop signs, crosswalks/pedestrian island, and appropriate pavement markings shall be installed as shown on Exhibits E and F of this staff report. Modifications/removal of the parking spaces shall be made as shown on Exhibit F. A revised site plan shall be submitted which incorporates the modifications delineated on these two exhibits.~~
9. 7. Any roof-mounted equipment shall be completely screened by parapet walls. Planning Services shall review building plans to verify screening prior to issuance of building permit.
10. 8. All ground- or wall-mounted equipment shall be fully enclosed by an architectural feature. Planning Services shall review building plans to verify screening prior to issuance of building permit.
- ~~11. 9. All proposed structures shall conform to the Commercial Zone District's front setback provisions, as prescribed in Section 17.32.040(D), adjacent to all public right-of-ways.~~
- ~~12. 10. All trash enclosures and electrical/transformer equipment shall be screened with landscaping. Planning Services shall review building plans to verify screening prior to issuance of building permit.~~
13. ~~11. A final landscape plan and irrigation plan (for the replacement landscaping affected by the expansion) shall be submitted with the building permit package. The landscape plan shall identify all landscape materials by common and botanical name, container sizes, quantities of each plant, and location. The irrigation plan must include information on the backflow prevention devices. The plan shall show the location and type of vacuum breaker and its height above grade and above the sprinkler heads.~~
The final landscape plan shall include a new suggestion for the type of vine to be used on the retaining wall. The selection may be made from the El Dorado Landscape Business Association list. The selection must be suitable for Zone 7. All trees shall be provided in 15 gallon container sized or larger. Planning Services shall review and verify landscape plans prior to issuance of building permit.
14. ~~12. The recycling center shall be relocated to the southeast corner of Parcel 2, as indication on the revised site plan received on 12/20/90.~~

15. ~~43.~~ The sign criteria, as approved by the Cameron Park Design Review Committee and subject to the Chapter 17.16 of the El Dorado County Zoning Code, proposed for Parcels 5 and 7 shall be revised to restrict the letter height for major tenants for signs on the fronts of the buildings to 36 inches. The letter height for all other tenants for signs on the fronts of the buildings shall be restricted to 18 inches. All signs on the sides and rears of the buildings shall be restricted to an 18 inch letter height. The style and color requirements shall conform to the approved sign criteria for CPDR87-13 which is applicable to all other buildings within the shopping center for this project is as follows:

Sign	Sign Area	Material/ Lighting
Bel Air	4 feet x 23 inches	Acrylite#207-0 GP Red Plexiglas; ¾” Red trimcap retainers; 5” returns painted red; illuminated with flexible LED
Bel Air Logo “B”	5 feet 7 ¼ inches x 7 feet ¾ inches	Aluminum reverse pan channel letter; brushed Gold Finish Returns; stud mounted to fascia; halo backlit with amber flexible LED
Fresh Market	2 feet x 22 feet 3inches	Acrylite #207 Red acrylic face; ¾” gold trimcap retainers; 5” gold returns; illuminated with flexible LED
U.S.P.S	3 feet 6 inches x 5 feet 3inches	Acrylite #207 Red acrylic face; ¾” gold trimcap retainers; 5” gold returns; illuminated with flexible LED
Pharmacy	22 feet x 19 feet 5 inches	Acrylite #207 Red acrylic face; ¾” gold trimcap retainers; 5” gold returns; illuminated with flexible LED
Peete’s Coffee and Tea	2 feet 5 inches x 10 feet	8” Return (dark brown); aluminum face
Future Bank	2 feet x 13 feet	To be determined

16. ~~14.~~ Building permits shall be obtained prior to the commencement of construction of any structures, including the retaining wall, on Parcels 5 and 7.

17. ~~15.~~ Final grading and drainage plans shall be submitted to the Department of Transportation for review and approval prior to the issuance of building permits.

18. ~~16.~~ Verification of suitable access to the rear of Building 7-B shall be provided to the Department of Transportation prior to the issuance of building permits.

19. ~~17.~~ Verification of the adequacy of the turning radius, for commercial delivery vehicles, at the north corner of Parcel 5 shall be provided to the Department of Transportation prior to the issuance of building permits. If the turning radius is too short, the configuration of the curb shall be reconstructed to accommodate said vehicle types.

- ~~20. 18. Subject to the review within six (6) months of the installation of the modifications to the parking lot to determine the affect of these modifications on the traffic circulation/flow. Additional modifications may be required if it is determined that the effect of the traffic controls is either insufficient of has resulted in a negative impact.~~
- ~~21. 19. An encroachment permit shall be obtained from the Department of Transportation prior to the commencement of any roadway modifications in the area of Palmer Drive. Said modifications shall include the restriping Palmer Drive to accomodate left turns into the parking lot at the access road between Parcels 6 and 7; the restriping of Palmer Drive at its intersection with Cameron Park Drive to provide an additional left turn pocket for turning movements onto southbound Cameron Park Drive; and the installation of a loop detector for the left turn pocket onto Cameron Park Drive.~~
22. 20. Materials to be used on the exterior of the proposed expansion buildings are:-(1) Splitfaced concrete block: Angelus Integral Color #202; (2) Aluminum Dark Bronze #40 Anodized; (3) Exterior cement plaster: La Habra X 53 Pure Ivory; (4) Olympic Weather Screen #712; and (5) Cedar Siding: Olympic Stain Stonehedge.

MATERIAL	MANUFACTURER	STYLE/COLOR
Foamed Shaped Cornice/Cement Plaster	Kelly Moore Paints	231 Spanish Sand
Cement Plaster	Kelly Moore Paints	KM3980-2 Western Wear
Metal Coping	Kelly Moore Paints	KM4182-3 Lescamela Vanilla
Foamed Shaped Cornice/Cement Plaster	Kelly Moore Paints	212 Saltillo
Rake Trim	Kelly Moore Paints	196 Villita
Trellis	Kelly Moore Paints	AC249-5 Rare Earth
Existing Concrete Tile Roof (To Remain)	Lifetile	California Mission Blend
Existing Split Face Block (To Remain)	Existing	Existing

- ~~23. 21. The retaining wall shall be constructed using Splitfaced concrete block: Angelus Integral Color #202. Planning Services shall review building plans to verify retaining wall details prior to issuance of building permit.~~

Department of Transportation

Project Specific Conditions

24. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval, prior to the issuance of any building permit for this project. 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.
25. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

Department of Transportation Standard Conditions

26. The applicant shall provide a soils report at time of grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water and pavement section based on TI and R values. The report shall include recommended design criteria for any retaining walls. Any export to be deposited within El Dorado County shall require an additional grading permit.
27. The applicant shall provide a drainage report at time of 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.
28. Any import or export to be borrowed or deposited within El Dorado County shall require an additional grading permit for that offsite grading.
29. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer would 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.

El Dorado County Environmental Management

Air Quality Management District (AQMD)

30. The project construction would involve grading and excavation operations, which would result in a temporary negative impact on air quality with regard to the release of particulate matter (PM₁₀) in the form of dust. Current county records indicate that this property is not located within the Asbestos Review Area. Therefore, District Rules 223 and 223-1 which addresses the regulations and mitigation measures for fugitive dust emissions shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rules 223 and 223-1. In addition, a Fugitive Dust Plan Application shall be submitted long with the appropriate fees to and approved by the District prior to start of project construction.
31. Project construction may involve road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
32. Burning of wastes that result from "Land Development Clearing" must be permitted through the District. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).

33. The project construction would involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.
34. The District goal is to strive to achieve and maintain the ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following measures used to reduce impacts on air quality impacts from equipment exhaust emissions:

Heavy Equipment and Mobile Source Mitigation Measures

- Use low-emission on-site mobile construction equipment
 - Maintain equipment in tune per manufacturer specifications
 - Retard diesel engine injection timing by two to four degrees
 - Use electricity from power poles rather than temporary gasoline or diesel generators
 - Use re-formulated low-emission diesel fuel
 - Use catalytic converters on gasoline-powered equipment
 - Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible
 - Do not leave inactive construction equipment idling for prolonged periods (i.e. more than two minutes)
 - Schedule construction activities and material hauls that affect traffic flow to off-peak hours
 - Configure construction parking to minimize traffic interference
35. Prior to construction/installation of any new point source emission units or non-permitted emission units (gasoline dispensing facility, boilers internal combustion engines, emergency generators) authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagrams, equipment specifications and emission factors.

Environmental Health

36. Plans for the modification of the Bel air building shall be reviewed by Environmental Health Division, Consumer Protection Program prior to any construction or modification of the food facility.
37. Prior to occupancy/issuance of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to occupancy/issuance of a building permit for verification of compliance with applicable conditions of approval.

Comment [P1]: IN some cases the building permit issuance is necessary to comply with a condition. Perhaps it needs to be flexible, and the staff planner apply the appropriate timing.

Comment [P2]: This just seemed redundant.

Comment [P3]: This should be a choice, depending on what is determined appropriate for the project in the first line of this condition.

38. The following shall be incorporated as note on all construction plans:

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.

39. The planned development shall expire within two years from the approval of the project. Any amendments to the approved project shall require an application for revision subject to review and consideration by the original approving body.

13. **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.

Staff: Steven Hust presented this item. Gregory Fuz said this item will be going to the Board on May 22 or the first of June. Staff is not asking for any recommendation from the Commission today. If the Commissioners have any comments, those will be forwarded to the Board.

Rick Lind gave a power point presentation on the issues considered to date.

Paula Frantz reminded the Commission that this item was not noticed for action.

Commissioner Tolhurst said we do not know what we want to do with this oak woodland policy. The County needs to revisit the oak woodland policy to decide what we are talking about. He believes doing a General plan amendment would take two to three years. A fee should be established as an interim fee so people can proceed. Decide what we want to do. Use the Kuehl bill until a decision is made and approved. Commissioner Mathews agreed.

Commissioner Mac Cready said Policy 7.4.4.4 is inconsistent with what is appropriate. Regarding Option A we are trying to save a lot of different canopy. What are we saving them for? It is penalizing existing residents. A project should be mitigated as a whole and not parcel by parcel. Two to one is not valid. It should be one to one or one-half to one. This should go back to the Board for a General Plan amendment. A fee should be set. He feels the fee should be less than \$8,000.

Commissioner Machado said the Kuehl bill is state law and should supersede whatever is done here. A lot of the information speaks to the INRMP which we do not have. We need to discuss oaks. A fee needs to be set. The INRMP is where we are going to save

land for trees. He would recommend that staff look at both maps and come up with one. There are some differences. He recommends a General Plan amendment and adoption of the Kuehl bill as an interim option if not permanently.

Ms. Frantz said in order to develop the fee you need to develop the oak woodland portion of the INRMP. The fee does not come first.

Input was received from the following: Camille Courtney, Joel Kalachin, Art Marinaccio, Valerie Zetner, Zack Schmidt, Jim Brunello, Cynthia Shaffer, and Thalia Georgiadis. Mr. Marinaccio, Ms. Shaffer, and Ms. Georgiadis also presented written comments.

Gregory Fuz summarized the Commissioners comments on what will be brought forth to the Board. Commissioners Machado and Knight will work with staff to review the report going to the Board. This item will return to the Planning Commission in the summer as an action item.

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**

Meeting adjourned at 4:35 p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

John Knight, Chair

