



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
July 12, 2007 – 8:30 A.M.
BUILDING C HEARING ROOM
2850 Fairlane Court, Placerville, CA**

1. CALL TO ORDER

Chair Knight called the meeting to order at 8:43 a.m. Present: Commissioners Mac Cready, Machado, Mathews, Tolhurst (after Item 12), and Knight; Paula F. Frantz, County Counsel; and Jo Ann Brillisour, Clerk to the Planning Commission.

2. ADOPTION OF AGENDA

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

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:** June 28, 1007

The Minutes were continued to July 26, 2007.

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS

These items were considered during the day as time permitted.

Commissioner Machado asked if the Conceptual Review for Home Depot is on the July 26 agenda. Larry Appel replied it was scheduled for that agenda but will be on a future agenda.

The proponents are redesigning the project based on staff's recommendations and talking to the neighbors.

Commissioner Machado received an inquiry from Monique Wilbur regarding a meeting with a sub-committee on oak woodlands. He would like to schedule a meeting. Mr. Appel will have Mrs. Wilbur discuss a date with the members of the sub-committee.

Commissioner Machado asked about modification of the Interim Oak Guidelines. Mr. Appel was not aware of any proposed modifications. He will check into the issue.

Commissioner Machado asked Eileen Crawford about the status of the industrial park on Pleasant valley Road and Highway 49. He understands the developer is waiting for a reply from Caltrans. Ms. Crawford will look into the issue.

Commissioner Mathews asked about the Conceptual Review for the Shinn ranch. The applicant did not ask for such a review. Mr. Appel explained the Conceptual Review process when a General Plan amendment is included in the application.

6. COMMISSIONERS' REPORTS

CONSENT CALENDAR/APPLICATIONS

River Use Permit #27: Request submitted by JAMES BOOCH, owner of American River Adventures to transfer RUP #27 to Rollinson Adventures, LLC.

Staff: Noah Rucker-Triplett recommended the Commission grant one-year provisional permit

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

Finding

1. The application for a transfer of River Use Permit #27 from American River Adventures to Rollinson Adventures LLC meets the standards required by River Management Plan Element 6.2.1.4.

END OF APPLICATION CONSENT CALENDAR

PUBLIC FORUM/PUBLIC COMMENT - None

7. **WILLIAMSON ACT CONTRACT** (Public Hearing)

WAC06-0014/Z06-0039 submitted by GREG and SHARON BAIOCCHI to establish a new agricultural preserve and rezone the same property from Estate Residential Ten-acre (RE-10) to Agricultural Preserve (AP). The property, identified by Assessor's Parcel Number 046-061-37, consisting of 35.2 acres, is located on the south side of Hidden Ranch Road, 0.5 mile east of the intersection with Mt. Aukum Road, in the **Somerset area** (Supervisory District II). (Categorically exempt pursuant to Section 15317 of the CEQA Guidelines)

This item was continued from the meeting of February 8, 2007.

Staff: Peter Maurer presented this item in the absence of Michael Baron. Staff recommended approval to the Board of Supervisors. The Agricultural Department was present to speak to the possible agricultural setback relief. Bill Stephans said they have been directed by the Board to review all parcels adjacent to these types of agricultural parcels for possible reductions in setbacks. They will be recommending reductions in setbacks on some of the ten parcels adjacent to the subject property by the time the application is considered by the Board. Mr. Maurer stated any action on the reduction of setbacks can be appealed to the Board of Supervisors.

Greg Baiocchi believes the agricultural setback resolution will help the neighbors. He wants to make an amicable resolution with the neighbors.

Valerie Zetner, El Dorado County Farm Bureau, supported this project. It is in a good location. They are happy to see that the agricultural setback relief is working.

There was no further input.

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, MATHEWS, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15317 OF THE CEQA GUIDELINES; APPROVE WAC06-0014 ESTABLISHING A NEW AGRICULTURAL PRESERVE ON ASSESSOR'S PARCEL NUMBER 046-061-37; AND APPROVE Z06-0039 REZONING ASSESSOR'S PARCEL NUMBER 046-061-37 FROM ESTATE RESIDENTIAL TEN-ACRE (RE-10) TO AGRICULTURAL PRESERVE (AP), BASED ON THE FINDINGS 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 15317 of the CEQA Guidelines which states, "Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under

the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area.

2.0 General Plan Findings

2.1 The proposed Williamson Act Contract is consistent with the policies in the El Dorado County General Plan, as discussed in the General Plan section of this staff report.

3.0 Williamson Act Contract Findings

3.1 The property satisfies the County's three criteria for the establishment of an Agricultural Preserve, as defined in Resolution No. 188-2002, as follows:

3.1.1 An agricultural preserve shall consist of a minimum of twenty (20) contiguous acres.

The 20-acre minimum has been met, as the property consists of 35.2 acres.

3.1.2 There shall be a minimum capital outlay of \$45,000 excluding applicant's residence and original cost of the land.

Capital outlay has been achieved over time with the on-site agricultural improvements of barns agricultural equipment, fencing and grape vines totaling \$183,000.

3.1.3 For permanent, non-producing agriculture crops, such as orchards and vineyards, the plants shall be planted and properly cared and maintained (as determined by the Agricultural Commission) to produce a commercial crop within three (3) years and be capable of producing a minimum annual gross income of \$13,500 within five (5) years of planting.

The land has been determined to be capable of producing a commercial crop through agricultural pursuits with projected income from the existing 12 acres of grapes and 15 acres of dry grazing exceeding \$13,500 by 2008.

8. ENVIRONMENTAL IMPACT REPORT/MASTER PLAN (Public Hearing)

SP05-0001 submitted by HEAVENLY VALLEY LIMITED PARTNERSHIP (Agent: Andrew Strain) to certify the final environmental impact report and consider the 2005 Heavenly Mountain Resort Master Plan Amendment. The environmental impact report includes a No Action Alternative (1996 Master Plan) as well as Alternatives 2, 3, 4, 4A, and 5. The amendment includes a long-term range of resort improvements to be phased (Phases 1, 2, and 3) over the life of the Master Plan. Phase 1 projects within the action alternatives were identified as priority projects that are intended for immediate implementation following approval of the project and certification of the final EIR/EIS/EIS. Phases within the County jurisdictional parcels (California Base Lodge and parking lot) are as follows: Phase I Projects - *Install BMPs for California Base Lodge and parking lot; Phase II Projects - Relocate Lower California Maintenance Shop to off-site location; Phase III Projects - *Replace California Base Lodge, *Relocate California

Snowmaking Building, Replace and relocate Ski Lift A (Aerial Tram) with High Speed Detachable Quad Ski Lift, *Kids Camp (California Base), *Replacement of Ski Lift K (Perfect Ride), **Ski Lift L (Cal Ski School), and Ski Lift M (Enchanted Forest), *Ski Runs K1, L1, and M1. * Projects already approved with the 1996 Master Plan; **Minor lift alignment modification is proposed from previous 1996 Master Plan. Under Alternative 2, the total PAOT (people at one time) capacity of HMR would remain at the approved Master Plan 1996 level of 16,125, while the skier at one time (SAOT) would decrease slightly from 18,100 to 18,096. There would be an increase of “in-basin” PAOT/SAOT and a decrease of “out-of-basin” PAOT/SAOT. The Master Plan amendment proposes a build out level of 37 lifts (23 aerial lifts and 14 surface lifts) with a total hourly uphill capacity of 52,020 persons per hour, (that is similar to the Master Plan 1996), 10 support facilities, 4 maintenance facilities, 812.5 acres of ski trails, and 528.4 acres of ski trails with snow making. The improvements will occur throughout the California and Nevada Land use jurisdictions of the Master Plan project. California parcels in the Master Plan amendment, consisting of approximately 3,950 acres, are identified by the following Assessor’s Parcel Numbers: 028-030-01, 029-240-07, 029-240-12, 029-260-19, 029-260-25, 029-260-27, 029-260-27, 029-260-29, 029-260-32, 029-320-01, 029-320-02, 029-320-03, 029-320-04, 029-320-05, 029-320-09, 029-320-11, 030-100-01, 030-110-01, 030-120-01, 030-020-01, 030-331-02, 030-331-03, 030-040-01, 030-050-01, 030-060-01, 030-070-01, 030-080-01, 030-090-01, 030-370-04, 030-370-06, 030-390-10, 030-390-13, 030-390-42, 030-390-43, 030-390-47. The project site is located in the vicinity of South Lake Tahoe, at the terminus of Wildwood Avenue, including all properties within the California side of the Heavenly Mountain Resort Master Plan area, Supervisorial District V. (Environmental Impact Report prepared and previously advertised).

Staff: Peter Maurer recommended approval to the Board of Supervisors. He introduced Andrew Strain who presented the project. Mr. Maurer gave the Commission a revised set of findings. This is a joint EIR/EIS/EIS covering the three different jurisdictions that have environmental review over the project (El Dorado County, National Forest, and TRPA).

Mr. Strain explained the project and asked that the Commission include the revised findings in its recommendation to the Board.

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

Commissioner Mathews asked for clarification on the revised findings. Mr. Maurer explained.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MAC CREADY AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, MATHEWS, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS CERTIFY THE ENVIRONMENTAL IMPACT REPORT AND APPROVE SP05-0001, BASED ON THE FINDINGS AS REVISED, SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

1.0 CEQA Findings

1.1 FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15090 AND 15091

Pursuant to section 21081(b)(2)(A) of CEQA, and section 15091 of the CEQA Guidelines, CEQA requires that an EIR identify significant environmental effects that cannot be avoided through mitigation or alternatives. However, each of the identified Alternatives ,including the proposed project as described in Exhibit E to the CEQA Staff Report, are not expected to result in any significant environmental effects that cannot be avoided through the mitigation measures. Through inclusion of the mitigation measures and design features, no significant direct or cumulative effects are expected to result from implementation of the proposed project or alternatives.

1.1.1 CONSIDERATION OF THE EIR AND COMPLIANCE WITH CEQA

The El Dorado County Board of Supervisors has reviewed and considered the Final Master Plan EIR/EIS/EIS (EIR), together with the staff reports and comments received during the public review process, and finds that the EIR is adequate and complete and fully complies with all requirements of CEQA and the CEQA Guidelines. The County Board of Supervisors has considered the information in the EIR in making its decision on the project in conjunction with the public testimony provided at the public hearing for the project. The EIR reflects the independent judgment and analysis of the County Board of Supervisors and has been completed in compliance with CEQA. The conclusions contained in the EIR represent the independent judgment of the County

1.1.2 FULL DISCLOSURE

The County Board of Supervisors finds that the Final EIR constitutes a complete, accurate, adequate, and good faith effort at full disclosure under CEQA.

1.1.3 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials, which constitute the record of proceedings, are in the custody of the El Dorado County Planning Services, located at 2850 Fairlane Court, Building C, Placerville, CA 95667.

1.2 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The Final EIR for the 05 MPA does not identify any environmental impacts that cannot be mitigated to a less than significant level.

1.3 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL

The Final EIR identified several subject areas, which the project is considered to cause or contribute to significant, but mitigable, environmental impacts. Sections 5.5 and 5.6 of Chapter 5 (Mitigation and Monitoring Plan) provide a detailed description of the environmental impacts, required mitigation, responsible lead agency, and monitoring timeline (Exhibit Q). Through feasible conditions and mitigation placed upon the project, impacts on the environment relating to water resources, earth, air quality, noise, transportation, vegetation, wildlife, fisheries, visual resources, cultural resources, land use recreation, and socioeconomics have been eliminated or reduced to a less than significant level. Each of these impacts is summarized below, along with the mitigation measures intended to reduce these impacts to a less than significant level for consistency with CEQA Guideline 15091(1)(a):

1. **Water Resources – Hydrology, Water Quality, and Cumulative Watershed Effects:** The Final EIR identifies four potentially significant, but mitigable impacts to water resources within the project area pertaining to percentage of road acreage within affected watersheds (Impact WATER-1 on FEIR page 3.1-59), peak and total runoff increases due to vegetation removal and impervious surface construction (Impact WATER-2 on FEIR page 3.1-63), and potential noncompliance with State surface water quality standards and thresholds (Impacts WATER-3 and WATER-4 on FEIR pages 3.1-66 and 3.1-74). Mitigation measures include a revised Construction Erosion Reduction Program from the 1996 Master Plan, a revised Cumulative Watershed Effects Restoration Program from the 1996 Master Plan, a revised Collection and Monitoring Agreement (Heavenly and U.S.D.A. Forest Service), installation of BMPs and infiltration facilities, and erosion control applications for ski run improvements. These mitigation measures reduce the potential impacts to a less than significant level, as explained on FEIR page 3.1-61 for Impact WATER-1, FEIR page 3.1-65 for Impact WATER-2, FEIR page 3.1-71 for Impact WATER-3 and FEIR page 3.1-82 for Impact WATER-4.
2. **Stream Environment Zones, Jurisdictional Wetlands and Waters:** The Final EIR identifies six potentially significant, but mitigable impacts within the project area pertaining to Stream Environment Zones (Impacts SEZ-1, SEZ-3 and SEZ-5 on FEIR pages 3.2-13, 3.2-23 and 3.2-37) and Federal jurisdictional wetlands and waters of the U.S. (Impacts SEZ-2, SEZ-4 and SEZ-6 on FEIR pages 3.2-22, 3.2-35 and 3.2-49). These impacts have potential to result from existing Heavenly facilities (No Action Alternative), and new land uses proposed with the action alternatives of the 05 MPA. The identified mitigation measures include a combination of continued mitigation from the 1996 Master Plan and new mitigation measures prescribed for the 05 MPA. Mitigation measures require the avoidance where possible, and creation and restoration of these sensitive water resources where avoidance is not possible. These mitigation measures reduce the potential impacts to a less than significant level, as explained on FEIR page 3.2-21 for Impact SEZ-1, FEIR page 3.2-23 for Impact SEZ-2, FEIR page 3.2-31 for

Impact SEZ-3, FEIR page 3.2-36 for Impact SEZ-4, FEIR page 3.2-43 for Impact SEZ-5, and FEIR page 3.2-49 for Impact SEZ-6.

3. **Water Use, Water Rights, and Groundwater:** The Final EIR identifies two potentially significant, but mitigable impacts within the project area pertaining to changes in stream flow and lake levels (Impact WATER USE-1 on FEIR page 3.3-24) and groundwater levels (Impact WATER USE-2 on FEIR page 3.3-27). Mitigation measures include requirements to maintain water rights and water use entitlements, and maintain stream flows within project area drainages. These mitigation measures reduce the potential impacts to a less than significant level, as explained on FEIR page 3.3-26 for Impact WATER USE-1 and FEIR page 3.3-28 for Impact WATER USE-2.
4. **Earth:** The Final EIR identifies two potentially significant, but mitigable impacts within the project area pertaining to land coverage impacts to earth resources (Impact EARTH-1 on FEIR page 3.4-7 and Impact EARTH-2 on FEIR page 3.4-9). These impacts have potential to result from existing and new permanent land coverage within the Tahoe Basin portion of the project area. Mitigation measures include removal, restoration, and relocation of existing land coverage within the Master Plan project area. These mitigation measures reduce the potential impacts to a less than significant level, as explained on FEIR page 3.4-9 for Impact EARTH-1 and FEIR page 3.4-14 for Impact EARTH-2.
5. **Air Quality:** The Final EIR identifies three potentially significant, but mitigable impacts within the project area pertaining to air pollutant concentrations associated with 05 MPA (Impact AQ-1 on FEIR page 3.5-17, Impact AQ-5A on FEIR page 3.5-22 and Impact AQ-5B on FEIR page 3.5-23). Potentially significant air quality impacts include change in carbon monoxide concentrations, and change in particulate matter concentrations (PM_{2.5} and PM₁₀). Mitigation measures are intended to target a reduction of vehicle emissions, and reduction and control of fugitive dust. These mitigation measures reduce the potential impacts to a less than significant level, as explained on FEIR page 3.5-18 for Impact AQ-1, FEIR page 3.5-22 for Impact AQ-5A and FEIR page 3.5-24 for Impact AQ-5B.
6. **Noise:** The Final EIR identifies five potentially significant, but mitigable noise impacts within the project area pertaining to increased snowmaking (Impact NOISE-1 on FEIR page 3.6-8), increased snow grooming (Impact NOISE-2 on FEIR page 3.6-10), increased snowmobile operations (Impact NOISE-3 on FEIR page 3.6-11), increased rock busting (Impact NOISE-4 on FEIR page 3.6-12), and new noise from amphitheatre concerts (Impact NOISE-5 on FEIR page 3.6-13). Mitigation measures for snowmaking include use of fan gun technology for sound reduction, and limiting the hours of snowmaking operation. Snow grooming noise mitigation includes avoidance of equipment use within 85 feet of a TRPA Plan Area Statement (PAS) boundary, to comply with TRPA noise standards. Snowmobile noise mitigation includes replacement of older model snowmobiles

with quieter four-stroke engine models, and avoidance of PAS boundaries for compliance with TRPA noise standards. Mitigation for rock busting noise includes continuation of the mitigation measures required with the 1996 Master Plan, which is intended to control the number, size, and location of rock busting blasts to comply with TRPA noise standards. Finally, mitigation of amphitheatre noise includes restricting the hours of amphitheatre operations to comply with TRPA noise standards. These mitigation measures reduce the potential impacts to a less than significant level, as explained on FEIR page 3.6-10 for Impact NOISE-1, FEIR page 3.6-11 for Impacts NOISE-2 and NOISE-3, FEIR page 3.6-12 for Impact NOISE-4, and FEIR page 3.6-15 for Impact NOISE-5.

7. **Transportation:** The Final EIR identifies four potentially significant, but mitigable impacts within the project area pertaining to increase of summer vehicle miles of travel (Impact TRANS-1 on FEIR page 3.7-17), decreased level of service (Impact TRANS-2 on FEIR page 3.7-19), increased parking demand (Impact TRANS-3 on FEIR page 3.7-25), and increased pedestrian congestion (Impact TRANS-4 on FEIR page 3.7-26). Mitigation measures include expanded bus and shuttle access, implementation of the Coordinated Transportation System, and improved pedestrian safety at the Gondola crosswalk. These mitigation measures reduce the potential impacts to a less than significant level, as explained on FEIR page 3.7-18 for Impact TRANS-1, FEIR page 3.7-25 for Impact TRANS-2, FEIR page 3.7-26 for Impact TRANS-3, and FEIR page 3.7-27 for Impact TRANS-4.

8. **Vegetation:** The Final EIR identifies three potentially significant, but mitigable impacts within the project area pertaining to loss of habitat of endangered, threatened, or rare plant species (Impact VEG-1 on FEIR page 3.8-23), permanent loss of native or sensitive plant communities, or the creation of forest openings larger than 5 acres (Impact VEG-2 on FEIR page 3.8-37), and the removal of native live trees larger than 24-inch diameter breast height and late seral habitat as defined by TRPA and Sierra Nevada Forest Plan Amendment (Impact VEG-3 on FEIR page 3.8-40). Mitigation measures include implementation of a long-term conservation strategy for Tahoe Draba populations, noxious weed management, minimize loss and degradation of sensitive plant species, minimize removal and modification of deciduous trees, wetlands, and meadows, and late seral/old growth forest enhancement.

Mitigation for special status and sensitive plant species includes comprehensive plant surveys prior to siting of proposed facilities, establishment of a 100-foot buffer from sensitive species, and avoidance or minimization of disturbance of riparian and old growth habitats.

For late seral, old growth habitat impacts (FEIR Figure 3.8-1), Heavenly Mountain Resort (HMR) will conduct or fund forest enhancement and restoration projects. The acres of habitat enhanced and restored will be at least a 2 to 1 ratio for each acre disturbed. Preferred locations for forest enhancement and restoration

shall be within the HMR project area, and secondary locations shall be directly south of the project area in the High Meadows area. Enhancement and restoration shall occur within the Tahoe Basin for impacts within the Basin. Monitoring of enhancement and restoration sites shall be performed every 5 years and shall be reported to the LTBMU and TRPA. These mitigation measures reduce the potential impacts to a less than significant level, as explained on FEIR page 3.8-36 for Impact VEG-1, FEIR page 3.8-39 for Impact VEG-2, and FEIR page 3.8-58 for Impact VEG-3.

9. **Wildlife and Fisheries:** The Final EIR identifies three potentially significant, but mitigable impacts within the project area pertaining to habitat of special status fish and wildlife species (Impact BIO-1 on FEIR page 3.9-33); active raptor nests, migratory bird nests, and wildlife nursery sites (Impact BIO-2 on FEIR page 3.9-34); and impacts to sensitive wildlife individuals or habitat (Impact BIO-4 on FEIR page 3.9-37). Mitigation measures include restricting vehicle traffic within the Master Plan area; monitoring and protection of nesting and fledgling bird species; Active Raptor and Migratory Bird Nest Site Protection Program; minimize removal and modification of deciduous trees and riparian habitats; and monitoring and protection of Northern Goshawk. These mitigation measures reduce the potential impacts to a less than significant level, as explained on FEIR page 3.9-33 for Impact BIO-1, FEIR page 3.9-36 for Impact BIO-2, and FEIR page 3.9-63 for Impact BIO-4.
10. **Visual Resources:** The Final EIR identifies five potentially significant, but mitigable impacts within the project area pertaining to creation of new forest clearings for ski trails (Impact SCENIC-6 on FEIR page 3.10-42), and visibility of new facilities (Impacts SCENIC-3 on FEIR page 3.10-28, SCENIC-4 on FEIR page 3.10-32, SCENIC-6 on FEIR page 3.10-37, and SCENIC-8 on FEIR page 3.10-51). Mitigation measures include minimizing visibility of new facilities and ski trails, and compliance with TRPA height limitations, exterior lighting, and scenic and design review requirements. These mitigation measures reduce the potential impacts to a less than significant level, as explained on FEIR page 3.10-28 for Impact SCENIC-3, FEIR page 3.10-33 for Impact SCENIC-4, FEIR page 3.10-38 for Impact SCENIC-5, FEIR page 3.10-44 for Impact SCENIC-6, and FEIR page 3.10-53 for Impact SCENIC-8.
11. **Cultural Resources:** The Final EIR identifies one potentially significant, but mitigable impact within the project area pertaining to potential disturbance of known cultural resources (Impact CULT-1 on FEIR page 3.11-10). Mitigation measures include evaluation and monitoring of known archaeological resources within the Comstock Logging Historic District. The mitigation measures reduce the potential impact to a less than significant level, as explained on FEIR page 3.11-14 for Impact CULT-1.
12. **Land Use:** The Final EIR identifies two potentially significant, but mitigable impacts within the California side of the project area pertaining to consistency

with the LTBMU Land and Resource Management Plan (Forest Plan), which prohibits skier access to Management Prescription 9 Lands and consistency with the Alpine County General Plan and Zoning Ordinance. For consistency with the Forest Plan, HMR shall prohibit skier access from the Gondola Mid Station by posting ski area boundary markers and roping the perimeter of the facility. For consistency with Alpine County regulations, the County is amending the General Plan land use designation for the Master Plan area from Open Space to Recreational Site, and the County is changing the existing zoning from Agriculture to Agriculture-Commercial Recreation. These mitigation measures reduce the potential impact to a less than significant level, as explained on FEIR page 3.12-17 for Impact LU-2 and FEIR page 3.12-19 for Impact LU-3.

13. **Recreation:** The Final EIR identifies one potentially significant, but mitigable impact within the project area pertaining to the need for an allocation of PAOTs for additional summer day use activities (Impact REC-2 on FEIR page 3.13-6). Prior to construction of new summer day use facilities, Heavenly shall apply for and obtain TRPA approval of a summer day use PAOT allocation equal to the number of PAOTs calculated to use new summer day use areas at the HMR. The mitigation measures reduce the potential impact to a less than significant level, as explained on FEIR page 3.13-6 for Impact REC-2.
14. **Socioeconomics:** The Final EIR identifies one potentially significant, but mitigable impact within the project area pertaining to increased pressure on affordable housing supply (Impact SOCIO-3 on FEIR page 3.14-14). Mitigation measures include the provision of employee housing. The mitigation measures reduce the potential impact to a less than significant level, as explained on FEIR page 3.14-15 for Impact SOCIO-3.

The proposed project is not expected to have a significant effect on the environment, based on the analysis contained in the Final EIR and the mitigation measures identified therein. No significant, unavoidable impacts are identified in the Final EIR.

1.4 **FINDING THAT MITIGATION OF CERTAIN IMPACTS ARE WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY**

Chapters 1 and 5 of the Final EIR/EIS/EIS identify the lead and responsible agencies for the 05 MPA, and provide a discussion for consistency with local, State, Federal, and Regional regulations for the project. Local agencies with regulatory jurisdiction within the California side of the HMR project area include El Dorado County, City of South Lake Tahoe, and Alpine County. Federal agencies with regulatory jurisdiction include, but are not limited to, the LTBMU and U.S. Army Corps of Engineers. At a regional level, the TRPA has regulatory jurisdiction within the Tahoe Basin.

The State of California Water Quality Control Board (WQCB), Lahontan Region (Lahontan) has a responsible agency role in the physical development of the MPA 05 (the issuance of waste discharge permits that may include discharge standards, Total

Maximum Daily Loads (TMDL) for Heavenly Valley Creek, or National Pollutant Discharge Elimination System permits). Water quality requirements of the creeks within the California portion of Heavenly are under the jurisdiction of the Lahontan RWQCB and are governed by the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) adopted March 31, 1995.

State agencies with trustee responsibility in the Heavenly Mountain Resort 05 MPA Development Area include, but are not limited to: California Department of Transportation (parking, traffic and transit operations and pedestrian circulation); California Division of Forestry (tree removal and forest resource concerns); California State Historic Preservation Office (cultural resources); California Department of Fish and Game (wildlife resources); and Nevada Department of Conservation and Natural Resources (Divisions of State Lands, Environmental Protection, Historic Preservation and Archaeology, Forestry, and State Parks). These agencies act as Trustee agencies by providing comments and recommendations for implementation of the Heavenly Mountain Resort Master Plan during the environmental review process.

1.5 FINDING THAT IDENTIFIED PROJECT ALTERNATIVES AND MITIGATION MEASURES ARE NOT FEASIBLE

The Final EIR evaluated a no action alternative and five action alternatives, which were all found to be feasible alternatives for the 05 MPA. The County finds that all mitigation measures identified within the Final EIR are feasible.

1.6 STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR does not identify any significant environmental impacts that cannot be mitigated to a less than significant level. Thus, the County has not made any overriding considerations in approving this project.

1.7 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources 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, and mitigation or avoidance of significant effects on the environment.

2.0 GENERAL PLAN FINDINGS

- 2.1 The proposed uses of the 05 MPA are consistent with the Adopted Plan (Heavenly Ski Resort Master Plan and TRPA Regional Plan) land use designations of the 2004 General Plan, based on the analysis contained in this staff report and the Final EIR and mitigation measures identified therein.

- 2.2 The proposed Phase I uses of the project within County jurisdictional parcels are consistent with the applicable policies of the General Plan as they apply to the Tahoe Basin.

3.0 ZONING FINDINGS

- 3.1 The proposed Phase I uses of the project within County jurisdictional parcels are subject to the approval of a special use permit by Section 17.62.040(G) of the El Dorado County Code.

- 3.2 The proposed buildings and site improvements shall comply with the development standards contained in Chapters 17.14, 17.22, and 17.62 of the El Dorado County Zoning Ordinance.

- 3.3 *Section 17.22.665 Findings Required. The Board of Supervisors may adopt a proposed specific plan only after a determination that the plan:*

1. *Is consistent with and implements the El Dorado County General Plan;*

The proposed uses of the 05 MPA are consistent with the Adopted Plan (Heavenly Ski Resort Master Plan and TRPA Regional Plan) land use designations of the 2004 General Plan, based on the analysis contained in the staff report and the Final EIR and mitigation measures identified therein.

2. *Is consistent with any applicable airport land use plan, pursuant to California Government Code Section 65302.3;*

HMR is not located within an airport land use plan, or within the overflight safety zones of the South Lake Tahoe Airport. The 05 MPA is not expected to affect, or be affected by the operations and uses associated with the South Lake Tahoe Airport.

3. *Will not have a significant effect on the environment, or a statement of overriding consideration has been made for the proposed specific plan pursuant to the provisions of California Code of Regulations Section 15093 (CEQA guidelines.) (Ord. 4589 Sec. 2, 5, 2001);*

Pursuant to Section 15093 of CEQA Guidelines, the Final EIR does not identify any significant environmental impacts that cannot be mitigated to a less than significant level, based on the analysis contained in the staff report and the Final EIR and mitigation measures identified therein.

Conditions

El Dorado County [Planning](#) Services

1. This Specific Plan is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked A through K, dated July 12, 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:

Specific Plan amendment of the 1996 HMR Master Plan, to include the No Action Alternative and Alternatives 2, 3, 4, 4A, and 5 as proposed with the 05 MPA. The 05 MPA includes a long-term range of resort improvements to be phased (Phases 1, 2, and 3) over the life of the Master Plan. The improvements will occur throughout the California and Nevada land use jurisdictions of the Master Plan project area (Exhibits F and G). Land uses within County jurisdictional parcels (California Base Lodge and parking lot) include the following:

Phase I Projects

- *Install BMPs for California Base Lodge and parking lot.

Phase II Projects

- Relocate Lower California Maintenance Shop to off-site location.

Phase III Projects

- *Replace California Base Lodge
- *Relocate California Snowmaking Building
- Replace and relocate Ski Lift A (Aerial Tram) with High Speed Detachable Quad Ski Lift
- *Kids Camp (California Base)
- *Replacement of Ski Lift K (Perfect Ride), **Ski Lift L (Cal Ski School), and Ski Lift M (Enchanted Forest)
- *Ski Runs K1, L1, and M1

* Projects already approved with the 1996 Master Plan.

**Minor lift alignment modification is proposed from previous 1996 Master Plan.

The construction, project design, uses, and protection of environmental resources shall conform to the project description above, and the hearing exhibits and conditions of approval below. The exterior finishes of the proposed buildings and structures shall conform with the approved colors and materials for the project. 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 drainage plans) must be submitted for review and approval, and shall be implemented as approved by the County.

2. The 05 MPA, as approved, consists of the Phase I, [II, and III projects](#) for the No Project and Action Alternatives proposed with the MPA. Implementation of the new Phase II and Phase III projects within County jurisdictional lands that were not previously analyzed and approved with the 1996 Master Plan, are subject to additional project level environmental review prior to approval by El Dorado County.
3. [The 05 MPA shall comply with the Mitigation and Monitoring Plan of Chapter 5, including Appendices 3.1-D and 3.1-G of Volume II of the Final EIR/EIS/EIS.](#)
4. The 05 MPA is subject to all applicable Agency conditions submitted for the project, as further contained in Chapter 7 of the Final EIR/EIS/EIS.
5. All land uses within County jurisdictional parcels shall conform with the [permissible uses and development standards of the Tahoe Agricultural Zone District](#). [All proposed uses within County jurisdictional parcels are subject to prior approval of a special use permit and all associated conditions of approval.](#)
6. All land uses within County jurisdictional parcels shall conform with all applicable provisions of County Zoning Ordinance Title 17.
7. Pursuant to the County General Plan, all land uses within County jurisdictional parcels shall conform with all applicable provisions of the TRPA Regional Plan, [as the Adopted Plan for the project area.](#)
8. Heavenly Mountain Resort (HMR) shall continue to implement the mitigation measures (Mitigation Measure 7.5-19) of the 1996 Master Plan EIR/EIS/EIS, to research the traffic impacts of HMR on Highway 50, and to avoid non-degradation of peak hour traffic on U.S. Highway 50 for Echo Summit and the west slope of El Dorado County.
9. For all proposed uses with the 05 MPA that are subject to a County building permit, all Development Services fees shall be paid prior to issuance of a building permit.
10. All processing fees shall be paid prior to approval of the specific plan.

El Dorado County Counsel's Office

11. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, [HMR](#) agrees 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.

[HMR](#) 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 the decision to not recirculate the Draft EIR/EIS/EIS due to the addition of Alternative 4A with the Final EIR/EIS/EIS, which action is brought within the time period provided for in Section 66499.37.

County shall notify **HMR** of any claim, action, or proceeding and County will cooperate fully in the defense.

Lahontan Regional Water Quality Control Board

12. HMR shall continue to implement the permitting requirements of the Lahontan Updated Discharge Permit within the HMR Master Plan project area.

El Dorado County Building Services

13. All proposed structures within County jurisdictional parcels shall comply with Uniform Building Code and require a building permit.

9. REZONE/PLANNED DEVELOPMENT/PARCEL MAP (Public Hearing)

Z06-0035/PD06-0023/Parcel Map P06-0030 submitted by DAVID and MICHAEL MC MAHON to rezone property from Limited Multifamily-Design Control-Airport Safety District (R2-DC-AA) to Limited Multifamily Residential-Planned Development-Airport Safety(R2-PD-AA); development plan to allow a four-unit multifamily residential development consisting of two-duplex units; and tentative parcel map to create four residential lots including open space lots. One design waiver has been requested to allow the reduction of the sidewalk improvement requirement from six feet to four feet. The property, identified by Assessor's Parcel Number 082-543-07, consisting of 0.57 acre, is located on the west side of Cambridge Road, 120 feet north of the intersection with Estepa Drive, in the **Cameron Park area**, Supervisorial District I. (Negative declaration prepared)

Staff: Jonathan Fong recommended approval to the Board of Supervisors. Commissioner Machado asked why the application took so long to process. Mr. Fong explained.

Commissioner Mac Cready asked the reason for denial of the design waiver. Mr. Fong said it was based on the location of the project. Eileen Crawford, Department of Transportation, explained their reasons for requiring the six-foot sidewalk, the location with regard to the Lake and that there would only be sidewalks on one side of the street. Other projects were reduced to four feet but had sidewalks on both sides of the road.

Michael Mc Mahon commented installing curbs, sidewalks, and gutters other than in front of their property would be very expensive. It would also require removal of a large oak tree. David Mc Mahon explained the delays related to the change in the General Plan, rare plants, etc.

Commissioner Machado asked if maintenance would be included in the CC&Rs. Paula Frantz, County Counsel, explained that the County does not get involved in the review of CC&Rs except for review of access, but that is where requirements for maintenance would be placed.

Chair Knight asked about a retaining wall. Ms. Crawford said if a retaining wall were required, it would probably be three feet high.

Commissioner Mac Cready agrees they should have to put in a sidewalk in front of their property but not on other properties.

Commissioner Machado asked about the property on the corner of Estepa and Cambridge. Is that a recently approved project? Ms. Crawford said it is not. When that project comes in it will be required to have sidewalks on both sides. Commissioner Machado said this is not the only applicant being asked to provide sidewalks on other properties. Commissioner Mathews asked if there is that much foot traffic in this area. He cannot see an applicant being required to improve other properties.

After the motion and before the second, Paula Frantz, County Counsel, said the Commission needs to make design waiver findings for approval.

Ms. Crawford said the applicant has just requested a design waiver for the width of the sidewalk, not reduction in the length of the sidewalk. Her job is to look down the road ten years, not just the foot traffic today. Commissioner Mathews does not mind requiring connection of the sidewalks.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACHADO AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, AND KNIGHT; NOES – COMMISSIONER MATHEWS; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, AND APPROVE Z06-0035/PD06-0023/P06-0030, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, SUBJECT TO THE MODIFIED CONDITIONS AND BASED ON THE FINDINGS AS MODIFIED.

Conditions

Planning Services

1. This rezone, planned development, and parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits D-E- (Parcel Map, Building Elevations), dated July 12, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows: The project would consist of a rezone, planned development, and a parcel map.

The rezone would change the zoning from Limited Multifamily Residential-Design Control-Airport Safety District (R2-DC-AA) to Limited Multifamily Residential-Planned Development-Airport Safety District (R2-PD-AA).

The proposed development plan would allow a four unit multifamily residential development consisting of a two duplex units. As shown on the Site Plan, Building A would be 4,476 square feet and Building B would be 4,476 square feet. Lots 1 and 2 would be located within Building A and would be 5,916 square feet and 3,642 respectively. Lots 3 and 4 would be located within Building B and would be 3,110 square feet and 4,319 square feet respectively. The open space lot would include the remainder of the parcel including the driveway and open space areas.

A 21 foot wide driveway would be constructed to provide access to the four units via Cambridge Road.

One design waiver has been approved to allow a reduction in the sidewalk width improvement requirement from six feet to four feet.

As shown on the Tree Preservation Plan, 8 percent of the existing oak canopy would be removed as part of the project. The replacement canopy would be planted along the northern property boundary adjacent to Building A.

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. 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 (Exhibits D and E). Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require Planning Services review and approval.
3. The applicant shall replace the removed 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.

4. No lighting is proposed at the time of application. All future outdoor lighting shall require Planning Services approval of a minor revision to this design review application. All lighting shall conform to Section 17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation.
5. Landscaping is required to meet Zoning Code Chapter 17.18.090, and General Plan Policies 7.4.5.2 and 7.4.4.4. before a final building permit can be issued. The final revised Landscape Plan shall meet the 50 percent requirement for native plants. A Water Conservation Landscape form shall be filled out and approved by Planning Services before the final permit can be issued. Applicant shall install and maintain landscaping in accordance with the approved final landscaping plan in perpetuity or unless otherwise modified through any future permit.
6. Prior to building permit issuance an Avigation and Noise Easement shall be completed and recorded.
7. 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 find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.
8. Prior to recordation of the final map, all Development Services fees shall be paid.
9. 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.

Department of Transportation

Project Specific Conditions

10. The developer shall widen the frontage along Cambridge Road to a total half width of 16 feet from the existing centerline to face of curb with Type 2 curb and gutter and a ~~six~~

four-foot wide sidewalk according to the provisions of Standard Plan 104 &101B. The improvements shall be substantially complete 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. For the offsite improvements on Cambridge Road, the applicant shall construct a Type 2 curb, gutter and ~~six~~ four-foot sidewalk from the project boundary, ~~north to the existing encroachment for Assessor's Parcel Number 082-770-45 and~~ southerly, from the project boundary to the existing encroachment for Assessor's Parcel Number 082-830-08. 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 developer shall construct a modified Standard Plan 103G driveway on to Cambridge Road. This work must be substantially complete, as determined by the Department of Transportation prior to occupancy of any unit of this project.

Standard Conditions

13. 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 filing of the final map.
14. 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 filing the final map.
15. 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.
16. 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.
17. 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.
18. 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 five-year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.

19. 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.
20. 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.
21. 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.
22. 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.
23. The applicant shall pay the traffic impact fees in effect at the time a building deemed complete.

Cameron Park Community Services District (CPCSD)

24. Park impact fees and fire development fees shall be paid to the Cameron Park Community Services District (CPCSD) prior to the issuing of a building permit and occupancy of the buildings.
25. CC& R's must be recorded and adhered to prior to final building permit approval.

El Dorado County Air Quality Management District

26. The applicant shall prepare a Fugitive Dust Plan for the project. The District shall review and approve the plan prior to issuance of a grading permit.
27. The applicant shall comply with all District rules during project construction.

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 project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the California Department of Fish and Game (CDFG). The project is subject to the CDFG environmental filing fee of \$1,800 and a \$50 El Dorado County processing fee based on CDFG Code Section 711.4 and Senate Bill 1535.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department – Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 ADMINISTRATIVE FINDINGS

- 2.1 The proposed rezone, planned development, and parcel map plan conform to the General Plan because the proposed multifamily development is consistent within the multifamily (MFR) land use designation. The rezone will create the planned development overlay which is required by the General Plan.
- 2.2 The proposed rezone and development plan conform to the County Zoning Ordinance which permits the proposed development within the Limited Multifamily Residential (R2) Zone District.

3.0 PLANNED DEVELOPMENT FINDINGS

3.1 That the Planned Development Zone request is consistent with the General Plan;

The proposed zone change would rezone the property from Limited Multifamily Residential- Design Control-Airport Safety District (R2-DC-AA) to Limited Multifamily Residential-Planned Development-Airport Safety District (R2-PD-AA). The zone change is required due to the project location within Safety Zone 3 of the Cameron Park Airport.

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

The project has been designed to minimize impacts to the oak canopy which would enhance the onsite natural features. Additionally, the required open space has been provided which would provide recreational areas for the project.

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

The project is consistent with the development standards of the R2 Zone District. However, a design waiver has been submitted to reduce the onsite driveway width from 24 feet to 21 feet. This would minimize the potential negative impacts to the existing oak canopy.

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

The project is relatively flat and would require a moderate amount of grading. The project site has approximately 44 percent oak canopy coverage. As discussed in the General Plan section above, the project would be consistent with the retention and replacement provisions of General Plan Policy 7.4.4.4.

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

EID has determined that adequate public water and sewer facilities services are available to serve the development.

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

The prominent natural feature on the project site is a large oak cluster located adjacent to Cambridge Road. The project has been designed to avoid negatively impacting the oak.

4.0 Tentative Map Findings

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

The proposed parcels and open space areas are consistent with applicable General Plan Policies and the development standards of the R2 Zone District.

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

The proposed density is consistent within the Multifamily Residential (MFR) land use designation. The required oak canopy removal would be consistent with the retention and replacement provisions of the General Plan.

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

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

5.0 Design Waiver Findings

5.1 There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,

A natural grade exists along the project frontage and the frontage of the northerly parcel. Construction of a six foot sidewalk would increase the amount of grading and negative impact to oak canopy in the project area. The reduced sidewalk width would provide pedestrian access while limited the environmental impact to the area.

5.2 Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,

The construction of a six-foot wide sidewalk would reduce extensive grading, the construction of retaining walls, and negative impacts to oak canopy. The six foot sidewalk would impose a significant financial burden as well as require additional mitigation measures for the impacted oak canopy.

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

No sidewalks currently exist along the project frontage or in the project vicinity. The four-foot sidewalk would provide an overall benefit to the adjacent properties providing pedestrian access south to the Cameron Park Lake access.

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 subdivision.

The construction of a four-foot wide sidewalk would be consistent with the General Plan requirements for new development and would be consistent with the Design and Improvement Standards Manual.

10. CONCEPTUAL REVIEWS

- a. **Conceptual Review** for Planned Development PD07-0008/Tentative Parcel Map P07-0013/Serrano Commercial Village J5, submitted by SERRANO ASSOCIATES, LLC (Agent: Kirk Bone). The parcel map would create nine lots and one remainder parcel. The lots would range in size from 0.37 to 5.7 acres. The remainder parcel would be 11.7 acres. A 1.4-acre parcel has been set aside for the future realignment of Sienna Ridge Road. The development plan would allow the flexibility in the timing of the improvements and modifications to the Planned Commercial (CP) Zone requirements. The parcel map and planned development have been proposed to create nine commercial parcels to allow for approximately 120,000 square feet of commercial uses. A rezone request would be required to add the Planned Development (PD) overlay to the base zoning. The property, identified by Assessor's Parcel Number 123-040-07, is located on the southeast side of the intersection of Bass Lake Road and Serrano Parkway, in the **El Dorado Hills area**, Supervisorial District I.

Staff: Jonathan Fong presented this item. Chair Knight said this is a typical commercial project. There needs to be good ingress and egress. He has no problems with the project as submitted. Commissioner Mathews agreed. No action was required.

- b. **Conceptual Review** for PA07-0031/Shingle Creek Village, submitted by RICHARD KOVACH (Agent: Granite Bay Holdings, LLC). The project consists of a 144 lot subdivision on 20 acres with lots ranging in size from 1,800 to 5,962 square feet. In addition to the tentative subdivision map, the applicant would be requesting a General Plan amendment from the current Commercial (C) land use designation to a Multi-Family Residential (MFR) land use designation and a zone change from Planned Commercial (CP) to Limited Multifamily Residential-Planned Development (R2-PD). A development plan would be submitted as well. Primary access is to be provided via French Creek Road, and secondary access is to be provided by an off-site road extension to Idle Creek Drive south of the subject site. The properties, identified by Assessor's Parcel Numbers 090-290-45, -46, 090-430-49, -51, and -56, are located on the south side of Mother Lode Drive, directly southwest of the intersection with French Creek Road, in the **Shingle Springs Area**, Supervisorial District II.

Staff: Jason Hade presented this item. Larry Appel commented no action can be taken on this project today. It is for review by the Commission. At this point, no application has been filed.

Commissioner Machado said there was a project several meetings ago that included a General Plan amendment from residential to commercial. There was no concern by staff on that project. This project is going from commercial to residential, and there is concern. It seems there should be some consistency.

Tyler Wade, applicant on this project, said this is a challenging site to develop. There are many constraints, slopes, access, wetlands, oaks, etc. He gave the Commission several photographs of another project that was constructed in the 1970s that they would like to use as a model for this project. They would like to put as many of the homes amongst the trees as possible. They are proposing reduced road widths. There are existing access easements. They are just looking at the concept today. They are open to suggestions on the specifics. They have been discussing the access with the Department of Transportation.

Commissioner Mathews asked if they are the current owner or do they have an option to purchase the property. Mr. Wade replied there is a partnership. Marlon Ginney and Richard Kovack have owned the property since 1972. Mr. Wade commented these are to be entry level homes. The homes and lots are small in size.

Commissioner Mathews asked if Idle Creek is the main access point. Mr. Wade replied in the affirmative. Chair Knight said the conceptual review is to look at the project before it is actually submitted.

Todd Bissell, resident of Hacienda de Estrelles, said their subdivision was constructed approximately 20 year ago. The lots are one to ten acres in size, and the homes are in the 4,000 square foot range. He and his neighbors would be opposed to this project. There is a drastic ravine. The primary access road is Creekside. There are already traffic problems in this area. It is not in the public interest to put in small houses of this kind. The proposed density, 7.2 houses per acre, goes against what is presently there. There are drainage problems in the area. The rear gate to Hacienda de Estrelles is to the south of this development. If you add this amount of houses to this area, you are going to have increased traffic and safety problems. The existing streets are perhaps 10 to 12 feet wide. The schools are extremely overcrowded. This property is not conducive to apartments. He does not suggest that the Commission approve this project, but if it did, it should be one house per acre.

Mr. Crosby said the pictures shown by the applicant are not entry level housing. This would create a major problem and a slum.

Rubin, homeowner in Hacienda de Estrelles, said they are in El Dorado County because of development problems in other areas. The density does not fit. They do not find this a desirable project in any way.

Lisa Culver, homeowner in Hacienda de Estrelles, is concerned about setting a precedent rezoning his from commercial to residential. Most of the houses in their neighborhood

are on one acre. Traffic is a concern. There are drainage issues. The high density will also increase crime in the area. This is an area for rural living.

Staci Allen, homeowner in Hacienda de Estrelles, commented their project is a planned development with parcels from one to ten acres in size. There are extreme traffic problems in this area. There will be an impact on schools. The density of the project is a large concern. This is not in the best interest of their community.

Art Marinaccio said when Hacienda de Estrelles was built this property was zoned Commercial, and this type of use was allowed by right at that time. As a member of the Affordable Housing Task Force, these are the types of projects that are critical in order to get workforce housing. This property is just outside the Historic District. This requires a planned development, because it is more than 50 units.

Louise Pratt, resident in Hacienda de Estrelles, believes the density is too high. This project does not seem to fit. Does this open the door for another high density development in this area?

Marlon Ginney said he and Dick Novak have owned the property since 1972. The bids for the Mother Lode Drive left hand turn pocket were opened last week. There will be a red light signal at Mother Lode Drive in about four months. He spoke about another project they built that is in a County Service Area. There are a lot of things allowed by right in Commercial that the neighbors might not necessarily want. Idle Creek is a 50 or 60 foot dedicated right-of-way.

Chair Knight believes the applicant understands some of the problems if they decide to go ahead with the project, i.e., traffic, drainage, etc. This type of housing is satisfying the General Plan. He would not object to a General Plan amendment/rezone. The public needs to be aware of what would be allowed on this property if it was Commercial. He likes the clustering. Commissioner Mac Cready said perhaps some of the Commercial should be retained and have a mixed use project. There could also be duplexes and single family. Commissioner Mathews likes a mixed use idea. He does not have a problem amending the General Plan. He has parked in the American River project, and it was very difficult. The high density does not blend with other adjacent areas. He does not believe 7.2 units per acre is appropriate for this area. Commissioner Machado did not have a problem with a General Plan amendment. Affordable housing is a large issue with him. There could be 300,000 square feet of commercial in this area. Regarding density, he does not believe you would end up with 144 homes because of the constraints. He agrees with a mixed use project. Apartments would not work because of the footprints. The single family units are better adapted to the site. Commissioner Machado would explore another access onto Mother Lode Drive so it would reduce traffic through other areas and reduce traffic onto French Creek. The developers need to figure out how to connect the trail. He would want to see additional off-site parking.

Larry Appel thanked the Commissioners for their comments. Staff will go back to the applicant and see if there is something that can be worked out.

No action was taken.

11. TENTATIVE SUBDIVISION MAP (Public Hearing)

TM91-1239C/Serrano/Village H, Unit 3, Lot 117, submitted by JOHN and PATRICIA GRIGSBY for a map correction to the recorded final map to remove the recorded vehicular access restriction adjacent to Gresham Drive to allow for a secondary driveway. The property, identified by Assessor's Parcel Number 123-110-22, consisting of 0.95 acre, is located on the east side of Gresham Drive, approximately 600 feet northwest of the intersection with Bent Creek Court, in the **El Dorado Hills area**, Supervisorial District I. (Statutorily exempt pursuant to Section 15268(b)(3) of the CEQA Guidelines)

Staff: Gina Hunter introduced Patricia Kelly who presented the item and recommended conditional approval.

Kirk Bone represented the applicant. They are in agreement with the staff report. They concur with all the recommendations.

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

Commissioner Mathews asked if the owner will be able to build a granny flat. A gentleman in the audience said there would be no room for additional building.

Commissioner Machado commented the driveway seems to be almost on the property line. The gentleman from the audience said that is because of the slope.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, MATHEWS, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS CERTIFY THE PROJECT IS STATUTORILY EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO SECTION 15268 (b) (3) AND APPROVE TM91-1239C, SUBJECT TO THE CONDITIONS AND BASED ON THE FINDINGS PROPOSED BY STAFF.

Conditions

1. This subdivision map correction is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit E (Site Plan Map) dated July 12, 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:

A map correction to the recorded final map for Serrano Village H, Unit 3, Lot 117, to allow removal of the portion of the recorded vehicular access restriction from Gresham Drive that is adjacent to the westerly boundary of Lot 117 to allow for a secondary access. The balance of the easements would remain as recorded. Those easements include a 5-foot postal easement, 10-foot drainage and public utility easements and 20 foot slope easement. Lot 118 adjoins to the north and is under the same ownership but it is not encumbered by a recorded vehicular access restriction.

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

2. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El Dorado County Planning Services Department within 60 days of the approval of this application by the El Dorado Board of Supervisors.
3. The property owners are responsible for all associated processing and recording fees. Applicant shall file a Certificate of Correction with the El Dorado County Surveyor's Office pursuant to the Subdivision Map Act and County Code for review and approval prior to recordation at the County Recorders Office. The property owners are responsible for all associated processing and recording fees.
4. The driveway access off of Gresham Drive shall be designed to a slope of 20 percent or less and shall serve one single family dwelling only. Verification of the driveway slope shall be made by Planning Services prior to issuance of a building permit.
5. A deed restriction shall be recorded on the property along the entire frontage of Gresham Drive to maintain a minimum sight distance for access to the subject property. The restriction shall limit the height of landscaping or any other obstruction to a maximum height of six (6) inches above the existing ground and shall be confined to the remaining right-of-way behind the curb and gutter and the 20-foot wide slope easement along Gresham Drive. A copy of the deed restriction shall be provided to Planning Services prior to issuance of a building permit.
6. Prior to issuance of a building permit the applicant shall pay all Development Services fees.
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.

Findings

1.0 CEQA

- 1.1 This project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15268(b) (3) of the CEQA Guidelines stating that in the absence of any discretionary provision contained in the local ordinance or other law establishing the requirements for the permit for use approval of a final subdivision map shall be resumed to be ministerial.

2.0 ADMINISTRATIVE

2.1 General Plan

A finding can be made that the proposed use is consistent with the policies in the County General Plan as the single family residence is a permitted use in the Serrano El Dorado Hills Area Plan

2.2 Zoning Ordinance

The project is consistent with the One-family Residential-Planned Development (R1-PD) Zone District. No new conflicts with setbacks or easements relative to structures under construction or any other development standard or requirements of the Zoning Ordinance would be created by the elimination of the vehicular access restriction as proposed by this project. A finding can be made that the proposed use is consistent with the County Zoning Ordinance.

2.3 Subdivisions Ordinance

- A. That there are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary.

The vehicular access restriction was placed as a strict interpretation of the Design and Improvement Standards Manual, Section 2, Subsection B8, which discusses double frontage lots, when Village H was initially designed. The steepness of Lot 117 warrants a double frontage encroachment.

The Department of Transportation (DOT) has reviewed the application to remove a vehicular access restriction along Gresham Drive. The DOT supports the removal of this vehicular access restriction provided the applicant shall place a deed restriction on this property along the entire frontage of Gresham Drive to maintain minimum sight distance for access to this site This restriction shall limit

the height of landscaping, or any other obstruction, to a maximum height of six (6) inches above the existing ground and shall be confined to the remaining right of way behind the curb and gutter and the 20-foot wide slope easement along Gresham Drive.

The encroachment, to access this site off Gresham Drive, shall meet the provisions of El Dorado County Standard Plan 104A-1.

- B. That the modifications proposed did not impose any additional burden on the present fee owner of the property.

The removal of the vehicular access restriction would benefit the current owner and would not impose any additional burden.

- C. That the modifications proposed do not alter any right, title or interest in the real property reflected in the recorded map.

The removal of the vehicular access restriction will not impact the use of Grisham Road (a private road) as access to the property will be maintained and all other easements will remain as originally approved.

- D. That the map as modified conforms to the provisions of Section 66474 of the Government Code.

The request to remove the vehicular access restriction is consistent with the policies in the El Dorado Hills Specific Plan

2.4 Section 66474

- (a) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans as specified in Section 65451.

The removal of the vehicular access restriction is consistent with the El Dorado Hills Specific Plan which includes text and diagrams as required under Section 65451.

- (b) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

The request to remove the vehicular access restriction is consistent with applicable policies in the El Dorado Hills Specific Plan.

- (c) That the site is physically suitable for the proposed type of development.

The site is suitable for the density of the development because the property is zoned one-family residential/planned development district. The request to remove

the access restriction easement does not affect the density allowed in the Serrano El Dorado Hills Area Plan.

- (d) That the site is physically suitable for the proposed density of development.

The site is suitable for the density of the development because the project site is zoned one-family residential/planned development zone district. The request to remove the vehicular access restriction does not affect the density allowed in the Serrano El Dorado Hills Area Plan.

- (e) That the design of the subdivision or type of improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The removal of the vehicular access restriction will not cause substantial environmental damage or substantially injure fish or wildlife or their habitat because this a request for a Map Correction of the recorded Final Map for Serrano Village H, Unit 3, and does not include any construction or grading activities.

- (f) That the design of the subdivision or type of improvements will not cause serious public health problems.

The removal of the vehicular access restriction will not result in or cause a serious health problem because this is a request for a Map Correction of a recorded Final Map for Serrano Village H, Unit 3, and does not include any construction or grading activities.

- (g) Design of the subdivision or the type of improvements will not conflict with the easements acquired by the public at large, for access through or use of property within the proposed subdivision.

The removal of the vehicular access restriction will not impact the use of Grisham Road, (a private road) as access to the property will be maintained and all other easements will remain as originally approved.

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

12. PLANNED DEVELOPMENT/TENTATIVE SUBDIVISION MAP (Public Hearing)

PD01-0009R/TM01-1381R submitted by SERRANO ASSOCIATES, LLC (Agent: Kirk Bone) to merge a 0.47-acre portion of Open Space Lot G within Village M, Phase 5; reconfigure and re-subdivide Village M, Phase 5, adding three custom residential lots resulting in a total of 10 residential lots, one open space lot, and two landscape lots; and a request for design waivers to allow the reduction of road right-of-way widths from 50 to 36 feet for the access courts, and allow the reduction in cul-de-sac right-of-way diameter of improvements from 100 to 80 feet and

cul-de-sac right-of-way from 60 to 47 feet. The properties, identified by Assessor's Parcel Numbers 123-020-05 and -05, consisting of 8.36 acres, are located on the west side of Appian Way, at the intersection with Sangiovese drive, in the **El Dorado Hills area**, Supervisorial District I. (Statutorily exempt pursuant to Section 15182 of the CEQA Guidelines)

Staff: Gina Hunter presented this item in the absence of Mel Pabalinas and recommendation conditional approval.

Commissioner Machado asked if there are any more large lots in Serrano. Andrea Brown said there is a portion of Village M that has four-acre parcels adjacent to Green Springs Ranch. She agreed with the modifications to Condition 42 and asked that the time be increased to three years on the planned development to coincide with the tentative map. On Condition 34, this is the first time they have been required to sign a contract with the fire department. If possible, they would like the condition deleted.

Lisa Caryotakis, Lot 75, and also representing Lot 76, said both lots view the area in question. Prior to purchasing her property she was told there would be seven lots with a cul-de-sac. The proposed change to the project would have a significant impact on their property. It is not only three additional lots but a large road and cul-de-sac. She asked if the Commission could decline a request based on comments received, or does the project have to be against adopted requirements? Paula Frantz, County Counsel, explained the rights allowed under the development agreement. Ms. (C) built in this portion of Serrano because there was more open space. There will be an additional impact on the side of the hill. What happens with fire risk when there are additional people? She asked if it would be appropriate for her to ask for some type of landscaping/screening.

Kirk Bone said they are proposing larger lots than what was proposed.

Commissioner Tolhurst was present from this point on.

Commissioner Machado is comfortable with the change.

There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACHADO AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, MATHEWS, AND KNIGHT; ABSTAIN – COMMISSIONER TOLHURST, IT WAS MOVED TO FIND THE PROJECT STATUTORILY EXEMPT PURSUANT TO SECTION 15182 OF THE CEQA GUIDELINES AND APPROVE PD01-0009R/TM01-1381R, SUBJECT TO THE CONDITIONS AS MODIFIED AND BASED ON THE FINDINGS PROPOSED BY STAFF.

Conditions

1. This revision to an approved Tentative Subdivision Map and Planned Development is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits, dated July 12, 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:

- A. Merge 0.47 acre portion of Open Space Lot G with Village M, Phase 5;
- B. Reconfigure and re-subdivide Village M, Phase 5 adding three custom residential lots, one open space lot and two landscape lots; and
- C. Design waiver(s) of the following Design and Improvement Manual Standard:
 - i. Reduction of road right-of-way width to conform to actual street width improvements from 50 to 36 feet for the access courts.
 - ii. A reduction in cul-de-sac turnarounds to 80 feet diameter improved surface in a right-of-way of 47 feet radius.

The proposed residential lots range from 0.49 to 1.63 acre in size. Each lot conforms with the development standards (i.e., frontage width and minimum parcel size) under One-half Acre Residential (R-20,000) Zone District. Development of these custom residential lots is subject to a development notebook prepared by the applicant at the time of final map for the tract. Subject to review by the Serrano Architectural Review Committee, the development notebook details the building envelope, location of the driveway entrance, and building setbacks for each lot. Landscape Lots A and B are located at the entrance to the subdivision while open space Lot C is located at the southern end of the tract.

Water and sewer services would be provided by the El Dorado Irrigation District (EID). EID currently has an eight-inch potable water line located along Sangiovese Drive and Greyson Creek Drive to east. A six-inch sewer line exists along Appian Way and Sangiovese Drive, and an eight-inch off-site sewer line in Highland View, Unit 1. These sewer lines have adequate capacity at this time. In order to receive service from these existing lines, an extension of facilities of adequate size must be constructed. Access to the subdivision would be via an internal road off Appian Way bordering along the eastern side of the subdivision. All lots would be accessed off the internal road.

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.

Planning Services

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

The 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.

3. 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.
4. A final subdivision map shall not be recorded until an EID Water Meter Award Letter or similar document has been issued for all of the lots included in the final map and a copy filed with the Development Services/Planning Services.
5. All applicable conditions of the development plan shall be satisfied prior to recordation of the final map.
6. Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to the Community Development Director for approval:
 - a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements.
 - b. Improvement plans prepared by a civil engineer of the required off-site improvements.
 - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.
7. Prior to the filing of the final map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required off-site improvements including the full costs of acquiring any real property interests necessary to complete the required improvements.
8. In addition to the agreement, the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

9. An irrevocable offer of dedication (IOD) shall be made by the applicant to the El Dorado Hills Community Services District for all neighborhood parks. The form of the IOD shall conform to the IODs previously utilized for similar parks within the Serrano project.

Department of Transportation

10. The developer shall obtain approval of project improvement plans and cost estimate 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. All improvements shall be consistent with the approved tentative map.
12. 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.
13. The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
14. If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure such blasting activities are conducted in compliance with state and local regulations.
15. If burning activities are to occur during the construction of the subdivision improvements, the subdivider shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
16. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible Fire Protection District. The location of hydrants shall be shown on the improvement plans, which shall be subject to the approval of the fire protection district.
17. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and the Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. If archaeological artifacts are discovered, the developer shall retain an archaeologist to make recommendations for the treatment of the artifacts. Treatment of Native American remains or archaeological artifacts shall be the responsibility of the developer and shall be subject to the review and approval of the County Development Director.
18. This project is subject to the El Dorado County traffic fee programs. Traffic fees shall be due upon the issuance of a building permit. If prior to the application for a building permit for said project a revised fee is established, such revised amount shall be paid.

19. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance.

20. All roads shall be constructed in conformance with the Design and Improvements Standards Manual with the following specifications:

<i>Road</i>	<i>Standard Plan</i>	<i>Road Width</i>	<i>Exceptions/Special Notes</i>
Unnamed Court	Std. Plans 101B and 114	28 ft. (36-foot R/W pursuant to design waiver request), plus utility/ slope easements	Cul-de-sac to be installed. No sidewalks. Type 1 rolled curb*

* Type 2 vertical curb & gutter adjacent to park site and open space

All road widths in the above table are measured from curb face to curb face. Where constrained by topography, sidewalks may be located outside of 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 the filing of the final map. Sidewalks shall be connected to any walk/trail systems in the project open space areas. Pedestrian easements shall be provided where necessary.

21. An irrevocable offer of dedication, in fee, for the required rights-of-way (R/W) as indicated above, shall be made for the proposed roads, with slope easements where necessary. Said offer shall be rejected at the time of the final map. The offer shall be subject to that agreement between Serrano and the County, recorded as document 98-0015833-00 on March 26, 1998. Subject to the above agreement, all roads are offered in fee to the Master Owner's Association simultaneously with the filing of the final subdivision map.
22. An irrevocable offer of dedication, in fee, for the required rights-of-way (R/W) of 47 feet in radius, shall be made for the proposed cul-de-sac bulbs, with slope easements where necessary. Said offer shall be rejected at the time of the final map. The offer shall be subject to that agreement between Serrano and the County, recorded as document 98-0015833-00 on March 26, 1998. Subject to the above agreement, all roads are offered in fee to the Master Owner's Association simultaneously with the filing of the final subdivision map.
23. A Vehicular Access Restriction for lots contiguous to Appian Way shall be shown on the final map(s) for those corner lots having access to intersecting minor roadways.
24. The Master Covenants, Conditions and Restrictions (CC&Rs) shall provide that no parking shall be permitted within cul-de-sac bulbs which have a radius to curb-face which is less than County standards and shall provide for enforcement of such provisions. Additionally, the CC&Rs shall include a provision for off-street parking to compensate for lack of parking normally provided within the cul-de-sac. The CC&Rs shall contain a

- provision that lots fronting on a cul-de-sac bulb shall either provide a three-car driveway or provide sufficient depth of driveway (18 feet per parking stall) to accommodate longitudinal and/or lateral parking for three spaces.
25. Bus turnouts and shelters shall be constructed at locations required by El Dorado Transit and the appropriate school district.
 26. A final drainage plan shall be prepared in accordance with the County of El Dorado Drainage Manual, subject to review and approval by the Department of Transportation. Drainage facilities shall be designed and shown on the project improvement plans consistent with the final drainage plan and the El Dorado Hills Specific Plan Master Drainage Study. The developer shall install said drainage facilities with the respective phase of construction, or as specified in the final drainage plan.
 27. Cross lot drainage shall be avoided wherever possible. The CC&Rs for Village M4 shall include a requirement for a grading and drainage plan to be submitted for review and approval of the Architectural Control Committee of the Master or Village Homeowners' association at the time of building permit application. The CC&Rs shall require all "downhill" lots must be designed to accept any drainage from uphill lots and the Master or Village Homeowners' Association shall enforce this condition.
 28. Drainage maintenance shall be the responsibility of the Master Owner's Association. Therefore, all easements for drainage facilities shall first be offered to the County of El Dorado with rejection; the offer shall be subject to that agreement between Serrano and the County recorded as document 98-0015834-00 on March 26, 1998. Pursuant to the terms of said Agreement, upon rejection by the County, all drainage easements will be subsequently offered to the Master Owner's Association simultaneously with the filing of the final subdivision map.
 29. The final map shall show all drainage easements consistent with the County of El Dorado Drainage Manual, the project final drainage plan, and the project improvement plans.
 30. The final grading plan shall comply with the provisions of the Grading Ordinance pertaining to terracing on slopes exceeding 25 feet in height, including accessibility, intervals, and cross section geometry.
 31. 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. No building permit shall be issued by the County until final grading plans and erosion control plans are approved by the Department of Transportation and the grading is completed.
 32. Improvement Plans shall incorporate protective measures toward existing oak trees

pursuant to Volume IV, Design and Improvement Standards Manual, Oak Tree and Wetlands Preservation Requirements and Specifications (County Resolution No. 199-91).

33. Erosion control and drainage design from residential areas into the open space areas shall employ natural appearing methods. The use of native plant materials is required where revegetation is proposed.
34. Should asbestos-containing rock be exposed during grading, construction of roads, excavation for underground facilities, building foundations or any construction related activity, County Ordinance No. 4548 shall apply.

El Dorado Hills Fire Department

35. ~~The applicant shall sign a contract with the Fire Department for the installation of the access control barrier prior to installation.~~
36. The applicant shall be required to install the access control barrier in accordance with Fire Department requirements.
37. The development shall be prohibited from the installation of any other control barrier within the gated community.
38. The potable water system for the purpose of fire protection for this residential development shall provide a minimum fire flow of 1,500 gpm with a minimum residual pressure of 20 psi for two-hour duration. This requirement is based on a single family dwelling 4,800 square feet or less in size. Any home larger than 4,800 square feet shall be required to provide the fire flow for the square footage of that dwelling or shall be fire sprinklered in accordance with NFPA 13 D and Fire Department Requirements. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of the system shall be supplied to the fire department for review and approval.
39. This development shall install Mueller Dry Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 500 feet on center. The exact location of each hydrant shall be determined by the Fire Department.
40. To enhance the night-time visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the fire department and Fire Safe Regulations.
41. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by El Dorado Hills Fire Department Standard 103.

42. The lots that are one acre and greater shall be provided with a minimum structural setback requirement of 30 feet, as required by the Fire Safe Regulations.
43. The lots that back up to Wildland Open Space shall be required to construct the fence of non-combustible material. ~~This non-combustible fencing shall have a three-foot wide gate located in accordance with Fire Department requirements to allow emergency access into the open space area.~~
44. The driveways serving this project shall be designed to maximum of 20 percent grade as required by the Uniform Fire Code.
45. Prior to approval of the final map Village M, Phase 5, the applicant shall provide a revised Wildland Fire Safe Plan, approved by the department, to Planning Services.
46. This development shall be prohibited from installing any type of traffic calming devices that utilizes a raised bump section of roadway.
47. Project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. Then, District Rules 223 and 223.1 and 223.2, which address the regulations and mitigation measures for fugitive dust emissions and asbestos emission, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust and asbestos shall comply with the requirements of Rules 223, 223.1, and 223.2, whichever rule is appropriate. In addition, the appropriate Fugitive Dust Prevention (FDP) Application or Asbestos Dust Mitigation Plan (ADMP) Application shall be submitted to and approved by the District prior to issuance of a building permit or grading permit.
48. Project construction shall adhere to District 224 Cutback and Emulsified Asphalt Paving Materials and the county ordinance concerning asbestos dust.
49. 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.
50. The applicant shall submit a list of all proposed architectural coatings to the District for approval prior to the issuance of a building permit. All architectural coatings shall adhere to District Rule 215 Architectural Coatings.
51. The applicant shall submit a list to the District stating which of the following mitigation measures will be used to reduce impacts on air quality from equipment exhaust emissions during all construction involved in this project for approval prior to the issuance of a Building Permit or Grading Permit:

The District’s goal is to strive to achieve and maintain ambient air quality standards established by the United States Environmental Protection Agency and the California Air resources Board and to minimize public exposure to toxic or hazardous air pollutants and

air pollutants that create unpleasant odors. The following are measures used to reduce impacts on air quality 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 reformulated 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.

Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; Rerouting construction trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on and off-site.

51. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.

County Surveyor

52. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office.
53. The roads serving the development shall be named by filing a complete Road Name Petition with the County Surveyors Office prior to filing the Final Map.

Conditions to Planned Development PD01-1381R (Village M, Phase 5)

54. The development plan permits the following: A revised tentative subdivision map creating three residential lots ranging in size from 0.49 acre to 1.63 acres resulting in total of 10 residential lots, one open space lot, and two landscape space lots totaling 8.36 acres.

55. The planned development permit shall expire ~~two (2)~~ three (3) years from Planning Commission approval. Minor changes in the adopted planned development permit may be approved by 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 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.

Findings

1.0 CEQA FINDING

- 1.1 As a residential project and a part of an adopted El Dorado Hills Specific Plan EIR, this project is statutorily exempt from the requirements of CEQA pursuant to Section 15182 stating that a residential project is exempt where a public agency has prepared an EIR on a specific plan after January 1, 1980. No impacts have been identified which were not discussed and mitigated in the EIR. No further environmental analysis is necessary.

2.0 ADMINISTRATIVE FINDINGS

2.1 General Plan

The El Dorado County General Plan designates the subject site as Adopted Plan, a designation in reference to areas where specific plans have been adopted. These plans and the respective land use maps are accepted and incorporated by reference and is hereby adopted as the General Plan Land Use map for such area. Since the El Dorado Hills Specific Plan has been incorporated by reference under General Plan Land Use Element Policy 2.2.1.2, the proposed tentative map revision is found to be consistent with the General Plan.

2.2 Specific Plan

Village M is identified in the Specific Plan as areas reserved for large estate residential lots ranging from four to seven acres in size. Consistent with the density transfer provision in the El Dorado Hills Specific Plan Development Agreement, recent Tentative Maps of Village M increased the number of lots from 37 estate residential lots to 101 custom lots in 5 phases. The proposed revision would reconfigure Village M, Phase 5 and create three (3) additional residential lots resulting in total of 10 custom residential lots. The resulting density (0.41du/ac) is below the maximum density of 5.0 du/ac permitted

by the El Dorado Hills/Salmon Falls Area Plan, and is within the total residential units (6,160 dwelling units) projected for the entire Specific Plan, and does not exceed the gross (1.58 du/ac) and net (3.05du/ac) densities of the total Specific Plan. Therefore, the proposed tentative map revision is found to be consistent with the El Dorado Hills Specific Plan

2.3 Zoning

The project site is zoned One-half Acre Residential District -Planned Development (R20,000-PD) and Open Space (OS). The proposed residential lots meet the minimum parcel size of 20,000 square feet and lot width of 100 feet.

2.4 Subdivision Ordinance

- 2.4.1 That the proposed map is consistent with applicable general and specific plans;

The proposed revision to an approved tentative subdivision map would create a total 10 residential custom lots in conformance with the designated uses, density and density transfer provision identified in the El Dorado Hills Specific Plan, Development Agreement, and as adopted by reference El Dorado County General Plan.

- 2.4.2 That the design or improvement of the proposed division is consistent with applicable general and specific plans;

The design and improvement of the subdivision has been designed in conformance with the identified residential land use and density requirements in the Specific Plan, and consistent with previous approval for Village M under TM01-1381/PD01-0009. Subsequent improvement plans shall be further reviewed in accordance with the applicable County standards and recommended conditions of approval for this project.

- 2.4.3 That the site is physically suitable for the type of development;

Village M, Phase 5, is characterized with slope areas ranging from 5 to 40 percent, oak trees and an intermittent stream. However, the proposed custom residential lots are large in size and would accommodate flexible building pad location, thereby minimizing impacts to on-site resources and site constraints, in accordance with the residential design guidelines in the El Dorado Hills Specific Plan. Any residential and accessory structures on slopes over 20% shall be carefully designed through erosion controls, engineered grading, and use of post and beam or step-footing construction to ensure long term stability. Therefore, the site is physically suitable for the residential development.

- 2.4.4 That the site is physically suitable for the proposed density of development;

The site is physically suitable to accommodate the proposed Village M5 subdivision. The proposed subdivision would create 10 large residential lots resulting in a gross density of 1.19 du/ac. The anticipated development would consist of individual custom pads for

residential units subject to the standards of the El Dorado Hills Specific Plan and El Dorado County involving site grading, tree preservation, utility connections, and road construction.

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

Development of these custom residential lots are subject to the applicable provisions of El Dorado Hills Specific Plan and required mitigation measures under the certified Environmental Impact Report regulating proper pad design and layout minimizing impacts to natural resources on site. Prior development of each lot, individual construction and improvement plans shall be reviewed for conformance to applicable County standards and Serrano Architectural Review Committee requirements.

- 2.4.6 That the design of the division or the type of improvements would not cause serious public health hazards;

The design and required improvements for Village M Phase would not pose public health hazards. Development of the proposed 10 custom residential lots would be subject to improvement plans and permits verifying construction of utilities for water, sewer, power, drainage and roads in accordance with the Specific Plan and El Dorado County standards.

- 2.4.7 That the design of the division or the improvements is suitable to allow for compliance with the requirements of Section 4291 of the Public Resources Code (Brush and Wild Fire Prevention);

The development of each custom lot is subject to the applicable Specific Plan policies involving site design and maintenance of open areas susceptible to brush fires. Further, the subdivision is subject to specific project conditions from the El Dorado Fire Department regarding location of hydrant, construction of non-combustible fencing material, and establishing adequate fire setbacks. Therefore the proposed subdivision conforms to the requirements of Section 4291 of the Public Resource Code.

- 2.4.8 That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection the approving authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 3805 §15, 1988: prior code §9702)

Necessary utility easements for the subdivision are appropriately depicted on the Tentative Subdivision Map and shall be further verified for any conflicts by the County Surveyor's Office at the time of filing of the final map.

2.5 Planned Development

- 2.5.1 The development plan is consistent with the Specific Plan and zoning for the applicable site.

The proposed revision is consistent with the originally approved map and conforms to the standards of the El Dorado Hills Specific Plan regarding land use, density and site development.

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

The proposed subdivision anticipates the development of 10 individual custom lots and three landscape/ open lots. Each lot would be developed in accordance with site and design standards of the El Dorado Hills Specific Plan with regards to preservation of natural features, landscaping and planting, and architectural themes, thus providing a desirable environment.

- 2.5.3 The site is physically suited for the proposed use.

Development of these custom residential lots are subject to the provisions of El Dorado Hills Specific Plan regulating proper building pad design and layout minimizing impacts to natural resources on site. Prior to development of each lot, individual construction and improvement plans shall be reviewed for conformance with applicable County standards and El Dorado Hills Architectural Review Committee requirements.

- 2.5.4 Adequate services are available, or will be made available concurrently with development for the proposed uses including, but not limited to, water supply, sewage disposal, roads and utilities.

The subdivision would be served by existing public services for roads, water, sewer, drainage, recycled water, fire and emergency. Verification of these services will occur prior to recordation of the final map for this phase.

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

Subject to the site and design requirements of the Specific Plan, the custom residential lots would provide flexible location of building pads and minimize impacts to existing natural features thereby ensuring scenic values within the subdivision.

2.6 Design Waiver

Design Waiver 1 - Reduction of road right-of-way width to conform to street width improvements from 50 to 36 feet for the access courts.

- 2.6.1 There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.

The adjusted right of way will better conform to the surrounding landforms, resulting in reduced grading and impact on the natural resources. The land area thus made available results in an increase in the actual acreage of open space provided in the Specific Plan area.

- 2.6.2 Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.

The requirement of a standard 50-foot right-of-way would result in additional grading and drainage activity that could limit flexibility in locating residential development area and affect natural resources anticipated for preservation. Also, the larger cut and fill slopes, due to the increased right of way, may result in additional erosion and sediment discharge from the site. Therefore, strict application of could pose unnecessary hardship in developing the property.

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

The proposed deviation to right-of-way standard is consistent with previous approvals in other villages of the Specific Plan and has been determined not be detrimental to health, safety, and welfare of the public.

- 2.6.4 The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.

The requested deviation would be consistent with previous approval in other villages of the Specific Plan and would not have the effect of nullifying the objectives of this article or any other law.

Design Waiver 2 - A reduction in the cul-de-sac diameter of improvements from 100 to 80 feet diameter, and a reduction in the cul-de-sac right-of-way radius from 60 to 47 feet.

- 2.6.5 There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.

This waiver was approved by the Board of Supervisors and applied project-wide on August 30, 1995. As an element of the grant of waiver at that time, the County required

the developer to include in the project Codes, Covenants and Restrictions (CC&Rs) specific language which requires the following: a) a prohibition against parking of vehicles within the Cul-de-sacs, and b) a permanent method of funding for enforcement of the parking prohibition.

- 2.6.6 Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.

As discussed above, implementation of the standard 50-foot right-of-way could result in additional grading and drainage activity that could limit flexibility in siting developable residential development pads within each parcel and potentially affect natural resources anticipated for preservation. Therefore, strict application of could pose unnecessary hardship in developing the property.

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

The proposed deviation to right-of-way standard is consistent with previous approvals in other villages of the Specific Plan and has been determined not be detrimental to health, safety, and welfare of the public.

- 2.6.8 The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.

The requested deviation is consistent with previous approval in other villages of the Specific Plan and would not have the effect of nullifying the objectives of this article or any other law applicable to this condition.

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

13. GENERAL PLAN AMENDMENT/REZONE/SPECIAL USE PERMIT
(Public Hearing)

A07-0003/Z07-0009/S07-0008/Sly Park Recreation area submitted by the EL DORADO IRRIGATION DISTRICT (Agent: Chris Word). The project consists of the following: 1. General Plan amendment amending the land use map designation from Natural Resource (NR) and Medium Density Residential (MDR) to Tourist Residential (TR) for all project parcels; 2. Zone change from Residential Agricultural Twenty-acre (RA-20) to Recreational Facilities (RF) for portions of Assessors Parcels Numbers 042-030-05 and 042-030-14, zone change from Residential Agricultural Eighty-acre (RA-80) to Recreational Facilities (RF) for a portion of Assessors Parcel Number 042-011-16, and a zone change from Residential Agricultural Eighty-acre (RA-80) to Recreational Facilities (RF) for Assessors Parcel Number 042-600-03; and 3. Special use permit, consistent with the adopted Sly Park Recreation Area Master Plan and EIR, for all existing recreational facilities and the following proposed facilities: Sugarloaf Fine Arts Camp consisting of twelve 720 square foot student cabins, four 1,056 square foot staff cabins, four 1,176 square foot toilet/shower rooms, one 7,760 square foot multi-purpose/kitchen/toilet

building, one 960 square foot office, three 960 square foot band rooms, one 960 square foot art room, three 1,920 square foot dance/drama/photo studios, 88 parking spaces with overflow on the hard courts, an amphitheater with a stage, and two dog parks; marina parking lot expansion consisting of 20 boat trailer parking spaces; and Bumpy Meadows trailhead parking lot consisting of a new encroachment to Mormon Immigrant Trail and 19 parking spaces. The properties, identified by Assessor's Parcel Numbers 042-011-11, -16, -17, -18, -19, -26, 042-021-24, -25, 042-030-05, -14, -18, 042-210-01, -02, and 042-600-03, consisting of approximately 1,691 acres, are located on the east side of Sly Park Road, approximately four miles south of the intersection with U.S. Highway 50, in the **Pollock Pines area**, Supervisorial District II. (Environmental impact report prepared and previously advertised)

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

Don Pierson, EID, introduced the members of their team.

Kate Kirsh gave a brief power point presentation. Kathy Bean, El Dorado County Office of Education, said they have been operating Sugarloaf since 1959. It is very beneficial to students throughout the County.

Peter Berchtold, Murray & Downs, briefly explained the project. He asked about tree removal and one-for-one replacement. He thought they had to retain 60 percent. There seems to be a conflict. Mr. Mount said the project was found to be exempt from the tree removal requirements, because they are pine trees. Additional mitigation measures have been added.

Heidi DeHart, Jenkinson Lake Homeowners Association, asked how much larger the camp will be than what is presently there. They are also concerned about the Marina parking area. They are cutting down 130 trees. There was another option, and they wonder if that was considered.

Mrs. Bean said the size of the campground is not being enlarged. The students go to the camp for a week. The only traffic is dropping off and picking up children. The camp is available to any student throughout the entire County. If there is room, students from elsewhere can attend.

Chris Word, EID, said with the retaining walls proposed, they are saving about 100 trees.

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

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS FIND THAT THE EIR PREPARED FOR THE SLY PARK RECREATION AREA MASTER PLAN FULLY ANALYZED ALL IMPACTS ASSOCIATED WITH THE PROJECT APPROVALS REQUESTED OF EL DORADO COUNTY AND ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM; APPROVE A07-0003 CHANGING THE LAND USE DESIGNATION FROM NATURAL RESOURCE (NR) AND MEDIUM DENSITY RESIDENTIAL (MDR) TO TOURIST RECREATIONAL (TR) ON ASSESSOR'S PARCEL NUMBERS 042-011-11, -16, -17, -18, -19, -26, 042-021-24, -25, 042-030-05, -14, -18, 042-210-

01, -02, and 042-600-03, BASED ON THE FINDINGS PROPOSED BY STAFF; APPROVE Z07-0009 REZONING PORTIONS OF ASSESSOR'S PARCEL NUMBERS 042-030-05 AND 042-030-14 FROM RESIDENTIAL AGRICULTURAL TWENTY-ACRE (RA-20) TO RECREATIONAL FACILITIES, PORTIONS OF ASSESSOR'S PARCEL NUMBER 042-011-16 FROM RESIDENTIAL AGRICULTURAL EIGHTY-ACRE (RA-80) TO RECREATIONAL FACILITIES (RF), AND ASSESSOR'S PARCEL NUMBER 042-600-03 FROM RESIDENTIAL AGRICULTURAL EIGHTY-ACRE (RA-80) TO RECREATIONAL FACILITIES (RF), BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE S07-0008 AND ALL EXISTING RECREATIONAL FACILITIES, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS/MITIGATION MEASURES AS MODIFIED.

Conditions

1. This General Plan amendment, rezone, and planned development is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits F-I, approved July 12, 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:

1. General Plan amendment amending the land use designation from Natural Resource (NR) and Medium Density Residential (MDR) to Tourist Residential (TR) for all project parcels.
2. Zone change from Residential Agricultural Twenty-acre (RA-20) to Recreational Facilities (RF) for portions of Assessors Parcels Numbers 042-030-05 and 042-030-14, zone change from Residential Agricultural Eighty-acre (RA-80) to Recreational Facilities (RF) for a portion of Assessors Parcel Number 042-011-16, and a zone change from Residential Agricultural Eighty-acre (RA-80) to Recreational Facilities (RF) for Assessors Parcel Number 042-600-03.
3. Special use permit, consistent with the adopted Sly Park Recreation Area Master Plan and EIR, for all existing recreational facilities and the following proposed facilities:
 - a. Sugarloaf Fine Arts Camp consisting of twelve 720 square foot student cabins, four 1,056 square foot staff cabins, four 1,176 square foot toilet/shower rooms, one 7,760 square foot multi-purpose/kitchen/toilet building, one 960 square foot office, three 960 square foot band rooms, one 960 square foot art room, three 1,920 square foot dance/drama/photo studios, 88 parking spaces with overflow on the hard courts, an amphitheater with a stage, and two dog parks,

- b. Marina parking lot expansion consisting of 20 boat trailer parking spaces.
- c. Bumpy Meadows Trailhead and Day Use Area parking lot consisting of a new encroachment to Mormon Immigrant Trail and 19 parking spaces.

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 additions to be made to the Mitigation Monitoring and Reporting Plan:

2. AES-2: Avoid removal of existing trees. Adjust locations of facilities as practicable to minimize impacts to existing vegetation. Use retaining walls where feasible to protect existing trees from cut/fill within the drip-line. Where removal of trees is necessary, replant with fast growing, native species suitable to site conditions and indigenous to the direct project vicinity. Develop a Mitigation Monitoring Plan to ensure survival of plantings.
3. AES-3: If existing vegetation is insufficient to screen improvements from potentially sensitive receptors, plant additional vegetation, indigenous to the direct project vicinity, sufficient to provide a visual screen. Use both trees and shrubs to create a layered visual barrier.
4. AES-6: Where feasible, use naturally colored pavements or additives. Incorporate planting islands into parking lots help preserve existing trees, plant new trees, indigenous to the direct project vicinity, and break up large expanses of pavement.
5. AES-7: Maintain plantings around parking areas to reduce glare and light impacts. Any replacement vegetation shall be indigenous to the direct project vicinity.
6. AES-8: Minimize soil and vegetation disturbance during construction. Replant disturbed areas, using vegetation indigenous to the direct project vicinity, as soon after construction is completed as feasible.
7. BIO-20: All erosion control/road building materials, transported to the location, such as straw, gravel, etc, be weed free.

El Dorado County Planning Services

8. All existing lighting adjacent to residential uses, Sly Park Road, and Mormon Immigrant Trail, shall conform to §17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation.

All new development shall require a lighting plan submitted prior to issuance of a building permit.

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

9. Parking shall be improved consistent with Chapter 17.18 of the County Code, including the April 14, 1993, California Accessibility Regulations.
10. All Development Services fees shall be paid prior to clearance by Development Services for final occupancy.
11. Any future development other than those improvements identified in Condition 1, consistent with the SPRA Master Plan and EIR, shall be reviewed by Planning Services to determine if a revision to the special use permit is to be submitted. Administrative approvals may be made at the discretion of Planning Services.

El Dorado County Fire Protection District

12. Submit review fee of \$ 150.00 prior to issuance of building permits.
13. All structures 3,600 square feet or larger will require a Fire District approved fire sprinkler systems prior to occupancy. All structures less than 3,600 square feet will require Fire District approved Fire Alarm Systems prior to occupancy.
14. County Standards for access and water will be required for future development.
 - a. Existing non-conforming access roads serving this rezone will meet at a minimum Fire Safe Standards for width, surface, grade, radius, turnarounds, and turnouts, one-way and dead-end roads.
 - b. Residential hydrant placement will meet EID standards and have Fire District approval of locations.
15. Fire District and CDF approved Fire Safe Plan will be required prior to issuance of building permits.
16. Property to be subject to all Federal, CA State, and local Fire District regulations.

El Dorado County Department of Environmental Health

17. The project construction will involve grading and excavation operations, which will 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 this property is not located within the Asbestos Review Area (copy enclosed). District Rules 223 and 223.1, which address 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 Rule 223 and 223.1. In addition, a Fugitive Dust Plan (FDP) Application with appropriate fees shall be submitted to and approved by the Air Quality Management District prior to start of project construction.
18. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, standby generators, etc.), authority to construct applications shall be submitted to the Air Quality Management District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.
19. Onsite sewage disposal requires that this department be notified of the time and date that the consultant will perform the soil and onsite evaluation for this project. An Onsite Wastewater Disposal System Design shall be submitted to this division for review. If the estimated wastewater flows exceed 5,000 gallons per day, plans shall also be submitted to the State of California, Central Valley, Regional Water Quality Control Board.

Waterless campsite pit privy toilets are permissible. Composting, incinerating, or other high maintenance waterless toilets are not allowed for use at this time.
20. Areas where the camper provides his/her own food items for food preparation (such as fire rings, barbeque pits or masonry barbecues) are not subject to the California Retail Food Code. Areas that will be used for food preparation, cooking, food storage, processing, assembling and portioning are subject to the provisions of the Food Code and require that these activities occur in a commercial, permitted kitchen.

Findings

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Master EIR prepared and adopted by the El Dorado Irrigation District (EID) (SCH# 204102011) together with the comments received during the public review process. The Master EIR reflects the independent judgment of EID and the County and has been completed in compliance with CEQA and is adequate for this proposal.

- 1.2 There have been no substantial changes to the project or the circumstances under which the project is undertaken from that reviewed by EID and there are no new environmental effects that were not identified in the EIR. The project has not changed from that proposed and authorized by EID.
- 1.3 No new information of substantial importance that was not known at the time of the preparation of the EIR has been presented which shows that there would be a significant environmental effect not previously discussed in the EIR, that the impacts would be more severe, that mitigation measures previously found not feasible would be in fact feasible, or that significantly different mitigation measures would substantially reduce the significant effects of the project.
- 1.4 The approved project description, conditions of approval, and the mitigation monitoring and reporting plan with their corresponding permit monitoring requirements, have been adopted as the monitoring program for this project, pursuant to §21081.6 of the California Public Resources Code. The monitoring program is designed to ensure compliance during project implementation.
- 1.5 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

- 2.1 The land use amendment from Natural Resources to Tourist Recreational is consistent with Policy 10.1.6.5, Objective 9.3.8, Objective 9.3.1, and Policy 9.3.4.2 in that the County is to encourage existing and proposed recreational facilities. The existing and proposed development within the SPRA is consistent with the TR land use designation in that the existing and proposed uses have a greater intensity than is consistent with the existing NR land use designation.
- 2.2 Consistent with Policy 10.1.5.6, the proposed general plan amendment would not have a growth inducing effect on the adjacent residential, agricultural, or natural resource designation. The existing and proposed recreational facilities at the SPRA will not have a growth inducing effect on adjacent lands as analyzed in the SPRA Master Plan EIR. The SPRA has been in existence since 1955 and the proposed new facilities would not greatly expand the existing uses.

3.0 Zoning Findings

- 3.1 A rezone to Recreational Facility will allow the property to be consistent with the proposed General Plan designation. The existing and proposed uses of the SPRA are consistent with the description of the Tourist Recreational land use designation contained in Policy 2.2.1.2

- 3.2 The proposed project and the existing structures, infrastructure, and uses are consistent with the El Dorado County Zoning Ordinance designation of Recreational Facilities (RF) and sections 17.48.010 to 17.48.070.

4.0 ADMINISTRATIVE FINDINGS

4.1 Special Use Permit S07-0008 Findings

- 4.1.1 *The issuance of the permit is consistent with the general plan.*

The special use permit request is consistent with the General Plan because the application is for a recreational development, being developed to serve the residents and visitors, consistent with the Tourist Residential land use designation, and is consistent with applicable policies as described in Finding 2.1.

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

As examined in the SPRA Master Plan EIR no significant impact has been found related to public health, safety, or welfare and as proposed would not be injurious to the neighborhood. .

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

Campgrounds, cabins, and similar high intensity recreational uses are allowed after obtaining a special use permit pursuant to §17.48.060.A of the Zoning Ordinance.

14. SPECIAL USE PERMIT/DESIGN REVIEW (Public Hearing)

S06-0023/DR06-0011S submitted by KEN CURTZWILER (Agent: Mike Dill, Aspen Environmental) to allow a mixed use multifamily and commercial project. The property, identified by Assessor's Parcel Number 034-322-01, consisting of 0.19 acre, is located on the north side of Magua Street, at the intersection with Hopi Avenue, in the West Meyers Land Use District of the Meyers Community Plan area, Supervisorial District IV. (Categorically exempt pursuant to Section 15303(b) and (c) of the CEQA Guidelines)

Staff: Peter Maurer recommended conditional approval.

Mike Dill, representing the applicant, was present for questions.

Commissioner Machado asked if there is an internal stairway to the second story. Mr. Dill replied in the affirmative. The commercial and residential uses have been kept separate.

There was no further input.

MOTION: COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15303(b) AND (c) OF THE CEQA GUIDELINES AND APPROVE S06-0023/DR06-0011S, SUBJECT TO THE CONDITIONS AND BASED ON THE FINDINGS PROPOSED BY STAFF.

Conditions

El Dorado County Planning Services

1. This special use permit and design review is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked A through J, dated July 12, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Special use permit and design review for a mixed use multi-family and commercial project. The first floor consists of two office units with 751 square feet of total commercial floor area and a residential garage area of 816 square feet. The second floor consists of two attached residential units with a total of 1,094 square feet of residential floor area. The project also includes landscaping, BMP installations, parking, and an exterior trash enclosure structure as identified on the site plans and conditioned with the permit. Approval includes administrative approval of a five-foot reduction to the front setback along Hopi Avenue. The architectural design of the building and project site consists of natural, subdued, earthtone colors, for compatibility with the surrounding natural and urbanized landscape as set forth on Exhibits D, J, L, and M.

The construction, project design, uses, and protection of environmental resources shall conform to the project description above, and the hearing exhibits and conditions of approval below. The exterior finishes of the proposed building shall conform with the approved colors and materials for the project. 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 drainage plans) must be submitted for review and approval, and shall be implemented as approved by the County.

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

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

3. The final site plan shall identify the location of the light post within the parking lot area. The light post shall not be located closer than 40 feet from the north side property line. A Lighting Plan shall be provided to identify the downward projected horizontal plane of lighting, for demonstration that all lighting will be fully retained on-site. The light fixture style shall conform to the height and design illustrated in Exhibit J. The light post shall have a top and side shielded/hooded ballast design to project light in an on-site downward projection. Exterior lighting is subject to the applicable standards of the Meyers Community Plan and Section 17.14.170 of the County Zoning Ordinance.
4. The building and trash enclosure shall meet a minimum front yard setback of 15 feet from the front property line adjacent to Hopi Avenue. All other property line setback requirements as identified in Section 17.58.190(A) shall remain in effect for the property.
5. The solid wood fence shall not exceed a height of 40 inches within the front yard setbacks for the parcel. The wood fence shall retain a natural wood finish color.
6. A material sample shall be provided for the trash enclosure structure to Planning Services prior to issuance of the building permit. The exterior colors of the structure shall be consistent with the approved colors for the main building, or consistent with TRPA Approved Colors for the project site.
7. The project shall comply with the applicable parking lot construction standards of Section 17.18.070 of the County Zoning Ordinance.
8. All Development Services fees shall be paid prior to the issuance of a building permit.
9. The project requires an allocation of commercial floor area from the County. An approved allocation of commercial floor area shall be required prior to the issuance of a building permit.

El Dorado County Department of Transportation

10. The flow direction on the encroachment for Hopi Avenue shall be marked in a northerly direction. If saw cutting of the existing roadway beyond the driveway is needed for proper tie-in, an encroachment permit shall be required. Within the traveled way, A.C. replacement shall be two and a half inches A.C. over eight inches of Class II aggregate base compacted to 95 percent relative compaction per ASTM D-1557.

El Dorado County Department of Environmental Management/Air Quality Management District

11. The project is subject to El Dorado County Air Pollution Control District Rule 223 and 223.1 for the control of fugitive dust.
12. Project construction involving road development shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
13. Burning of wastes from land development clearing shall be permitted through the District, pursuant to Rule 300 Open Burning.
14. The project shall comply with District Rule 215 Architectural Coatings.
15. Project construction shall incorporate the heavy equipment and mobile source air pollution reduction measures prescribed by the Department of Environmental Management's letter dated March 12, 2007.

El Dorado County Building Services

16. Prior to application for a building permit, the applicant shall obtain two residential allocations from Building Services for the two residential units.
17. An Encroachment Permit for the driveway encroachments along Hopi Avenue and Magua Street shall be issued prior to or concurrently with the issuance of a building permit.

Findings

1.0 CEQA FINDING

- 1.1 The project has been found to be Categorical Exempt from CEQA pursuant to Section 15303 (b) and (c) of the CEQA Guidelines. This exemption applies to the construction and location of limited numbers of new, small facilities or structures.
- 1.2 The document and other materials, which constitute the record of proceedings upon which the decision is based are in the custody of the Development Services Department-Planning Services at 2850 Fairlane Court, Placerville, CA 95567.

2.0 GENERAL PLAN FINDINGS

- 2.1 The proposed use is consistent with the Adopted Plan land use designations of the 2004 El Dorado County General Plan, which includes the Meyers Community Plan and TRPA Regional Plan, which authorize the project as a permissible use for the project site.

- 2.2 The project is consistent with the General Plan as articulated in Goal 2.10 and Policy 2.10.1.1. The project is consistent with the land use, design review, and commercial floor area requirements of the Meyers Community Plan, as further articulated in appendices A and C. The project is consistent with all applicable regulations of the TRPA Regional Plan, which includes the Meyers Community Plan Area Statement and Code of Ordinances, concerning land use compatibility, traffic, noise, commercial floor area, and scenic design. Therefore, the project is consistent with the General Plan, TRPA Regional Plan, and Meyers Community Plan.

3.0 ZONING FINDINGS

- 3.1 The proposed use is permitted by special use permit in the West Meyers Land Use District (MCP-3) of the Meyers Community Plan, pursuant to Section 17.58.180.A (Table A) of the El Dorado County Code.
- 3.2 As conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance, including but not limited to, Chapter 17.14 (Miscellaneous Development Requirements), Chapter 17.18 (Off-Street Parking and Loading), Chapter 17.22 (Special Use Permit), and Chapter 17.58 (Meyers Community Plan Districts).

4.0 ADMINISTRATIVE FINDINGS

- 4.1 Administrative Relief Findings for Front Setback Reduction from 20 Feet to 15 Feet for the Front Property Line Adjacent to Hopi Avenue.
- 4.1.1. *The proposed reduction is the minimum amount necessary to accommodate the needs of the property owner.*

As proposed, the lower floor of the building is limited to a residential garage parking area of 861 square feet and two office units of 751 square feet of commercial floor area. Due to the narrow rectangular orientation and limited size of the parcel at 8,313 square feet, the front setback reduction to 15 feet along Hopi Avenue is the minimum setback reduction necessary to allow reasonable use of the building and property. Restrictions associated with parking dimension requirements, driveway aisle width, and land coverage limitations would substantially prevent the proposed building from meeting strict application of the front yard setbacks.

- 4.1.2. *There are no objections from any adjacent property owner.*

All adjacent property owners within 500 feet of the project parcel will be notified of the project proposal and Planning Commission meeting scheduled for July 12, 2007.

- 4.1.3. *The proposed waiver will not be detrimental to the public health, safety, or welfare, or injurious to the neighborhood.*

The project has been designed and conditioned for consistency with all applicable development standards pertaining to the Meyers Community Plan, TRPA Regional Plan, and County Zoning Ordinance. The project was distributed to all responsible public agencies with associated development authority for the project, and no comments of concern were received for the project. Therefore, the project is not anticipated to be detrimental to the public health, safety, or welfare, or injurious to the neighborhood.

4.2 Special Use Permit Findings

4.2.1 *The issuance of the permit is consistent with the General Plan;*

As discussed above with General Plan findings 2.1 and 2.2, the issuance of the permit is consistent with the General Plan, due to the project's consistency with the applicable policies of the Adopted Plans for the project area, which includes the regulations of the Meyers Community Plan and TRPA Regional Plan.

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

The proposed use would not be detrimental to the public health, safety, and welfare, or injurious to the neighborhood, as it will fit within the context of the surrounding mix of residential and commercial land uses adjacent to the project site and result in insignificant noise and traffic impacts to surrounding residents and businesses. The project was distributed to all responsible public agencies with associated development authority for the project, and no comments of concern were received for the project. Therefore, the project is not anticipated to be detrimental to the public health, safety, or welfare, or injurious to the neighborhood.

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

The proposed use is specifically permitted by special use permit pursuant to Section 17.58.180 (Table A) of the El Dorado County Zoning Ordinance, as the required findings detailed above may be made by the Planning Commission.

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

15. **ZONE CHANGE** (Public Hearing)

Z07-0006 submitted by CHARLES and SHARON EUBANKS to rezone property from Estate Residential Five-acre (RE-5) and Planned Commercial (CP) to General Commercial-Planned Development (CG-PD). The properties, identified by Assessor's Parcel Numbers 098-110-24 and -25, consisting of approximately six acres, are located on the northeast side of Pleasant Valley Road, 2.5 miles east of the intersection with State Route 49, in the **Diamond Springs area**, Supervisorial District III. (Negative declaration prepared)

Staff: Peter Maurer presented this item in the absence of Michael Baron and recommended approval to the Board of Supervisors.

Commissioner Machado commented Exhibit E does not indicate there are two parcels. The other exhibits do. It appears there is a lot line going through an existing structure. Mr. Maurer said that is usually cleaned up with the building permit.

Sharon Eubanks was present but had no additions to the staff report. There was no one else wishing to give input.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, AND APPROVE Z07-0006 REZONING ASSESSOR'S PARCEL NUMBER 098-110-24 AND -25 FROM ESTATE RESIDENTIAL FIVE-ACRE (RE-5) AND PLANNED COMMERCIAL (CP) TO GENERAL COMMERCIAL-PLANNED DEVELOPMENT (CG-PD) BASED ON THE FINDING PROPOSED BY STAFF.

Findings

1.0 CEQA FINDING

- 1.1 The County has considered the negative declaration together with the comments received and considered during the public hearing process. The negative declaration reflects the independent judgment of the County and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The proposed project could not have a significant effect on the environment.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 The proposed use is consistent with the policies of the 2004 El Dorado County General Plan, as discussed in the General Plan section of this staff report including Policies 2.2.1.2, Consistency with Commercial Land Use Designation; 2.2.1.3, Development Within Rural Centers; 2.2.5.5, Suitability; 5.1.2.1 and 5.1.2.3, Adequacy of Public Services and Utilities; 5.8.1.1; Affect on School Districts, 7.3.2.2; Erosion Control; Goal TC-X, Traffic Impacts; 2.1.2.3, Consistency with Existing Land Use Pattern; and 7.4.4.4, Protection of Oak Woodlands.

3.0 ZONING FINDINGS

- 3.1 The rezone is found to comply with the requirements of Chapter 17.06, and the proposed project is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.
- 3.2 The site is physically suitable for commercial development based on availability of public water, access onto a County road, septic capability, and lack of significant site constraints within the developable areas of the site.

16. GENERAL PLAN UPDATE - None

17. ZONING ORDINANCE UPDATE - None

18. DEPARTMENT OF TRANSPORTATION - None

19. COUNTY COUNSEL'S REPORTS

Paula Frantz informed the Commission of the actions taken by the Board on General Plan amendments this month, the INRMP, and the rare plan program.

20. DIRECTOR'S REPORTS - None

21. ADJOURNMENT

Meeting adjourned at 3:05 p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

John Knight, Chair

