



## EL DORADO COUNTY PLANNING SERVICES

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

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

### MINUTES

**Regular Meeting of the Planning Commission  
September 13, 2007 – 8:30 A.M.  
BUILDING C HEARING ROOM  
2850 Fairlane Court, Placerville, CA**

**1. CALL TO ORDER**

Meeting called to order at 8:45 a.m. Present: Commissioners Machado, Mathews, and Knight; Paula F. Frantz, County Counsel; and Jo Ann Brillisour, Clerk to the Planning Commission.

**2. ADOPTION OF AGENDA**

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

**3. PLEDGE OF ALLEGIANCE**

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

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

a. **Minutes:** August 23, 2007

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

**5. DEPARTMENTAL REPORTS AND COMMUNICATIONS**

These items were considered during the day as time permitted.

Pierre Rivas updated the Commission on recent staff changes.

6. **COMMISSIONERS' REPORTS**

Commissioner Machado gave an update on the latest Oak Woodland Management Plan committee meeting.

Chair Knight said as there are only three Commissioners present today, applicants will be given the opportunity to continue their application as there is a requirement for a 3-0 vote in order to approve/deny any item on the agenda today. Mr. Volker has asked for a continuance. Howard Zabel, CC Meyers, would like to move forward today. Paula Frantz, County Counsel, read the portion of the Commission By-Laws pertaining to a continuance. Commissioner Machado said any action today on the temporary use permit can be appealed to the Board of Supervisors as well as any other items considered by the Commission today. Art Marinaccio stated Item 11 should be heard with a full Commission. Stephan Volker would prefer to have this item continued until there are four and preferably a full Commission. Commissioner Machado said it does not matter what the Commission decides on Item 11 today; he believes the item will be appealed to the Board, and he would like to hear the item today. Commissioner Mathews concurred.

**PUBLIC FORUM/PUBLIC COMMENT** – Art Marinaccio spoke about a General Plan amendment pertaining to agricultural policies not applying within Community Regions and Rural Centers.

7. **PLANNED DEVELOPMENT/TENTATIVE PARCEL MAP/DESIGN WAIVER**  
((Public Hearing))

**PD06-0026/P87-0118R** submitted by INTERRA-VISION DEVELOPMENT, LLC (Engineer: Taut & Associates, Inc.) to allow the construction and operation of a 14,820 square foot commercial retail/pharmacy (Walgreens) and a 3,300 square foot retail building. The tentative parcel map revision will merge Assessor's Parcel Numbers 083-453-06, -07, -15, and -16, resulting in one commercial lot. A design waiver request has also been submitted to allow the reduction of the standard sidewalk width of eight feet to five feet along the project frontage (Cameron Park Drive). The properties, identified by Assessor's Parcel Numbers 083-453-06, -07, -08, -15, and -16, consisting of 2.76 acres, are located on the north side of Cameron Park Drive, west of the intersection of Palmer Drive, in the **Cameron Park area**, Supervisorial District IV. (Mitigated negative declaration prepared)

Audrey Anderson recommended conditional approval with modification to the conditions (deletion of Condition 41 as it is a duplicate of Condition 37). Ms. Anderson presented a memo with the proposed modifications to Condition 1A. Eileen Crawford, Department of Transportation, requested modification to Condition 15.A.2 and A.3 with the deletion of B.2 of the same condition.

Robert Laurie represented the applicant. He introduced Rachel So who gave a slide show presentation on the tree and landscaping plan. Mark Marvelli informed the Commission of the location of the proposed signage. They have not proposed signage for the retail building but

believe it would be the two-foot high signs in accordance with County ordinance. Mr. Laurie said they do concur with Condition 51 regarding the monument sign. The tree removal is consistent with Policy 7.4.4.4. They object to the park in-lieu fees, as no new parcels are being created; and the fees do not apply to commercial parcels. Other than the reduction in the shoulder width, they meet or exceed all County requirements.

Commissioner Machado asked if the agreement in the last paragraph of Condition 2 has been created. Mr. Laurie said it has not been created. Planning Services will work with the applicant on this agreement. Mr. Laurie said there is an association in place to care for and maintain the landscaping.

Commissioner Machado wants to make sure everyone is working together on the improvements for the Cameron Park Drive improvement project (Department of Transportation Capital Improvement Plan). Mr. Laurie referred the Commission to Condition 53 regarding landscaping maintenance. The entity has already been established. He suggested modification to the condition.

Commissioner Mathews feels this is a good looking project. The project fits in well with the neighborhood. Commissioner Mathews encouraged people to let the Commission know how they feel about the design.

Mr. Laurie said if the County does not do the road improvements, they would have to do them. He asked that something about reimbursement for the improvements be added to the conditions. Ms. Crawford said the CIP is going to the Board for approval on the next agenda and will be ready to go ahead this fall. They have talked with the project engineers about coordinating the road improvements.

Diana Adderly presented several photographs to the Commission which indicate this is a corporate design. The negative declaration does not adequately address the architectural impact on the neighborhood. There should be requirements for more trees of a larger size. She spoke about using the existing driveway in the future.

Commissioner Machado said this project has been through the design review committee process. He asked Ms. Adderly if she likes the Goldorado project. Ms. Adderly said the Goldorado Center project set the design for projects in the area. They could use more brick and stone. This project is on a corner. How much signage do you need? Mr. Laurie said this project has been through design review several times. If the community does not believe their ideas are being met, they need to get their thoughts to the Committee. Mr. Laurie asked for approval of the project.

There was no further input.

Commissioners Mathews said the problem with Cameron Park is that there is no status quo for design. The first thing he saw was the color of the building. It is white. The colors in Goldorado Center are browner. He agrees the mortar and pestle may be too large. Mr. Marvelli showed the Commission a color pallet for the project. He can darken the lightest color if the Commission

feels that is necessary. Commissioner Machado feels the color shown on the pallet is darker than the slides and is acceptable.

Brian Swatski, representing the applicant, explained the mortar and pestle.

Ms. Hunter said staff is adding a footnote to Condition 1A that no LED or LED edging shall be permitted. She also suggested modification to Condition 53. Mr. Laurie concurred with the revision.

Commissioner Machado said there has always been an El Dorado Hills/Cameron Park issue. El Dorado Hills was a Specific Plan with one developer. Cameron Park has been developing since 1960 with many developers. He feels this project is well designed. He liked the color pallet. There will only be signage on the front.

There was no further input.

**MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MACHADO, MATHEWS, AND KNIGHT; ABSENT – COMMISSIONERS MAC CREADY AND TOLHURST, IT WAS MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED, AND APPROVE PD06-0026/P87-0118R, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.**

### **Findings**

#### **1.0 CEQA FINDING**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigate Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 Through feasible conditions and mitigation placed upon the project, significant impacts on the environment relating to Biological Resources, Cultural Resources, and Noise have been eliminated or reduced to less than significant.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department-Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this

project. The monitoring program is designed to ensure compliance during project implementation.

## **2.0 ADMINISTRATIVE FINDINGS**

### **2.1 General Plan**

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

### **2.2 Zoning Code**

The project would conform to the underlying Commercial Zone District. The proposed retail facility meets the applicable development standards including sign criteria, building setbacks, parking, and lighting requirements.

### **2.3 Planned Development**

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

#### **2.3.1 The Planned Development request is consistent with the General Plan.**

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

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

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

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

The proposed development has been reviewed and verified for conformance with applicable standards in the El Dorado County Zoning Code. There are no exceptions or deviations requested for the project.

2.3.4 The site is physically suited for the proposed uses.

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

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

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

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

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

**2.4 Subdivision Ordinance (Parcel Map Amendment)**

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

The amendment to the approved commercial tentative Parcel Map would merge the subject parcels in order to create lots that would accommodate the proposed commercial development and is consistent with the General Plan.

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

The existing legal lots subject to the merger would result in a commercial project site consistent with the General Plan.

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

The project site is physically suitable for the type of commercial retail development. The size of site would accommodate the necessary amenities (i.e. off-street parking, drive-through, landscaping) serving the project. The site is relatively flat, which would accommodate the pad for the proposed facility.

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

The project site is predominantly level and contain areas that are currently developed. With the consideration of the reasonable use determination for the oak tree canopy retention/replacement standards, the project site would provide for developable areas that are otherwise prohibitive. The site is physically suitable for the proposed commercial development.

- 2.4.5 That the design of the division or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;

As evaluated, the proposed development poses less than significant environmental effects with incorporation of specific mitigation measures (i.e. oak tree canopy retention and replacement, wetland, protection of raptors and other birds) applied in the form of project conditions of approval.

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

The proposed development has been reviewed for conformance with the specific development standards and is subject to applicable project conditions of approval that would ensure safe and orderly development.

- 2.4.7 That the design of the division or the improvements is suitable to allow for compliance of the requirements of section 4291 of the Public Resources Code;

Given its urbanized location, the project site is not susceptible to wild brush fire. Nevertheless, the proposed commercial development shall be constructed and served by an on-site fire suppression system in accordance to the Cameron Park Fire Department standards.

- 2.4.8 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)

The requisite easements have been acquired in order to accommodate the required facilities serving the project site.

## **2.5 Design Waiver**

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

Portions of the project site have been commercially developed pursuant to the requirements under the original Tentative Parcel Map P87-118 and Planned Development Z88- 0031 for Plaza Goldorado. The associated improvements include for driveways, sidewalks and bike lanes in effect at the time. Absence of this waiver, the project would be required to construct current improvements that would conflict with the existing improvements at the site. Therefore, this special condition would justify the waiver.

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

Absent of the consideration of the design waiver, implementation of the proposed development inconsistent with the existing improvements could pose unnecessary site grading which could potentially impact the siting of the retail building and affect additional oak tree canopy. With the requested deviation, the development would be compatible with the existing improvements and retain adequate buildable space for the proposed facility.

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

Though it does not conform to County design standards, the proposed five-foot wide sidewalk sufficiently meets the required standards under the American Disabilities Act. The proposed sidewalk would provide an upgrade to the existing pedestrian connectivity with the contiguous surrounding uses, where there are currently no sidewalks. Therefore, the waiver would not be injurious to adjacent properties or detrimental to the health of the public.

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

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

### **Conditions**

1. This Planned Development Permit Revision, Parcel Map Amendment, and Design Waivers are based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits E-M, September 13, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with



this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

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

- A. Planned Development for the construction and operation of a 14,820 gross square foot commercial retail/pharmacy store (Walgreens) and a 3,300 gross square foot retail building. The facility would have two points of access: a right-in, right-out access driveway along Cameron Park Drive and a full access driveway along Palmer Drive. A monument sign is proposed at the entrance along Cameron Park Drive. Implementation of the project would include associated on and off-site improvements. Based on submitted preliminary grading plans, the site would be graded utilizing on-site soil with a net export of 3,816 cubic yards. A retaining wall, between five feet and twelve feet would be constructed within the front yard along a portion of the frontage on Cameron Park Drive.

Landscaping would include typical groundcover (Emerald Carpet, Lowfast and Bearberry Cotoneaster), shrubs (Wild Lilac, Western Redbud, Rockrose, English Lavender and Fortnight Lily), and hedges (Manzanita, India Hawthorn, Dwarf Strawberry Tree, Parney Cotoneaster and Shiny Xylosma). A mitigation area required for the impacted oak tree canopy is located at the northwest of the project site.

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

Type	Text	Size	Quantity	Material
Wall	Walgreens	<del>26' 8 1/2"</del> 20' 8-3/4"	1 <del>2</del>	Plexiglas
Wall	Drive-Thru Pharmacy	<del>15' 2" x 2</del> 15' 2" x 10"	1	Plexiglas
Wall	Pharmacy	<del>12' 10" x 18</del> 12' 9" x 18"	1 <del>2</del>	Plexiglas
Wall	24 hours	6' 2" x 18"	1	Plexiglas
Wall	Exit	2-6" x 10"	1	Plexiglas
Wall	<del>1-Hr</del> Photo	<del>14 0' x 18"</del> 7' 9" x 18"	1 <del>2</del>	Plexiglas
Entrance Tower Neon	Walgreens Logo	16'-0" x 8'8"	1	Mortar/Pestle

Type	Text	Size	Quantity	Material
Monument	Walgreens	70 SF	1	Brick Veneer/Aluminum
Suspended Sign	12'-0" Clearance	7' 0" x 5" 4' 0" x 5"	1	Aluminum

No LED or LED edge lighting shall be permitted.

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

BUILDING PORTION	STYLE/COLOR	MATERIAL
Coping	Cushy Suede	Plaster
Coping	Simply Tan	Plaster
Exposed Rafters Accent	Cozy Cabin	Plaster
Coping	Carmel Valley	Plaster
Trellises, Arbors, Reval & Fascia	Warrior King	Metal/Plaster
Awnings/Canopy	Forest Green	Metal
Veneer	H.C. Muddox El Dorado	Brick
Roof	Cascade Blend SHP 8706	Tile
Storefront	Bronze Anodized	Stucco

- B. Parcel Map amendment (approved under P87-0118) consisting of merging of lots Assessor's Parcel Numbers 083-453- 06 (Lot 1), -07 (Lot 2), -15 (Lot 10), and -16 (Lot 11) resulting in one commercial lot; and
- C. Design Waiver Request for the following:
  - 1) reduction of standard sidewalk width of eight-foot wide to five-foot wide along the project frontage (Cameron Park Drive)

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.

*Incorporated as Conditions of Approval, the following are specific Mitigation Measures as identified in the Initial Study/Mitigated Negative Declaration for the project*

2. Any oak tree removed from the site shall be replaced as specified in the Interim Interpretive Guidelines for El Dorado County as modified by the Reasonable Use Determination approved by the El Dorado County Planning Commission on July 26, 2007. The arborist contract, planting and maintenance plan, and all compliance documents necessary to meet the Oak Woodlands Interim Interpretive Guidelines shall be submitted to Planning Services for its review and approval prior to issuance of a grading permit (MITIGATION MEASURE BIO-4).

MONITORING: Planning Services shall verify that the Final Landscape Plan contain the details of the approved canopy replacement, planting, monitoring specifications identified in the Arborist Report. In coordination with County Counsel, this Division shall verify the details and execution of the required agreement for the long term maintenance and preservation of the replacement trees.

3. The project applicant shall place construction fencing around the oak trees to protect them from disturbance during construction. Protective fencing shall be erected at least one (1) foot beyond the drip line surrounding each oak tree unless otherwise specified by a certified project arborist. This fenced area shall not be encroached for any reason, without authorization by the certified project arborist. No materials, equipment, or vehicles shall be stored or parked within the projected tree zone. No grading, cuts, fills or trenching of any kind shall be allowed within the drip line of the trees without direct supervision of the project arborist (MITIGATION MEASURE BIO-5).

MONITORING: Planning Services shall review the required protection measures on all construction/grading/improvement plans and verify implementation of the measures on-site.

4. If construction activities are scheduled to occur within the typical breeding season for raptors (March 1 through August 31), on-site pre-construction surveys for raptors and their nests shall be conducted by a qualified biologist no more than 30 days prior to initiation of the proposed development activities. The survey results shall be submitted to the California Department of Fish and Game (CDFG) and Planning Services prior to issuance of a grading permit. If active raptor nests are found on or immediately adjacent to the site, consultation must be initiated with CDFG to determine appropriate avoidance measures. The applicant shall follow the appropriate avoidance measures issued by CDFG, and no construction activities shall occur on the project site until the avoidance measures are issued and implemented. If no active nests are found, then no further action is required, and construction activities may proceed upon approval by Planning Services (MITIGATION MEASURE BIO-1).

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

5. Removal of the snag shall occur outside the typical breeding season/nesting period for cavity nesting bird species (approximately April through July). If snag removal must occur during the typical breeding/nesting season for cavity nesting bird species, an on-site pre-construction survey for nesting birds shall be conducted by a qualified biologist no more than 30 days prior to initiation of the proposed development activities. The survey results shall be submitted to the California Department of Fish and Game (CDFG) and Planning Services prior to issuance of a grading permit. If active nests are found, consultation must be initiated with CDFG to determine appropriate avoidance measures. The applicant shall follow the appropriate avoidance measures issued by CDFG, and no construction activities shall occur on the project site until the avoidance measures are issued and implemented. If no active nests are found, then no further action is required, and snag removal may proceed upon approval by Planning Services (MITIGATION MEASURE BIO-2).

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

6. Prior to issuance of a grading permit, the project applicant shall obtain a Section 404 permit from the U.S. Army Corps of Engineers and a water quality certification from the Central Valley RWQCB. The project applicant shall incorporate all conditions attached to the permit and certification into the project (MITIGATION MEASURE BIO-3).

MONITORING: Planning Services shall verify that the required Section 404 permit has been obtained prior to issuance of a grading permit.

7. During preliminary site grading, a cultural resources specialist shall be present on site in the event that subsurface artifacts are uncovered. Work in the area of the discovery shall be halted until artifacts can be evaluated in accordance with state and federal regulations regarding cultural resources. If a deposit is found to be significant, data shall be collected and consultation shall be initiated with appropriate agencies. The cultural resource specialist, in coordination with appropriate agencies, shall provide recommendations on the disposition of the resource that retains its cultural value. Recommendations may include, but are not limited to, excavation of the resource or covering of the resource by pavement. These recommendations shall be implemented by the contractor working at the project site. A contract demonstrating that a cultural resources specialist has been retained for site grading activity shall be submitted to Planning Services for review prior to issuance of a grading permit (MITIGATION MEASURE CUL-1).

MONITORING: During grading, building services representative shall ensure that a cultural resource specialist is on site.

8. Areas with high concentrations of expansive soils shall be identified on final soils reports filed with the County building department. Areas with expansive soils where building

construction is proposed must be sufficiently over-excavated and blended or replaced. Verification of compliance with this mitigation measure shall occur during review of grading permit applications (MITIGATION MEASURE GEO-1).

MONITORING: Development Services-Building Department shall review and verify soils report for areas with expansive soils during processing of grading and building permit review process.

9. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 7:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on weekends and federally recognized holidays. (MITIGATION MEASURE NOI-1).

MONITORING: Prior to issuance of construction/grading permits, Planning Services shall verify that this measure is incorporated as a note on the plans.

### **Planning Services**

10. Prior to issuance of grading 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.

11. The following shall be incorporated as note on grading/improvement plans:

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

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

12. Prior to issuance building permit, the applicant shall pay the required in-lieu fee for mitigation of impacts on rare plant species in accordance with El Dorado County Zoning Ordinance Chapter 17.71.

13. The planned development shall expire within two (2) years from the approval by the El Dorado County Planning Commission. Minor changes in the adopted planned development may be approved by the Planning Services provided that the changes:

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

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

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

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

### **Department of Transportation**

#### **Project Specific Conditions**

15. The subsequent conditions shall be accomplished by the applicant if the 'Cameron Park Drive Operational and Safety Improvements', Project #72364 precedes this project, which is as follows:
  - A. 1. The applicant shall improve the entire on-site frontage of Cameron Park Drive, from the Palmer Drive intersection to the southern taper of the right in/out access encroachment onto Cameron Park Drive. The required frontage improvements shall be in conformance to the approved project plans entitled 'Cameron Park Drive Operational and Safety Improvements', Project #72364, which improves Cameron Park Drive between Palmer Drive and Country Club Drive. The turn pocket storage and tapers design shall conform to the Caltrans Highway Design Manual.
  - A. 2. The applicant shall modify the Cameron Park/ Palmer Drive intersection, if necessary, to provide for the required geometrics for the right turn pocket into the site. The right turn pocket shall be a minimum of 12 feet in width with an 8 four (4) foot wide paved shoulder, a Type 2 vertical curb and gutter and a five (5) foot wide sidewalk per DISM, Standard Plan 104 and 110.
  - A. 3. A Class II Bike Lane shall be provided by the applicant along both sides of the roadway along the entire project frontage of Cameron Park Drive ~~and Palmer~~

Drive per the Bicycle Transportation Plan and the Caltrans Highway Design Manual.

- A. 4. All improvements as specified in Condition 1A 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 map.

If this project precedes the 'Cameron Park Drive Operational and Safety Improvements', Project #72364, in addition to the previous conditions the applicant shall accomplish the following :

- B. 1. The applicant shall provide for all necessary modifications to the signalized intersection at Palmer Drive to meet current El Dorado County Standards to accommodate for all required frontage improvements. The required frontage improvements shall be in conformance to the approved project plans entitled 'Cameron Park Drive Operational and Safety Improvements', Project #72364, which improves Cameron Park Drive between Palmer Drive and Country Club Drive.
  - B. 2. A raised centerline median shall be constructed along Cameron Park Drive from the intersection of Palmer Drive to the northern project boundary to prevent left turn movements at the project access on Cameron Park Drive and to the specifications of the Caltrans Highway Design Manual.
  - ~~B. 3. In lieu of condition # A. 3., a Class II Bike Lane shall be provided by the applicant along both sides of the roadway along the entire project frontage of Palmer Drive per the Bicycle Transportation Plan and the Caltrans Highway Design Manual.~~
  - B. 4. All improvements as specified in Condition 1B 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 map.
16. The applicant shall obtain an encroachment permit from DOT and shall construct said encroachment onto Cameron Park Drive as a right in/ right out. This design shall prevent left turn movements at this encroachment according to the provisions of the Caltrans Highway Design Manual as well as DISM, Standard Plan 110. The signing and striping for this encroachment shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement. 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 map.

17. All curb returns, at pedestrian crossing, shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.
18. The applicant shall enter into a road improvement agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The executed agreement and subsequent improvements shall be 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 map.
19. The applicant shall irrevocably offer to dedicate, in fee, any additional right of way as required for the approved improvement plans along the entire project frontage of Cameron Park Drive, prior to the recordation of the map. This offer will be accepted by the County.
20. Prior to recordation of the map, the applicant shall record a vehicular access restriction along the entire frontage of Cameron Park and Palmer Drive, excluding the locations of the approved access encroachments.
21. A commercial grading permit is required for on-site improvements. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Development Services Department for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, the *Drainage Manual*, the *Off-Street Parking and Loading Ordinance*, and the State of California Handicapped Accessibility Standards. The improvements and grading shall be substantially completed, to the approval of the Development Services Department, prior to occupancy.
22. The applicant or his engineer shall provide to DOT the latest Cameron Park Drive improvements plans in an electronic format for coordination with the Cameron Park Drive Operational and Safety Improvements', Project #72364 within 14 days of written request.
23. The applicant shall provide any required temporary construction easement needed for the approved Cameron Park Drive Operational and Safety Improvements', Project #72364, within 14 days of written request for said easement.
24. If the Cameron Park Drive Operational and Safety Improvements, Project #72364, precedes the commencement of the improvements for this project, the applicant shall grant permission to the County of El Dorado to enter and construct the proposed fill slope as outlined on the approved project plans.
25. The applicant shall adhere to all DOT standard conditions as specified on Attachment A that were provided to the applicant at the TAC on July 9, 2007.



**DOT Standard Conditions**

26. At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
27. Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
28. 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.
29. Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the Department of Transportation prior to issuance of building permits. Pedestrian easements shall be provided where necessary. Final lane configurations, including the need for additional rights-of-way, shall be subject to review and approval of the Department of Transportation prior to improvement plan approval.
30. The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
31. Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural

- drainage course of adequate size or an appropriately sized storm drain system within the public roadway.
32. All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
  33. 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.
  34. 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.
  35. 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.
  36. 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.
  37. All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.
  38. Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
  39. The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
  40. Applicant shall pay the traffic impact fees in effect at the time a building permit is issued.

41. ~~All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA. Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5-year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.~~
42. As specified in the 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 commencement proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Agent, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
  - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
  - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

### **Environmental Management**

43. All equipment used in the storage and refrigeration of retail food shall comply with the California Retail Food Code. Plans shall be submitted to Environmental Health showing areas for food storage, food display and refrigeration units including specifications for any food service equipment. An annual operating permit from Environmental Health shall be obtained for the sale and distribution of retail food.
44. To ensure the project is consistent with the Sacramento Regional Clean Air Plan, the project shall implement the following measures from Appendix E of the El Dorado County Air Quality Management District CEQA Guide to reduce air pollutant emissions:
- The project shall provide bicycle lockers and/or racks.
  - The project shall provide for major pedestrian facilities and improvements such as wider sidewalks.
  - Increase parking lot shading by 20 percent over code.

- Install Energy Star or ground source heat pumps.
- Install ozone destruction catalyst on air conditioning systems in consultation with the AQMD.
- Install Energy Star labeled roof materials.
- Other proposed strategies in consultation with the AQMD.

Implementation of the mitigation measure would ensure the project complies with the provisions of the Clean Air Plan, which is designed to bring the Sacramento Region into compliance with ozone standards. Impacts after mitigation would be less than significant.

45. In order to limit significant diesel emissions, all construction equipment used on the project site shall be model year 1996 or newer. Diesel-powered construction equipment shall use low-sulfur diesel fuel, and diesel fuel used by onsite construction equipment shall be limited to a maximum of 402 gallons per day.

#### **El Dorado Transit**

46. **El Dorado County Surveyor** A designated, on-site transit stop shall be included as close to the building as possible. The transit stop shall be located adjacent to the building outside of the parking lot travel area and shall not be impeded during the loading and off-loading of mobility-impaired passengers.
47. All survey monuments must be set prior to filing the Parcel Map
48. Situs addressing for the project shall be coordinated with the El Dorado County Cameron Park Fire Department and the County Surveyors Office prior to filling the Final Map.
49. Prior to filing the Parcel Map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The letter will state that all conditions placed on the map that agency have been met.

#### **Cameron Park Community Services District**

50. The CPCSD requires ~~in-lieu fees and~~ fire development fees.

#### **Cameron Park Design Review Committee**

51. As recommended by the Cameron Park Design Review Committee, the proposed monument sign shall be constructed at the maximum height of 6 feet above the crown of Cameron Park and Palmer Drive.

*The following are the original approved conditions for the Plaza Goldorado (filed under Planned Development Z88-0031 and Tentative Parcel Map P87-0118) that are applicable to this project.*

**Original Conditions applicable to current project**

52. The parcel map shall show drainage easements for all on-site drainage facilities. Said easements shall be offered to the County with rejection.
53. An entity ~~shall be~~ has been formed for the maintenance of the private roads, parking facilities, landscaping and drainage facilities. Planning Services shall review the document to ensure the provisions are applicable to the project prior to recording the parcel map. The property owner shall modify the document if the current document does not sufficiently address maintenance, roads, parking facilities, landscaping, and drainage facilities of the project. Should the entity be a homeowner's association, CC&Rs shall be prepared with provisions for said maintenance. The CC&R's shall be reviewed and approved by County Counsel prior to recording the parcel map.

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

**8. REZONE/PLANNED DEVELOPMENT/TENTATIVE PARCEL MAP**  
(Public Hearing)

**Z06-0034/PD06-0022/Tentative Parcel Map P06-0029** submitted by EL DORADO HILLS PROFESSIONAL CENTER, LLC to rezone property from Research and Development (R&D) to Research and Development-Planned Development (R&D-PD). A commercial parcel map would create six parcels ranging in size from 0.29 to 0.43 acres. Each parcel would have a new 3,000 or 3,500 square foot office building with a proposed use of general or medical office. The property, identified by Assessor's Parcel Number 117-060-24, consisting of 2.0 acres, is located on the north side of Suncast Lane and the west side of Golden Foothills Parkway, half a mile west of Latrobe Road, in the **El Dorado Hills area**, Supervisorial District II. (Negative declaration prepared)

Tim Chamberlain recommended conditional approval. The applicant is requesting elimination of two loading zone spaces. There will be no large trucks required for drop off and pick up. They will be utilizing FedEx and UPS trucks. Mr. Chamberlain explained the proposed signage.

Commissioner Machado said he has not seen Condition 27 before. He asked for further clarification. Gina Hunter commented it is a standard condition.

Jeff Leonhardt represented the applicant and had nothing to add and asked for approval of the project. There was no further input.

Commissioner Machado likes the project. It is well designed. Commissioner Machado complimented staff on this staff report.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACHADO AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MACHADO, MATHEWS, AND KNIGHT; ABSENT – COMMISSIONERS MAC CREADY AND TOLHURST, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE

BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED; APPROVE Z06-0034 REZONING ASSESSOR'S PARCEL NUMBER 117-060-24 FROM RESEARCH AND DEVELOPMENT (R&D) TO RESEARCH AND DEVELOPMENT-PLANNED DEVELOPMENT (R&D-PD) BASED ON THE FINDINGS PROPOSED BY STAFF; APPROVE PD06-0022, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF; AND APPROVE P06-0029 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

### **Findings**

#### **1.0 CEQA Findings**

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

#### **2.0 LEGISLATIVE FINDINGS**

- 2.1 **The proposed Zone Change is consistent with the policies in the El Dorado County General Plan as discussed in the General Plan section of this staff report.**

The Zone Change would be consistent with the applicable General Plan Policies as described in the General Plan discussion section of the Staff Report.

- 2.2 **The Zone Change is found to comply with the requirements of Chapter 17.06, and the proposed project is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.**

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

**2.3 The site is physically suitable for commercial development.**

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

**3.0 ADMINISTRATIVE FINDINGS**

**3.1 General Plan**

The proposed Parcel Map, Rezone and Planned Development are consistent with the General Plan which designates the parcel as Research and Development. The proposed general and medical office uses are consistent with the Research and Development land use designation. As discussed in the staff report, Staff finds that the proposed development is consistent with all applicable general plan policies.

**3.2 Zoning**

Pursuant to the requirements of the Section 17 of County Code, this project was required to apply for a Planned Development as the proposal includes creating new parcels smaller than two acres in the R&D zone district. The proposed general and medical office uses are allowed by right under the R&D zone and the proposed development demonstrates compliance with the development standards of this zone district. Staff finds that the proposed development is consistent with the requirements of El Dorado County Zoning Code.

**3.3 Planned Development**

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

The project is for general and medical office development. The design of the interior parking provides the best possible circulation. The project does provide appropriate circulation for pedestrian traffic within the development.

**3.3.2 Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.**

The exceptions to the standard requirements of the zone regulations include relief from the loading zone requirements. The project requires two loading spaces. The applicant is requesting relief from the loading zone requirement. On May 10<sup>th</sup>, a letter was submitted with this request under the Planned Development application. The applicant has proposed the request because the largest trucks envisioned to service this project would include US mail service, UPS and general office service vehicles. Based on the project uses and the associated truck sizes, the design waiver is justified for this project.

**3.3.3 The site is physically suited for the proposed uses.**

This lot is suited for the proposed uses. The El Dorado Hills Business Park is a desirable location for an office development.

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

The El Dorado Irrigation District has provided a Facilities Improvement Letter indicating that water and sewer services can be provided to the site.

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

The project is not within a scenic corridor and is surrounded by land zoned for Research and Development. The applicant is required to plant trees and other landscape materials on the site to increase the scenic value of the site.

**3.4 Subdivision Ordinance**

**3.4.1 The proposed parcel map, including design and improvements, is consistent with the General Plan policies and land use map.**

The subject application is for a general and medical office development within the R&D Zone District. The development has been designed in compliance with the zone district regulations, and complies with the minimum parcel size based on the required review of a Planned Development application for the project. It can be found that the parcel map is consistent with the General Plan policies and land use map.

**3.4.2 The proposed parcel map does conform to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.**

The project site has been evaluated in accordance with the R&D development regulations, and it has been found that the project complies with the minimum design standards, as conditioned.

**3.4.3 The site is physically suitable for the proposed type and density of development.**

The site is located within the El Dorado Hills Business Park, and it can be found that the site is suited for the general and medical office development.



**3.4.4 The proposed parcel map is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.**

The Parcel Map would allow the individual ownership of buildings within the development. An Initial Study has been prepared in accordance with the CEQA Guidelines and it can be found that there would be a less than significant impact on fish or wildlife or their habitat from the project.

**3.4.5 The design of the parcel map is not likely to cause serious public health hazards.**

The proposed Parcel Map would not create an undue negative impact upon the project site. It can be found that the improvements would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

**Conditions**

**Planning Services**

1. This parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked D, E, F, and G dated June 27, 2006 and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

The project description is as follows:

The project consists of a Zone Change to Planned Development District overlay and issuance of a Planned Development permit for six office buildings. The total development is for 19,500 square feet. A commercial Parcel Map is proposed that would create six parcels ranging in size from 0.29 acres to 0.43 acres, and each parcel would include development of a 3,000 or 3,500 square foot building. The re-zone would change the parcel zoning from Research and Development (R&D) to Research and Development Planned Development (R&D-PD). This project is inside El Dorado Irrigation District (EID) and would be served by EID public water and sewer.

The proposed structures are to be slab-on-grade stucco buildings. Elevations would be accented with brick columns, dark brown trim with Green Versalux glazed glass windows. There is no proposed roof mounted equipment. All buildings would be 21 feet 8 inches in height. Color elevations with a color palette for the site have been selected. The palette includes a Downing Sand color (beige), with the accent brick to be Placer Gold Stone Veneer. The trim would be Rockwood Dark Brown and the roof would be charcoal colored Eagle Roof Tile. The project elevations have been included (Exhibit F).

Two freestanding monument signs are proposed. The first sign would be located at the southeast corner of the property and would be four feet two inches tall by 15 feet six inches long totaling 64.5 square feet. The second sign would be located at the east entrance to the development off of Golden Foothills Parkway and would be four feet tall by nine feet six inches long totaling 38 square feet. Both monument signs would display the El Dorado Hills Professional Center name and the series of addresses of the buildings on this development. Monument signs shall be setback 10 feet from all property lines, and entry monument signs shall be setback 20 feet from all property lines.

Landscaping consists of a variety of low- to moderate-water-using shrubs, ground cover, medium shade trees, and large shade trees. The parking lot trees required for the project include one tree for each 10 parking spaces. The Preliminary Landscape Plan provides for 24 parking lot trees, in compliance with the shade tree requirement.

The site is to include 14,498 square feet of general office use and 5,002 square feet of medical office use. The parking required for the general office use is 58 parking spaces (general office parking ration = 1/250 square feet). The parking required for the medical use is 34 spaces (medical office use parking ratio= 1/150 square feet). The total number of parking spaces required is 92 spaces, with 4 spaces required to be available for the disabled. The applicant has provided 92 parking spaces, 65 standard parking spaces, 21 compact spaces, and 6 disabled 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.

2. During all grading and construction activities in the project area on the proposed parcels, an archaeologist or Historian approved by the Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent and/or future parcel owner shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.
3. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage

Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.

4. Development of this property is subject to review and issuance of a building permit from El Dorado County Building Services. Demonstration of conformance with all Conditions of Approval is a requirement of a complete building permit submittal.
5. Prior to issuance of any building permit, all Planning Services fees shall be paid.
6. Prior to commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services for verification of compliance with applicable conditions of approval.
7. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the applicant and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

8. Outdoor lighting is proposed based on a design shown in a lighting and photometric plan. Outdoor lighting for this project shall be reviewed by Planning Services for consistency with this plan prior to issuance of any building permit. 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.
9. As part of the building permit process, the applicant shall submit for approval a final landscape plan in substantial compliance with the preliminary plan demonstrating compliance with the County water conserving landscape standards
10. Construction and grading activities shall be conducted in accordance with the County Noise Element and 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 weekends, and on federally-recognized holidays.

11. The developer shall provide a joint access and parking agreement to ensure on-going access and maintenance of the parking areas to Planning Services for review and approval prior to issuance of a grading permit.
12. Prior to issuance of building permits, the applicant must obtain adequate water service from El Dorado Irrigation District by purchasing 2 additional Advanced Funding Agreement Equivalent Dwelling Units of water service. Proof of full service must be provided to Development Services for review.

**Department of Transportation**

13. The applicant shall be subject to an encroachment permit, Std. Plan 103G, for the proposed encroachments onto Suncast Lane and Golden Foothill Parkway and any modifications to the standards must be reviewed and approved by the Department of Transportation. . The encroachment permit shall be obtained prior to the issuance of any building permit for this project.
14. The applicant shall coordinate with DOT traffic operations staff for design optimization of the signal timing operation at the intersection of Latrobe Road with Town Center Blvd. This work shall be completed to the satisfaction of the Department of Transportation prior to the issuance of any building permit for this project.
15. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval, prior to the issuance of any building permit for this project. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, the *Drainage Manual*, the *Off-Street Parking and Loading Ordinance*, and the State of California Handicapped Accessibility Standards.
16. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.
17. The applicant shall provide a soils report at time of grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water and pavement section based on TI and R values. The report shall include recommended design criteria for any retaining walls. Any export to be deposited within El Dorado County shall require an additional grading permit.
18. The applicant shall provide a drainage report at time of grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

19. Any import or export to be borrowed or deposited within El Dorado County shall require an additional grading permit for that offsite grading.
20. 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 approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.

**El Dorado Hills Fire Department**

21. The potable water system for the purpose of the fire protection for this commercial development shall provide a minimum fire flow of 1,500 gallons per minute (gpm) with a minimum residual pressure of 20 psi for two-hour duration. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department.
22. The development shall install Mueller Dry Barrel fire Hydrants conforming to El Dorado Irrigation District specification for the purpose of providing water for fire protection. The spacing between hydrants in the development shall not exceed 300 feet. The exact location of each hydrant and all fire protection system devices shall be determined by the Fire Department.
23. To enhance the nighttime 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 the Fire Safe Regulations.
24. This development shall be prohibited from using type of traffic calming devices that utilize a raised bump or a lower dip section of roadway.
25. Each building shall be addressed in accordance with Fire Department requirements.
26. The fire access roadways shall be designed to accommodate a 40 foot inside and 56 foot outside turning radius.
27. The applicant shall pay an annexation fee to El Dorado Hills Water District for each additional parcel of land created in accordance with the El Dorado Hills Business Park Agreement.

**Air Quality Management District**

28. 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 (PM<sub>10</sub>) in the form of dust. Current county records indicate this property is not located within the Asbestos Review Area (copy enclosed). But, 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 District prior to start of project construction.

29. Project construction may involve road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
30. Burning of wastes on-site requires the applicant to contact the DISTRICT prior to the commencement of any burning. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
31. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.
32. The District's goal is to strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following 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.

33. 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

34. All survey monuments must be set prior to filing of the parcel map.
35. Prior to filing of the parcel map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The letter will state that all conditions placed on the map by that agency have been met.

### 9. SUBDIVISION MAP CORRECTION (Public Hearing)

TM90-1202C2/Rancho Del Sol submitted by RICHARD and CHORAL ENGSTROM to abandon the 100-foot Non-Building Easement for Drainage Course Nos. 17 and 18 within Lot 416 only and replace it with a 15-foot wide drainage easement. The property, identified by Assessor's Parcel Number 077-820-07, consisting of three acres, is located on the west side of Puerta del Sol, approximately 1.5 miles west of the intersection with Snows Road, in the Camino area, Supervisorial District II. (Statutorily exempt pursuant to Section 15268 (b) (3) of the CEQA Guidelines)

Tom Dougherty recommended conditional approval. The applicant was present but had no comments. There was no one else in the audience wishing to give input.

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER MACHADO AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MACHADO, MATHEWS, AND KNIGHT; ABSENT – COMMISSIONERS MAC CREADY AND TOLHURST, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS FIND THE PROJECT STATUTORILY EXEMPT PURSUANT TO SECTION 15268(b) (3) OF THE CEQA GUIDELINES AND APPROVE TM90-1202C, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

### Findings

#### 1.0 CEQA Findings

- 1.1 The map correction project is Statutorily Exempt from the requirements of CEQA pursuant to Section 15268 (b) (3).
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

#### 2.0 Map Correction Findings

- 2.1 *That there are changes in circumstances which make any and all of the conditions of such a map no longer appropriate or necessary.* The location of the 100-foot Non-building Easement is not accurately portrayed on Subdivision Map H-63, page A and further, the existing swale/liner depression cannot be qualified as a wetland/stream requiring any special setbacks required by County Code. Therefore, the subject easement is not needed and replacing it with a 15-foot wide drainage easement accurately portrayed on a corrected map can be found to be appropriate and necessary.
- 2.2 *That the modifications proposed do not impose any additional burden on the present fee owner of the property.* The removal of the non-building easement being requested would benefit, and not burden, the current owner.
- 2.3 *That the modifications proposed do not alter any right, title or interest in the real property reflected in the recorded map.* The abandonment of the 100-foot non-building easement created by Subdivision Map H-63 for Lot 416 only does not alter any interest but updates and confirms the current circumstances concerning the drainage area subject of this permit.
- 2.4 *That the map as modified conforms to the provisions of Section 66474 of the Government Code.* The applicable portion of Section 66474(g) requires that the County find the removal of the 100-foot Non-building Easement will not conflict with easements for access through or use of, property within the parcel map. No utility company, public agency, or parcel owner with interest in the easement, objected to the abandonment of the subject easement.

### **Conditions**

#### **Planning Services Site Specific and Standard Conditions**

1. The subject Certificate of Correction is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-J dated September 13, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Certificate of Correction to amend recorded Subdivision Map H-61, Rancho Del Sol, Unit 4 to abandon the recorded 100-foot non-building easement for Drainage Course Nos. 17 and 18 and replace it with a 15-foot drainage easement within Lot 416 only, and only up to the northern edge of the pond, as shown in Exhibit F for the subject parcel, (Assessor's Parcel Number 077-820-07).



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

2. In the event of 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 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 subdivision, which action is brought within the time period provided for in *Section 66499.37*.

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

- 3 All Planning Services fees shall be paid in full prior to recording of the Certificate of Correction.

#### **County of El Dorado Office of the County Surveyor**

4. The applicant shall file a Certificate of Correction, prepared by an appropriately licensed professional with the El Dorado County Surveyor's Office pursuant to the Subdivision Map Act and County Code for review. Then, upon approval by the County Surveyor, the Certificate of Correction shall be recorded in the County Records Office. The property owners are responsible for all associated processing and recording fees.

#### **10. TENTATIVE SUBDIVISION MAP (Public Hearing)**

**TM07-1436/Candelight Village Mobile Home Park** submitted by CANDLELIGHT VILLAGE, INC./John Emigh (Engineer: Rancho Engineering) for a fee title conversion of the previously approved 92 mobile home park spaces to resident ownership. The property, identified by Assessor's Parcel Number 046-061-24, consisting of 44.43 acres, is located on the northwest side of Mount Aukum Road, approximately one mile west of Fairplay Road, in the **Somerset/Fairplay area**, Supervisorial District II. (Statutorily exempt pursuant to Section 15282(e) of the CEQA Guidelines)

Jason Hade recommended conditional approval. One letter was received from the public in opposition to the request. That response did not change staff's recommendation.

Commissioner Mathews asked when the project was first approved. Mr. Hade replied it was approved by special use permit in 1986.

Craig Sandberg represented the applicant and informed the Commission of the state law which allows this conversion.

Karen Larsen, realtor representing a party contiguous to this project and the individual submitting the letter, thought high density stopped at Bass Lake Road. There was a natural barrier of trees that was killed with the development of this project. There have been three offers on the adjacent parcel, but the prospective buyers did not want to be next to a manufactured home project. There is also a concern with water. Ms. Larsen would hope there would be cooperation regarding fencing.

Commissioner Machado said this project will not go away. It was built in 1986. He does not believe the Commission could even require fencing. Ms. Larsen is aware that conditions could not be added, but she would like to put in the record that they hope there would be cooperation about a barrier.

John Emigh said they have planted trees and continue to do so. He will try to put in a barrier. He does not want to see a fence but would like to see trees. They did not take out any trees. Several years ago bark beetles took out some trees, but those were pines.

A woman from the audience said the property is beautiful the way it has been developed. She spoke about environmental damage. They are concerned about 92 homes and wells, erosion control, and pollution. She believes there are many things that need to be looked into and were not because of the exemption status. She would also like to know about the agricultural overlay. Commissioner Mathews asked how long the woman has lived in the area. The answer was six years. She is concerned about a lot of leach lines and septic systems.

Kristine Campbell, resident of Candlelight Village and resident of the County for 19 years, read here comments into the record.

Mr. Sandberg agreed to the proposed conditions of approval. There is an approved use permit. CEQA review was done with the use permit. There are no new impacts. There are 92 rented homes, and there will be 92 owned residences. All the water and septic issues have been monitored as required by state law.

Mr. Hade said there will be no physical changes.

Commissioner Machado said the project exists. Nothing is being done today but changing from a rental project to an owner project.

Commissioner Mathews encouraged the applicant to work with the neighbors on a barrier.

There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACHADO AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MACHADO, MATHEWS, AND KNIGHT; ABSENT – COMMISSIONERS MAC CREADY AND TOLHURST, IT WAS MOVED TO FIND THE PROJECT STATUTORILY EXEMPT PURSUANT TO SECTION 15282(e) OF THE CEQA GUIDELINES AND APPROVE TM07-1436 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

### **Findings**

#### **1.0 CEQA FINDINGS**

- 1.1 The Planning Commission has determined the project is Statutorily Exempt from the provisions of CEQA pursuant to Section 15282(e) of the CEQA Guidelines which states that the conversion of an existing rental mobile home park to a resident initiated subdivision, cooperative, or condominium for mobile homes as set forth in Section 21080.8 of the Public Resources Code is statutorily exempt from the requirements of CEQA.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

#### **2.0 GENERAL PLAN FINDINGS**

- 2.1 As proposed, the project is consistent with the High-Density Residential (HDR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the HDR land use designation permits a density of one to five dwellings units per acre. Additionally, allowable residential structure types within the HDR land use designation, include single-family attached and detached dwellings and manufactured homes.
- 2.2 The proposal is consistent with all applicable General Plan Policies including 2.2.5.21, 5.2.3.4, 5.3.3.3 and 6.2.3.2 concerning land use compatibility, groundwater supply, community wastewater systems and fire safe access. Because of the project's provision of adequate access, sufficient water and sewage disposal service systems and efforts to fit within the context of the surrounding land uses, it is consistent with the General Plan policies identified above. It is also consistent with policy HO-3c which indicates the County shall support efforts to convert mobile home parks where residents lease their spaces to resident ownership of the park such as this request for Candlelight Village.

#### **3.0 ZONING FINDINGS**

- 3.1 The subject site is zoned Mobile Home Park (MP) which permits the proposed lot size of 6,000 to 20,000 square feet under Section 17.40.030 of the Zoning Ordinance.
- 3.2 As proposed, the project meets all applicable development standards contained within Section 17.40.030 of the *El Dorado County Zoning Ordinance*. The existing residential uses at the subject site are permitted under S86-0040 approved pursuant to Section 17.40.020.A of the Zoning Ordinance.

#### **4.0 ADMINISTRATIVE FINDINGS**

##### **4.1 Tentative Subdivision Map**

- 4.1.1 *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County.* As proposed, the tentative map conforms to the HDR General Plan land use designation and applicable General Plan policies including land use compatibility, groundwater supply, community wastewater systems, fire safe access and mobile home park conversion to resident ownership.
- 4.1.2 *The site is physically suitable for the type and density of development proposed.* The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately two units per acre as previously approved under S86-0040.
- 4.1.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat.* Potential environmental impacts for the existing mobile home park were previously analyzed prior to the approval of S86-0040. As stated above under the CEQA findings, this tentative subdivision map is Statutorily Exempt from CEQA pursuant to Section 15282(e) of the CEQA Guidelines.
- 4.1.4 *The subdivision shall have adequate access to accommodate the proposed density.* Primary site access will be provided via the existing Candlelight Drive with an emergency access route from Candlelight Court to Mount Aukum Road. On-site road improvements permitted under S86-0040 have been constructed for existing phases one, two and six of the tentative map (Exhibit F). Improvements consistent with those approved under S86-0040 and shown on the submitted tentative map will be completed prior to the recording of their respective phases. Proposed access to all lots is consistent with fire safe standards. As such, the proposed project does not include any design features, such as sharp curves or dangerous intersections, or incompatible uses that will substantially increase hazards. No traffic hazards will result from the project design. The proposed subdivision is consistent with General Plan Policy 6.2.3.2 as the Pioneer Fire Protection District has reviewed the project and confirmed that the proposed access and on-site roadways are adequate for the development. The Department of Transportation reviewed the proposal and had no comments or recommended conditions of approval.

- 4.1.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.* The Pioneer Fire Protection District reviewed the proposed tentative subdivision map and had no project specific concerns or recommended conditions of approval. Adherence to fire safe standards will ensure that the project does not create serious public health and safety problems or unacceptable fire risk to current and future occupants of adjoining properties.

## **Conditions**

### **I. PROJECT DESCRIPTION**

1. This tentative subdivision map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E "Tentative Map," dated September 13, 2007 and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

TM07-1436 consists of a fee title conversion of the previously approved 92 mobile home park spaces to resident ownership as well as the creation of three lettered lots for open space and other amenities. Lots will range in size from 6,000 to 20,000 square feet. Primary site access will be provided via the existing Candlelight Drive with an emergency access route from Candlelight Court to Mount Aukum Road. Private wells/tanks and on-site leach systems will provide water and sewage disposal service.

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.

### **II. PROJECT CONDITIONS OF APPROVAL**

#### **Planning Services**

2. At time of final map filing, the map submitted to Planning Services shall reflect a total of 92 lots consistent with those spaces approved under S86-0040 as well as an additional three lettered lots for open space and other amenities. Those spaces designated as open space or for water and sewage disposal systems shall be lettered and described accordingly.

3. Prior to final map recordation for phases three, four, and five, those improvements required under S86-0040 shall be completed to the satisfaction of Planning Services.
4. At time of map recording, all open space lots shall be dedicated to a Homeowner's Association or similar entity as open space with appropriate maintenance program. All open space lots shall be dedicated at the time of recording of the first phase of the map.
5. This tentative map shall expire within 36 months from date of approval unless a timely extension has been filed.
6. All fees associated with the tentative subdivision map shall be paid prior to recording the final subdivision map.
7. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the Government Code.

The subdivider shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

**Environmental Management Department – Environmental Health**

8. Prior to map recordation, the creation of a legal entity empowered by the State of California to plan, design, finance, construct, operate, maintain, and abandon when required any and all sewage disposal and water systems shall be completed to the satisfaction of the El Dorado County Environmental Management Department (EMD). The agreement for the creation of the legal entity shall be irrevocable and in place in perpetuity.
9. At time of final map filing, a complete site plan showing the location of all existing wells and septic systems including a designated 300 percent sewage disposal repair area shall be reviewed and approved by the EMD. The repair area cannot be encumbered by structures or driveways and must meet all setback requirements for onsite sewage disposal. A copy of the completed site plan shall also be supplied to the State of California, Regional Water Quality Control Board for review.

10. Prior to map recordation, a Right of Entry Agreement for the Monitoring and Maintenance of the septic systems that service the Candlelight Village shall be recorded. Said document shall specify that the Homeowners Association obtain and maintain a annual septic system operating permit to the satisfaction of the EMD.
11. Any abandoned wells at the subject site shall be properly destroyed, under permit from the EMD, by a license well driller, prior to map recordation.
12. A safe and adequate water supply shall be demonstrated prior to map recordation for phases three, four and five to the satisfaction of the EMD.
13. At time of final map filing, a completed California TMF (technical, managerial, financial) Capacity Assessment Form for Change of Ownership of Community Public Water Systems shall be submitted to the California Department of Health Services, Division of Drinking Water and Environmental Management. Forms and further direction is available at: <http://www.dhs.ca.gov/ps/ddwem/TMF/Community/default.htm>

**Surveyor's Office**

14. 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 the surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit shall be coordinated with the County Surveyor's Office.
15. The roads serving the development shall be named by filing a completed road name petition with the County Surveyor's Office prior to filing the final map.

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

**11. APPEAL (Public Hearing)**

**Temporary Use Permit TUP07-0011:** Request submitted by STEPHAN C. VOLKER, representing Voices for Rural Living/Chrysan M. Dosh, appealing approval of a temporary use permit which would allow a temporary construction yard for the Shingle Springs Rancheria-U.S. Highway 50 Interchange construction and is limited to two portable offices and associated parking. The property, identified by Assessor's Parcel Number 319-220-18, is zoned Estate Residential Five-acre (RE-5), consists of 34.63 acres, and is located on the west side of Shingle Springs Drive, at the intersection of U.S. Highway 50 and Shingle Springs Drive in the **Shingle Springs area**, Supervisorial District IV.

This item was continued from the meeting of August 9, 2007.

Jonathan Fong recommended denial of the appeal and gave the Commissioners an amended set of conditions. Chair Knight asked that the appellant and individuals in the audience limit their comments to the new information.

Stephan Volker said they are concerned about a second casino on this site. He disagrees the project is categorically exempt. He does not agree this is a permitted use in the zone district. He also feels the site must be adjacent to the work site and that a special use permit is required. A special use permit is discretionary and must include a CEQA review.

Ron Briggs, Supervisors District IV, read the opening paragraph for a temporary use and other sections of the County ordinance. On the application the applicants stated the use would be for about 18 months. He believes this requires a special use permit if for nothing else that the use is going to continue for approximately 18 months. He asked that the Commission look long and hard at the facts and that a special use permit be required.

Art Marinaccio wanted to see the new information that the Commission asked for at the last meeting. He spoke about the requirement that this property must be brought into the Community Region. Mr. Marinaccio asked that the appeal be upheld and that an appropriate application be required for the use.

Chrysan Dosh would like to know why the materials are not being stored on the Rancheria property. The project site is in close proximity to two schools and a church. She feels the safety issues need to be addressed.

Thelma White, resident on Shingle Springs Drive, said the construction yard is a concern to the residents on Shingle Springs Drive. They do not believe this is a compatible use for this site based on the surrounding uses. She asked that the Commission grant the appeal.

Chair Knight said at the last hearing the Commission asked if there was any possibility of using the Rancheria site. Howard Zabel, CC Meyers, said they did go to the Rancheria and spent half a day looking for a possible site for the storage yard. There are no areas on the Rancheria that could be used for the yard.

Gary Janco, resident in Shingle Springs and in the construction business for 40 years and Vice President of CC Meyers, said this is the first time they have run across a situation like this for a road construction project. The superintendent is on the job site and will make sure everything is done properly. They have nothing to do with the casino. They are dealing with Caltrans. Regarding the possibility of a second casino, Mr. Zabel said they have nothing to do with that proposal. Chair Knight said he is aware they have nothing to do with the casino project. This is a hearing for a temporary use permit. Mr. Zabel said the site is directly adjacent to the limit of their project. There is no place that would be closer to their project. They did apply for the permit in May. Their completion date has not changed. They want to get their construction yard so they can start using it.

Mr. Briggs said this use exceeds the temporary use permit requirements. A special use permit is required.

Commissioner Mathews said we are dealing with a construction yard adjacent to the freeway. To him it is a bit of a stretch. He does not know where else you would put the materials. You have someone building something no one wants, and you have someone building something where



they are under contract. If you were building a freeway for something the people wanted you would not have this conflict. He would not want a casino in his backyard. Commissioner Machado disagreed they are building something no one wants. There are just as many people that want the casino. He agrees this is a temporary use permit for an interchange. The construction in Placerville affects him daily but will be finished shortly as will this interchange. Schools put in temporary mobile homes on their sites all the time, and the County has nothing to say. CC Meyers is a very reputable business. This has nothing to do with the casino. The appellants have nothing to do with the casino. The interchange at Shingle Springs Drive is within the applicant's area of limit. The ordinance specifically allows the use.

After the motion and before voting, Commissioner Mathews stated we are only dealing with a temporary use permit and have been approved them in various locations that were much worse than this one.

**MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MACHADO, MATHEWS, AND KNIGHT; ABSENT – COMMISSIONERS MAC CREADY AND TOLHURST, IT WAS MOVED TO DENY THE APPEAL OF TUP07-0011A AND UPHOLD THE APPROVAL OF TEMPORARY USE PERMIT TUP07-0011 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED AND MODIFIED BY STAFF.**

**Findings** (For approval of TUP07-0011)

1. The Temporary Use Permit was submitted on May 22, 2007, by CC Myers Inc. Planning Services reviewed the application for consistency with the zoning regulations and determined that a temporary construction yards and offices are permitted uses with the Estate Residential Five-acre (RE-5) Zone District with the issuance of a Temporary Use Permit.
2. The Temporary Use Permit was reviewed and determined that in accordance with the CEQA Guidelines, the Project would be categorically exempt pursuant to Section 15300.1, which states that *Section 21080 of the Public Resources Code exempts from the application of CEQA those projects over which public agencies exercise only ministerial authority. Since ministerial projects are already exempt, categorical exemptions should be applied only where a project is not ministerial under a public agency's statutes and ordinances. The inclusion of activities which may be ministerial within the classes and examples contained in this article shall not be construed as a finding by the Secretary for Resources that such an activity is discretionary.*

**Conditions**

1. This Temporary Use Permit is based upon and limited to compliance with the project description and submitted Site Plans, dated May 23, 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:

Temporary Use Permit TUP07-0011 consists of the use of Assessor's Parcel Number 319-220-18 as a temporary construction yard for the Shingle Springs Rancheria-Highway 50 Interchange construction. The use is permitted until the time of completion of the Shingle Springs Rancheria-Highway 50 Interchange, as determined by Caltrans. The temporary use at the site shall be limited to the uses identified on the site plan including the storage of construction materials such as steel beams, wood panels and petroleum products and associated parking. No explosives would be placed onsite. Project lighting would be limited to a maximum of four lights which would face north away from the residences to the south and east.

Hours of operation for the site shall be limited to 7:00 AM to 7:00 PM Monday through Friday and 8 AM to 5 PM on weekends and on federally recognized holidays in accordance with Policy 6.5.1.11 of the General Plan.

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

### **Department of Transportation**

2. No fencing or any other fixed object shall be placed in the right of way.
3. The applicant shall obtain an encroachment permit from the Department of Transportation (DOT) for access to ~~Greenstone Road~~ Shingle Springs Drive and shall construct the encroachment to the requirements of the County of El Dorado Design and Improvements Standards Manual (DISM) Standard Plan 103C. The proposed encroachments are temporary, and the applicant shall subsequently submit a plan to DOT for review and approval for the ultimate encroachment(s) to serve this parcel.

### **Planning Services**

4. All temporary uses permitted under this Temporary Use Permit shall be removed within 10 days of the completion of the Shingle Springs Rancheria-Highway 50 Interchange as determined by Caltrans. Failure to remove the temporary uses by this deadline will result in forfeiture of the submitted \$1,000 bond and potential Code Enforcement action.

5. All storage yard lighting shall be designed so as to direct light downwards (top and side shielded). Lights shall be placed so that no glare or light spills over onto an adjoining property or established road right-of-way.
6. The storage yard fencing shall be constructed as shown on the site plan and properly maintained at all times.
7. The temporary use shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein. 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.

### **Environmental Management Department**

8. The project staging area location will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM<sub>10</sub>) in the form of dust from vehicle traffic. Current county records indicate this property is not located within the Asbestos Review Area. But, 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 Management Quality District prior to start of project construction.
9. The applicant shall prepare and submit a hazardous materials business plan for review by Hazmat Division staff and pay applicable fees. A copy of the plan must be maintained onsite. All aspects of the plans emergency response procedures and training sections must be implemented. Secondary containment must be provided for fuel storage of 1320 gallons or more. The site will be subject to periodic inspections.

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

### **12. CONCEPTUAL REVIEW (Public Hearing)**

**PA07-0016/Wild Chaparral Khoram:** Pre-application submitted for review and comment. The project proposes commercial, residential, and open space components on an existing 5.0 and 6.9 acre lot that fronts and is highly visible to US Highway 50. The properties, identified by Assessor's Parcel Numbers 070-280-59 and -60, are located on the north side of Wild Chaparral Drive, one quarter mile west of the intersection with Ponderosa Road, in the **Shingle Springs area**, Supervisorial District IV. Applicant: REAL RETURNS, LLC. Engineer: Carlton Engineering, Inc.

Roman Anissi presented this item. Diana Adderly, Carlton Engineering, represented the applicant and explained their project. Chris Chaloupka, Art Marinaccio, and Mr. Khoram gave input. No action was required

**ADDENDUM**

These applications were considered after item 12.

**PLANNED DEVELOPMENTS** (Public Hearing)

a. **PD05-0008/Cunningham Duplexes** submitted by Michael Cunningham (Agent: JMR Architecture) for a planned development to allow the construction of a six-unit multifamily residential development consisting of three duplex structures. A design waiver has been requested to reduce the sidewalk width pursuant to Standard Plan 101B along Country Club Drive from six to four feet. The property, identified by Assessor's Parcel Number 082-401-06, consisting of 0.59 acre, is located on the south side of Country Club Drive, at the southeast corner of Knollwood Drive, in the **Cameron Park area**, Supervisorial District I. (Mitigated negative declaration prepared)\*

This item was continued from the meeting of August 23, 2007.

Tim Chamberlain recommended conditional approval. He presented a revised staff report and revised conditions. Chair Knight commented the item was continued due to the fact the Commission was concerned about additional parking. Commissioner Machado asked about a parking agreement. Mr. Chamberlain referred the Commission to Condition 19 pertaining to an access and parking agreement. Paula Frantz, County Counsel, said this is a fairly standard condition for commercial projects. There could be additional language that the condition be put into the CC&Rs. Commissioner Machado commented that parcel 5 is isolated. He does not see people that use parcel 5 parking on parcel 6. The open space (on parcel 5) does not help the project at all.

Tessa Davis, Associated Land Consultants, represented the applicant. She briefly explained the parking for this project and PD05-0009. Commissioner Machado commented there are seven more spaces than before.

There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MACHADO, MATHEWS, AND KNIGHT; ABSENT – COMMISSIONERS MAC CREADY AND TOLHURST, IT WAS MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED, AND APPROVE PD05-0008 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

**Findings**

**1.0 CEQA FINDINGS**

1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative

Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.

- 1.2 By including mitigation for the fill of wetlands that are designated Waters United States, no significant impacts to the environment will result from this project. Mitigation is included in the project permit that address potentially significant impacts within the Biological Resources category of the Initial Study based on impacts to the existing seasonal wetlands on-site. Payment of a fee to the U.S. Department of Fish and Game as well as demonstrating compliance with all requirements of the US Army Corps of Engineers issued permits will reduce the level of impacts within the categories to a level that is less than significant.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects of 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.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

## **2.0 ADMINISTRATIVE FINDINGS**

### **2.1 General Plan**

As proposed, the PD application and necessary improvements are consistent with the policies and land use designation of the adopted 2004 General Plan. The project meets the Multi-Family Residential (MFR) standard for use and density by providing a six-unit multi-family residential project. The six units are compatible with the surrounding pattern of development. Other similarly designed projects with comparable densities exist in the immediate area. The proposed removal of oak trees does not constitute a violation of General Plan policy as staff has found the removal of dead or dying trees does not constitute removal of protected oak woodland resources. The proposed development plan has adequate public services or they will be provided to serve the project, road improvements and fees will off-set traffic impacts, and the impacts to biological resources on the site have been taken into consideration as part of the mitigation measures.

### **2.2 Zoning**

The zoning designation for this parcel is Limited Multifamily Residential Planned Development (R2-PD). The PD overlay was the requirement for a planned development application. The proposed multifamily residential use and proposed density are in

conformance with the requirements of Section 17.28 of the County Zoning Code. The development has also demonstrated conformance with the required development standards for the R2 zone district. Staff finds that the proposed development is consistent with the requirements of El Dorado County Zoning Code.

### **2.3 Planned Development**

Issuance of a Planned Development Permit (PD05-0008) to create a six-unit multifamily development consisting of three duplex buildings within the Limited Multifamily Residential Planned Development Zone District.

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

This project provides 44-percent common open space area where 30-percent is required based on PD standards. Combined with the appropriate proposed location of buildings, the use of an earth tone building color palette and placement of the parking areas away from the main street and outside of setbacks creates a sensible environment within the project boundaries. In addition, the installation of comprehensive landscape and irrigation will maintain a visually attractive project by softening the structures to be built on the site.

- 2.3.2 That any exception to the standard requirements of the zone regulations are justified by the design or existing topography.

No exceptions to the standard requirements of the zone regulations are being requested.

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

This area of Cameron Park is designated for multi-family residential development and the property is surrounded by similar types of single- and multi-family projects. Direct access is available onto Knollwood Drive for the subject parcel that will combine and share access to all units using one main encroachment.

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

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

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

This .59-acre site is an undeveloped parcel that is surrounded by similarly developed or developing projects. As designed, the project proposes a sensitive site design that incorporates landform grading techniques and building siting to create a balanced and aesthetically pleasing product that fits within the neighborhood. Landscaping has been incorporated into the design of this development to create an aesthetically pleasing exterior and match the general look of the neighborhood. Exterior colors of buildings will match the color palate described in the project description, Condition of Approval No. 1 of Attachment 1. The selected colors will blend the buildings with the existing earth tone colors that are characteristic of the property and the surrounding neighborhood.

### **3.0 DESIGN WAIVER FINDINGS**

Request for a design waiver to reduce the required 6-foot wide sidewalk to a 4-foot width along the frontage of Country Club Drive.

- 3.1 There are special conditions or circumstances peculiar to the project which would justify the waiver.

An adjacent property was recently conditioned for a 4-foot wide sidewalk along Country Club Drive. The Department of Transportation supports the reduction of sidewalk width to maintain a uniform width along the different parcels on the south side of Country Club Drive.

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

Additional sidewalk width beyond four feet would cause substantial cost to the applicant in required additional grading and construction costs for onsite improvements.

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

The Department of Transportation has conditioned the project to include offsite improvements for a Class 2 Bicycle Lane from Knollwood Dr. to Cambridge Rd. to streamline the anticipated non-vehicular traffic. Staff finds that the inclusion of a bicycle lane in addition to the 4-foot sidewalk would be the best alternative for pedestrian and bicycle traffic in the area. As conditioned, the project would no be detrimental to the health, safety and welfare of the neighborhood.

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

Reduction of the sidewalk width would not compromise any objectives of the Subdivision Ordinance. In addition, this waiver is in conformance with the zoning code requirements, and the addition of a Class 2 bicycle lane conforms to the policies of the El Dorado County General Plan.

**Conditions**

1. This Planned Development Permit approval is based upon and limited to compliance with the project description, Planning Commission Exhibits E and F dated August 9, 2007, and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

**The project description is as follows:**

The Planned Development Permit will allow development of a six unit multi-family residential development consisting of three duplex buildings of 2-story construction. The six units are comprised of 8,772 square feet of habitable floor area and 2,970 square feet of garage floor area. Each unit will be comprised of a 702 square feet of first floor living space, 760 square feet of second floor living space, and an attached 495 square foot two car garage. The development has included 12,044 square feet of common area open space with no common area amenities and seven (7) additional parking spaces to provide guest parking for this six unit development as well as shared parking for the adjacent six unit development.

Exterior colors and materials for buildings shall substantially conform to the following color palette. Three rock varieties are proposed including a dark brown Walnut County Ledge stone, a beige Lakeshore River Rock, and a light brown Cedar Dry Stalk Ledge stone. The exterior of the buildings will be either Canyon View (grey), Amber Leaf (khaki), or Cottage Walk (grey/brown). The trim will be done in an off white and the accent color will be either Hickory Grove (dark brown), Autumn Hills (dark red), or Napa Harvest (black). All exterior building materials, treatments, and landscaping shall be maintained in good visual repair, at all times.

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

**Conditions from the Mitigated Negative Declaration**

2. Prior to issuance of grading or building permits, the applicant must mitigate for the loss of 0.182 acres of waters of the United States. The applicant shall submit a check to the Sacramento Branch Office of the U.S. Army Corps of Engineers in the amount of



\$40,040 payable to the National Fish and Wildlife Foundation (NFWF). Prior to proceeding with any activity otherwise authorized by this permit, the applicant shall receive written notification from the Corps that the check has been deposited in the NFWF's South Pacific Wetlands Account and provide notification to Planning prior to issuance of a building permit.

**MONITORING:** A copy of the written notification from the U.S. Army Corps of Engineers signifying that the specified amount has been deposited in the NFWF South Pacific Wetland Account must be submitted to and reviewed by Planning Services prior to issuance of any grading or building permits.

3. Prior to the issuance of grading or building permits, the applicant shall obtain the necessary permits from the Army Corps of Engineers for a Clean Water Act Section 401 application. After the permits have been issued by the Corps, the applicant shall allow representatives from the Corps to inspect the authorized activity at any time deemed necessary to ensure that it is being, or has been, accomplished in accordance with the terms and conditions of the permit.

**MONITORING:** Documentation of the issued permits and inspections from the Corps shall be submitted to Planning Services for review prior to issuance of any grading or building permits.

4. Prior to the final inspection of building permits, the applicant shall provide Planning Services and the Army Corps of Engineers with documentation for compliance with post project construction conditions. The applicant shall submit post construction photos of the project site within 30 days after project completion.

**MONITORING:** The applicant shall provide documentation of conformance and completion to the requirements of all Army Corps permits. This information shall be provided to Planning Services Prior to the Final Inspection of all building permits.

### **Planning Services**

5. Prior to issuance of building permits, the applicant shall provide to Planning Services a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.
6. Prior to the approval of occupancy permits, the applicant shall schedule an inspection with Planning Services for verification of compliance with applicable conditions of approval.
7. 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. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require additional Planning Services review and approval.

8. No signage is proposed at the time of application. Signage shall require Planning Services approval of a minor revision to this design review application. All signage shall conform to Chapter 17.16 and Chapter 17.28 of the County Code.
9. Construction and grading activities shall be conducted in accordance with the County Noise Element and limited to the following hours and days: 7:00 a.m. and 5:00 p.m. on any weekday; 8 a.m. and 5 p.m. on weekends, and on federally-recognized holidays.
10. Off-street parking shall not be reduced at any time. Garage parking shall be kept free and clear to accommodate vehicular parking only.
11. The final landscape plan shall meet Zoning Code Chapter 17.18.090, and General Plan Policies 7.3.5.1, 7.3.5.2 and 7.4.4.4. The final landscape plan and Water Conservation Landscape Standards form shall be provided to, and then approved by the Deputy Planning Director or designee, the prior to issuance of a building permit. Applicant shall install landscaping in accordance with the approved final landscaping plan and maintain in perpetuity or unless otherwise modified through any future permit.
12. Common area lighting is not permitted. Patio area lighting shall be shielded and must conform to the provisions of the lighting ordinance.
13. Outdoor air conditioning units shall be located in the rear yard and/or patio area of each unit and shall be screened from public views. Roof mounted air conditioning units shall not be allowed.
14. Propane tanks shall be located underground. The location of propane tanks shall be shown on the site improvement/grading plans.
15. Gates shall not be allowed across the access drive without authorization though a Special Use Permit.
16. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50-feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the finds is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review the grading plans prior to the issuance of a grading permit.
17. In the even of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage

Commission. Planning Services shall review the grading plans prior to the issuance of a grading permit.

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

The subdivider shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

19. The developer shall provide a joint access and parking agreement to ensure on-going access and maintenance of the parking areas to Planning Services for review and approval prior to issuance of a grading permit.

#### **Department of Transportation Project Specific Conditions**

20. The applicant shall improve the on-site portion of Country Club Drive, to El Dorado County Design and Improvement Standards Manual (DISM), Standard Plan 101B, widening to a 20 foot width from the existing centerline. 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 occupancy of any unit of this project.
21. The applicant shall place Type 2 vertical curb along the entire frontage of Country Club Drive. In addition, the applicant shall place a 4 foot wide sidewalk along the entire frontage of both Knollwood Drive and Country Club Drive. All curb returns, at pedestrian crossing, shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp. 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 occupancy of any unit of this project.
22. The applicant shall sign and stripe a Class 2 Bike lane, according to the El Dorado County Bicycle Transportation Plan, along both sides of Country Club Drive, from Knollwood Drive to Cambridge Road. 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 occupancy of any unit of this project.

23. The applicant shall obtain an encroachment permit from DOT and shall construct said encroachment onto Knollwood Drive, prior to occupancy, to the provisions of DISM, modified Standard Plan 103G.
24. A vehicular access restriction shall be designated along the frontage of Country Club Drive.
25. The applicant shall join and/or form an entity, satisfactory to DOT, to maintain all on-site roadway and drainage facilities not maintained by the County.
26. If the subdivider is required to perform off-site improvements and 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 commencement proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Agent, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:
  - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
  - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
  - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.
27. All Development Services Planning fees shall be paid prior to issuance of any Building Permit.

**Department of Transportation Standard Conditions**

28. 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 Subdivision Ordinance, prior to filing the Parcel Map.
29. If site improvements are to be made, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment*

*Control Ordinance, the Drainage Manual, the Off-Street Parking and Loading Ordinance, and the State of California Handicapped Accessibility Standards. The improvements shall be substantially completed, to the approval of the Department of Transportation, prior to occupancy.*

30. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
31. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.
32. The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
33. 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 approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.

The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

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

#### **Cameron Park Community Services District (CPCSD)**

35. Park impact fees and fire development fees shall be paid to the Cameron Park Community Services District (CPCSD) prior to issuance of building permits or issuance of the first occupancy permit.
36. Prior to the issuing of a building permit, the applicant shall submit plans to the CPCSD Architectural Review for review and approval.
37. CC& R's must be recorded and adhered to prior to final building permit approval.

#### **Environmental Management**

38. 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 (PM<sub>10</sub>) in the form of dust. Current county records indicate this

property is located within the Asbestos Review Area (copy enclosed). Therefore, District Rule 223.2 Fugitive Dust-Asbestos Hazard Mitigation, which addresses the regulations and mitigation measures for fugitive dust emissions, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223.2. In addition, an Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the District prior to start of project construction.

39. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
40. The applicant shall contact the DISTRICT prior to the commencement of any burning. Burning of vegetative wastes that result from "Land Development Clearing" must be permitted through the DISTRICT. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
41. 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.
42. 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:

**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.

43. 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.

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

b. **PD05-0009/Cunningham Duplexes** submitted by MICHAEL CUNNINGHAM (Agent: JMR Architecture) for a planned development to allow the construction of a six-unit multifamily residential development consisting of three duplex structures. A design waiver has been requested to reduce the sidewalk width pursuant to Standard Plan 101B along Country Club Drive from six to four feet. The property, identified by Assessor's Parcel Number 082-401-05, consisting of 0.49 acre, is located on the south side of Country Club Drive, approximately 170 feet east of Knollwood Drive, in the **Cameron Park area**, Supervisorial District I. (Mitigated negative declaration prepared)\*

This item was continued from the meeting of August 23, 2007.

Staff: Tim Chamberlain recommended conditional approval. He presented a revised staff report and revised conditions. See Item Addendum a for further discussion.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MACHADO, MATHEWS, AND KNIGHT; ABSENT – COMMISSIONERS MAC CREADY AND TOLHURST, IT WAS MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED, AND APPROVE PD05-0009 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

## **Findings**

### **2.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 By including mitigation for the fill of wetlands that are designated Waters United States, no significant impacts to the environment will result from this project. Mitigation is included in the project permit that address potentially significant impacts within the Biological Resources category of the Initial Study based on impacts to the existing seasonal wetlands on-site. Payment of a fee to the U.S. Department of Fish and Game as

well as demonstrating compliance with all requirements of the US Army Corps of Engineers issued permits will reduce the level of impacts within the categories to a level that is less than significant.

- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects of 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.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

## **2.0 ADMINISTRATIVE FINDINGS**

### **2.1 General Plan**

As proposed, the PD application and necessary improvements are consistent with the policies and land use designation of the adopted 2004 General Plan. The project meets the Multi-Family Residential (MFR) standard for use and density by providing a six-unit multi-family residential project. The six units are compatible with the surrounding pattern of development. Other similarly designed projects with comparable densities exist in the immediate area. The proposed removal of oak trees does not constitute a violation of General Plan policy as staff has found the removal of dead or dying trees does not constitute removal of protected oak woodland resources. The proposed development plan has adequate public services or they will be provided to serve the project, road improvements and fees will off-set traffic impacts, and the impacts to biological resources on the site have been taken into consideration as part of the mitigation measures.

### **2.2 Zoning**

The zoning designation for this parcel is Limited Multifamily Residential Planned Development (R2-PD). The PD overlay was the requirement for a planned development application. The proposed multifamily residential use and proposed density are in conformance with the requirements of Section 17.28 of the County Zoning Code. The development has also demonstrated conformance with the required development standards for the R2 zone district. Staff finds that the proposed development is consistent with the requirements of El Dorado County Zoning Code.

### **2.3 Planned Development**



Issuance of a Planned Development Permit (PD05-0008) to create a six-unit multifamily development consisting of three duplex buildings within the Limited Multifamily Residential Planned Development Zone District.

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

This project provides 48-percent common open space area where 30-percent is required based on PD standards. Combined with the appropriate proposed location of buildings, the use of an earth tone building color palette and placement of the parking areas away from the main street and outside of setbacks creates a sensible environment within the project boundaries. In addition, the installation of comprehensive landscape and irrigation will maintain a visually attractive project by softening the structures to be built on the site.

- 2.3.2 That any exception to the standard requirements of the zone regulations are justified by the design or existing topography.

No exceptions to the standard requirements of the zone regulations are being requested.

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

This area of Cameron Park is designated for multi-family residential development and the property is surrounded by similar types of single- and multi-family projects. Direct access is available onto Country Club Drive for the subject parcel that will combine and share access to all units using one main encroachment.

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

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

This .49-acre site is an undeveloped parcel that is surrounded by similarly developed or developing projects. As designed, the project proposes a sensitive site design that incorporates landform grading techniques and building siting to create a balanced and aesthetically pleasing product that fits within the neighborhood. Landscaping has been incorporated into the design of this development to create an aesthetically pleasing exterior and match the general look of the neighborhood. Exterior colors of buildings will match the color palette described in the project description, Condition of Approval

No. 1 of Attachment 1. The selected colors will blend the buildings with the existing earth tone colors that are characteristic of the property and the surrounding neighborhood.

### **3.0 DESIGN WAIVER FINDINGS**

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

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environmental review. Deviations without the above described approval will constitute a violation of permit approval.

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The Planned Development Permit will allow development of a six unit multi-family residential development consisting of three duplex buildings of 2-story construction. The six units are comprised of 8,772 square feet of habitable floor area and 2,970 square feet of garage floor area. Each unit will be comprised of a 702 square feet of first floor living space, 760 square feet of second floor living space, and an attached 495 square foot two car garage. The development has included 10,392 square feet of common area open space with no common area amenities and seven (7) additional parking spaces to provide guest parking for this six unit development as well as shared parking for the adjacent six unit development.

Exterior colors and materials for buildings shall substantially conform to the following color palette. Three rock varieties are proposed including a dark brown Walnut County Ledge stone, a beige Lakeshore River Rock, and a light brown Cedar Dry Stalk Ledge stone. The exterior of the buildings will be either Canyon View (grey), Amber Leaf (khaki), or Cottage Walk (grey/brown). The trim will be done in an off white and the accent color will be either Hickory Grove (dark brown), Autumn Hills (dark red), or Napa Harvest (black). All exterior building materials, treatments, and landscaping shall be maintained in good visual repair, at all times.

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

**CONDITIONS OF APPROVAL**

**Conditions from the Mitigated Negative Declaration**

2. Prior to issuance of grading or building permits, the applicant must mitigate for the loss of 0.182 acres of waters of the United States. The applicant shall submit a check to the Sacramento Branch Office of the U.S. Army Corps of Engineers in the amount of \$40,040 payable to the National Fish and Wildlife Foundation (NFWF). Prior to proceeding with any activity otherwise authorized by this permit, the applicant shall receive written notification from the Corps that the check has been deposited in the NFWF's South Pacific Wetlands Account and provide notification to Planning prior to issuance of a building permit.

**MONITORING:** A copy of the written notification from the U.S. Army Corps of Engineers signifying that the specified amount has been deposited in the NFWF South Pacific Wetland Account must be submitted to and reviewed by Planning Services prior to issuance of any grading or building permits.

3. Prior to the issuance of grading or building permits, the applicant shall obtain the necessary permits from the Army Corps of Engineers for a Clean Water Act Section 401 application. After the permits have been issued by the Corps, the applicant shall allow representatives from the Corps to inspect the authorized activity at any time deemed necessary to ensure that it is being, or has been, accomplished in accordance with the terms and conditions of the permit.

**MONITORING:** Documentation of the issued permits and inspections from the Corps shall be submitted to Planning Services for review prior to issuance of any grading or building permits.

4. Prior to the final inspection of building permits, the applicant shall provide Planning Services and the Army Corps of Engineers with documentation for compliance with post project construction conditions. The applicant shall submit post construction photos of the project site within 30 days after project completion.

**MONITORING:** The applicant shall provide documentation of conformance and completion to the requirements of all Army Corps permits. This information shall be provided to Planning Services Prior to the Final Inspection of all building permits.

### **Planning Services**

5. Prior to issuance of building permits, the applicant shall provide to Planning Services a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.
6. Prior to the approval of occupancy permits, the applicant shall schedule an inspection with Planning Services for verification of compliance with applicable conditions of approval.
7. 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. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require additional Planning Services review and approval.
8. No signage is proposed at the time of application. Signage shall require Planning Services approval of a minor revision to this design review application. All signage shall conform to Chapter 17.16 and Chapter 17.28 of the County Code.

9. Construction and grading activities shall be conducted in accordance with the County Noise Element and limited to the following hours and days: 7:00 a.m. and 5:00 p.m. on any weekday; 8 a.m. and 5 p.m. on weekends, and on federally-recognized holidays.
10. Off-street parking shall not be reduced at any time. Garage parking shall be kept free and clear to accommodate vehicular parking only.
11. The final landscape plan shall meet Zoning Code Chapter 17.18.090, and General Plan Policies 7.3.5.1, 7.3.5.2, and 7.4.4.4. The final landscape plan and Water Conservation Landscape Standards form shall be provided to, and then approved by the Deputy Planning Director or designee, the prior to issuance of a building permit. Applicant shall install landscaping in accordance with the approved final landscaping plan and maintain in perpetuity or unless otherwise modified through any future permit.
12. Common area lighting is not permitted. Patio area lighting shall be shielded and must conform to the provisions of the lighting ordinance.
13. Outdoor air conditioning units shall be located in the rear yard and/or patio area of each unit and shall be screened from public views. Roof mounted air conditioning units shall not be allowed.
14. Propane tanks shall be located underground. The location of propane tanks shall be shown on the site improvement/grading plans.
15. Gates shall not be allowed across the access drive without authorization of a Special Use Permit.
16. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50-feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the finds is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review the grading plans prior to the issuance of a grading permit.
17. In the even of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall review the grading plans prior to the issuance of a grading permit.
18. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs

County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The subdivider shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

19. All Development Services Planning fees shall be paid prior to issuance of any Building Permit.
20. The developer shall provide a joint access and parking agreement to ensure on-going access and maintenance of the parking areas to Planning Services for review and approval prior to issuance of a grading permit.

#### **Department of Transportation Project Specific Conditions**

21. The applicant shall improve the on-site portion of Country Club Drive, to El Dorado County Design and Improvement Standards Manual (DISM), Standard Plan 101B, widening to a 20 foot width from the existing centerline. 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 occupancy of any unit of this project.
22. The applicant shall place Type 2 vertical curb along the entire frontage of Country Club Drive. In addition, the applicant shall place a 4 foot wide sidewalks along the entire frontage of Country Club Drive. All curb returns, at pedestrian crossing, shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp. 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 occupancy of any unit of this project.
23. The applicant shall sign and stripe a Class 2 Bike lane, according to the El Dorado County Bicycle Transportation Plan, along both sides of Country Club Drive, from Knollwood Drive to Cambridge Road. 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 occupancy of any unit of this project.

24. The applicant shall obtain an encroachment permit from DOT and shall construct said encroachment onto Knollwood Drive, prior to occupancy, to the provisions of DISM, modified Standard Plan 103G.
25. A vehicular access restriction shall be designated along the frontage of Country Club Drive.
26. The applicant shall join and/or form an entity, satisfactory to DOT, to maintain all on-site roadway and drainage facilities not maintained by the County.
27. If the subdivider is required to perform off-site improvements and 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 commencement proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Agent, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:
  - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
  - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
  - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

**Department of Transportation Standard Conditions**

28. 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 Subdivision Ordinance, prior to filing the Parcel Map.
29. If site improvements are to be made, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, the *Drainage Manual*, the *Off-Street Parking and Loading Ordinance*, and the State of California Handicapped Accessibility Standards. The improvements shall be substantially completed, to the approval of the Department of Transportation, prior to occupancy.

30. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
31. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.
32. The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
33. 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 approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.

The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

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

#### **Cameron Park Community Services District (CPCSD)**

35. Park impact fees and fire development fees shall be paid to the Cameron Park Community Services District (CPCSD) prior to issuance of building permits or issuance of the first occupancy permit.
36. Prior to the issuing of a building permit, the applicant shall submit plans to the CPCSD Architectural Review for review and approval.
37. CC& R's must be recorded and adhered to prior to final building permit approval.

#### **Environmental Management**

38. 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 (PM<sub>10</sub>) in the form of dust. Current county records indicate this property is located within the Asbestos Review Area (copy enclosed). Therefore, District Rule 223.2 Fugitive Dust-Asbestos Hazard Mitigation, which addresses the regulations and mitigation measures for fugitive dust emissions, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply



with the requirements of Rule 223.2. In addition, an Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the District prior to start of project construction.

39. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
40. The applicant shall contact the DISTRICT prior to the commencement of any burning. Burning of vegetative wastes that result from "Land Development Clearing" must be permitted through the DISTRICT. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
41. 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.
42. 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:

**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.
43. 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.

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

**13. GENERAL PLAN UPDATE - None**

**14. ZONING ORDINANCE UPDATE**

Roger Trout informed the Commission of the action taken by the Board of Supervisors on the Winery Ordinance this past Tuesday. Staff is to return to the Board with the initial study on September 25.

The Commission asked that three or four portions of the Zoning Ordinance be placed on the next Commission agenda for a workshop-type discussion. Mr. Trout said the Flood Ordinance and Boundary Line Adjustment portions are ready. He will check on the Parking and Landscaping section.

**15. DEPARTMENT OF TRANSPORTATION - None**

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

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

**18. ADJOURNMENT**

Meeting adjourned at 1:25 p.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:

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John Knight, Chair

