



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
June 14, 2007 – 8:30 A.M.
BUILDING C HEARING ROOM
2850 Fairlane Court, Placerville, CA**

1. CALL TO ORDER

Present: Commissioners Mac Cready, 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 MATHEWS, IT WAS MOVED TO ADOPT THE AGENDA, MOVING ITEM 12 TO BE CONSIDERED AS THE FIRST HEARING ITEM.

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:** May 24, 2007

MOTION: COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE THE CONSENT CALENDAR.

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS

These items were considered during the day as time permitted.

Larry Appel gave the Commission an update on the budget hearings. The Department budget has been continued to the next Board meeting (June 19).

6. **COMMISSIONERS' REPORTS**

Commissioner Mac Cready took advantage of the media rafting day. The guides are very considerate when going through the quite zone.

Chair Knight commented on signage at Golden Foothill Parkway advertising a mini-storage facility. He is not aware of any special use permit for such a facility which is required in the Research and Development Zone. Larry Appel will look into this issue.

Commissioner Tolhurst commented on two communication towers that can be seen from Lover's Leap. One looks like a tree; the other is a wooden pole with wooden things. Mr. Appel will investigate this issue.

CONSENT CALENDAR/APPLICATIONS

7. **RIVER USE PERMITS**

a. **Permit Transfer:** Request submitted by CHRISTOPHER PYLE, President of Christopher-Robin, Inc., dba Action Whitewater Adventures, and GARY ROLLISON, owner of Rollinson Adventures, LLC, to transfer 6 weekend and 25 weekday user days from River Use Permit #63 to River Use Permit #19.

Staff: Noah Rucker-Triplett recommended approval.

Finding

The transfer of 6 weekend and 25 weekday user days from River Use Permit #63 to River use Permit #19 meets the standards required by the River Management Plan Element 6.2.1.4.

b. **Commercial Permits:** To consider the following commercial River Use Permits – Mariah Whitewater Expeditions (#01); Gold Rush Outfitters (#02); River Runners, Inc. (#05); WET River Trips (#08); All Outdoors, Inc. (#10); Tributary Whitewater Tours (#11); Whitewater Connections (#13); Disabled Sports USA (#15); University of Nevada, Reno (#18); River Otter Adventures (#20); Whitewater Excitement (#23); California Canoe & Kayak (#24); Whitewater Voyages (#26); American River Touring Association (#32); Current Adventures Kayak School (#33); Wilderness Adventures (#34); ASI, PEAK Adventures (#38); American River Recreation (#40); American Whitewater Expeditions (#45); Beyond Limits Adventures (#48); Adventure Connection (#50); Rock n Water (#55); Earthtrek Expeditions (#58); Tahoe Whitewater Tours (#60); Motherlode River Trips (#68); OARS, Inc. (#70); River and Rock Adventures (#72); Rubicon Whitewater Adventures (#74); Outdoor Adventures, UC Davis (#75); and Environmental Traveling Companions (#79).

Staff: Noah Rucker-Triplett recommended approval.

Finding

The application for a commercial river use permit by the subject outfitters meets the standards required by River Management Plan and County Ordinance, Chapter 5.48.070.

c. **2006 Annual Report on the River Management Plan**

Staff: Noah Rucker-Triplett recommended the Commission receive and file the report.

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

END OF APPLICATION CONSENT CALENDAR

PUBLIC FORUM/PUBLIC COMMENT – None

8. **ZONE CHANGE/PLANNED DEVELOPMENT/TENTATIVE MAP** (Public Hearing)

Z06-0046/PD06-0032/TM06-1429 submitted by MOUNTAINS EDGE DEVELOPMENT (Engineer: Carlton Engineering) to rezone property from Limited Multifamily Residential-Design Control-Airport Safety (R2-DC-AA) to Limited Multifamily residential-Planned Development-Airport Safety (R2-PD-AA); development plan to convert an existing nine-unit rental apartment complex into nine airspace condominium units with common areas under management of a homeowner's association; and tentative subdivision map proposing to create nine airspace condominium units. The property, identified by Assessor's Parcel Number 116-311-06, consisting of 0.44 acre, is located on the southwest side of Cimmarron Road, north of the intersection with La Canada Way, in the **Cameron Park area**, Supervisorial District I.

Staff: Due to an advertising error, staff recommended this item be continued to the meeting of June 28, 2007

There was no one wishing to give input.

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MATHEWS, TOLHURST, AND KNIGHT; ABSENT – COMMISSIONER MACHADO, IT WAS MOVED TO CONTINUE Z06-0046/PD06-0032/TM06-1429 TO THE MEETING OF JUNE 28, 2007.

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

A06-0007 initiated by EL DORADO COUNTY to amend Policy 2.2.5.13 of the Land Use Element by removing the requirement for a planned development within Safety Zone 3 of the County airports. The amendment would read as follows: Policy 2.2.5.13 - Land uses adjacent to or surrounding airport facilities shall be subject to location, use, and height restrictions consistent with the Comprehensive Airport Land Use Plan. ~~Within Safety Zone 3, the maximum permitted density for residential development shall not exceed one dwelling unit per five acres without the application of the Planned Development Combining Zone District. The planned development zoning overlay shall not be applied unless it is found to be compatible with the health, safety, and welfare of the public. All such applications shall be reviewed by the appropriate airport commission.~~ (Environmental document: Section 15164 Addendum to General Plan EIR/SCH#2001082030)

Staff: Peter Maurer recommended approval to the Board of Supervisors.

Commissioner Tolhurst asked if this would apply to the Lake Tahoe Airport. Mr. Maurer replied it would apply to all airports. There was no one wishing to give input.

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER TOLHURST AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MATHEWS, TOLHURST, AND KNIGHT; ABSENT – COMMISSIONER MACHADO, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS APPROVE A06-0007, BASED ON THE FINDINGS PROPOSED BY STAFF.

Findings

1.0 CEQA FINDINGS

- 1.1 The proposed General Plan policy amendment will not create any new or changed environmental impacts from those identified in the 2004 General Plan Environmental Impact Report, therefore an addendum to the EIR, pursuant to State CEQA Guidelines §15164, is appropriate for this amendment.
- 1.2 None of the conditions described in §15162 have occurred as explained below:
 - 1.2.1 The proposed amendment is not a substantial change to the General Plan because it will not increase the density or intensity of use, or increase impacts identified in the General Plan EIR and there are no new significant environmental effects created as a result of this amendment. Impacts to airports and air traffic safety were not identified as a significant impact, and the provisions of Policy 2.2.5.13 relating to the requirement of a planned development was not identified as a mitigation measure.

- 1.2.2 There have been no substantial changes to the General Plan involving new significant environmental effects or substantial increases in the severity of previously identified significant effects.
- 1.2.3 No new information has been provided to the County that was not available at the time the EIR was certified indicating that the amendment would have a significant effect; the impacts previously examined would be substantially more; new mitigations have been identified that were previously determined to be infeasible; or that different mitigation measures or alternatives would substantially reduce significant impacts on the environment.

2.0 GENERAL PLAN FINDINGS

- 2.1 The proposed amendment will encourage infill development on smaller lots in the Cameron Park area at similar densities and intensity of use as existing development.
- 2.2.1 All other policies relating to resource protection such as oak tree canopy protection, avoidance of steep slopes, and stream or wetland setbacks will still apply, thereby protecting important resources and providing open space without a mandatory requirement of 30 percent of the site.

10. GENERAL PLAN/REZONE/PLANNED DEVELOPMENT/DESIGN REVIEW/REASONABLE USE ANALYSIS (Public Hearing)

AZ06-0002/PD07-0005/DR06-0008 submitted by CELTIC PROPERTIES (Agent: Chip Philbin/Engineer: Gene E. Thorne & Associates) for the following: 1. Amendment of the land use map for a 0.22-acre portion of Assessor's Parcel Number 102-110-11 from Multi-Family Residential (MFR) to Commercial (C) and a 0.22-acre portion of Assessor's Parcel Number 102-110-13 from Commercial (C) to Multi-Family Residential (MFR); 2. Rezone a 0.22-acre portion of Assessor's Parcel Number 102-110-11 from Limited Multifamily Residential-Design Community-Airport Safety District (R2-DC-AA) to Commercial-Planned Development-Design Community-Airport Safety District (C-PD-DC-AA) and a 0.22-acre portion of Assessor's Parcel Number 102-110-13 from Commercial-Planned Development-Design Community-Airport Safety District (C-PD-AA) to Limited Multifamily-Design Community-Airport Safety District (R2-DC-AA); 3. Planned development to allow the construction and operation of a 17,272 gross square foot commercial retail/pharmacy store (Rite Aide) in accordance with Section 17.02.010 of the County Zoning Ordinance; 4. Design review of the proposed commercial retail/pharmacy store in accordance with Section 17.74.010 of the County Zoning Ordinance; 5. Design waiver for a reduction of sidewalk width along the project frontage from an eight-foot wide sidewalk to a five-foot sidewalk; and 6. A Reasonable Use Analysis determination related to oak canopy cover retention and replacement in conformance with General Plan Policy 7.4.4.4 and Interim Interpretive Guidelines of General Plan Policy 7.4.4.4(A). The project would impact 1,205 square feet of oak tree canopy due to a relocated driveway on Starbuck Ranch Road. The properties, identified by Assessor's Parcel Numbers 102-110-01, -11, and -13, consisting of 1.61 acres, are located on the northwest corner of Green Valley Road and Starbuck Road, in the **Cameron Park area**, Supervisorial District I. (Mitigated negative declaration prepared)

Staff: Mel Pabalinas recommended approval to the Board of Supervisors. He informed the Commission of the two letters received in opposition. Staff believes the impacts spoken to in the letters were considered and have been addressed in the mitigation measures/conditions of approval.

Commissioner Tolhurst asked if the loading docks are at grade level or below grade. Peter Thorne, representing the applicant, stated they are at grade level.

Commissioner Mathews asked about the sound wall. Mr. Pabalinas said it is eight feet high (approximately 30 feet in length) and goes down to six feet (total length about 200 feet). Commissioner Mathews asked about the surrounding zoning/uses. Mr. Pabalinas explained. Commissioner Mathews commented the sidewalks have been reduced to five feet. Mr. Pabalinas replied due to the constraints on the property they are asking for a design waiver. There are no other sidewalks in the area.

Mr. Thorne said there is an existing sound wall along Green Valley Road. There are probably 300 to 500 feet between the wall and their project. They will be installing landscaping along the backyards on the other side of the wall. Mr. Thorne explained their request for five-foot sidewalks. They are working on a multifamily project that is on two sides of this project. They have done everything they can to preserve the oak trees on the site.

Chip Philbin informed the Commission of the boundary line adjustment processed for this project. He explained the tree removal. They are replacing the canopy that will be removed. Mr. Philbin briefly explained some of the road improvements. They will also be contributing to a bus facility.

Chuck Hughes, representing the applicant, spoke about the trees being preserved and those being removed. One of the trees has quite a bit of structural decay and needs to be removed.

Commissioner Tolhurst asked if there is a requirement for shade in the parking lot. Mr. Pabalinas explained.

Glen Zeitler commented sound walls do not help the residents to the east. They do not support a driveway on Bentley. It is a residential area. Traffic will be increased on Bentley. There are no provisions to cut down the noise to the east.

Nick Carboni commented that in the last several years seven oak trees have been cut down on the property. Most of the trees were over 72 inches in diameter. There are other drug stores in the area, and another one is not necessary.

Pam Cole, resident on Dudley Drive, is concerned about traffic, sound walls, and oaks being removed. Traffic on Bentley is a concern.

Mr. Hughes said when they did their arborist report the oak trees had already been removed. They were removed prior to the current applicant purchasing the land. Their field work was done in very early 2006.

Regarding access on Starbuck, Mr. Philbin stated they have to have two access points. They looked at the property in 2004 and purchased it in 2005. From an aerial by Cartwright, the trees were gone before October 2004. They had nothing to do with the tree removal.

Jim Ware, Department of Transportation, said he required the alignment of the driveway on Bentley. He explained the entrance to the project site. There is a median proposed with this project.

There was no further input.

Commissioner Mathews commented this area is zoned Commercial. Rite Aide has done the market testing and feels this is an appropriate site.

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER MAC CREADY AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MATHEWS, TOLHURST, AND KNIGHT; ABSENT – COMMISSIONER MACHADO, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED; APPROVE AZ06-0002 AMENDING THE LAND USE MAP FOR A 0.22-ACRE PORTION OF ASSESSOR’S PARCEL NUMBER 102-110-11 FROM MULTI-FAMILY RESIDENTIAL (MFR) TO COMMERCIAL (C) AND A 0.22-ACRE PORTION OF ASSESSOR’S PARCEL NUMBER 102-110-13 FROM COMMERCIAL (C) TO MULTI-FAMILY RESIDENTIAL (MFR), AND REZONE A 0.22-ACRE PORTION OF ASSESSOR’S PARCEL NUMBER 102-110-11 FROM LIMITED MULTIFAMILY RESIDENTIAL-DESIGN COMMUNITY-AIRPORT SAFETY DISTRICT (R2-DC-AA) TO COMMERCIAL-PLANNED DEVELOPMENT-DESIGN COMMUNITY-AIRPORT SAFETY DISTRICT (C-PD-DC-AA) AND A 0.22-ACRE PORTION OF ASSESSOR’S PARCEL NUMBER 102-110-13 FROM COMMERCIAL-PLANNED DEVELOPMENT-DESIGN COMMUNITY-AIRPORT SAFETY DISTRICT (C-PD-AA) TO LIMITED MULTIFAMILY-DESIGN COMMUNITY-AIRPORT SAFETY DISTRICT (R2-DC-AA), BASED ON THE FINDINGS PROPOSED BY STAFF; APPROVE PD07-0005/DR06-0008, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS, SUBJECT TO THE CONDITIONS PROPOSED BY STAFF; AND FIND THE OAK CANOPY COVER RETENTION AND REPLACEMENT IS IN CONFORMANCE WITH GENERAL PLAN POLICY 7.4.4.4 AND INTERIM INTERPRETIVE GUIDELINES OF GENERAL PLAN POLICY 7.4.4.4(A)

Findings

1.0 CEQA FINDING

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigate 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 Through feasible conditions and mitigation placed upon the project, impacts on the environment relating to Biological Resources and Noise have been eliminated or substantially mitigated.
- 1.3 This project is 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.
- 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.
- 1.5 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 LEGISLATIVE FINDINGS

- 2.1 The proposed General Plan amendment and zone change is consistent with the policies in the El Dorado County General Plan as discussed in the General Plan section of this staff report.

The General Plan amendment and zone change would be consistent with the boundary of the project site and establish an appropriate underlying commercial land use designation accommodating the proposed retail/pharmacy facility.

- 2.2 The General Plan amendment and zone change is found to comply with the requirements of Chapter 17.06, and the proposed project is not considered detrimental to the public

health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.

With the establishment of the commercial land use designation, the proposed facility has been designed in accordance with the applicable development standards under the El Dorado County Zoning Ordinance and Design and Improvement Standard Manual. Specific project conditions approval and mitigation measures have been incorporated ensuring orderly and safe development and operation

2.3 The site is physically suitable for commercial development.

The site is adequately sized to accommodate the proposed retail facility. The facility has been designed in accordance to applicable development standards, would be accessed off county roads, and receive public water, sewer and drainage services.

3.0 ADMINISTRATIVE FINDINGS

3.1 General Plan

The proposed commercial development is in conformance with the commercial land use designation of the site as specified on the General Plan Land Use Map. The project has been designed in compliance with land use policies of the General Plan including Biological Resource, Commercial Development Standards, Circulation /Transportation, Air Quality, Noise, and Public Utilities.

3.2 Zoning Code

Upon consideration of the proposed land use designation amendment and rezone, the project would conform to the underlying Commercial Zone District. The proposed retail facility meets the applicable development standards including sign criteria, building setbacks, parking, and lighting requirements.

3.3 Planned Development

The proposed commercial retail facility has been reviewed pursuant to Chapter 17.02 of the El Dorado Zoning Code (Planned Development) and verified conformance to applicable standards of the zoning code and General Plan policies. In accordance with Section 17.04.030 of the County Code, a development plan cannot be approved unless the Planning Commission and Board of Supervisors can make the following findings:

3.3.1 The planned development request is consistent with the General Plan.

The proposed project conforms to the standards of the El Dorado County Zoning Code regarding use, parking, building setbacks, reduced landscaping, and, as discussed in the staff report, is consistent with applicable General Plan policies.

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

The proposed commercial facility has been designed to provide adequate parking, landscaping, accessibility, circulation, and on-site utilities. The facility has been reviewed by the Cameron Park Design Review Committee for conformance with the community preferred design and architecture.

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

Given the site constraints resulting from additional dedication of right-of-way along Green Valley Road, the request includes an exemption from landscape standards along the northern (rear) property boundary line and additional landscaping required under Section 17.18.090. The standard landscaping along the property line is located between the building and concrete soundwall in the rear and therefore would not be readily apparent. The project is proposing a landscape planter at the northwest corner of the site that includes standard plants and an area reserved for oak tree canopy replacement. The facility has been designed to sufficiently meet the required landscaping along the other perimeters, provide off-street parking, and pedestrian sidewalk.

- 3.3.4 The site is physically suited for the proposed uses.

The proposed retail facility conforms to the commercial land use designation for the site. It has been designed in conformance to with the applicable standards of the zoning designation and General Plan policies.

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

Water and sewer services would be served by the El Dorado Irrigation District, subject to utility upgrades and connections to the existing lines. The project has been designed to construct and connect to the existing drainage system provided by the County. Roads contiguous to the site would be improved in order to accommodate the project generated traffic and minimize impacts.

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

The proposed retail facility would conform to the existing commercial nature of the immediate corridor of Green Valley Road and Cameron Park Drive. There is no natural land and scenic values on-site that would be affected.

3.4 Design Review

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

3.5 Design Waiver

- 3.5.1 There are special conditions or circumstances peculiar to the project proposed to be constructed which would justify the waiver.

As a result of the additional dedication of right-of-way and in order to minimize impact to a preserved Oak tree, the resulting project is constrained thereby necessitating a design waiver request.

- 3.5.2 Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property;

Strict application of the standards would limit the ability of the project to meet the minimum required development standards and potentially impact an oak tree thereby causing unnecessary hardship in developing the commercial property.

- 3.5.3 The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public;

Though it does not conform to County design standards, the proposed five-foot wide sidewalk sufficiently meets the required standards under the American Disabilities Act. The proposed sidewalk would provide an upgrade to the existing pedestrian connectivity with the contiguous surrounding uses, where there are currently no sidewalks. With the additional right-of-way, dedication along Green Valley, the project-required improvements that would result in improved traffic and provide safe bicycle lane. Therefore, the waiver would not be injurious to adjacent properties or detrimental to the health of the public.

- 3.5.4 The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the project;

Consideration of this waiver is limited to the orderly development and operation of the proposed facility and would not have any nullifying effects to any applicable standard or codes for which the project has been verified for conformance.

Conditions

1. This General Plan Amendment, Rezone, Planned Development, Design Review, Design Waiver and Reasonable Use Analysis Determination are based upon and limited to

compliance with the project description, the Planning Commission hearing exhibits marked Exhibits F-M, dated 03/08/07, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

The proposed project, as considered, is described as follows:

- A. General Plan Amendment amending the land use map designation of a 0.22-acre portion of Assessor's Parcel Number 102-110-11 from Multi-Family Residential (MFR) to Commercial (C) and a 0.22-acre portion of Assessor's Parcel Number 102-110-13 from Commercial to Multi-Family Residential;
- B. Rezone amending the zoning designation of a 0.22-acre portion of Assessor's Parcel Number 102-110-11 from Limited Multifamily Residential-Design Community-Airport Safety District (R2-DC-AA) to Commercial-Planned Development- Design Community-Airport Safety District (C-PD-DC-AA); and a 0.22-acre portion of Assessor's Parcel Number 102-110-13 from Commercial-Planned Development-Design Community-Airport Safety District (C-PD-DC-AA) to Limited Multifamily Residential-Design Community-Airport Safety District (AA);
- C. Planned development for the construction and operation of a 17,272 gross square foot commercial retail/pharmacy store (Rite Aid) in accordance with Section 17.02.010 of the El Dorado County Zoning Ordinance. The facility would have two points of access: a right-in, right-out access driveway along Green Valley Road and a full access driveway along Starbuck Road. A five-foot wide meandering sidewalk along Starbuck Road extending along Green Valley Road is proposed. As a mitigation for the anticipated facility noise, a concrete sound wall is proposed along the northern and western property line adjacent to the multifamily residential district: the northern sound wall measures eight (8) feet in height and 320 feet in length while the western wall varies from six (6) to eight (8) feet in height at an approximate 120 linear feet in length. A monument sign is proposed at the entrance along Green Valley Road. Implementation of the project would include associated on and off-site improvements. Based on submitted preliminary grading plans, the site would be graded utilizing on-site soil with imported soil in the amount of 2,680 cubic yards. A retaining wall, ranging from 3 feet to 6.5 feet tall, would be constructed within the front yard along a portion of the frontage on Green Valley Road supporting the necessary finished pad for the facility. Two oak trees are proposed to be removed at the proposed driveway access off Starbuck Road. A system of storm drain pipes, drain inlet, and manholes are proposed on-site connecting to the existing culvert pipes under Green Valley Road.

The facility proposes to connect to the existing El Dorado Irrigation District (EID) water and sewer utility lines in the vicinity of the project site. According to the Facility Improvement Letter (FIL) issued by EID, the facility would be required two (2) equivalent dwelling units (EDU) of water supply. In order to acquire this service, the project is required to extend the existing eight-inch water line along Starbuck Road to the project site providing 1,750 gallons per minute (gpm) with a residual pressure of 20 psi. The facility proposes to connect to the six-inch sewer line existing on-site. A Facility Improvement Plan would be submitted to EID detailing required improvements in accordance with EID's standards.

As conditioned by the Department of Transportation, the project is required to construct improvements along its frontages. On Green Valley Road, the applicant would be required to construct a 4-foot wide raised median for the west bound left turn lane, widening of pavement for two, 12-foot westbound lanes, and a 5-foot wide shoulder for a bicycle lane. The entrance on Green Valley Road would be constructed in accordance with Standard Plan 110 (Special Commercial Frontage Entrance) of the Design and Improvement Manual.

The improvements on Starbuck Road would include a meandering sidewalk, AC dike, widening of the existing pavement to accommodate a new curb and gutter, striping of a 50-foot northbound left turn lane into the project site, a northbound through and right turn lane from Green Valley Road onto Bentley Drive, striping of a 50-foot southbound left turn lane onto Green Valley Road, and striping of 36-foot wide left turn pocket lane into the Starbuck Road driveway entrance. This entrance shall be constructed based on Standard Plan 110 (Special Commercial Frontage Entrance). As conditioned, a Commercial Site Improvement and Grading Plan would be submitted to various agencies for review and consideration.

The project includes a request for exception from the five (5) foot-wide landscaping planter along the northern property line (adjacent to residential zoning district) and additional landscaping required under Section 17.18.090 of the El Dorado County Zoning Code. Due to the additional dedication of right-of-way along Green Valley Road, the footprint of the building has been established at its optimum location while ensuring adequate off-street parking, building setbacks, sidewalk, and landscaping along Green Valley Road. Additionally, based on the preliminary landscaping plan, ample landscaping is provided at the northeast of the site along the access driveway. This landscaping would include typical groundcover (Giant Coral Bells), shrubs (Carpenteria), and a mitigation area required for the impacted Oak tree canopy. Moreover, the lack of landscaping along the northern property line would not be readily visible given its location between the rear of the building and the soundwall.

The sign plan, subject to Chapter 17.16 of the El Dorado County Zoning Code, for this project is as follows:

Type	Text	Size	Quantity	Material
Wall	Rite Aid	17'-2 ¾" x 36"	2	White Lexan
Wall	Rite Aid (logo)	45 ½" x 52"	2	White Lexan
Wall	Pharmacy	12'-6 ½" x 24"	1	Calon 2870
Wall	1-Hr Photo	11" x 72 ¼"	1	White Lexan
Wall	Drive Thru	11" x 67 ¾"	1	White Lexan
Wall	Food Mart	11" x 73 ¼"	1	White Lexan
Wall	Drive Thru Pharmacy	13" x 15'-8 ½"	1	White Lexan
Wall (Canopy)	Drive Thru Pharmacy	13" x 13'-11"	1	White Lexan
Wall (Canopy)	Clearance 10'0"	8" x 4'-6"	1	Calon II
Wall (Canopy)	Pick-Up	8" x 2'-3"	1	Calon II
Wall (Canopy)	Drop-Off	8" x 2'-3"	1	Calon II
Freestanding (Directional)	Drive Thru Pharmacy	4 square feet	1	Calon 2870
Freestanding (Monument)	Rite Aid Pharmacy	47.8 square feet	1	Calon II

The materials and paint colors reviewed and approved for this project consists of the following:

BUILDING PORTION	STYLE/COLOR	MATERIAL
Coping over Brick	Medium Bronze	Coping
Entrance	Bone White	Coping
Drive Thru/Entrance Canopy	Reflex Blue	Coping
Entrance	Reflex Blue	Pre-finished panel
Entrance	Shasta White	Pre-finished panel
Icon Tower	Bronze Stone	Interstate Brick
Accent Band	Arctic White	Brick
Drive Thru Wainscot	D345	Split Face CMU
Building Wainscot	D345	Split Face CMU
Field	Golden Buff	Interstate Brick
Tower Returns	Bronze Stone	Brick

- A. A design review of the proposed commercial retail/pharmacy store in accordance with Section 17.74.010 of the El Dorado County Zoning Ordinance;
- B. A design waiver for a reduction of sidewalk width along the project frontage from an eight-foot wide sidewalk to five-foot wide sidewalk; and

- C. A Reasonable Use Analysis determination related to oak canopy cover retention and replacement in conformance to General Plan Policy 7.4.4.4 and *Interim Interpretive Guidelines of General Plan Policy 7.4.4.4*. The project would impact 1,205 square feet of oak tree canopy due to a relocated driveway on Starbuck Ranch Road, as required by the Department of Transportation.

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.

MITIGATION MEASURES

The following are specific Mitigation Measures identified in Mitigated Negative Declaration adopted for the project.

2. Prior to approval of construction plans (i.e., grading, improvement plans), the following shall be incorporated as note on the plans:

Within the 30 days prior to clearing and grubbing, if construction begins during the nesting season (February 1 to August 31):

- A qualified biologist shall conduct a preconstruction survey, at the expense of the applicant, for active nests on the project site and in publicly accessible areas within 250 feet to the project site within 30 days prior to construction. A copy of the report shall be submitted El Dorado County Development Services Department- Planning for review and verification. If no active nests are found, then no further action is necessary.
- If an active nest is found a 50-foot buffer shall be established around the nest tree, shown on a suitable map, and reported to the El Dorado County Development Services Department-Planning by the biologist. For an active bird of prey nest, the buffer shall be 250 feet.
- The construction contractor shall coordinate and consult with the biologist with the proper installation of stakes or temporary flagging, fencing, etc., at the edge of the buffer, where the buffer crosses the project site. The biologist shall coordinate with El Dorado County Development Services Department-Planning staff for on-site verification and monitoring of the buffering measures. No construction activity shall be allowed in the buffer until the biologist determines that the nest is no longer active, or unless monitoring determines that a smaller buffer will protect the active nest.

- The buffer may be reduced if the biologist monitors the construction activities and determines that no disturbance to the active nest is occurring. The size of suitable buffers depends on the species of bird, the location of the nest relative to the project, project activities during the time the nest is active, and other project specific conditions.

Note: If construction begins outside the February 1 to August 31 of the breeding season, there will be no need to conduct a preconstruction survey for active nests. If a nest becomes active after construction has started, the bird is considered adapted to construction disturbance. An active nest is a nest which contains eggs or young which have not fledged.

MONITORING: Planning Services shall verify that the required note has been incorporated on the plans prior to issuance of a grading permit. The Development Services Division shall coordinate with the applicant and/or biologist, assess the pertinent surveys/studies, and conduct on-site verification for conformance with this measure.

3. Prior to issuance of building permit, the applicant shall provide a final landscape plan detailing the required replacement area of the impacted oak tree canopy on-site, in conformance with the Interpretive Guideline for General Plan Policy 7.4.4.4(A). The applicant shall replace on-site a minimum 1,205 square feet equivalent to the oak tree canopy impacted by the project. If additional replacement area is required by the Planning Commission, that area shall also be noted on the final landscape plan. The landscape plan shall include specific planting, irrigation, mulching, maintenance and monitoring procedures identified in the tree replacement plan (dated February 8, 2006, and updated on January 2, 2007) prepared by Chuck Hughes of Sycamore Environmental Consultants (Certified Arborist WE-6885A).

Prior to issuance of building permit, the applicant shall coordinate and enter into an agreement with the County to ensure the long term maintenance and preservation of the replacement trees planted on-site. The agreement shall be reviewed and considered to the satisfaction of County Counsel and the Director. Maintenance and monitoring shall be required for a minimum of 10 years after planting. Trees or other vegetation that does not survive during this period of time shall be replaced by the property owner. Upon execution of the said agreement, a Notice of Restriction detailing this agreement shall be recorded on the property. A proof of recordation of this notice shall be provided to the Planning Services prior to issuance of the building permit.

The applicant or subsequent owner shall provide a report prepared by a licensed landscape architect every two years after the planting reporting on the adequacy of the landscaping. Dead landscaping shall be replaced no later 30 days after submittal of the periodic reports. If landscaping is dead at the end of the 10-year maintenance period, the maintenance agreement shall be extended an additional two years. The owner is responsible for all replanting and long-term maintenance.

MONITORING: Planning Services shall verify that the final landscape plan contains the details of the approved canopy replacement, planting, monitoring specifications identified in the tree replacement plan. In coordination with County Counsel, the Development Services Division shall verify the details and execution of the required agreement for the long term maintenance and preservation of the replacement trees. This division shall verify the recordation of the Notice of Restriction, detailing the maintenance and preservation agreement, on the subject property prior to issuance of building permits.

4. As required under General Plan Policy 7.4.5.1 (Conservation and Open Space Element), prior to issuance of grading permit, the applicant shall submit Planning Services a final tree survey, preservation and replacement plan (conducted by a certified arborist or a qualified professional in the field) approved for the project. These documents shall include, but not limited to, detailed description of the existing trees on-site, the approved oak tree preservation plan, implementation of construction measures for protecting the preserved trees, and approved mitigation measures for the trees impacted by the project.

MONITORING: Upon submittal of the document, Planning Services shall review the details of the final tree survey, preservation and replacement plan, and verify consistency with the construction grading/improvement plans. During construction phase, the Development Services Division shall coordinate with the applicant and/or the certified arborist and conduct on-site verification of implementation of the required construction measures of the preserved trees

5. Prior to issuance of building permit, the applicant shall submit to Planning Services for review and approval a final roof top exhibit detailing the type, quantity, location, specifications and applicable mitigation measures of the proposed HVAC and refrigeration compressor identified and evaluated in the Supplemental Environmental Noise Analysis by Brown, Buntin and Associates (dated September 29, 2006) . Specifically, the Refrigeration Compressor shall be shielded (on three sides with southern side open) by a half-inch plywood or wood siding with duct lining or semi-rigid fiberglass or mineral wood board. The enclosure shall be placed as close to HVAC Unit 3 and the compressor unit, allowing room for servicing of the equipment. All of the HVAC and refrigeration compressor units shall be adequately screened or positioned to minimize aesthetic impacts.

MONITORING: Planning Services shall verify that the roof top exhibit includes the required mitigation measures identified in the Brown, Buntin, and Associates' report dated September 29, 2006, prior to issuance of building permit.

6. Prior to submittal of the building permit, the applicant shall submit a final site plan depicting the following:
 - a) An eight-foot tall (above the commercial driveway elevation) concrete masonry wall constructed along the entire length of the northern interior property boundary, for a distance of about 30 feet south of the north property boundary along the western property boundary; and

- b) A six-foot tall (above the commercial driveway elevation) concrete masonry wall constructed along the western interior property line. This wall shall extend from the project entry to the northwest corner of the site, intersecting with the eight-foot tall wall in the vicinity of the trash enclosure.

MONITORING: Prior to issuance of building permit, Planning Services shall verify that the Final Site Plan includes adequate noise mitigation attenuation to be consistent with applicable policies of the Noise Element and Zoning Ordinance.

Planning Services Division

7. Prior to issuance of building permit, the applicant shall remit payment of any outstanding fees as detailed and required in the *Agreement for Payment of Processing Fees* authorized for this project.
8. Prior to issuance of occupancy clearance, the applicant shall consult with Brown, Buntin and Associates in determining the appropriate type, location, and orientation of drive-thru speakers. Planning Services shall review the building permit/electrical plans and verify the details of the drive-thru speakers.
9. The following shall be incorporated as note on grading/improvement plans:

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

Planning Services shall verify this notation on the grading plans prior to issuance of a grading permit.

10. Prior to issuance of building permit, the applicant shall provide Planning Services a copy of the recorded Avigation and Noise easement granting the right of flight and the right to cause noise, light, and other effects associated with the operation of aircraft in the airspace over the subject property.
11. Prior to issuance building permit, the applicant shall pay the required in-lieu fee for mitigation of impacts on rare plant species in accordance with El Dorado County Zoning Ordinance Chapter 17.71.
12. The planned development shall expire within two (2) years from the approval the Board of Supervisors. Minor changes in the adopted planned development may be approved by the Planning Services provided that the changes:

- a) Do not change the boundaries of the subject project property:
- b) Do not change any use as shown on the official development plan; and
- c) Do not change the intent of the official development plan

Major changes in the official development plan after it has been adopted by the Board of Supervisors may be approved by the Planning Commission and shall be made in accordance with the requirements of Section 17.04 of the County Code.

A major change in a development plan approved by the Planning Commission shall be filed with the Board of Supervisors pursuant to Section 17.04.005(B) (3) of the County Code.

13. I the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, 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 applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

14. Prior to issuance of building permit, the applicant shall provide proof of relocation or abandonment of easements conflicting with the location of the commercial building.

Department of Transportation

Project Specific Conditions

15. All improvements referenced for this project are based on the applicant's project plans for design review Rite Aid at Cameron Ranch. In addition, said improvements shall be consistent with the approved Department of Transportation Capital Improvement Plans for Green Valley Road and Starbuck Road to the extent possible giving precedence to the specific conditions below and shall obtain approval from the Department of Transportation of the proposed improvement plans and enter into a road improvement agreement with the County or obtain an encroachment permit, for the following, prior to issuance of a building permit and prior to performing any work within the County right of way, including:

- a. On Green Valley Road, construct and stripe frontage improvements including a four foot wide (centered 52 feet from the existing southerly right of way line) raised median for the west bound left turn lane, widening of pavement for two 12 foot westbound lanes and an five (5) foot shoulder to lip of gutter, El Dorado County Standard Plan 104 (Type 2) vertical curb and gutter, and five (5) foot sidewalk. The northerly lane will be signed and striped for right turn only into the project driveway. The raised median shall extend 100 feet west of the westerly property line. The median and curb and gutter shall be located as established by the Capital Improvement Plan Design Section of the Department of Transportation. The five (5) foot shoulder shall be signed and marked for “no parking – bike lane”.
- b. On Green Valley Road, construct a Standard Plan 110 (modified) (Special Commercial Frontage Entrance), along the westerly property boundary. The standard curb return shall be modified to increase the radius as necessary to include pedestrian ramp(s) with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp. In addition, the pavement transition, from the westerly end of the widening of Condition 1.a, i.e., beginning at the westerly return of the driveway to join the existing edge of pavement, shall consistent with Standard Plan 103D 100 feet from EC to end of taper.
- c. On Starbuck Road, construct frontage improvements, including:
 - i. A five-foot meandering sidewalk on the west side of Starbuck Road (to meander to avoid the existing oak trees);
 - ii. El Dorado County Standard Plan 104 (Type A) A.C. dike (with the back of curb along the existing right of way line) on the west side of the roadway;
 - iii. Widening of the existing pavement to meet the new curb and gutter as proposed;
 - iv. Stripe a 50-foot long northbound left turn lane from Starbuck Road into the project driveway to provide storage for inbound left turning traffic at the project driveway on Starbuck road;
 - v. A northbound through and right turn lane from Green Valley Road to Bentley Drive;
 - vi. Stripe a 50-foot long southbound left turn lane onto Green Valley Road.
 - vii. Stripe a 36-foot two way left turn pocket between iv. and vi.
- d. On Starbuck Road, construct a Standard Plan 110 (modified) Special Commercial Frontage Entrance into the project, directly opposite Bentley Drive, The standard curb return shall be modified to increase the radius as necessary to include pedestrian ramp(s) with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.
- f. On the northwest corner of Starbuck Road and Green Valley Road, construct a 40 foot radius curb return per Caltrans Standard Plan RSP A88A, with pedestrian ramp(s), truncated domes, and a four foot sidewalk landing at the back of the

ramp. The construction of this curb return shall include relocation of the existing traffic signal on that corner, with lengthened signal arms

16. Prior to issuance of a building permit, the applicant shall irrevocably dedicate additional right of way on the project's Green Valley Road frontage to 85.5 feet from the southerly right of way line, as depicted on the approved improvement plans. This offer, in fee, shall be accepted by the County.
17. Prior to issuance of a building permit, the applicant shall irrevocably dedicate additional right of way at the northwest corner of Green Valley Road to accommodate the new curb return, sidewalk and signal relocation. This offer, in fee, shall be accepted by the County.
18. Prior to issuance of a building permit, the applicant shall grant a pedestrian easement for the sidewalk on Green Valley Road and Starbuck Road, where it meanders onto the project, as depicted on the approved improvement plans .
19. Prior to issuance of a building permit, the applicant shall obtain an irrevocable offer of dedication over the westerly adjacent property (Assessor's Parcel Number 102-110-13) to construct the driveway and edge of pavement taper of Conditions 1.b and 1.c, above, and as depicted on the approved improvement plans. This offer, in fee, shall be accepted by the County.
20. Prior to issuance of a building permit, the applicant shall record a vehicular access restriction along the entire frontage of Green Valley Road and Starbuck Road (excluding the approved access driveways).
21. A commercial grading permit is required for onsite improvements. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to Building Services of the Development Services Department for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, the *Drainage Manual*", the *Off-Street Parking and Loading Ordinance*, and the State of California Handicapped Accessibility Standards. The improvements and grading shall be substantially completed, to the approval of Building Services, prior to occupancy.

Standard Conditions

22. At the time of the submittal of the grading or improvement plans, 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 and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.

23. Grading and improvement 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. 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.
24. The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, 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.
25. Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the Department of Transportation prior to issuance of building permits. Pedestrian easements shall be provided where necessary. Final lane configurations, including the need for additional rights-of-way, shall be subject to review and approval of the Department of Transportation prior to improvement plan approval.
26. All curb returns, at pedestrian crossing, shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp. All curb returns shall be profiled on the improvement plans with elevations shown at least 25 feet before the beginning (BC) and at least 25 feet past the end (EC) of the curb, at the BC and EC, and at a minimum of quarter curve lengths, in a clockwise direction.
27. The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
28. Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway.

29. All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
30. Upon completion of the roadway improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the Department of Transportation with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
31. 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 7:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on weekends and federally recognized holidays. The contractor shall maintain, at all times, all existing traffic lanes, unless otherwise approved by the Department of Transportation.
32. 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 the issuance of any permit to construct.
33. 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 the issuance of any permit to construct.
34. All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year Capital Improvement Plan must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.
35. Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
36. The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
37. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

38. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense, acquire by negotiation or commencement proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, the subdivider shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement to provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

El Dorado County Environmental Management

Air Quality Management District (AQMD)

39. The project construction would involve grading and excavation operations, which would result in a temporary negative impact on air quality with regard to the release of particulate matter (PM₁₀) in the form of dust. Current county records indicate that this property is not located within the Asbestos Review Area. Therefore, District Rules 223 and 223-1 which addresses the regulations and mitigation measures for fugitive dust emissions shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rules 223 and 223-1. In addition, a Fugitive Dust Plan Application shall be submitted long with the appropriate fees to and approved by the District prior to start of project construction.
40. Project construction may involve road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
41. Burning of wastes that result from "Land Development Clearing" must be permitted through the District. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
42. The project construction would involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.
43. The District goal is to strive to achieve and maintain the ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air

Resources Board a and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following measures used to reduce impacts on air quality impacts from equipment exhaust emissions:

Heavy Equipment and Mobile Source Mitigation Measures

- Use low-emission on-site mobile construction equipment
 - Maintain equipment in tune per manufacturer specifications
 - Retard diesel engine injection timing by two to four degrees
 - Use electricity from power poles rather than temporary gasoline or diesel generators
 - Use re-formulated low-emission diesel fuel
 - Use catalytic converters on gasoline-powered equipment
 - Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible
 - Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes)
 - Schedule construction activities and material hauls that affect traffic flow to off-peak hours
 - Configure construction parking to minimize traffic interference
44. Prior to construction/installation of any new point source emission units or non-permitted emission units (gasoline dispensing facility, boilers internal combustion engines, emergency generators) authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagrams, equipment specifications and emission factors.
45. The following note shall be included on all construction plans (i.e., grading, improvement plans):
- The maximum amount of fuel by equipment use during construction activities are as follows:*
- *The maximum amount of fuel that can be used in one day if all equipment used is 1995 model year or older is 337 gallons.*
 - *The maximum amount of fuel that can be used in one day if all equipment used is 1996 model year or older is 402 gallons.*
 - *If a combination of 1995 and older and 1996 and newer equipment is used, divide the number of 1996 and newer equipment by the total number of equipment used. Multiply that number by 65. Add that number to 337. The sum is the maximum number of gallons of fuel for use on that day.*
46. The following note shall be included on all construction plans (i.e., grading, improvement plans).

The maximum amount of fuel by equipment use during construction activities are as follows:

- *The maximum amount of diesel fuel that can be used during the project if all equipment used is 1995 model year or older is 3,700 gallons.*
- *The maximum amount of diesel fuel that can be used during the project if all equipment used is 1996 model year or older is 37,000 gallons.*
- *If a combination of 1995 and older and 1996 and newer equipment is used, divide the number of 1996 and newer equipment in the fleet by the total number of equipment used. Multiply that number by 33,000. Add that number to 3,700. The sum is the maximum number of gallons of fuel for use permitted for the entire project.*

Environmental Health

47. All equipment used in the storage and refrigeration of retail food shall comply with the California Retail Food Code. Plans shall be submitted to Environmental Health showing areas for food storage, food display and refrigeration units including specifications for any food service equipment. An annual operating permit from Environmental Health shall be obtained for the sale and distribution of retail food.

El Dorado Transit

48. Prior to issuance of building permit, the applicant shall post an in-lieu deposit in the amount of \$50,000 to El Dorado Transit or El Dorado County Department of Transportation (DOT) for the construction of future curbside bus turnout on the adjacent western parcel along Green Valley Road or an alternative location designated by DOT or El Dorado Transit. The applicant shall provide documentation, authorized by all affected parties, of the completed transaction to El Dorado County Development Services-Building Division.

11. TENTATIVE SUBDIVISION MAP (Public Hearing)

TM04-1390R submitted by LESARRA ATTACHED HOMES (Agent: William Pennington, Manager) to revise an approved tentative subdivision map to modify the conditions of approval. The request includes a modification to the text of Conditions 23 and 28, and the deletion of Condition 24. These conditions are related to off-site road improvement requirements, and the proposed revision would only change the condition timing and the necessary stage of completion of those improvements to demonstrate compliance with the tentative map. The property, identified by Assessor's Parcel Number 118-130-19, consisting of 14.42 acres, is located on the west side of Valley View Parkway, 2,000 feet south of the intersection with White Rock Road, in the **El Dorado Hills area**, Supervisorial District II. (Statutorily exempt pursuant to Section 15182 of the CEQA Guidelines)

Staff: Tim Chamberlain recommended conditional approval.

Jim Ware, Department of Transportation, explained the road improvements for Latrobe from U.S. Highway 50 to White Rock Road. He also explained a road project on White Rock Road and the signal at Valley View Parkway and White Rock Road. Regarding the right-of-way condition, he is working with the principals that own the right-of-way property.

Bill Thomas, Pacific West, commented they have been working on this issue for quite some time. They are bringing the conditions into line with General Plan policies. It will allow them to move forward.

Don Barnett, West Valley Partnership, said they have some issues with fair share costs of some of the road improvements. He proposed the addition of several conditions. If the Commission has not had time to review the conditions, they ask for a two-week continuance.

Mr. Thomas said they have an application on file to be included in the Zone of Benefit. Their property was part of a first phase of Valley View. When they purchased their property, they purchased the improvements that had been made. They do not have access to Valley View Parkway. These issues were discussed last April, and Lennar was going to do the improvements at that time.

Kelly Taber, representing the applicant, said they have had extensive discussions with County Counsel regarding the conditions placed on this map.

There was no further input.

Paula Frantz, County Counsel, said the Commission has the discretion to take action either way, go with staff's recommendation, add, or modify conditions. Mr. Ware said he is aware that the application to join the Zone of Benefit has been filed. Commissioner Mac Cready asked for clarification on Condition 23. Who will be building the improvements? Mr. Ware explained those are County improvements.

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MATHEWS, TOLHURST, AND KNIGHT; ABSENT – COMMISSIONER MACHADO, IT WAS MOVED TO FIND THE PROJECT STATUTORILY EXEMPT PURSUANT TO SECTION 15182 OF THE CEQA GUIDELINES AND APPROVD TM04-1390R, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

Findings

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15182 of the CEQA Guidelines which establishes that when a public agency has prepared an EIR on a specific plan, no EIR or Negative Declaration need be prepared when a residential project is in conformity to that specific plan. It further states

that the project must not trigger any finding in Section 15162 which would require revisions to the previous environmental documents. In this case, no additional review is necessary.

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

2.0 ADMINISTRATIVE FINDINGS

2.1 The proposed revision is consistent with El Dorado County General Plan.

The proposed changes to the tentative map (TM04-1390) would not change the project description, nor would they change the Department of Transportation requirements for off-site improvements. The revision would change the timing on those improvements and the necessary stage of completion of those improvements to demonstrate compliance and receive approval for the final map. Due to the nature of these changes, no new analysis for compliance with General Plan Policies is required for this revision.

2.2 The proposed revision is consistent with El Dorado County Zoning Ordinance.

The proposed changes to the tentative map (TM04-1390) would not change the project description, nor would they change the Department of Transportation requirements for off-site improvements. The revision would change the timing on those improvements and the necessary stage of completion of those improvements to demonstrate compliance and receive approval for the final map. Due to the nature of these changes, no new analysis for compliance with Zoning Ordinance is required for this revision.

Conditions

El Dorado County Planning Services

1. This tentative map revision is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit D (TM04-1390 Conditions of Approval) dated June 14, 2007, and the 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: Tentative map revision TM04-1390-R is a request to modify Conditions 23, 28, and delete Condition 24 from the original tentative map approval. The three conditions pertain to Department of Transportation off-site improvements and the proposed changes to these three conditions are in regards to timing and the necessary stage of completion of those improvements to demonstrate compliance and receive approval for the final map.

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 original project Conditions of Approval attached in Exhibit D.
3. Development of this property is subject to review and issuance of a building permit from El Dorado County Building Services. Demonstration of conformance to all Conditions of Approval is a requirement of a complete building permit submittal.
4. Prior to issuance of any building permit, all Planning Services fess shall be paid.
5. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, 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 applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

6. All applicable conditions of approval from TM04-1390 shall remain in effect.

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

12. FINDING OF CONSISTENCY (Public Hearing)

Request submitted by the EL DORADO HILLS COMMUNITY SERVICE DISTRICT for a finding of consistency with the General Plan for their Proposed Park Impact Fee Nexus Study Update.

This item was taken prior to Item 8.

Staff: Larry Appel said staff is still recommending the Commission find the request consistent with the County General Plan.

Diana Hillyer summarized the changes to the Nexus Study. Commissioner Mathews asked if they are comfortable with the revised. Ms. Hillyer replied in the affirmative.

Commissioner Tolhurst said there is nothing binding about affordable housing in the El Dorado Hills Community Services District Resolution. He asked how they came up with the lower fee. Ms. Hillyer explained. Commissioner Tolhurst asked about a square foot fee. Ms. Hillyer said it is not used much in other jurisdictions and has not been successfully applied yet. They have looked at a per-acre fee rather than a square foot fee.

Wayne Lowry, EDHCSD Manger, thanked the stake holders that participated in this process as well as the District staff members. Don Barton, Lessara, thanked everyone for going through this process. They support the fee increase. Bill Vandergrif applauded everyone that worked on the study. Paul Raveling, El Dorado Hills Citizens Alliance, supported the revised study.

There was no further input.

After the motion and before voting, Commissioner Tolhurst said they could pass a bond issue for park improvements.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MATHEWS, TOLHURST, AND KNIGHT; ABSENT – COMMISSIONER MACHADO, IT WAS MOVED TO FIND THE PROPOSED EL DORADO HILLS COMMUNITY SERVICE DISTRICT PARK IMPACT FEE NEXUS STUDY UPDATE CONSISTENT WITH THE COUNTY GENERAL PLAN.

- 13. GENERAL PLAN UPDATE - None**
- 14. ZONING ORDINANCE UPDATE - None**
- 15. DEPARTMENT OF TRANSPORTATION - None**
- 16. COUNTY COUNSEL’S REPORTS - None**
- 17. DIRECTOR’S REPORTS - None**

18. ADJOURNMENT

Meeting adjourned at 11:05 a.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

John Knight, Chair

