



EL DORADO COUNTY PLANNING SERVICES

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

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MINUTES

**Regular Meeting of the Planning Commission
May 24, 2007 – 8:30 A.M.
BUILDING C HEARING ROOM
2850 Fairlane Court, Placerville, CA**

1. CALL TO ORDER

Called to order at 8:35 a.m. Present: Commissioners Mac Cready, Machado, Mathews, Tolhurst, and Knight; Paula F. Frantz, County Counsel; and Jo Ann Brillisour, Clerk to the Planning Commission.

2. ADOPTION OF AGENDA

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

3. PLEDGE OF ALLEGIANCE

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

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

a. Minutes:

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER MACHADO AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE THE CORRECTED MINUTES OF APRIL 26, 2007, AND THE MINUTES OF MAY 10, 2007.

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS

These items were considered during the day as time permitted.

Gregory Fuz informed the Commission of the decision by the Board not to increase building permit fees. The department is starting the reduction in force process. The positions being eliminated will be in the Building Division and perhaps one in Planning that is allocated to the Building Department. The Department is also looking at having the City of South Lake Tahoe Building Department take over some of the current County building procedures.

Commissioner Tolhurst commented that the cost of the new General Plan requirements should be charged to the General Fund.

6. COMMISSIONERS' REPORTS

Commissioner Machado spoke about General Plan Policy 7.3.3.4, stating the policy is unclear as it pertains to Important Biological Corridors. The Interim Guidelines referring to lands in and adjacent the IBCs should also be reviewed for clarification.

PUBLIC FORUM/PUBLIC COMMENT - None

7. SPECIAL USE PERMITS (Public Hearing)

S02-0030R submitted by T-MOBILE USA, INC. (Agent: Rama Gulati/Peek Site-Com), to allow collocation of eight new antennas at the 95-foot centerline elevation on an existing 110-foot monopole wireless communication tower tree pole. The project includes a new 10 by 16 foot equipment shelter adjacent to the base of the tower. The new antennas would be screened within the existing branches of the monopine, and the equipment shelter would be screened by new wood fencing. The property, identified by Assessor's Parcel Number 015-331-29, consisting of 0.75 acre, is located on the north side of Wilson Avenue, approximately 950 feet east of the intersection with Pine Street, in the **Tahoma/Lake Tahoe area**, Supervisorial District V. (Categorically exempt pursuant to Section 15303 of the CEQA Guidelines)

Staff: Deborah Kruse recommended conditional approval.

Rama Gulati agreed with the proposed conditions of approval. Commissioner Machado said this is County property. Will the County receive additional income from the tower? Mrs. Gulati replied there will either be an amendment to the original lease or a separate agreement where the County will be receiving income. Commissioner Tolhurst stated this is an appropriate expansion of this use. There was no one else in the audience wishing to give input.

MOTION: COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER MATHEWS, IT WAS MOVED TO FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15303 OF THE CEQA GUIDELINES AND CONDITIONALLY APPROVE S02-0030R BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

Findings

1.0 CEQA FINDINGS

- 1.1 The Planning Commission has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines. Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures... include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. Although not specifically listed, collocation of wireless communication equipment at an existing facility is similar to the items listed in Section 15303 of the CEQA Guidelines.
- 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.

2.0 SPECIAL USE PERMIT FINDINGS

2.1 The issuance of the permit is consistent with the General Plan;

The property has a General Plan land use designation of commercial and the applicant has designed the cellular facility in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns, as required by the County General Plan (adopted July 19, 2004). The project will not conflict with General Plan Policy 2.10.1.1 because the existing tower was previously reviewed and approved by TRPA based on Lake Tahoe Basin Standards, and this collocation request will be reviewed and approved by TRPA prior to issuance of County building permits. The project will not conflict with Policy 5.6.1.4 because the project is a special use permit revision request.

2.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood;

The wireless facility collocation and associated equipment would not create hazards that would be detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. The RFR emissions that would result from project operation would meet the FCC standards (as discussed in the staff report).

2.3 The proposed use is specifically permitted by special use permit pursuant to this Title.

The County Ordinance Code, Title 17 - Zoning, includes Chapter 17.22 -, Special Use Permits, and Section 17.14.200 - Wireless Communication Facilities which establish development requirements for wireless telecommunication facilities, therefore the proposed collocation is specifically permitted by the Zoning Ordinance. As proposed, the project is consistent with these requirements.

3.0 ADMINISTRATIVE FINDINGS

3.1 The proposed use and design conforms to the Zoning Ordinance

Sections 17.22.500 - Special Use Permit, and 17.14.200 - Wireless Communication Facilities of the County Zoning Ordinance establish use and design requirements for wireless telecommunication facilities. Further, the project must meet all applicable Lake Tahoe Basin Land Use Zoning Development Standards contained within Section 17.56.030 of the El Dorado County Zoning Ordinance. As proposed and conditioned, the project is consistent with these requirements.

Conditions

El Dorado County Planning Services

~~1. The project, as approved, consists of the following:~~

~~Construction of a new 125-foot tall wireless facility tree pole (disguised as a pine tree) with six antennas (three proposed, three future). The antennas will be located within the artificial tree branches of the tree pole. The project includes an equipment shelter, which will be located on the ground at the base of the pole, and will be within a wood-sided enclosure.~~

1. This special use permit revision is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A through G dated May 24, 2007 and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project, as approved, consists of the following:

Collocation of eight (8) new wireless antennas at the 95-foot centerline elevation, to be located on an existing 110-foot monopole wireless communication tower disguised as a pine tree. The new antennas would be screened within the existing branches of the monopole. The project includes a 20 foot by 30 foot (600 square feet) lease area for a

new 10 by 16 foot (160 square feet) equipment shelter adjacent to the base of the tower and east of an existing AT&T equipment shelter. The existing lease area, enclosed by an existing six (6) foot tall chain link fence with wood slats, would be enlarged to accommodate the proposed additional equipment shelter. Access to the facilities would involve an extension of the existing A.C. pavement from the County parking lot. A 10-foot wide gate would be constructed for entrance on the northwest side of the lease area. Plans, included as Exhibits D-1 through D-4, show 300 square feet of pavement would be removed and replaced with the proposed equipment shelter and its concrete stoop, while also resulting in 95 square feet of area to be planted with native grasses. The facility would be unmanned and visited approximately once per month for maintenance purposes.

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 site improvements shall conform to the approved site plans (Exhibit D).~~
3. Pursuant to County Code (Section 17.22.250) implementation of the project (i.e., obtaining building permit) must occur within twenty-four months (24) 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.
4. All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of towers and other improvements shall be maintained to ensure the appearance remains consistent with the approved conditions, site plans, and photo simulations. The proposed T-Mobile equipment shelter shall be wood-sided and painted to match the existing AT&T wood-sided equipment shelter.

Meeks Bay Fire Department

5. Plans shall be reviewed and approved by the Meeks Bay Fire ~~Department~~ Protection District prior to issuance of a building permit.

Tahoe Regional Planning Agency (TRPA)

6. The applicant will be required to obtain all necessary permits from TRPA prior to issuance of a County building permit. Any TRPA conditions of approval that require modification of the project as approved by the County must be re-reviewed and approved by the County for conformity with this approval.

7. All obsolete or unused communication facilities shall be removed within six (6) months after the use of that facility has ceased, or the facility has been abandoned. The applicant shall notify the Planning Department at the time of abandonment, and all disturbance related to the communication facility shall be restored to pre-project condition.
8. Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. The original facility, approved by the Planning Commission on January 9, 2003, is still operational. Based upon the review conducted for this collocation application, the facility is considered to be approved for use through a date five years after Planning Commission approval of the revised special use permit. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communication technology, and possible local or cumulative impacts, determine whether to: 1) Modify the conditions of approval in order to reduce identified adverse impacts; and 2) Initiate proceedings to revoke the special use permit, requiring the facility's removal, if it is no longer an integral part of the wireless communication system. By operation of this condition, it is the intent of the Planning Commission to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Planning Commission to conduct or complete a five-year review in a timely fashion shall not invalidate this special use permit. The applicant shall pay a fee as determined by the Planning Director to cover the cost of processing a five-year review.
9. No building permits shall be issued until final lease agreements are signed, as needed, between AT&T (owner of the existing monopine) and the applicant T-Mobile, Inc. for operation of the new antennas, as well as between T-Mobile and the County for placement of the new ground equipment.
10. Prior to 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 for verification of compliance with applicable conditions of approval. The operator shall pay Planning Services for the time spent reviewing the site.
11. All Development Services fees for processing this application shall be paid in full prior to issuance of a Building Permit.
12. 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.

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

8. PLANNED DEVELOPMENTS (Public Hearing)

PD05-0016/Burnett Park, LLC submitted by JAMES LOSCH to allow the construction of a six-unit multifamily residential development consisting of a four-plex and a duplex. The property, identified by Assessor's Parcel Number 082-543-03, consisting of 0.53 acre, is located on the northeast side of Estepa Lane, approximately 200 feet west of Cambridge Road, in the **Cameron Park area**, Supervisorial District I. (Mitigated negative declaration prepared)

Staff: Tim Chamberlain recommended conditional approval.

Referring to Page 7 of the staff report under Zoning, Commissioner Machado asked for clarification on the minimum unit size. Mr. Chamberlain clarified. Paula Frantz, County Counsel, referred to the Development Standards in Section 17.28.120. Commissioner Tolhurst hopes this requirement is not being carried forward in the new Zoning Ordinance. Staff is aware of this issue.

Commissioner Machado asked about the fencing.

Todd Leu, one of the owners, asked for relief on the extra off-site frontage improvements. The lot frontage is 140 feet. The Department of Transportation is asking for improvement of 175 feet of frontage. The additional costs add to the feasibility of the project. They submitted this project in December 2005. He feels that is an extremely long period of time for processing such an application. Jim Losch said one of the problems was planner turnover. The last time staff asked for additional information was November of last year.

Commissioner Machado asked about the fencing. Mr. Leu explained.

Commissioner Mathews asked why they limited themselves to six units. Mr. Leu replied there are open space requirements. The units are three bedrooms, two and a half baths.

Paula Frantz, County Counsel, said the General Plan does not mandate off-site curbs and gutters. It is a requirement when you process a subdivision. This is not a subdivision, is not close to a school, and is not commercial property. The Commission does have discretion on whether the improvements should extend further than the subject property.

Jon Vegna, Department of Transportation, explained their reasons for requiring the proposed road improvements. Mr. Leu said with the fees the Department of Transportation already puts on

your project, they want you to do more improvements which deters projects. Both fees and improvements do not make sense.

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There was no further input.

Commissioner Machado agrees with the applicant about the costs involved when it takes so long to process a project. He believes it is logical to extend the sidewalk down to the lake. Commissioner Tolhurst is in favor of the sidewalk in the interest of public safety. Commissioner Mathews agrees with the problems incurred with a long processing time for a project.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED, AND APPROVE PD05-0016 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

Findings

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 By including mitigation for special-status plants, no significant impacts to the environment will result from this project. Mitigation is included in the project permit that address potentially significant impacts within Biological Resources, Land Use, and Mandatory Findings of Significance categories of the Initial Study based on special-status plants that may exist on the project site. Requiring a survey during the bloom period and either avoiding or removing and transplanting found plants to the satisfaction of the California Department of Fish and Game (CDFG) and/or US Fish and Wildlife Services (USFWS) will reduce the level of impacts within the categories to a level that is less than significant.
- 1.3 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 pursuant State Legislation (California Fish and Game Code Section 711.4).

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

2.0 ADMINISTRATIVE FINDINGS

2.1 Planned Development PD05-0016 Findings

Issuance of a planned development permit (PD05-0016) to create a six-unit multifamily development consisting of one four-plex and one duplex within the Limited Multi-family Residential Planned Development Airport Safety (R2-PD-AA) Zone District.

2.2 The Planned Development (PD) is consistent with the General Plan.

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

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

This project provides 30.5-percent common open space area where 30-percent is required based on PD standards. The site incorporates the gentle slope and topography of the site into the overall design by placing buildings on the higher elevations of the parcel away from Estepa Drive. Combined with the siting of buildings, the use of an earth tone building color palette and placement of the parking areas away from the main street and outside of setbacks creates a sensible environment within the project boundaries. In addition, the installation of comprehensive landscape and irrigation will maintain a visually attractive project by softening the structures to be built on the site.

2.4 That any exception to the standard requirements of the zone regulations is justified by the design or existing topography.

The only exception to zone regulations is a request for smaller dwelling units. The proposed duplex units are 1,322 square feet which is under the 2,000-square foot minimum for each dwelling unit. Planning staff finds that by including the 30 percent open space in the development plan, and designing the units to be consistent with the residential nature of the Cameron Park area, the reduced size of each unit is a reasonable request. This request will not

change the nature or intent of the underlying Limited Multi-Family Residential (R2) Zone development standards.

2.5 The site is physically suited for the proposed use.

This area of Cameron Park is designated for multifamily residential development, and the property is an infill site surrounded by similar types of single- and multifamily projects. The Cameron Park Airport CLUP allows multifamily development within Overflight Safety Zone 3 with the planned development application. As an infill lot, direct access is available onto Estepa Drive for Lot 163 that will combine and share access using one main encroachment.

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

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

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

This 0.53-acre site is an infill parcel that is surrounded by similarly developed or developing projects. As designed, the project proposes a sensitive site design that incorporates landform grading techniques and building siting to create a balanced and aesthetically pleasing product that fits within the neighborhood. Rock outcroppings and boulders that exist on-site are integrated into the design in order to enhance the natural and scenic qualities that exist at this property. Exterior colors of buildings will be tan stucco with dark brown or tea chest trim. The selected colors will blend the buildings with the existing earth tone colors that are characteristic of the property and the surrounding neighborhood.

Conditions

1. This planned development permit approval is based upon and limited to compliance with the project description, dated May 25, 2007, and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The planned development permit will allow development of a six unit multi-family residential development to include: one duplex and one four-plex each consisting of two-story construction. The six units are comprised of 7,932 square feet of habitable floor area and 1,602 square feet of garage floor area. The project proposes seventeen (17) off-

street parking spaces to include six (6) garage spaces, six (6) spaces in tandem with each garage, four (4) common parking spaces and one (1) handicap space; and 6,850 square feet of common area open space with no common area amenities.

Exterior colors and materials for buildings shall substantially conform to the following color palette: the exterior of the buildings will be tan stucco with dark brown or tea chest trim and grey 30-year fire resistant roof shingles will be installed for the project. All exterior building materials, treatments, and landscaping shall be maintained in good visual repair, at all times.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structure, 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.

MITIGATION MEASURES

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

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

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

MONITORING: Planning Services shall review the on-site botanical survey prior to issuance of a grading permit to ensure that: 1) no special-status plants exist on the project site; or 2) the removal of special-status plants on site is done with the written approval of the California Department of Fish and Game and the US Fish and Wildlife Services.

3. Prior to the issuance of building permits, the applicant shall pay the rare plant in lieu-fee payment in effect at the time of building permit issuance, for construction of a six-unit multi-family residential development within Rare Plant Mitigation Area 1.

MONITORING: Planning Services shall ensure that all required fees are collected prior to building permit issuance.

CONDITIONS OF APPROVAL

Department of Transportation

4. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to commencement of any improvements on the project facilities.
5. The developer 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 commencement of the commercial grading permit.
6. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.
7. The developer shall widen the frontage along Estepa Lane to 15 feet wide from the existing centerline, to Standard Plan 101B. In addition, the developer shall construct a Type 2 curb and gutter, or a rolled curb (Type 1) if the required drainage can be contained in gutter section, according to the approved drainage report as required for this project, and a 4-foot wide sidewalk along Estepa Lane, per Standard Plan 104 and 101B. An approved design waiver is required for the width reduction of the sidewalk. These improvements shall be completed prior to occupancy of any unit of this project.
8. For the off-site improvements, a Type 2 or Type 1 curb (see previous condition), gutter and four-foot wide sidewalk shall be constructed along Estepa Drive, from the existing encroachment of Assessor Parcel Number 082-770-45 to the existing encroachment for Assessor Parcel Number 082-730-06. These improvements shall be completed prior to occupancy of any unit of this project.
9. The developer shall construct a modified Standard Plan 103G driveway onto Estepa Lane. This work must be substantially complete, as determined by the Department of Transportation, prior to occupancy of any unit of this project.
10. A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans to the approval of the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
11. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.

12. The applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations.
13. The project applicant shall incorporate final drainage plans into the improvement plans and obtain approval of the El Dorado County Department of Transportation. These final drainage plans shall demonstrate that future post-development storm water discharge levels from the project will remain at existing storm water discharge levels and detention basins will be permanently maintained. The drainage plan shall be prepared by a certified Civil Engineer and shall be in conformance with the El Dorado County Drainage Manual adopted by the Board of Supervisors in March 1996. The drainage plans shall include, at a minimum, written text addressing existing conditions, the effects of project improvements, all appropriate calculations, a watershed map, potential increases in downstream flows, proposed on-site improvements, and drainage easements, if necessary, to accommodate flows from the site and implementation and maintenance responsibilities. The plan shall address storm drainage during construction and proposed BMPs to reduce erosion and alter quality degradation. All onsite drainage facilities shall be constructed using El Dorado County Minimum Construction Site Storm Water Management Practices (March 31, 2004) and to the satisfaction of El Dorado County Department of Transportation. BMPs shall be implemented throughout the construction process and permanent BMPs shall be included in the grading plan.
14. Grading plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
15. The timing of construction and method of re-vegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
16. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.

17. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 5:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on Saturdays; and prohibited on Sundays and holidays.

Fire Department

18. Prior to the approval of any building permits, a Fire Safe Plan review fee of \$120.00 shall be submitted to the Cameron Park Fire Department.
19. Due to the V-N type construction of the buildings, the required fire flow 2,250 gpm for a two hour duration with a 20 psi residual pressure. This project will require three hydrants to provide fire flow. The existing on site fire hydrant may be used to meet a portion of this requirement, and two new fire hydrants shall be added to meet this requirement. Fire hydrants shall be located within 150 feet of all portions of all buildings per CFC 903.2. The fire flow may be adjusted up or down when actual construction plans are evaluated.
20. Prior to the approval of building permits, the applicant shall install an on-site looped water line to extend from the exiting inch-inch water main line located within Estepa Drive. The improvement shall be reviewed and approved by the Cameron Park Fire Department prior to issuance of any building permit. The looped system shall be designed to provide a fire flow of 2,250 gallons per minute (gpm) under 20 pounds of pressure (psi) for a period of two hours. In lieu of a looped water system, the applicant shall design the water connection pursuant to the El Dorado Irrigation District (EID) standards to upgrade the existing water line located within Estepa Drive. The upgrade will include a 10-inch water line for a section of 120 feet and a reduction to an eight-inch water line for a section of 50-feet to meet EID standards and to the satisfaction of the Cameron Park Fire Department.
21. Fire department access roads shall provide access to all portions of all buildings within 150 feet.

Planning Services

22. Prior to the approval of occupancy permits, the applicant shall provide to Planning Services a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.
23. Prior to the approval of occupancy permits, the applicant shall schedule an inspection with Planning Services for verification of compliance with applicable conditions of approval.
24. Building design and colors, building placement, and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein (Exhibit G). Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require additional Planning Services review and approval.

25. No signage is proposed at the time of application. All future signage shall require Planning Services approval of a minor revision to this design review application. All signage shall conform to Chapter 17.16 and Chapter 17.28 of the County Code.
26. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 5:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on Saturdays; and prohibited on Sundays and holidays
27. Off-street parking shall not be reduced at any time. Garage parking shall be kept free and clear to accommodate vehicular parking only.
28. Parking areas shall be improved to a minimum of two inches of asphaltic concrete (AC) over four inches of aggregate base or equivalent improvements in concrete. The applicant, property owner, and/or property management company shall maintain in good visual and operable repair all parking, driveways, shared access, and related surface improvements associated to the project.
29. The applicant shall connect to the existing six-inch sewer line located in Estepa Drive.
30. Prior to the issuance of building permits, the applicant shall submit to the Development Services Department an Avigation and Noise Easement for a project located within the Cameron Park Overflight Zone Safety Area 3 to be submitted to the Board of Supervisors for approval and recording.
31. The final landscape plan shall meet Zoning Code Chapter 17.18.090, and General Plan Policies 7.3.5.1, 7.3.5.2 and 7.4.4.4. The final landscape plan and Water Conservation Landscape Standards form shall be provided to, and then approved by the Deputy Planning Director or designee, the prior to issuance of a building permit. Applicant shall install and maintain landscaping in accordance with the approved final landscaping plan in perpetuity or unless otherwise modified through any future permit.
32. Common area lighting is not permitted. Patio area lighting shall be shielded and must conform to the provisions of the lighting ordinance.
33. Refuse and recycling materials shall be stored in individual containers within the garage area of each unit and shall only be located outside of the garage on trash/recycling pick-up days.
34. Outdoor air conditioning units shall be located in the rear yard and/or patio area of each unit and shall be screened from public views. Roof mounted air conditioning units shall not be allowed.
35. Propane tanks shall be located underground. The location of propane tanks shall be shown on the site improvement/grading plans.

36. Gates shall not be allowed across the access drive.
37. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the finds is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review the grading plans prior to the issuance of a grading permit.
38. In the even of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall review the grading plans prior to the issuance of a grading permit.
39. 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.

40. All Development Services Planning fees shall be paid prior to issuance of any Building Permit.

Cameron Park Community Services District (CPCSD)

41. Park impact fees and fire development fees shall be paid to the Cameron Park Community Services District (CPCSD) prior to issuance of building permits or issuance of the first occupancy permit.
42. Prior to the issuing of a building permit, the applicant shall submit plans to the CPCSD Architectural Review for review and approval.

43. CC& R's must be recorded and adhered to prior to final building permit approval.

Environmental Health

44. Prior to approval of any building permits, the applicant shall provide an adequate number of solid waste enclosures to meet the needs of the project Pursuant to the El Dorado County Solid Waste Management Ordinance, Chapter 8.42. The applicant shall demonstrate compliance with this ordinance by showing the location and size of approved solid waste enclosures and containers on the site plans. The applicant should contact Waste Management, the solid waste franchisee, for direction regarding the aforementioned enclosure needs for this project

Environmental Management

45. Prior to approval of grading and/or improvement plans, the applicant shall provide a Fugitive Dust Prevention and Control Plan and Contingent Asbestos Hazard Dust Mitigation Plan shall be submitted to and approved by the district prior to the start of project (FDP) application with appropriate fees to the Air Quality Management District (AQMD) for review and approval.
46. All project construction activities shall adhere to AQMD Rule 224 for Cutback and Emulsified Paving Materials.
47. All project architectural coatings shall adhere to AQMD Rule 215.
48. 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.
49. 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.
50. Prior to the construction or installation of any new point source emission units or non-permitted emission units such as gasoline dispensing facilities, boilers, internal combustion engines, the applicant shall submit an authority to construct application to be

reviewed and approved by the AQMD. Submittal of the application shall include facility diagram(s), equipment specifications, and emission factors.

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

9. ZONE CHANGE/PLANNED DEVELOPMENT (Public Hearing)

Z06-0007/Planned Development PD06-0008/Sierra Storage submitted by J. B. HARRIS to rezone property from Commercial (C) to Commercial-Planned Development (C-PD) Zone; and development plan for 24, 10-foot by 20-foot mini-warehouse units. The property, identified by Assessor's Parcel Number 101-282-03, consisting of 0.22 acre, is located on the south side of Pony Express Trail, approximately 500 feet west of the intersection with Bonanza, in the **Pollock Pines area**, Supervisorial District II. (Negative declaration previously prepared and advertised)

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

J. R. Harris said they have modified their plans for additional landscaping to make the project more aesthetically pleasing. Commissioner Machado commented the project looks a lot better. He asked about the fire department requirements. Mr. Harris said there are other fire hydrants in the area. Commissioner Machado asked if the fire district required sprinklers. Mr. Harris said they do not require sprinklers, but they are requiring a monitoring system.

Commissioner Mac Cready said on future projects he would like to see these facilities look more like the project on Cambridge/Green Valley Road. The facility at Blue Ravine looks more like an apartment building than a storage facility. He spoke about having planners work with applicants to make such projects more aesthetically pleasing. Mr. Harris said he would be willing to add wainscoting/used brick siding on the front.

There was no further input.

Commissioner Tolhurst said the applicant did make an effort. This is a commercial area, not residential.

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED; AND APPROVE Z06-0007/PD06-0008 REZONING ASSESSOR'S PARCEL NUMBER 101-282-03 FROM COMMERCIAL (C) TO COMMERCIAL-PLANNED DEVELOPMENT (C-PD), ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

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 project will not affect wetland, watercourses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption(DFG 753.5-5/91) is applicable.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Commercial (C) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the C land use designation includes commercial uses such as mini-warehousing and the subject parcel is within the Pollock Pines Community Region.
- 2.2 The proposal is consistent with General Plan Policies 2.2.1.5, 2.2.3.1, and 2.2.5.3 concerning floor area ratio, planned developments, and zone changes. Because of the project's provision of adequate access, site design, and conditions to fit within the context of the surrounding land uses, it is found to be consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The subject site is zoned Commercial (C) which permits, by interpretation, the proposed use with an approved Planned Development and the proposed use 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.
- 3.2 As proposed, the project meets all applicable development standards contained within §17.32.040 of the *El Dorado County Zoning Ordinance*.

4.0 ADMINISTRATIVE FINDINGS

4.2 Planned Development

- 4.2.1. That the planned development request is consistent with the General Plan;

The proposed zone change request to rezone the property from Commercial-Sierra Design (C-DS) to Commercial-Planned Development (C-PD) is consistent with the General Plan land use designation and Policy 2.2.5.3 regarding rezones in general. Additionally, the General Plan contains several policies pertinent to the project whose consistency is discussed under the General Plan section of these Findings.

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

The development plan has been conditioned to better provide a desirable environment within its boundaries and with adjacent parcels. The project contains adequate parking and landscaping and has a consistent design throughout the project.

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

No exceptions to the Zoning Ordinance have been requested. A planned development application is required to facilitate the increase of the floor area ratio to .50 which is in excess of table 3.2 of the General Plan. Staff has determined that the proposed FAR of .50 would not have an impact that is substantially worse than analyzed in the 2004 General Plan EIR..

- 4.2.4. That the site is physically suited for the proposed uses;

The site is physically suited for the proposed commercial use as discussed in the staff report.

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

A facilities improvement letter from EID has been submitted that verifies adequate services exist for the proposed project. No office is proposed; therefore no sewage disposal is required. All other utilities are on-site. The subject parcel encroaches on to Pony Express Trail and Spring Street, both county maintained paved roads.

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

The project is suitable within the Pollock Pines Community Region. The project has been conditioned to better blend with the surrounding vegetation and adjacent uses.

Conditions

El Dorado County Planning Services

1. The Planned Development approval is based and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-E, dated May 24, 2007, and Conditions of Approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for Conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project, as approved, shall consist of the following:

A development plan for two ~~2,400 square foot~~ structures, one 2,400 square feet and one 1,200 square foot, containing 24 ~~10 foot by 20 foot~~ mini warehouse units. The eastern structure contains 12, 10 foot by 20 foot units, and the western structure contains 12, 10 foot by 10 foot units, as shown on Exhibit A. The project includes landscaping as shown on Exhibit B, exterior lighting, access to Pony Express Trail and Spruce Avenue, and EID water to irrigate the landscaping. No office or sewer connection is required. Proposed wall sign shall be consistent with Exhibit B, Exhibit C-1, and Ordinance §17.16.030.

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 site improvements shall conform to the site plan attached as Exhibits A, B, and C1-2 D.
3. All buildings shall be painted earth tone colors to better blend with surrounding vegetation and be consistent with Exhibits C-1 and C-2. Final color choices shall be approved by the Director of Planning Services prior to issuance of building permits.
4. 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 developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a special use permit, which action is brought within the time period provided for in Section 66499.37.

The applicant shall plant one tree, Pistacia chinensis (Chinese pistache) or Lagerstroemia indica (crape myrtle), and two shrubs, Heteromeles arbutifolia (toyon), in each of the four landscape areas, as shown on Exhibit D, for a total of four trees and eight shrubs.

5. Prior to building permit issuance, a lighting plan shall be submitted in conformance with §17.14.170 of the County Code. All lighting shall be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. In addition, the following shall apply:

- a. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface of the building.
- b. Lighting location shall be consistent with Exhibits A and E and shall be turned off within 30 minutes after the closing of the business. Security lighting shall be designed with motion-sensor activation. Lighting shall be generally consistent with Exhibit E using the optional accessory full cutoff shield.

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

6. Prior to building permit issuance, a water meter award letter or similar assurance from the water purveyor, guaranteeing water service upon demand to the project parcel for landscape irrigation purposes, shall be submitted to Planning Services.

7. The Parking Lot Landscaping and Buffering Standards (Section 17.18.090, El Dorado County Zoning Ordinance) shall be incorporated into the site plan and final landscape plan and be approved by Planning Services prior to issuance of a building permit. The applicant shall submit a final landscape plan at the time of building permit submittal which will be reviewed by planning staff at that time. The applicant shall install and maintain landscaping in accordance with the approved final landscaping plan in perpetuity. Additionally, staff will make an on-site inspection to verify compliance with the final landscape plan prior to occupancy.

8. A used-brick wainscot, a minimum of 36 inches high, shall be installed on the front façade of the structures.

- ~~9.6.~~ The applicant shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to commencement of any improvements on the project facilities.
- ~~10.7.~~ The applicant shall pay the traffic impact fees in effect at the time a building permit is issued.
- ~~11.8.~~ The applicant shall obtain an encroachment permit and construct a Std. Plan 103D driveway onto Pony Express Trail and Spruce Street. This work must be substantially complete, as determined by the Department of Transportation, prior to occupancy of any unit of this project.

El Dorado County Fire Protection District

- ~~12.9.~~ The applicant shall submit a review fee of \$150.00
- ~~13.10.~~ The applicant shall install one fire hydrant. Hydrants will be Muller model 200 Centurion and the Fire District will approve the location.
- ~~14.11.~~ The required Fire Flow for this project is 1,500 gpm @ 20 psi for 2 hours.
- ~~15.12.~~ Documentation from EID (FIL) shall be submitted to the Fire District to show that this project will meet fire flow.
- ~~16.13.~~ The applicant shall install a fire District approved NFPA 72 Fire Alarm.
- ~~17.14.~~ The applicant shall install Knox gate access on all gates.

10. ZONE CHANGE/TENTATIVE PARCEL MAP (Public Hearing)

Z06-0028/P06-0024 submitted by SCOTT LEWIS (Agent: Dennis Johnson) to rezone property from Estate Residential Five-acre (RE-5) to One-acre Residential (R1A), and tentative parcel map to create two parcels, Parcel 1 consisting of 6.9 acres and Parcel 2 consisting of 1.1 acres. Two design waivers have been requested: 1. Waiver of the on-site road width improvement for Parcel 1 to 24 feet per Standard Plan 101C; and 2. Waiver of the on-site road width improvement requirement for Parcel 2 to 28 feet per Standard Plan 101B. The property, identified by Assessor's Parcel Number 124-311-17, consisting of 8.22 acres, is located on the south side of Green Valley Road, one-half mile south of the intersection with Green Valley Road and Miller Road, in the **El Dorado Hills area**, Supervisorial District I. (Negative declaration prepared)

Staff: Jonathan Fong recommended of approval to the Board of Supervisors. The rezone is only for the 1.1-acre portion of the parcel. Mr. Fong presented a memo revising Conditions 12 and 13 and adding Condition 14.

Scott Lewis explained his request. He would like to split off 1.1 acres so his in-laws can stay on the property, and he can sell the balance of the parcel. He will be moving out of state. The fire department has stated there is no reason to change any of the roads in the area.

Bob Frew, resident in the area by the 1.1 acres to be split off, said this proposal will impact the deed restrictions on the property. This will be going from a granny flat to an undersized house. Paula Frantz, County Counsel, said the second unit is not relevant to the rezoning of the property. The County does not enforce CC&Rs. Mr. Frew said this should remain a granny flat situation. The CC&Rs have been enforced three times within the last ten years. He believes the road improvements that are proposed should be completed.

Marilyn Hagen said the way the staff report reads the rezoning is for the entire parcel, not just the 1.1 acre parcel being split off. She objects to the rezoning of the entire parcel.

Alice Soon concurred with the comments made by Bob Frew and Marilyn Hagen.

Mr. Lewis said the CC&Rs were written in the 1950s. He did not know there were CC&Rs until he submitted this application. There were no complaints when the granny flat was constructed. There is a lower story to the granny flat that is used for a workshop. If you put in a stairway, the house becomes a 2,400 square foot home. There are several one-acre parcels in this area.

There is no further input.

Mr. Fong said the larger parcel will retain the five-acre zoning. If the property is further split, a new application would have to be filed.

Eileen Crawford, Department of Transportation, explained the off- and on-site improvements.

Commissioner Machado said there are other parcels along Miller Road that are one acre in size. The road would be widened. Commissioner Tolhurst does not see any impact on the neighborhood. There are currently two houses.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, APPROVE Z06-0028 REZONING A PORTION OF ASSESSOR'S PARCEL NUMBER 124-311-17 FROM ESTATE RESIDENTIAL FIVE-ACRE (RE-5) TO ONE-ACRE RESIDENTIAL (R1A) BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE P06-0024 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS AS MODIFIED.

After the above motion and before voting, Gina Hunter said it would be a benefit to the applicant to go to R2A zoning rather than R1A as the road improvements would not be as severe. Ms. Crawford used a copy of the parcel map to explain the proposed road improvements. Mr. Lewis said he has reviewed the two-acre option and would rather go with one-acre zoning. **The above motion was withdrawn.**

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND **FAILING** BY THE FOLLOWING VOTE: AYE – COMMISSIONER KNIGHT; NOES – COMMISSIONERS MAC CREADY, MACHADO, MATHEWS, AND TOLHURST, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, APPROVE Z06-0028 REZONING A PORTION OF ASSESSOR’S PARCEL NUMBER 124-311-17 FROM ESTATE RESIDENTIAL FIVE-ACRE (RE-5) TO ONE-ACRE RESIDENTIAL (R1A) BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE P06-0024 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS AS MODIFIED, DELETING THE REQUESTED DESIGN WAIVERS FROM THE REQUEST.

MOTION: COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER KNIGHT AND **FAILING** BY THE FOLLOWING VOTE: AYES – COMMISSIONERS TOLHURST AND KNIGHT; NOES – COMMISSIONERS MAC CREADY, MACHADO, AND MATHEWS, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, APPROVE Z06-0028 REZONING A PORTION OF ASSESSOR’S PARCEL NUMBER 124-311-17 FROM ESTATE RESIDENTIAL FIVE-ACRE (RE-5) TO ONE-ACRE RESIDENTIAL (R1A) BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE P06-0024 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS AS MODIFIED.

MOTION: COMMISSIONER MATHEWS MADE A MOTION TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, AND APPROVE Z06-0028/P06-0024, REQUIRING THE APPLICANT TO ADHERE TO 101C STANDARDS FOR BOTH THE 1.1 AND 7.12-ACRE PARCELS AND NOT THE 101B STANDARDS. **This motion was withdrawn.**

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER TOLHURST AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS TOLHURST, MAC CREADY, AND KNIGHT; NOES – COMMISSIONERS MACHADO AND MATHEWS, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, APPROVE Z06-0028 REZONING A PORTION OF ASSESSOR’S PARCEL NUMBER 124-311-17 FROM ESTATE RESIDENTIAL FIVE-ACRE (RE-5) TO ONE-ACRE RESIDENTIAL (R1A) BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE P06-0024 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS AS MODIFIED, DENYING THE REQUESTED DESIGN WAIVERS.

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 proposal.

- 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, 95667.

2.0 ADMINISTRATIVE FINDINGS

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

The proposed rezone and parcel map conform to the General Plan, because the proposed rezone from Estate Residential Five-acre (RE-5) to One-family Residential (R1A) would be consistent within the Medium Density Residential (MDR) land use designation.

2.2 The proposed rezone and parcel map are consistent with the Zoning Ordinance

The proposed parcel sizes are consistent within the RE-5 and R1A zone districts.

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 One-family Residential (R1A) and Estate Residential Five-acre (RE-5) zone districts.

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

The project site has been previously developed with residential development. The project would create two residential parcels. The project would be consistent with the density requirements of the Medium Density Residential (MDR) land use designation and consistent with the development standards of the R1A and RE-5 zoning districts.

3.4 That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat;

The project site has been previously developed with residential structures. No site development would occur in conjunction with the project. No riparian areas would be disturbed nor will any special status species be affected as part of the project.

Conditions

Planning Services

1. This parcel map and rezone is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit D, dated July 24, 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 description is as follows:

The parcel map would create two residential parcels. Parcel 1 would be 6.9 acres, and Parcel 2 would be 1.1 acres. The rezone would change the zoning of Parcel 2 from Estate Residential Five-acre (RE-5) to One-acre Residential (R1A). Road improvements to Hillview Court and Hillview Drive would be required as part of the project. No development is proposed in conjunction with the project.

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. 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.

3. The applicant shall be required to pay the Park in-lieu fee of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090.
4. In the event oak canopy is removed, an arborist report identifying the affected canopy shall be submitted. The impacted canopy shall be identified in the report and shall be submitted to Planning Services prior to issuance of a grading permit.
5. The applicant shall replace the affected oak canopy 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. All Development Services fees shall be paid prior to recordation of the parcel map.
7. 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.
8. 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.

Department of Transportation

9. The applicant shall widen the on-site portion of the Hillview Drive to Standard Plan 101B for a 28-foot wide road without curb, gutter, and sidewalk along the frontage of Parcel 2. 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.
10. The applicant shall improve the on-site portion of Hillview Drive to Standard Plan 101C for a 24-foot wide road along the frontage of Parcel 1. 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.
11. The applicant shall improve the off-site portion of Hillview Drive to 18 feet pursuant to the Design and Improvement Standards Manual. 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.
 12. The applicant shall improve the intersection of Hillview Drive and Miller Road with a minimum 20-foot radius (inside curb) and a minimum 50-foot radius (outside curb) pursuant to 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.
 13. The applicant shall improve the encroachment of Hillview Drive and Hillview Court to the provisions of Standard Plan 114 103C. 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.
 14. The applicant shall provide a turnaround at the end of Hillview Court to the provisions of Standard Plan 114 prior to recordation of the parcel map. 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.
 14. The applicant shall irrevocably offer to dedicate the on-site road and public utilities easement along the project frontage of Hillview Road and Hillview Court prior to recordation of the parcel map. This offer will be rejected by the County.
 15. The applicant shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement to construct the improvement of Hillview Drive and Hillview Court. The Improvement Agreement shall be submitted and approved prior to recordation of the parcel map.
 16. The applicant shall join and/or form an entity satisfactory to the County to maintain all roads not maintained by the County, both on-site and off-site roads, that are required for access to County or State maintained roads.
 17. The applicant shall adhere to all Department of Transportation standard conditions.

Air Quality Management District

18. The applicant shall prepare a Fugitive Dust Plan. The plan shall be reviewed and approved by the District prior to issuance of a grading permit.

El Dorado Hills Fire Department

19. The applicant shall implement and develop a Wildland Fire Plan for the project. The Department shall review and approve the plan prior to recordation of the parcel map.
20. Each dwelling shall post address numeral at the intersection of Hillview Drive and the Driveway entrances. The Department shall review and approve the addressing prior to recordation of the parcel map.
21. The limited comments and conditions of this parcel split are based on existing conditions. Any future splits of this parcel shall be opposed by this Department.

El Dorado Hills Community Services District

22. The parcel shall have the existing Covenants, Conditions and Restrictions (CC&R's) recorded on the new parcels.
23. In accordance with the CC&R's, Section 2, the minimum size for each residence shall be 1,300 square feet.
24. Each residence shall have its own cable television hookup service available.
25. Each residence shall have its own mandatory solid waste collection and recycling services.
26. Any utility connections are to be underground.

County Surveyor

27. All survey monuments must be set prior to filing the parcel map.
28. 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 designed in Section 16.44.120 B2 with the legal right to improve that access as required by the County Design Manual.
29. Prior to filing the 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.

11. GENERAL PLAN AMENDMENT (Public Hearing)

A06-0009 initiated by the EL DORADO COUNTY PLANNING COMMISSION to consider amending the land use designation for 95 parcels at various locations throughout El Dorado County as shown below. These changes will facilitate the update to the County Zoning Ordinance, including the Zoning Maps, and are generally minor in nature, will have no significant effect on development potential, and correct errors on the map that would create problems with the updating of the Zoning Maps. Following are the proposed land use changes: Assessor's Parcel Number 060-480-31, Bear Creek Road 0.75 mile east of State Route 193 in the Kelsey area/Butte Equipment Rentals, Inc. – Rural Residential (RR) to Rural Residential-Mineral Resource (move Mineral Resource overlay to encompass entire parcel); 060-021-54, east side of Daffodil Lane north of Bear Creek Road 0.75 mile east of State Route 193 in the Kelsey area/Judith Kaye Canright, and 060-480-04, 0.25 mile south of Bear Creek Road one mile east of State Route 193 in the Kelsey area/Thomas M. Bridgeman – Rural Residential/Mineral Resource to Rural Residential (remove Mineral Resource overlay); 060-021-38, Bear Creek Road one mile east of State Route 193 in the Kelsey area/United States of America – Natural Resource/Mineral Resource (remove Mineral Resource Overlay); 062-030-19, 0.75 mile south of Volcanoville Road five miles north of Wentworth Springs Road in the Volcanoville area/Glenn H. Cochran – Natural Resource/Platted Lands (remove Platted Lands Overlay); 060-270-24, north side of Black Oak Mine Road 0.5 mile east of Marshall Road in the Garden Valley area/James W. Impson – Medium Density Residential (include parcel within Garden Valley Rural Center/MDR-GV); 085-450-12, east side of Kelly Green Street east of Greenbrook Drive 0.5 mile north of Hassler Road in the Camino Fruitridge area/Paul P. Green Trust – Natural Resource to Rural Residential with Agricultural District overlay; 009-051-18, east side of Forest Road south of U.S. Highway 50 in the Pollock Pines area/Thomas Lee Cloud – High Density Residential-Platted Lands to Natural Resource; 038-400-27, north side of U.S. Highway 50 in the Strawberry area/Sean Christman – Natural Resource/Strawberry Rural Center (remove Natural Resource portion of parcel from Strawberry Rural Center); portion 038-400-15, south side of U.S. Highway 50 in the Strawberry area/Gary D. Nibbelink Trust, 117-260-60, NE of Montrose Court in the Stonebriar subdivision in the El Dorado Hills area/Springfield Meadows Community Services District – High Density Residential to Open Space; portion 124-140-33/Family Real Property LP, and portion 124-010-02/County of El Dorado, both on the SE corner of Green Valley Road and Francisco Drive in the El Dorado Hills area – Commercial to High Density Residential; portion 117-190-47, Prima Drive, east of Stonebriar Drive in the El Dorado Hills area/County of El Dorado, and portion 117-010-04, east of Prima Drive in the Stonebriar subdivision in the El Dorado Hills area/Springfield Meadows Community Services District - Medium Density Residential to High Density Residential; portion 115-370-11, west side of Silver Springs Parkway 0.5 mile south of Green Valley Road in the Cameron Park area/Silver Springs, a CA LLC - Public Facilities to Low Density Residential; 070-011-03/Ennio Bellei, 070-011-02/Volker Ploog, and 070-011-01/Cameron-Rescue Self Storage, all three parcels on the south side of Green Valley Road west of Old Meder Road in the Cameron Park area - Commercial to Multi-Family Residential; 119-020-04/Buckeye Union School District, and 991-017-72, both parcels on the north side of Merrychase Drive 0.25 mile west of Cambridge Road in the Cameron Park area – High Density Residential to Public Facility; portion 083-020-

29, east side of Cameron Park Drive 0.1 mile north of Meder Road in the Cameron Park area/Frank P. Ambrosio, Jr. Trust – High Density Residential to Commercial; 317-331-14, 0.1 mile north of Roundhill Circle in the Greenstone area/Greenstone Country Owners Association, 317-331-03, end of Roundhill Court in the Greenstone area/Van E. Thompson, 317-120-13, on Summer Stream Lane 0.25 mile east of Lotus Road in the Greenstone area/James H. Johnson, 317-120-14, on Summer Stream Lane 0.25 mile east of Lotus Road in the Greenstone area/Pericles Holding Corp., 098-021-82, west side of Cedar Ravine 0.5 mile north of Quarry Road in the Diamond Springs area/Rocks Nevada LLC, 099-020-29, east side of Cedar Ravine 0.25 mile north of Quarry Road in the Diamond Springs area/Department of Veterans Affairs, 099-020-30, east side of Cedar Ravine one mile north of Quarry Road in the Diamond Springs area/Eric Todd Brunius – Low Density Residential (remove Mineral Resource Overlay); 317-120-08, south side of Sierra Rock Road east of Lotus Road in the Greenstone area/Rock Supply LLC; 102-150-16, south side of Sierra Rock Road east of Lotus Road in the Greenstone area/Rock Supply LLC, 102-150-28, east side of Lotus Road at Sierra Rock Road in the Greenstone area/Eric Todd Brunius, and 098-021-60, north side of Quarry Road and Cedar Ravine in the Diamond Springs area/Rock Supply LLC - Low Density Residential/Mineral Resource – Place Mineral Resource Overlay on entire parcels; 323-640-01, north end of Greenstone Lane one mile north of Green Valley Road in the Greenstone area/GGV Greenwood, a CA LLC – Low Density Residential (move Community Region boundary to encompass entire parcel/LDR-EDDS); 327-080-04, south side of Echo Lane one mile west of El Dorado Road in the Diamond Springs El Dorado area/Echo Lane Investors, a CA LLC – Medium Density Residential (move Community Region boundary to encompass entire parcel/MDR-EDDS); 325-020-03, west side of Dunroamin Way 0.5 mile north of Green Valley Road in the Diamond Springs El Dorado area/Arthur and Marian Hanna – Agricultural Lands with Important Biological Corridor overlay to Low Density Residential with Important Biological Corridor overlay; portion of 327-250-37, north side of Old Depot Road 0.1 mile east of Missouri Flat Road in the Diamond Springs El Dorado area/John Faber – Public Facility to Industrial; 990-495-67, Jacquier Road in the Smith Flat area – No previous land use designation; change to Agricultural Lands/Agricultural District; portion of 048-520-32, portion of Newtown Road east of Smith Flat Road in the Placerville area/County of El Dorado –Medium Density Residential Placerville Community Region to Low Density Residential and remove from Placerville Community Region; 048-121-69, east side of Newtown Road 0.75 mile east of Smith Flat Road in the Placerville area/John Neil, and 048-121-72, east side of Newtown Road 0.75 mile east of Smith Flat Road in the Placerville area/Fred L. Fassio – Medium Density Residential Placerville Community Region to Medium Density Residential Platted Lands; 097-180-04, south side of Great View Lane west of Canyon Valley Road in the Diamond Springs area/Roy C. Skinner – Rural Residential/Medium Density Residential to Rural Residential; portion of 097-180-05, north side of Great View Lane west of Canyon Valley Road in the Diamond Springs area/Stanley P. Farrelle – Medium Density Residential El Dorado Diamond Springs Community Region to Rural Residential and removal of Community Region; 092-161-03, west side of Dolomite Drive 0.5 mile east of State Route 49 in the Logtown area/El Dorado Irrigation District – Public Facilities Platted Lands to Public Facilities; 327-140-53, northwest side of Motherlode Drive 0.1 mile west of Missouri Flat Road in the Diamond Springs area/Seventh Day Adventist Church – Commercial to Medium Density Residential; 050-500-34, west side of Meadow Lane 0.25 mile west of Mosquito Road in the Placerville area/Daniel Raymond – Adopted Plan Placerville Community Region to Medium Density Residential-Platted Lands; 050-290-18, west side of

Mosquito Road 0.75 mile north of U.S. Highway 50 in the Placerville area/Florence Bisagno Succ. Trust, and 050-290-14, portion of Mosquito Road 0.75 mile north of U.S. Highway 50 in the Placerville area/County of El Dorado – High Density Residential Placerville Community Region with Agricultural District Overlay/Remove Agricultural District Overlay; 043-030-30, -37, and -32, on Carson Court southeast of Carson Road 0.1 mile east of the Carson Road intersection with U.S. Highway 50 in the Camino area/Deanna L. Lund Trust, 043-030-04, on Carson Court southeast of Carson Road 0.1 mile east of the Carson Road intersection with U.S. Highway 50 in the Camino area/Robert F. Brown, and 043-030-07, on Carson Court southeast of Carson Road 0.1 mile east of the Carson Road intersection with U.S. Highway 50 in the Camino area/Sonja Daniels - Rural Residential with Agricultural Overlay to Commercial and inclusion within Camino Pollock Pines Community Region; 043-030-02, on Carson Court southeast of Carson Road 0.1 mile east of the Carson Road intersection with U.S. Highway 50 in the Camino area/Joni Robinson – Commercial/Agricultural District/Remove Agricultural District Overlay and include in Camino Pollock Pines Community Region; 043-170-06, south side of Barkley Road in the Camino area/Sierra Pacific Industries – Natural Resource Camino Pollock Pines Community Region/Remove Community Region designation; portion of 077-750-61, south side of Escondito Circle in the Pleasant Valley area/Nicolaas van Klaveren Trust – Rural Residential to Low Density Residential; 990-836-43, on Mt. Aukum Road 0.1 mile north of Grizzly Flat/Bucks Bar intersection in the Somerset area - Commercial to Commercial Somerset Rural Center; 317-331-07, NW side of Roundhill Circle in the Greenstone area/Jeffrey L. Davidson Trust – Low Density Residential/Mineral Resource Overlay/Important Biological Corridor overlay (remove Mineral Resource overlay); 102-150-25, east side of Lotus Road at Summer Stream Lane in the Greenstone area/Sierra Terra, Inc., and 99-040-01, at the junction of Quarry Road with Cedar Ravine in the Diamond Springs area/Rock Supply, LLC – Industrial/Mineral Resource overlay (remover Mineral Resource overlay). All of the following parcels are proposed to be changed from Open Space to High Density Residential: portion 117-220-64 and 117-260-63, northern portion of Dunnwood Drive in the El Dorado Hills area/Stonebriar LP; portion 117-260-41/Paul G. Komarchuk; portion 117-260-40/Thomas Ying-Tai Li; 117-260-39/Carlos Solorzano; 117-260-65/Philip A. Bentivegna Trust, all on the west side of Dunnwood Court in the Stonebriar subdivision in the El Dorado Hills area; 117-260-21, east side of Montrose Court in the Stonebriar subdivision in the El Dorado Hills area/Jim S. Woo; 117-260-20, north end of Montrose Court in the Stonebriar subdivision in the El Dorado Hills area/Michael A. Nasello; 117-260-19, north end of Montrose Court in the Stonebriar subdivision in the El Dorado Hills area/David L. Crozier; portion 117-260-22/Donald P. Madsen, portion 117-260-23/Kenneth A. Heal, portion 117-260-24/Myrle Frank Trust, and portion 117-260-25/William Douglas Sedgwick Trust, all on the east side of Montrose Court in the Stonebriar subdivision in the El Dorado Hills area; portion 117-240-23/John Chanda, and portion 117-240-22/Christelle Momeyer on the SE corner of Dunnwood Drive in the Stonebriar subdivision in the El Dorado Hills area; portion 117-260-27/Justin C. Sharp, and portion 117-260-26/Charles Briney, both parcels on the NE side of Montrose Way in the Stonebriar subdivision in the El Dorado Hills area; portion 117-260-61, on the SW side of Montrose Way in the Stonebriar subdivision in the El Dorado Hills area/Springfield Meadows Community Services District; portion 117-260-12/Larry A. Hicks, Jr., portion 117-260-13/Armen G. Keledjian, portion 117-260-14/Cruz Arellanes Jr. Trust, portion 117-260-15/Ted G. Marsh, 117-260-16/Thomas L. Kosena, and 117-260-17/Miles S. Feinberg, all on the NE side of Winterfield Drive in the Stonebriar subdivision in the El Dorado Hills area; 117-260-01/Matthew C. Neal, 117-260-

02/Huy Ly, 117-260-03/Michael A. Camello, 117-260-04/Phu Nguyen, 117-260-05/Steven C. Harbaugh, 117-260-06/Ricardo A. Rodriguez, 117-260-07/Peter T. Porter, 117-260-08/Department of Veterans Affairs, all on the SW side of Winterfield Drive in the Stonebriar subdivision in the El Dorado Hills area; 117-260-09/Timothy J. Halverson, 117-260-10/Kirk Minami, and 117-260-11/David S. Bier, all on the north side of Winterfield Drive in the Stonebriar subdivision in the El Dorado Hills area. (Environmental Document – 15164 Addendum to the General Plan EIR/SCH2001-082030) [Supervisorial Districts I, II, III, and IV]

Staff: Roger Trout recommended forwarding a recommendation of approval, giving the Commissioners some background information on these map changes. He presented a memo which proposed removing several of the parcels from the application. Using the maps, Mr. Trout explained the reasons for removing nine items from the list. If there are any controversial items, those should be removed from the list and added to the next group of parcels. This item is meant to be for non-controversial items.

Art Marinaccio said the Johnsons were the original complainants of the Weber Creek Quarry and have been working to shut the facility down. Regarding the Bisagno parcel, the Agricultural policies were never to apply to parcels within a Community Region. If you are in a Community Region or Rural Center you cannot implement the policies if you cannot go below ten-acre parcels. Policy COE does direct when we have a Mineral Classification in hand it has to be implemented. The only concern with dealing with Weber Creek today is with the three acres of land from Greenstone that is being included with the quarry. Mr. Marinaccio wants to make sure the three acres is mapped into the Weber deposit.

Mr. Trout said the letter from the Johnsons wants the County to remove the Mineral overlay from the Weber Creek Quarry. That is not an advertised item today, and he is not making that recommendation.

Cindy Schaefer spoke on Item 68. This change does need to occur. They have made a pre-application to the County. They have been told by staff that property within and outside a Community Region cannot be put in one development plan. She just wanted the Commissioners to be aware that this pre-application will be coming before them soon.

Ray Skinner, Item 80, concurred with the proposal. He misunderstood what was happening. Mr. Skinner would like to have this item removed from the list today and considered later so he can look into the issue further.

There was no further input.

Paula Frantz, County Counsel, commented this item today was not meant to change any General Plan policies.

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTION: 1. ACCEPT THE ADDENDUM PURSUANT TO CEQA GUIDELINES, SECTION

15164, AS ADEQUATE ENVIRONMENTAL REVIEW FOR THE PROJECT; 2. FIND THAT GENERAL PLAN AMENDMENT A06-0009 IS CONSISTENT WITH THE GENERAL PLAN; AND 3. APPROVE GENERAL PLAN AMENDMENT A06-0009 AS CONTAINED IN EXHIBIT C OF THE STAFF REPORT DATED MAY 24, 2007, AND DEPICTED ON THE OFFICIAL MAPS LABELED GENERAL PLAN MAP CORRECTIONS, SHEETS 1 THROUGH 15, AS AMENDED BY THE REMOVAL OF NUMBERS 9, 10, 72, 73, 74, 75, 76, 80, 85, AND 86, BASED ON THE FINDINGS PROPOSED BY STAFF.

Findings

1.0 CEQA findings

1.1 Pursuant to Section 15164 of the CEQA Guidelines, the project has been found consistent with the General Plan EIR (SCH 2001-082030) and an Addendum is appropriate to confirm that no new impacts would occur as a result of this set of 95 land use map amendments. The addendum consists of: Table A06-0009 (Exhibit C) and the "2004 General Plan Land Use Map Corrections Sheets 1 through 15" (Exhibit D) and these findings. All changes reflect minor amendments to the General Plan land use map and generally do not create any increase in development potential or intensity.

1.2: Section 15164 of the CEQA Guidelines states:

(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

(d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Note: Authority cited: Public Resources Code Section 21083; Reference: Section 21166, Public Resources Code; *Bowman v. City of Petaluma* (1986) 185 Cal.App.3d 1065; and *Benton v. Board of Supervisors* (1991) 226 Cal.App.3d 1467.

Discussion: This section is designed to provide clear authority for an addendum as a way of making minor corrections in EIRs and negative declarations without recirculating the EIR or negative declaration.

- 1.2.1 The addendum is appropriate pursuant to Section 15164(a) because the County certified the Environmental Impact Report (EIR) for the General Plan. The General Plan EIR (SCH 2001-082030) was certified on July 19, 2004, by Resolution 234-2004 and upheld by referendum on March 15, 2005. The final disposition of outstanding litigation regarding the General Plan ended with a settlement agreement dated April 18, 2006. None of the circumstances described in Section 15162 apply, as described in Finding 1.2.2.
- 1.2.2 The addendum is appropriate pursuant to Section 15164(a) and 15164(e) since none of the three situations described in Section 15162 of the CEQA Guidelines applies to this project that would require the preparation of a subsequent EIR. The 95 land use map changes do not represent substantial changes in the General Plan EIR, do not create new significant impacts, and do not represent new information that changes conclusions in the General Plan EIR. The land use map changes do not create potential environmental impacts and represent minor adjustments to the land use map to correct oversights in the preparation of the land use map. The most potential for development intensity is described further in Finding 1.2.5.
- 1.2.3 The addendum is appropriate pursuant to Section 15164(c) and (d) because the addendum is provided for public review in the normal course of processing the General Plan Amendment A06-0009 to the Planning Commission and Board of Supervisors at public hearings.
- 1.2.4 Section 15162(b) does not apply to this addendum since an EIR was certified for the General Plan. Section 15162(b) only applies if a negative declaration was prepared.
- 1.2.5 The only changes that would be considered an increase in development intensity are those six parcels in the Camino area that are being changed to Commercial. In this case, the parcels were intended to remain a Commercial land use designation since they were zoned Commercial. Due to the small size of the six parcels (less than 10 acres total), the increase in commercial acreage would be statistically insignificant in comparison to the total impacts analyzed within the General Plan Environmental Impact Report. However, the parcels are currently zoned Commercial-Design Control (C-DC), meaning that any development would require a discretionary design review permit that would include further CEQA analysis on a project specific basis. Accordingly, the change in land use designation for these six parcels is considered to be consistent with the analysis in the General Plan EIR, and they will be subject to all applicable mitigation measures adopted with the 2004 General Plan and no new substantial impacts would result from the change in land use designation.

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

2.0 General Plan Consistency Finding

2.1 **Community Region and Rural Boundary:** Pursuant to Policies 2.1.1.6 and 2.1.2.6 the boundaries of existing Community Regions and Rural Centers may be modified through the General Plan amendment process. The series of amendments to the Community Region and Rural Center boundaries are to correct the adopted land use maps from minor errors in aligning land use designations with the Community Region and Rural Center boundaries. The changes do not represent the ongoing General Plan monitoring, review, and updates identified in Goal 2.9, Objective 2.9.1, or Policy 2.9.1.4. The amendment is not intended to restrict the County from approving future amendments to the Community Region and Rural Center boundaries in accordance with Policy 2.9.1.2, 2.9.1.3, and 2.9.1.4.

2.2. **General Plan Policies:** The amendments to the General Plan land use map are consistent with the policies of the 2004 General Plan, as described in the staff report. The proposed amendments bring the maps into conformance with the policies of the General Plan by correcting drafting errors. In most cases the changes do not affect the intensity of development of the lot. In the few cases where development intensity does increase, those small parcels or groups of parcels were designated in error on the 2004 General Plan maps, based on some of the reasons previously described under “Source of errors” in the staff report.

3.0 Administrative Findings:

3.1. **Official Exhibits:** The 95 lots proposed for land use designation changes are listed in Exhibit C: “A06-0009 General Plan Land Use Map Changes” and are graphically depicted on Exhibit D, a series of 15 large map sheets labeled: “2004 General Plan Land Use Corrections.”

3.2. **Planning Commission Resolution of Intention:** The Planning Commission initiated the General Plan Amendment process by passing Resolution of Intention No. 2007-0002 on February 22, 2007.

3.3. **Planning Commission action:** The General Plan Amendment project file A06-0009 was reviewed at a public hearing by the Planning Commission on May 24, 2007, and a recommendation of approval was forwarded to the Board of Supervisors.

3.4 **Board of Supervisors action:** The General Plan Amendment project file A06-0009 was considered at a public hearing by the Board of Supervisors on _____, 2007 where the Board acted to _____ the project.

12. **GENERAL PLAN UPDATE** - None

13. **ZONING ORDINANCE UPDATE** - None

14. **DEPARTMENT OF TRANSPORTATION** - None

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

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

17. **ADJOURNMENT**

Meeting adjourned at 11:55 a.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

John Knight, Chair

