



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 26, 2007 – 8:30 A.M. BUILDING C HEARING ROOM 2850 Fairlane Court, Placerville, CA

1. CALL TO ORDER

Meeting called to order at 8:38 a.m. Present: Commissioners Mac Cready, Machado, Mathews, 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, DELETING ITEM 10.

3. PLEDGE OF ALLEGIANCE

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

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

a. Minutes: June 28 and July 12, 2007

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

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS

These items were considered during the day as time permitted.

Peter Maurer informed the Commission that he will be heading Long Range Planning, working on the rare plan program, oak tree program, and General Plan implementation.

Thomas Lloyd has become a permanent County employee, effective this week.

Commissioner Machado asked when the Oak Woodlands Guidelines would be released.

Commissioner Machado asked about the Winery Ordinance. Has a planner been assigned to the project? Roger Trout has been assigned to the project.

Commissioner Mac Cready complimented the Department of Transportation on the improvements on Leisure Lane.

Chair Knight was at the Angora burn site, and the Cal EPA representative complimented the County on the work being done.

6. COMMISSIONERS' REPORTS

Commissioner Machado understands the Oak Woodland Guidelines has been assigned to a planner. He would like to get that document back before the Commission.

Commissioner Machado went on the British Columbia, and a presentation will be given to the Commission in the future.

Commissioner Mathews came in for some building permits a short time ago. You cannot get any answers at the counter but must sign a form and be called back on a later date. After not receiving a call-back for several days, he came back to the counter and obtained the information.

CONSENT CALENDAR/APPLICATIONS

7. WILLIAMSON ACT CONTRACTS (Public Hearing)

WAC06-0015/WAC06-0016/WAC06-0017 submitted by ROY and MARILYN RUTZ (Agent: Bill Snodgrass) to divide existing Agricultural Preserve #142 into three separate agricultural preserves. The properties proposed for each preserve are as follows: WAC06-0015 - Assessor's Parcel Numbers 088-020-72, -79, -81, and -82, consisting of 307.5 acres; WAC06-0016 - Assessor's Parcel Number 088-020-71, consisting of 50.6 acres; and WAC06-0017 - Assessor's Parcel Number 088-020-80 (portion of Boundary Line Adjustment BLA06-0076), consisting of 62.8 acres. The existing preserve is located on the east side of Hackomiller Road, north of the intersection with Garden Valley Road, in the **Garden Valley area**, Supervisorial District IV. (Categorically exempt pursuant to Section 15317 of the CEQA Guidelines)

Commissioner Machado pulled this item from the Consent Calendar. Staff: Michael Baron recommended approval to the Board of Supervisors. The Assessor's Parcel Numbers for WAC06-0016 and 06-0017 have changed due to the boundary line adjustment. There have been no concerns received from the public. Commissioner Mathews asked if these are existing

parcels. Mr. Baron replied in the affirmative. The parcel numbers have changed due to the boundary line adjustment.

Commissioner Machado said the Williamson Act Contract is to be used for viable agricultural uses. He asked the acreage needed for one head of cattle. Steve Burton, Agricultural Commission, explained it depends on soil, location, etc. Mr. Burton said the Agricultural Commission was concerned about the ability to maintain the agricultural viability. Once the contracts are approved, they will be reviewed to assure they are maintaining the appropriate use. This is viable grazing land. It is important this land stay under Williamson Act Contracts. The Agricultural Commission does intent to make sure the contracts maintain the necessary conditions. Commissioner Machado asked how many head of cattle are owned by Mr. Rutz. Bill Snodgrass replied 60. Commissioner Machado is looking for justification for approval of this request. He does not believe they should get a tax break for having three head of cattle on each new preserve.

Commissioner Mathews has some of the same concerns as Commissioner Machado. Mr. Burton said when the Agricultural Commission reviews the contracts it will initiate roll-out of the contracts if they do not meet the minimum requirements.

Bill Snodgrass said there are currently six parcels. Mr. Rutz would like to retire and wants to sell off two parcels. The applicant did file a Notice of Non-Renewal several years ago but withdrew that request. There will be three head of cattle on two of the parcels which will be increased to 12. Each of these proposed contracts already has a residence on it. Mr. Snodgrass explained timber harvesting and how the income from such is calculated.

Both Commissioners Mathews and Machado said their concerns have been addressed.

There was no further input.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, MATHEWS, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS CERTIFY THAT THE DIVISION OF EXISTING AGRICULTURAL PRESERVE NO. 142 INTO THREE SEPARATE PRESERVES IS CAEGORICALLY EXEMPT PURSUANT TO SECTION 15317 OF THE CEQA GUIDELINES, AND APPROVE WAC06-0015, WAC06-0016, AND WAC06-0017 CONTAINING THE NEWLY ASSIGNED PARCEL NUMBERS: WAC06-0015 – 088-020-72, -79, -81, and -82; WAC06-0016 – 088-020-85; and WAC06-0017 – 088-020-84), BASED ON THE FINDINGS PROPOSED BY STAFF.

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 Contracts are consistent with policies 2.2.1.2, 8.1.1.8, and 8.1.1.6 of the El Dorado County General Plan, as discussed in the General Plan section of this staff report.

3.0 Zoning Findings

3.1 The subject parcels meet the design standards pursuant to 17.36.090.D of the County Code.

4.0 Administrative Findings

4.1 The properties satisfy the County's three criteria for the establishment of an Agricultural Preserve, as defined in Resolution Number 188-2002, as follows:

4.1.1. The 20-acre minimum has been met:

- a. WAC06-0015 has a total of 307.51 acres
- b. WAC06-0016 has a total of 50.6 acres.
- c. WAC06-0017 has a total of 62.8 acres.

4.1.2. Capital outlay has been achieved for each contract as follows

- a. WAC06-0015 has a total capital outlay of \$122,000 from fencing, barn/shop, stock-water pond, and agricultural roads.
- b. WAC06-0016 has a total capital outlay of \$22,205 from fencing and agriculture structures.
- c. WAC 06-0017 has a total capital outlay of \$41,838 from fencing and agricultural structures.

4.1.3. The land has been determined to be capable of making a profit through agricultural pursuits with projected income from grazing and timber harvesting for each contract as follows:

- a. WAC06-0015 has a projected income of \$3,395 generated by raising cattle.
- b. WAC06-0016 has a projected income of \$2,491 generated by grazing cattle and timber harvesting.
- c. WAC06-0017 has a projected income of \$2,491 generated by grazing cattle and timber harvesting.

END OF APPLICATION CONSENT CALENDAR

PUBLIC FORUM/PUBLIC COMMENT - None

8. TENTATIVE SUBDIVISION MAP (Public Hearing)

TM95-1298E/TM99-1299/Marble Valley submitted by MARBLE VALLEY COMPANY, LLC (Agent: Kirk Bone) for five one-year time extensions on the approved tentative maps. The maps would create 398 single-family residential lots with an average size of two acres, lots for open space, a cultural arts center, school site, park and ride, and public and private streets. The properties, identified by Assessors Parcel Numbers 119-020-44, 119-030-09, -10, -11, and -13, and 087-200-74, consisting of 2,341 acres, are located on the south side of U.S. Highway 50, between the Bass Lake Road and Cambridge Road interchanges, in the **El Dorado Hills area**, Supervisorial District II. (Environmental Impact Report adopted for original project)

Staff: Mel Pabalinas recommended conditional approval, recommending modification to Condition 36 to its original text. One letter was received from the Ryan Ranch Road Maintenance District. Item 3 in the letter speaks to an emergency assess to Ryan Ranch. That access was part of the original approval.

Commissioner Mac Cready asked how many times a map can be extended. Mr. Pabalinas and Paula Frantz, County Counsel, explained.

Commissioner Machado has not read the development agreement. What is the justification for allowing a map to be active for 20 years? Ms. Frantz explained the development agreement law. Commissioner Machado asked if there are deadlines in the agreement that must be met in order to obtain a time extension. Ms. Frantz explained.

Commissioner Mac Cready asked how a developer would default on a development agreement. Ms. Frantz replied there are timeframes in some development agreements where certain construction must be done, i.e., schools, roads, etc.

Kirk Bone said the major step for this project was annexation to EID. When they purchased the property there was no water available for the project. The hearings where completed at LAFCO in December 2006. Now that they are annexed to EID they can continue to move forward.

Mr. Bone agreed with the conditions proposed by staff. They worked out Condition 36 with Bill Wright previously and are discussing the school site.

Ms. Frantz said under the development agreement any map extension would be subject to any new rules and regulations after ten years. This was a concern of staff but is covered under Condition 33 which was revised to require any new revised engineering standards in effect with the filing of a final map.

Commissioner Machado spoke about an east/west connector. He advocates the construction of such a connector. Mr. Bone does not believe an east/west connector could be part of this project.

There was no one else wishing to give 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 CERTIFY THE PROJECT IS STATUTORILY EXEMPT PURSUANT TO SECTION 15182 OF THE CEQA GUIDELINES AND APPROVE TM95-1298E AND TM99-1299E, SUBJECT TO THE CONDITIONS AS MODIFIED AND BASED ON THE FINDINGS PROPOSED BY STAFF.

Conditions

Changes made today are indicated by double underlining for additions and ~~double strikethroughs~~ for deletions.

1. This time extension is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibits D and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

The request consists of: Five one-year Time Extensions to an approved Tentative Subdivision Map in accordance with Section 16.74.030 of the El Dorado County Subdivision Ordinance and Marble Valley Development Agreement

STANDARD CONDITIONS OF APPROVAL

2. ~~4.~~ The developer shall obtain approval of construction drawings consistent with the Subdivision Design and Improvement Standards Manual and cost estimates from the County Department of Transportation and pay all applicable fees prior to commencement of any improvements on the public street and service facilities. All improvements shall be consistent with the approved tentative map, as may be modified in the adopted mitigation measures or the following conditions of approval.
3. ~~2.~~ 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.
4. ~~3.~~ The final map shall show all utility, road and drainage easements in accordance with 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.

5. 4. If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure that such blasting activities are conducted in compliance with state and local regulations.
6. 5. 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.
7. 6. This project shall be subject to the El Dorado Hills/Salmon Falls Road Impact Fee, pursuant to Resolution No. 175-96. Said fee 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.
8. 7. This project shall be subject to the State System Capacity and Interchange TIM fees, pursuant to Resolution No. 202-96. Said 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.
9. 8. All roads shall be constructed in conformance with the Design and Improvement Standards Manual with the following widths:

ROAD NAME	STANDARD PLAN	ROAD WIDTH, EDGE OF PAVEMENT TO EDGE OF PAVEMENT (RIGHT-OF-WAY)	EXCEPTIONS/SPECIAL NOTES
Marble Valley Road	101 B	40 ft. [60 ft. ROW]	3 inches AC over 8 inches AB minimum with 8-foot wide paved bike trail
Marble Lake Drive (Marble Valley Road to Marble Creek Drive)	101 C	32 ft. [50 ft. ROW]	3 inches AC over 8 inches AB minimum
Marble Lake Drive (Marble Creek Drive to End), Marble Creek Drive, Marble View Drive, Marble Point Drive, Marble Way, and Lima between Marble Point Drive and Marble Way	101 C	28 ft. [50 ft. ROW]	2.5 inches AC over 6 inches AB minimum
All Cul-de-sacs	101 C and 114	24 ft. [50 ft. ROW]	2 foot minimum shoulders
Emergency Vehicle Access Roads	Fire Safe Regulations	20 ft.	Double chip seal over 6 inches AB

10. ~~9.~~ The eastern portion of Marble Valley Road as it passes through Cambridge 120 shall be constructed to Department of Transportation standards specified in Condition 8 connecting to Cambridge Road concurrently with Phase 2 of this project. Furthermore, the Marble Valley Road connection to Cambridge Road shall be constructed in a continuous alignment. The Crazy Horse Road and Flying C Road (Road #1021) intersections shall be reconstructed to the geometrics and minimum spacing between intersections as required by the Department of Transportation.
11. ~~10.~~ All emergency vehicle accesses shall be constructed to meet minimum fire safe regulations and shall extend off-site to a County-maintained road or private road that meets minimum fire safe regulations.
12. ~~11.~~ Direct access, via a residential driveway, to a roadway exceeding 2,000 Average Daily Trips shall be prohibited. Where applicable, all lots that front on two roads shall take access on the minor roadway. A vehicular access restriction shall be designated along the frontage of all associated major roadways.
13. ~~12.~~ Subdivision improvements shall include 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 Transportation Director. Driveways shall be installed in a manner and location acceptable to the County Department of Transportation and shall meet standard County driveway requirements.
14. ~~13.~~ An irrevocable offer of dedication, in fee, shall be made of 60 feet in the width, as approved by DOT, for the entire on-site portion of Marble Valley Road, from the western boundary line of this project to Cambridge Road, with slope easements where necessary.
15. ~~14.~~ An irrevocable offer of dedication shall be made for all other roads in the width as described in the conditions for the proposed roads, with slope easements where necessary. Said offer may be rejected at the time of the final map, in which case, a homeowners agreement and association, or other entity, shall be established in order to provide for the long-term maintenance of the roads.
16. ~~15.~~ An irrevocable offer of dedication shall be made of 60 feet in radius for the cul-de-sacs, with slope easements where necessary. Said offer may be rejected at the time of the final map, in which case, a homeowners agreement and association, or other entity, shall be established in order to provide for the long-term maintenance of the roads.
17. ~~16.~~ A final drainage plan shall be submitted to and approved by the Department of Transportation. All drainage facilities shall be designed in compliance with the County Drainage Manual. The developer shall install all drainage facilities shown on the plan with the respective phase of construction.
18. ~~17.~~ Cross lot drainage shall be avoided wherever possible. When cross lot drainage does occur, it shall be contained within dedicated drainage easements. This drainage shall be

conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway.

19. ~~18.~~ Prior to approval of the final map by the Board of Supervisors, the subdivider shall be required to form a County Service Area Zone of Benefit to fund the maintenance of drainage facilities.
20. ~~19.~~ All grading plans shall be prepared and submitted to the Soil Conservation Service and the Department of Transportation. The Soil Conservation Service shall review and make appropriate recommendations to the County. Upon receipt of the review report by the Soil Conservation Service, 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.
21. ~~20.~~ The timing of construction and method of re-vegetation shall be coordinated by the El Dorado County Resource Conservation District. 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 Soil Conservation Service 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.
22. ~~21.~~ 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.
23. ~~22.~~ Improvement plans shall incorporate protective measures toward existing oak trees per Volume IV, Design and Improvement Standards Manual, Oaktree and Wetlands Preservation Requirements and Specifications (County Resolution No. 199-91).
24. ~~23.~~ An additional emergency road constructed as required by Condition 8 shall connect Marble View Drive to the boundary of the Valley View Project (current APN 108-020-01; current owner: El Dorado Hills Investors).

County Surveyor

25. ~~24.~~ 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, work completed, or work to be completed, and cost of completion is to be determined by the County Surveyor.
26. ~~25.~~ All roads shall be named by filing a completed road naming petition for each road with the County Surveyor's Office prior to filing the final map.

Planning Services

27. ~~26.~~ If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and 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. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource. If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by the County Planning Director.
28. ~~27.~~ A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map, pursuant to Board of Supervisors Resolution No. 118-92.
29. ~~28.~~ A letter of agreement from the cable television franchisee, pursuant to Section 16.16.010 (I) of the County Code, shall be submitted to Planning Services prior to approval of the final map.
30. ~~29.~~ Prior to the recording of the final map, the developer shall provide evidence of agreement with the elementary and high school districts for payment of such fees as may be established by said school district(s) in accordance with Government Code Sections 65995-65997. The developer shall produce evidence of an agreement with said school district(s) to pay, for each building permit issued thereafter, the amount of \$7,198 per residential unit pursuant to Resolution No. 220-91, or such other fee amount established by the Board of Supervisors pursuant thereto or pursuant to any successor thereto.
31. ~~30.~~ As specified in conditions of approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the final map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property.

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 Planning 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.

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.

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.

- 32. ~~34.~~ Prior to finaling each phase, it shall be demonstrated that the Fire District Boundaries do not split residential lots. (Responding to Comment 5-1).
- 33. In accordance with Section 3.N.5 of the Marble Valley Development Agreement, relevant "revised engineering standards" shall apply in processing of Final Maps and Improvement Plans.

Mitigation Measures

- 34. ~~32.~~ All Mitigation Measures contained in the Final EIR that are adopted by the Board of Supervisors are incorporated as conditions of approval of the tentative map.
- 35. ~~33.~~ No grading permit shall be issued for the project, or any portion thereof, unless and until landowner has reached final agreement with the El Dorado Irrigation District regarding a fully vested right to water service to the portion of the project site affected by the grading permit.
- 36. ~~34.~~ Prior to approval of the next final map, the developer shall enter into an agreement to relocate a school site for the Buckeye Union Elementary School District. In the event the Buckeye Union School District (District) reasonable determines that the elementary school site depicted within the marble Valley master Plan and on the approved tentative map is unsuitable for District's intended use an elementary school, District will notify Developer in writing, setting forth the basis for such determination. In such event, Developer, based upon consultations with the District, shall establish an alternative site of equivalent acreage, in a location appropriate to the intended use, as mutually agreed upon by Developer, District, and the County. District shall be entitled to acquire the alternative site upon the same terms and conditions under which it is entitled to acquire the current site. The costs associated with obtaining County approval of the school site relocation, including County environmental review necessary thereto, shall be borne by the Developer. The agreed upon location of the new site shall be determined within 180 days of Developer's receipt of the notice of unsuitability, or as soon thereafter as

possible, and the existing option agreement shall be amended and recorded against the agreed upon site.

Findings

1.0 CEQA FINDING

- 1.1 An Environmental Impact Report was certified with the original approval of the Marble Valley project on February 10, 1998. All mitigation measures contained in the Final EIR were adopted by the Board of Supervisors and incorporated as conditions of approval of the Tentative Subdivision Map (Condition 32 of TM95-1298). Since the original certification of the EIR, no new environmental issues have been identified which would require additional environmental review. Therefore, the Time Extension is deemed Statutorily Exempt pursuant to Section 15182 of California Environmental Quality Act (CEQA) Guidelines.

2.0 ADMINISTRATIVE FINDINGS

2.1 General Plan

The General Plan Land Use Map designates the subject site primarily as Low Density Residential (LDR) which permits a density of one dwelling unit per five acres. Approximately 22 acres in the northwest portion of the site is designated Tourist Recreational (TR) and is designated for the future Cultural Arts Center. The 398 lots on 2,341 acres of LDR is a gross average of 5.8 acres per lot. The Development Plan was approved to allow clustering of the residential lots on an average of two-acres each, reserving the remainder of the development as permanent open space.

2.2 Zoning Code

The subject site is zoned Estate Residential Five-acre-Planned Development (RE-5/PD) and Open Space (OS). The RE-5 Zone typically permits a parcel size of five acres, but the Development Plan was approved to allow a clustering of lots on parcels of approximately two acres each, with the remaining acreage in open space. The approved parcels are therefore consistent with the zoning and the approved development plan.

2.3 Subdivision Ordinance

A. That the proposed map is not consistent with applicable general and specific plans;

The proposed time extension to an approved map would create custom residential parcels consistent with the designated density under the 1996 and 2004 El Dorado County General Plan.

B. That the design or improvement of the proposed division is not consistent with applicable general and specific plans;

The proposed tentative map has been designed in conformance with the General Plan policies and standards including protection of natural resource, circulation, land use, and public facilities.

C. That the site is not physically suitable for the type of development;

The site is physically suitable for custom residential development. The anticipated lots are 2 acres in average size and would accommodate flexible building pad location, thereby minimizing impacts to on-site resources and site constraints, subject to the Marble Valley Master Plan and subsequent development permit review in accordance El Dorado County standards.

D. That the site is not physically suitable for the proposed density of development;

The 2,000-acre site is physically suitable to accommodate the approved subdivision and planned development. The subdivision anticipates a maximum 398 custom residential lots with an average size of two acres, and a gross density of 5.8 acres per residence for the entire subdivision. Development of each custom lot shall be subject to the Marble Valley Master Plan.

E. 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 specific project conditions of approval and required mitigation measures under the certified Environmental Impact Report 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. Therefore, the design of the subdivision is not likely to cause substantial environmental damage.

F. That the design of the division or the type of improvements is likely to cause serious public health hazards;

The conditionally tentative subdivision map anticipates the development of 398 custom residential lots. Overall development of the site shall be subject to subsequent permitting review in accordance with the El Dorado County and affected agency standards. Also, the original approval included a granting of a Design Waiver of El Dorado County standards allowing two road systems to exceed the dead-end road limit of 2,640 feet and serve more than 24 lots subject to the provision of emergency access roads and other fire emergency infrastructures. Therefore, the project design anticipates a safe and orderly development is not likely to cause serious public health hazards.

G. That the design of the division or the improvements is not suitable to allow for compliance of the requirements of section 4291 of the Public Resources Code;

The design of the Tentative Subdivision Map conforms to the requirements of Section 4291 of the Public Resources Code involving brush and vegetation fire prevention. Future development permits for the site would be reviewed for conformance for on-site fire suppression and emergency access and circulation by the El Dorado Hills Fire Protection District. Moreover, Sections 5.5.1 (Wildfire Hazard Fuel Reduction) and 6.0 (Residential Design Guidelines) of the Marble Valley Master Plan provides additional measures for fuel management around individual home sites.

H. That the design of the subdivision or the type of improvements will 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 are depicted on the tentative subdivision map and shall be further verified by the County Surveyor's Office at the time of filing of final map. Additional easements would be required during review of future discretionary development permit, as deemed necessary. Therefore, no conflicts with easements acquired by the public at large are anticipated.

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

9. REASONABLE USE DETERMINATION

Planned Development PD06-0026/Tentative Parcel Map P87-0118R/Walgreens submitted by SMITH & GABBERT, INCL/MICHAEL and KRISTIN WADDEN, RICHARD THOMAS MARSHAL, D.V.M. and SHIRLEY ANN MARSHALL, Trustees of the Marshall Trust. A Reasonable Use Determination, pursuant to Section 7.4.4.4 of the General Plan, has been requested for properties identified by Assessor's Parcel Numbers 083-453-06, -07, -08, -15, and -16. The properties are located on the north side of Cameron Park Drive, approximately 320 feet west of the intersection with Palmer Drive, in the **Cameron Park area**, Supervisorial District IV.

Staff: Gina Hunter recommended the Commission find the request consistent with intent of Policy 7.4.4.4.

Commissioner Machado spoke about Parcel 12 where the off-site mitigation is going. Is that parcel going to be able to keep the trees when it comes in for development? Ms. Hunter explained when Parcel 12 comes in for development they will not be able to remove the trees placed there for mitigation of this project.

Chair Knight met with the applicant and did walk the site. He believes this project would improve the traffic in the area.

Robert Laurie, representing the applicant, said parcel 12 is a dedicated open space lot. They find the staff report accurate and complete. One clarification, Smith & Gabbert is not part of the Walgreens property ownership but the seller.

Mark Marvelli showed the Commission a 3-D power point picture of the project, indicating the location of the trees located on Parcel 12.

Mr. Laurie requested the Commission make findings consistent with the staff report.

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; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO APPROVE THE REASONABLE USE DETERMINATION FOR PD06-0026/TM87-0118R, BASED ON THE FINDINGS PROPOSED BY STAFF.

Findings

1. “The applicant demonstrates that the project is designed to maximize use of parcel area unconstrained by oak trees, unless precluded by other significant constraints such as steep slopes, streams, creeks, wetlands, or other sensitive environmental resources.”

The design has placed proposed construction of the Walgreens store as far to the east/north as possible in order to avoid greater tree impacts. The project would preserve the remaining oak trees subject to specific measures enforced during construction. The project site has less than 20 percent slope on all of property.

2. “The proposed project is limited to development and site disturbance that is typical and prevalent for the general area surrounding the project site.”

The proposed project is located within Cameron Park area that is planned and already approved for commercial development. The site is adjacent to a fully developed shopping center and newly approved and constructed medical facilities as well as fully built out residential neighborhoods. The project is served by a major thoroughfare. The County’s General Plan calls for the subject site to be utilized “to provide a full range of commercial, retail, office and services” (Policy 2.2.1.2).

3. “Soil disturbance and tree removal is minimized through the incorporation of some or all of the following measures into the project design:”

- a. “Stepped foundations are used on sloping areas rather than graded pads.”

Stepped foundations will not be used. The property has less than a 20-percent slope. A graded pad is necessary to accommodate the on-site improvements (landscaping, parking, underground utilities) supporting the proposed facility.

- b. “Depth of excavation and/or fill outside of the building footprint is limited to no more than five feet measured vertically from the natural ground surface, except for grading necessary to install retaining walls designed to reduce the total area of tree canopy that will be removed and/or damaged.”

The pad would require extensive grading necessary to accommodate off-street parking, landscaping, and utilities. Protective fencing shall be placed beyond the driplines of the trees. In areas that will be affected by construction, the fencing should be no more than three feet closer to the trunk than the limit of construction. During cut-grading activities, work shall be done by hand within the driplines and roots shall be cut cleanly at the limits of grading.

- c. “Structures and the configuration of the area of disturbance are designed to parallel the natural topographic contours to the greatest extent feasible.”

The proposed facility would require grading of a pad in order to accommodate the building and its supporting amenities. The facility is designed in accordance with the applicable County standards to ensure proper operation and orderly development.

- d. “Patio decks are included in the design of dwellings to minimize the need for graded yard areas.”

Patio decks are not part of the project.

- e. “Design techniques such as clustering of buildings are proposed to take advantage of the portions of the property which are least constrained by oaks.”

The development of the facility consists of a single building which maximizes the use of the site unconstrained by other oak trees proposed to be retained.

- f. “The project is designed to maximize consistency with all applicable policies of the El Dorado County General Plan.

The commercial development has been designed in conformance with applicable policies of the General Plan involving traffic impacts, air quality, noise effects, and commercial design standards.

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

10. CONCEPTUAL REVIEW

AZ07-0007/Z07-0016/PD07-0012/TM07-1441 submitted by RANCHO CORTINA PROPERTIES/Camille Courtney. The proposed project consists of a General Plan amendment, rezone, planned development, and tentative subdivision map proposing to create 146 lots ranging in size from 13,500 square feet to 2.48 acres on a 192.7 acre site. Also planned are approximately 70 acres of open space including a pond, Slate Creek, and walking trails. The General Plan amendment is for the following changes in land use designations: Assessor's Parcel Number 319-260-89 from High Density Residential (HDR) to Medium Density Residential (MDR); 331-070-01 from MDR to HDR; a portion of 331-620-23 from Rural Residential (RR) to HDR; a portion of 331-620-04 from RR to HDR; a portion of 331-620-05 from RR to MDR/HDR; 331-620-10 from HDR to Low Density Residential (LDR); a portion of 331-620-13 from RR to MDR; and a portion of 331-620-18 from RR to MDR. The General Plan amendment would also include shifting the existing Community Region boundary line that bisects the project site to the south to be co-terminus with Shinn Ranch Road. Rezoning consists of the following: Assessor's Parcel Number 319-260-89 from Estate Residential Ten-acre (RE-10) to Single-family Two-acre Residential (R2A); 331-070-01 from Estate Residential Five-acre (RE-5) to One-family Residential-Planned Development (R1-PD); 331-620-23 from R1, RE-10, and Residential Agricultural Twenty-acre (RA-20) to R1-PD; 331-620-05 from R2A, RE-5, and RE-10 to One-acre Residential-Planned Development (R1A-PD) and R1-PD; 331-620-13 from R1, RE-5, RE-10, and RA-20 to R1A-PD and R1-PD; and 331-620-18 from R2A and RE-10 to RE-5. Primary access is to be provided via Kingvale Road, Gold Country Drive, and Pleasant Valley Road with an emergency-only gated entry off Shinn Ranch Road. The site is located on the south side of Mother Lode Drive, east of the intersection with Kingvale Road, in the **El Dorado area**, Supervisorial District III.

Removed with adoption of agenda.

- 11. **GENERAL PLAN UPDATE** - None
- 12. **ZONING ORDINANCE UPDATE** - None
- 13. **DEPARTMENT OF TRANSPORTATION** - None
- 14. **COUNTY COUNSEL'S REPORTS** - None
- 15. **DIRECTOR'S REPORTS** - None

16. ADJOURNMENT

Meeting adjourned at 10:37 a.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

John Knight, Chair

