



EL DORADO COUNTY PLANNING SERVICES

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

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MINUTES

**Regular Meeting of the Planning Commission
October 11, 2007 – 8:30 A.M.
BUILDING C HEARING ROOM
2850 Fairlane Court, Placerville, CA**

1. CALL TO ORDER

Called to order at 8:40 a.m. Present: Commissioners Mac Cready, Machado, Mathews, Tolhurst, and Knight; Paula F. Frantz, County Counsel; and Jo Ann Brillisour, Clerk to the Planning Commission.

2. ADOPTION OF AGENDA

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED BY THOSE PRESENT (Commissioner Tolhurst was absent), 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: September 27, 2007

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

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS

These items were considered during the day as time permitted.

Larry Appel informed the Commission of the reasoning for continuing the Oak Woodland Management Plan to November 8.

6. COMMISSIONERS' REPORTS

Commissioner Machado asked if the Oak Woodland Management Plan could be placed on the October 25 agenda for a possible recommendation from the Commission to the Board.

Commissioner Machado asked when the issue on agricultural setbacks will be back on the agenda.

Commissioner Machado asked about the Housing Element. The important part we need is the Constraints map.

Commissioner Tolhurst spoke about the problems he has incurred with submitting building permits for property owners in the Angora fire area.

CONSENT CALENDAR/APPLICATIONS

SITE PLAN REVIEW/REASONABLE USE DETERMINATION

SPR07-0026 submitted by TERRI and RICHARD SEXTON for a Reasonable Use Determination and finding of consistency with the intent of General Plan Policy 7.4.2.9. The property, identified by Assessor's Parcel Number 104-160-24, consisting of 9.72 acres, is located on the south side of Gallagher Road, approximately one mile west of the intersection with Salmon Falls road, in the **Pilot Hill area**, Supervisorial District IV.

Staff: Tom Dougherty Recommendation: Conditional approval

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACHADO AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE SPR07-0026, SUBJECT TO THE CONDITIONS AND BASED ON THE FINDINGS PROPOSED BY STAFF.

Conditions

1. The project, as approved, shall conform to the approved site plan, Exhibit C.
2. The area to be planted by the 26, one-gallon sized blue oaks (*Quercus douglasii*), as well as the planting procedures and techniques, shall conform to Exhibits H1, H2 and H3.

3. The applicants shall enter into an oak tree replacement and mitigation monitoring agreement with the County prior to final occupancy for Building Permit No. 180694.

Findings

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

With the exception of areas developed with the existing single-family dwelling, garage, and driveway, the subject parcel is primarily covered by oak trees. The main areas of the parcel not covered by them are the areas proposed to be re-planted as shown in Exhibits H1, H2 and H3. As such, the site chosen for placement of the new home and driveway is as appropriate as any on the site, and does not interfere with any environmental resources, other than oak trees.

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

The project site is surrounded on three sides by ten-acre parcels and located within the Estate Residential Ten-acre (RE-10) zone district. The development area proposed is in keeping with the similar development pattern of the surrounding parcels.

3. *Soil disturbance and tree removal is minimized.*

The depth of excavation and fill beneath the building footprint, as well as outside the footprint, does not exceed five feet. In addition, the configuration of the disturbance area parallels natural topographic features and the project is designed to maximize consistency with all applicable policies of the El Dorado County General Plan.

4. *As the project is located within the Important Biological Corridor Overlay district, A Biological Resources Study and Important Habitat Mitigation Program have been prepared by a qualified professional.*

Biological Resources Survey, and including a "Proposed Revegetation and Restoration Plan," by Jeff Alvarez, Wildlife Biologist dated July 20, 2007, and was received by the Planning Services July 24, 2007. The information and findings within served as a basis for this decision.

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

END OF APPLICATION CONSENT CALENDAR

PUBLIC FORUM/PUBLIC COMMENT

Kathye Russell spoke regarding a General Plan amendment for agricultural buffering. Art Marinaccio spoke about dealing with inconsistencies in the General Plan and the importance of proceeding with the Housing Element. Valeria Zetner spoke about starting work on agricultural policies. Andrew Spencer spoke about processing the Sawmill Creek project and that the whole project site should be developed concurrently.

7. ZONE CHANGE/PLANNED DEVELOPMENT/TENTATIVE PARCEL MAP
(Public Hearing)

a. **Z07-0015/Planned Development PD07-0011/Tentative Parcel Map P07-0005** submitted by GLENHAVEN COURT I, LLC, to rezone property from Research and Development-Design Control (R&D-DC) to Research and Development-Planned Development (R&D-PD); development plan to allow the conversion of an existing commercial structure into three air space condominium units, with common area; and tentative parcel map creating four lots. The property, identified by Assessor's Parcel Number 117-085-18, consisting of 1.02 acres, is located on the south side of Glenhaven court, approximately 200 feet east of the intersection with Hillsdale Circle in the El Dorado Hills Business Park, in the **El Dorado Hills area**, Supervisorial District II. (Categorically exempt pursuant to Section 15301(k) of the CEQA Guidelines)

Staff: Pat Kelly recommended conditional approval to the Board of Supervisors. Ron Russell representing Glenhaven Court I, LLC, was present and had nothing to add to the presentation. There as no one in the audience wishing to give input. Commissioner Mac Cready asked about landscaping. Chair Knight commented it is already in place.

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15301(k) OF THE CEQA GUIDELINES; APPROVE Z07-0015/PD07-0011 REZONING ASSESSOR'S PARCEL NUMBER 117-085-18 FROM RESEARCH AND DEVELOPMENT-DESIGN CONTROL (R&D-DC) TO RESEARCH AND DEVELOPMENT-PLANNED DEVELOPMENT (R&D-PD), ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, SUBJECT TO THE CONDITIONS AND BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE P07-0005, SUBJECT TO THE CONDITIONS AND BASED ON THE FINDINGS PROPOSED BY STAFF.

Conditions

1. This Parcel Map is based upon and limited compliance with the project description, the Planning Commission hearing exhibit marked Exhibit F (Tentative Parcel Map) dated September 27, 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 request is for a Rezone, Planned Development and Tentative Parcel Map for a three (3) air space condominium unit conversion project. The existing 13,050 square foot commercial structure would be converted into three (3) air space condominium units as shown on the Tentative Parcel Map (Exhibit F). Units 2 and 3 would consist of 4,350 square feet of building space and Unit 1 would consist of 4,265.93 square feet of building space. The common area, as shown on the Tentative Parcel Map (Exhibit E) as Lot A would consist of an existing 84.07 square foot Electrical Room and 31,605.95 square feet of common area consisting of previously developed parking, landscaping and lighting improvements.

The rezone request would eliminate the Design Control (DC) zoning overlay and would add the Planned Development (PD) zoning overlay to the project site. The existing 13,050 square foot commercial structure would be converted into three (3) air space condominiums units.

The subject 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.

2. The applicant shall be subject to all noticing requirements under the Subdivision Map Act. Prior to final map recordation proof of legal noticing to all tenants shall be submitted to Planning Services demonstrating compliance.
3. Prior to recordation of the final map all Development Services fees shall be paid.
4. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, or employees from any claim, action, or proceedings 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.

Surveyor's Office

5. All survey monuments must be set prior to filing the parcel map.
6. Provide a parcel map Guarantee, issued by a title company, showing proof of access to a State or County maintained road as defined in Section 16.44.120(B) (2) of the County Subdivision Ordinance with the legal right to improve that access as required by the County Design Manual.
7. Prior to filing the parcel map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The letter will state that all conditions placed on the map by that agency have been met.

Findings

1.0 CEQA

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301(k) of the CEQA Guidelines stating that “ subdivision of existing commercial or industrial buildings, where no physical changes occur which are otherwise exempt.”

2.0 Administrative

2.1 The project is consistent with the General Plan

The General Plan Land Use map designates the subject property as Research and Development (R&D). The proposal to create three (3) air space condominiums and common area on a site that has been previously approved for development. The subject property has been developed to adequately serve the proposed request to convert the existing commercial structure and site improvements into three condominium air space units and common area.

3.0 Zoning

3.1 The project is consistent with the Zoning Ordinance

The project is consistent with the Research and Development (R&D) zoning district and Planned Development (PD) overlay district which would allow the flexibility with the creation of air space condominium units and common area for parcels being created on a site that is less than two acres in size.

The project is consistent with the Zoning Code pursuant to the County making findings for approval of a Planned Development zone because the subject property is physically suited

for the proposed use. The subject property has previously been graded and developed under prior approvals. New development is not proposed on the subject property.

4.0 Subdivision Ordinance

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

The proposed parcel map would create parcels utilizing the existing approved development on the project site which was previously permitted and is consistent with the General Plan.

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

The proposed parcel map has been designed in conformance with the Research and Development (R&D) development standards. Specifically, the parcels meet all standards, including the minimum lot size, building coverage, lot width, minimum setbacks and buffers, parking and landscaping standards.

C. That the site is physically suitable for the type and density of development;

The parcel map would not increase the density on the project site. The project would make use of the existing previously permitted commercial structure and existing exterior site improvements and would not allow additional improvements to the site.

D. The design of the division would not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.

The project site is developed with an existing commercial structure consisting of 13,050 square feet and site improvements consisting of parking, landscaping and lighting. The design of the division would not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat because the parcelizing of the subject property does not propose new development and site improvements. This project is consistent with the finding based on issuance of the categorical exemption.

E. The design of the division or the type of improvements is not likely to cause serious public health hazards;

The project site is developed with an existing commercial structure consisting of 13,050 square feet and site improvements consisting of parking, landscaping and lighting. The design of the division is not likely to cause serious public health hazards because the parcelizing of the subject property does not propose new development and site improvements.

4.1 Planned Development

1. That the Planned Development request is consistent with the General Plan;

The proposed request to rezone the property from Research and Development/Design Control (R&D/DC) to Research and Development/Planned Development (R&D/PD) is consistent with the land use designation. The proposed PD is consistent with applicable General Plan policies.

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

The proposed project would parcelize the existing commercial structure and does not propose new development and site improvements. The proposed request is designed to provide a desirable environment within its own boundaries because adequate parking, lighting and landscaping has been provided on the subject property.

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

A Planned Development application is required to facilitate the conversion of the existing commercial structure to the proposed air space condominium units and common area to allow for individual ownership. The request includes exceptions to the standard requirements for zone regulations pertaining to minimum lot size. Staff has determined that the request to reduce the lot size to accommodate the air space condominium conversion and common space proposal is justified by the project design because it would not impact existing on-site development. The project site has been developed. The existing site improvements would accommodate individual ownership and no future site improvements are proposed.

4. That the site is physically suited for the proposed uses.

The project site is an existing commercial structure located in the El Dorado Hills Business Park which is within the R&D zone district designed for research and development type facilities and corporate/industrial offices. Conversion of an existing commercial structure to air space condominium units and common area is physically suited for the proposed use.

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

All improvements and services exist on site.

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

The existing development is compatible with the surrounding land use improvements. The subject property is developed and does not negatively impact any natural or scenic features of the site. No onsite improvements are proposed as part of this application.

- b. **Z07-0019/Planned Development PD07-0014/Tentative Subdivision Map TM06-1417** submitted by PANORAMA VIEW, LLC (Agent: Suzanne Sparacio, PhD) to rezone property from One-family Residential (R1) to One-family Residential-Planned Development (R1-PD); and development plan and tentative subdivision map to create and construct 18 single-family detached homes on lots ranging in size between 2,470 and 3,611 square feet, creation of a 43,500 square foot open space parcel, and creation and construction a 3,812 square foot tot lot. Four-foot sidewalks and on-street parking spaces will be available on the on-site road easement. Deviations from the development plan requirements have requested to reduce the minimum lot size from the required 6,000 square feet to allow lots ranging between 2,470 and 3,611 square feet, reduction of the lot width from the required 60 feet to 32 feet, to allow a one-car garage where two spaces not in tandem are required, to allow lot coverage between 30 and 44 percent where a maximum 35 percent is allowed, and to allow a three foot tall retaining wall on a common area open space lot near the entrance of the subdivision. The property, identified by Assessor's Parcel Number 329-162-69, consisting of 3.62 acres, is located on the south side of Panorama Drive, directly south of the intersection of Panorama Drive and Blanchard Drive, in the **Diamond Springs/El dorado Community Region**, Supervisorial District III. (Negative declaration prepared)

Staff: Roman Anissi recommended conditional approval to the Board of Supervisors. Commissioner Mac Cready asked the reason for changing the original project. Mr. Anissi explained. Commissioner Machado asked that staff explain the differences in land use designations on the project site and surrounding properties. Commissioner Machado asked the amount of land that was originally proposed for multifamily. Mr. Anissi replied approximately one acre. Commissioner Machado asked what type of density could have been obtained with the original project. Chair Knight also asked what the original density could have been. Mr. Anissi explained. Commissioner Mathews asked the reason for placing the tot lot in the front.

Pierre Rivas proposed revisions to several of the conditions.

Suzanne Sparacio briefly explained their project.

Commissioner Mathews asked if there is room to put paint, etc., in the garage. Ms. Sparacio said there is room in the rear of the lots where you can place a shed for such items. Mr. Anissi said if there is room in the garage you could store such items; you just have to make sure the car can be parked in the garage. Commissioner Machado asked if it is physically possible to build two-car garages. Ms. Sparacio said it is possible, but she would rather elongate the garage and put the storage in the back.

Nelson Dawson gave the Commission some background information on this property. He asked that his property be down-zoned years ago, and now we have this high density. He wants to know what happened to his down-zoning.

Another property owner said his land was rezoned without giving them notice. Now he will have to look into six backyards.

Lisa Reyes, representing her parents who are adjacent property owners, submitted their written comments. They are concerned about noise, traffic congestion, visual effect of having sheds, parking, and not being able to park cars in the driveways. Two-story residences will obstruct their view. Mrs. Reyes commented her parents' parcel is two and a half acres in size.

Vivian Parker, Biologist, would like to have a copy of the Biological Assessment for the project. The argument that there is already dense development does not make sense. You cannot keep changing the zoning every time you want to. We have a General Plan. It is very unlikely that the acorns that are planted will survive. The mitigation is put off on the homeowners association, and she does not believe that is legal.

Michael Reyes commented that technically the project may fit. However, is there a benefit to the surrounding property owners? Why put so much into so little?

Robert Sanders, land owner adjacent to the subject property and representing another adjacent property owner, asked what is going to separate this property from the existing parcels. The culvert in this area is full year-round. Ms. Sparacio commented they will be upgrading the culvert. Based on the General Plan, they are clustering the project.

Commissioner Mac Cready asked if they did not have the oak tree restrictions, would they have had larger lots. Mr. Sparacio stated the lots now are on the most level part of the parcels. This is the least obstructive to the land.

Chair Knight said they are complying with the General Plan, because it is high density. All the easy pieces of property in the County have been developed. It is hard to take a piece of property and develop it with all the restrictions we have.

Commissioner Machado said the project complies with the General Plan, also the proposed zoning. The applicant could use the entire parcel. He explained the planned development scenario. This applicant got creative. They provided a tot lot. This parcel abuts a mobile home park. He supports the project and feels it has been well thought out.

Commissioner Mac Cready agrees that acorns will not live. The 15 saplings also will not live. Who is going to pay for the individual that has to come in and monitor the trees? Ms. Sparacio said the smaller the oak trees the better the survival rate. She explained the type of oak trees selected for the front yards. Commissioner Machado said they are doing what is required by the County.

There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACHADO AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MACHADO, TOLHURST, AND KNIGHT; NOES – COMMISSIONER MAC CREADY; ABSENT – COMMISSIONER MATHEWS, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS: 1. ADOPT THE NEGATIVE DECLARATION, AS PREPARED; 2. APPROVE Z07-0019/PD07-0014, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, SUBJECT THE CONDITIONS AS MODIFIED AND BASED ON THE FINDINGS PROPOSED BY STAFF; AND 3. APPROVE TM06-1417 SUBJECT TO THE CONDITIONS AS MODIFIED AND BASED ON THE FINDINGS PROPOSED BY STAFF.

Conditions

Project Description

1. This rezone, planned development, and tentative map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-M dated October 11, 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:

Approval of this project allows only the following: rezone from One-Family Residential (R1) to One-Family Residential-Planned Development (R1-PD), PD and tentative map to create and construct 18 single-family detached homes on lots ranging in size between 2,470 square feet to 3,611 square feet, to create a 43,500 square foot open space parcel, and to create and construct a 3,812 square foot tot lot. Each home is to be 2-story construction with habitable and garage floor areas as follows: Lots 1 thru 7 will provide 1,383 square feet of living area with a 210 square foot garage, Lots 8 and 9 will provide 1,720 square feet of living area with a 210 square foot garage, Lots 10 thru 18 will provide 1,403 square feet of living area with a 208 square foot garage. Each new residence shall be allowed to have a maximum of three bedrooms. Each unit provides a private back yard area to be enclosed by 6-foot tall fencing. With exception to a solid block wall on the rear yard property line on Lots 10 thru 17 and open aluminum view fencing on the eastern property line for Lots 9 and 18, all other private residential fencing will be made of wood. Front yards of residential lots, project site entry and the tot lot would be landscaped and irrigated. Four-foot wide sidewalks and on-street parking spaces will be available on the on-site road easement. A Homeowner's Association (HOA) shall be formed to ensure that common areas are maintained, that all on and off-street parking is managed, and replaced oak trees survive the growing and replacement cycles. One of the 18 units will be designated as a moderate income unit for a period of 20 years to be sold to qualifying moderate income households.

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 must be submitted for review and approval and shall be implemented as approved by the County.

CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION

All mitigation measures listed in this section shall be placed as a plan sheet on all grading and/or improvement plan sets.

2. Prior to the issuance of building permits, the applicant shall pay the Rare Plant Mitigation Area 2 in-lieu fee for single-family residential development that is in effect at the time of building permit issuance. This fee can be paid at one time for all 18 units. At the applicant's request, this fee can also be paid on a lot-by-lot basis should building permits be issued separately for each residential unit on each lot. The fee will offset impacts within this mitigation area based on adopted County policies. **[MM Bio-1]**
3. Prior to the issuance of the first grading permit, the applicant shall provide a survey to Planning Services to be prepared by a qualified biologist should such activities be proposed during the breeding season for raptors (March through August) and songbirds (February through August 15). In the event that active nesting raptors and/or songbirds are discovered during the survey, the applicant shall establish a 200-foot non-building buffer around nesting sites, to be illustrated on the grading and/or construction plans. The buffer must be implemented on the property during such activities with temporary low-impact fencing that separate construction areas from non-building nesting areas. Should active nests be discovered during the breeding period, grading and/or construction activities shall not be allowed within the 200-foot non-building buffer, or unless a biologist provides a letter that states that all juvenile raptors and/or songbirds have fledged from the occupied nests and stating that grading and construction could begin or continue. **[MM Bio-2]**
4. Concurrent with the submittal of the grading permits, the applicant shall submit an oak woodland replacement plan to be prepared by a qualified professional to identify all affected oak woodland canopy that would be removed and replaced. The removal of oak trees shall substantially conform with the approved oak woodland preservation plan established and approved for this project, which identifies 65 percent of the site, or 2.35-acres is comprised of oak woodland tree canopy. The project shall retain, at a minimum, 70 percent, or 1.65-acres of oak woodland tree canopy. Any oak woodland canopy plan developed for and prior to grading permit approvals, must clearly identify existing oak canopy, the removed quantity of canopy, and the replacement based on the 70 percent retention standard that applies to this project, and based on adopted County policies. **[MM Bio-3]**

5. At a minimum, the applicant shall illustrate and replant .70 acres of oak woodland canopy impacts, or .71-acres should the maximum impacts to oak canopy occur. This maximum is allowed based on the 70 percent retention standard, in order to accommodate all on and/or off-site improvements. At no time shall more than .71 acres of oak woodland tree canopy be removed as a combined total for all on- and/or off-site impacts. Based on .70 acres of impacts established as the baseline for this project, the replacement standard for this project is 51 (15)-gallon oak saplings and 267 oak acorns. Blue oak saplings shall be planted between driveways within the front yard areas of each lot. In addition, a qualified professional shall identify and provide exact recommendations about the types of oaks acorn replacement that would occur on the project with the grading plan to be reviewed by Planning Services and prior to the approval of grading permits. Should the maximum .71-acres of oak woodland canopy be impacted, the qualified professional shall prepare a replacement plan that conforms to County policies and standards. Notes and techniques recommended by the qualified professional for proper caring and maintenance of oak sapling replacement shall be included on the grading plans to conform to County policies and standards. **[MM Bio-4]**

6. Prior to the issuance of the first occupancy permit, the applicant shall provide an update letter to be prepared by a qualified professional about the health and progress of the planted oak acorns and/or oak saplings for this project. A Notice of Restriction (NOR) shall also be placed on the final map that will require similar reports to be provided following one year, three years, five years, and ten years for both acorns and saplings, and a fifteen year update for planted acorns. Either the applicant and/or the newly established Homeowner's Association (HOA) will be responsible in providing report updates. A qualified professional must prepare the reports. Any acorns and/or saplings found not to survive or show adequate progress during each reporting period shall be replaced with (1) gallon oak saplings by the applicant and/or Homeowner's Association (HOA). A qualified professional shall provide a letter update about such replacements, to include specific care and maintenance instructions that would promote the survival of replacements. **[MM Bio-5]**

7. Prior to the approval of grading permits, the applicant shall illustrate a 6-foot tall solid masonry block wall (or similar) at the rear property line for Lots 10 thru 17 on the grading plans and shall construct those walls prior to County issuance of final occupancy permits for any residence on Lots 1 thru 18. The location of the block wall shall conform to the Site Plan prepared for the noise study and the design shall substantially conform to a Basalite, Proto II type D345 Split Face color wall with optional crown, as shown on the 'Sound Barrier Rear Fence: Lots 1 thru 17 Only' exhibit. **[MM Noise-1]**

8. The project will require that a Homeowner's Association (HOA) be legally established for this planned development. The Homeowner's Association (HOA) will be required to develop Conditions, Covenants and Restrictions (CCRs) that would include a parking plan to address parking restrictions on the property. For the parking section of the Conditions, Covenants and Restrictions (CCRs) must include the following provisions:

- a) All units shall be limited to a maximum of three bedrooms at all times;
- b) All garages shall be kept free and clear at all times in order to allow for parking of the primary vehicle owned by the owner and/or occupant of the premises;
- c) Garages shall not be used for the sole purpose of storage of household and/or related items and shall not be converted to living or habitable area, at any time;
- d) Private driveways shall only be used as temporary car parking for visitors to the planned development and shall not be occupied by any vehicle for periods in excess of 72 hours at any one time;
- e) Parking on the on-site road easement shall be used as temporary car parking for visitors to the planned development and shall not be occupied by any vehicle for periods in excess of 72 hours at any one time;
- f) Recreational vehicles, boats, and/or large equipment shall not be allowed to permanently park on private lots, road easement, driveways, and/or within garages within this planned development and shall only be allowed to park for a maximum of 2 hours at any one time on the road easement or driveways; and
- g) Residents of this planned development cannot use any portion of Blanchard Road or Panorama Drive to store or park recreational vehicles, boats, and/or large equipment, on either a temporary and/or permanent basis. Such items must be stored at a pay for storage facility and/or outside of a one-mile radius of this planned development. **[MM Traffic-1]**

CONDITIONS OF APPROVAL

Planning

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

The 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.

10. This tentative map shall expire within 36 months from date of approval unless a timely extension has been filed.

11. The applicant shall make the actual and full payment of planning processing fees for the rezone, planned development, and tentative map application prior to the County Recorder processing the final map.
12. Prior to the issuance of building permits, the applicant shall make a payment from Quimby in-lieu fees to Planning Services pursuant to Subdivision Ordinance Section 16.12.090. The applicant shall be subject to a \$150.⁰⁰ appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
13. Prior to the approval of a final parcel map, the applicant shall provide evidence that a looped water system for the 6-inch water lines located at the intersection of Blanchard Road and Clarion Court is connected to the 6-inch water line located ~~150 feet north of Blanchard Road~~ in Panorama Drive. A 6-inch water line shall connect this project to that looped water system for potable and fire suppression purposes. The EID and Diamond Springs-El Dorado Fire Protection District have determined that the minimum fire flow for this project is 1000 gallons per minute (gpm) for a period of 2-hours while maintaining 20 pounds per square inch (psi) for residual pressure can be achieved with the looped and connection to the looped water line.
14. ~~A Notice of Restriction (NOR) shall be recorded with the final map stating that an Homeowner's Association (HOA) must be established and maintained in perpetuity with this project.~~
15. The applicant shall form a Homeowner's Association (HOA) ~~concurrent with~~ prior to the filing of the final map and shall develop Covenants, Conditions, and Restrictions (CC&R's) to address common area maintenance, on and off-street parking, oak tree survival, and other mitigation and permit conditions required for this project. ~~The El Dorado Planning Services and County Counsel~~ shall review and approve the Homeowner's Association (HOA) and Covenants, Conditions, and Restrictions (CC&R's) to ensure consistency with ~~project mitigation, permit conditions, and county standards~~ Condition 1 and Conditions 16 through 23.
16. Exterior colors and materials for buildings and fencing shall substantially conform to the following:
 - a) Craftsman design would allow the option of roof materials to be either Burnt Sienna or Aged Bark color CertainTeed Landmark shingles. Front elevation stonework would be shale colored Cultured Ledge Stone. The woodwork of the front elevation would be Sand Pebble in color with either Bravado or a Villita trim option. The option for door and shutter treatments would be the Bravado or Villita color.
 - b) Country design would allow the option of roof materials to be either Resawn Shake or Chestnut color CertainTeed Landmark shingles. Front elevation stonework would be made of Mackinac Cultured River Rock. The woodwork of

the front elevation would be either a Full Sun or Natural Raffia color option with a Swiss Coffee trim. The option for door and shutter treatments would be the Bravado or Green Thumb color.

- c) Tuscan design would allow the option of roof materials to be either Terracotta Brown Blend or Medium Terracotta Brown Blend color Capistrano Sunrise Blend Roof Tiles. Front elevation stonework would be Carmel color Cultured Ledge Stone. The stucco of the front elevation would be either a Spanish Sand color with Simply Tan trim or a Gold Promise color with Oxford Brown trim. The option for door and shutter treatments would be the Bravado or Villita color.
 - d) Except as noted in condition 16(e and f), a 6-foot tall wood fence shall be installed along the property line of all privately owned lots. Such fencing shall be painted with either a natural or a brown stain. All wood fencing shall be maintained in good visual repair at all times.
 - e) A 6-foot tall high strength aluminum black open fence shall be installed on the eastern property line on Lots 9 and 18. The 6-foot tall high strength aluminum black open fence shall be maintained in good visual repair at all times.
 - f) A solid block noise wall shall be built on the rear yards on Lots 10 thru 17, as noted by MM Noise-1.
 - g) Should a specified roof tile color and/or stone color be unavailable or out-of stock, the applicant shall provide Planning Services a replacement color to be reviewed and approved by the Deputy Director of Planning Services with a letter approval, prior to the County approving such changes on any building permit plans. The letter approval shall be placed in the project file for reference.
17. All fencing shall be designed to meet the County's Fence Ordinance Section 17.14.155. All fencing shall be kept free of graffiti and each property owner shall be responsible to meet this requirement.
18. Gates shall not be installed on the on-site road easement, at any time.
19. Common area lighting is not permitted. All necessary outdoor lighting shall be designed to meet the County's Lighting Ordinance Section 17.14.170.
20. Refuse and recycling materials shall be stored out of public view and shall only be located curbside on trash/recycling pick-up days.
21. 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.

22. Propane tanks shall be located underground. The location of propane tanks shall be shown on the site improvement/grading plans.
23. 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 be approved by the Deputy Planning Director or designee prior to issuance of a building permit. Applicant shall install and maintain landscaping in accordance with the approved final landscaping plan in perpetuity or unless otherwise modified through any future permit.
24. 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 numbered 10 thru 23. The applicant shall provide evidence that each of these conditions have been satisfied and such information shall be included in the project file for reference.
25. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after 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.
26. 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 review the grading plans prior to the issuance of a grading permit.

Human Services

27. In exchange for consideration of the Planned Development (PD) request to deviate from certain base zone regulations, El Dorado County Human Services shall require one (1) of the 18 single-family units shall be designated as affordable or 'inclusionary' housing for families of moderate income. Moderate income level is defined as those households earning between 80-120 percent of the median family income as established for El Dorado County. According to the details of your project, all are three (3) bedroom single-family, detached homes. Deed restrictions for these specific units shall be recorded prior to approval of the final map.
28. An affordable housing plan, to include but not be limited to financing arrangements, monitoring program, and 20-year deed restrictions, shall be established by the applicant

through the Department of Human Services, Housing Authority. A copy of the affordable housing plan shall be submitted to Planning Services prior to final occupancy of the first single-family unit.

29. In accordance with General Plan *Policy HO-3j*, the property owner(s) shall provide notice to the California Department of Housing and Community Development, the County Department of Human Services, and the existing tenants at least two years prior to the conversion of the affordable housing units to market rate.

Department of Transportation

30. The applicant shall construct the following roadways as specified in Table 1. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map:

TABLE 1			
ROAD NAME	DISM PLAN TYPE(S)	ROAD WIDTH	EXCEPTIONS/NOTES
On-site Access Roadway	StdPlan101B StdPlan104	30ft (50ft R/W)	Type 1 rolled curb with 4* ft sidewalk.
Blanchard Road	StdPlan101B StdPlan104	18ft from exist. roadway centerline (25ft R/W from centerline)	Type 2 vertical curb per DISM Std Plan 104, 6 ft wide shoulder in lieu of sidewalk on south and southwest side only with required edge line striping.
Panorama Drive	StdPlan101B StdPlan104	18ft from exist. roadway centerline (30ft R/W from centerline)	Type 2 vertical curb per DISM Std Plan 104, 6 ft wide shoulder in lieu of sidewalk on east side only with required edge line striping.

Notes for Condition 1 Table 1:

Road widths in the preceding table are measured from curb face to curb face.

Curb face for rolled curb and gutter is 6" from the back of the curb.

*With approved waiver.

31. The applicant shall replace the existing 8 inch and 12 inch culvert crossing under Panorama Drive at its intersection with Blanchard Road with a minimum 18 inch culvert, as required in the approved drainage report. 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 final map.
32. The applicant shall provide a thermoplastic edge (of travel way) line stripe according to the Caltrans Standard Specifications and Traffic Manual or as required by DOT. This required edge line stripe shall be placed along the edge of the travel way along the entire roadway frontage of Blanchard Road and Panorama Drive. 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 final map.
33. The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment (with the minimum required sight distance) from the on-site access roadway onto Panorama Drive to the provisions of County Standard Plan 103C, prior to the recordation of the map.
 34. The applicant shall irrevocably offer to dedicate, in fee, 25 feet of right of way, with slope easements where necessary, along the entire project frontage for Blanchard Road, as required by the General Plan, prior to the recordation of the final map. This offer will be accepted by the County of El Dorado.
 35. The applicant shall irrevocably offer to dedicate, in fee, 30 feet of right of way, with slope easements where necessary, along the entire project frontage for Panorama Drive, as required by the General Plan, prior to the recordation of the final map. This offer will be accepted by the County of El Dorado.
 36. The applicant shall provide a 50-foot wide non-exclusive road and public utility easement (R & PUE) for the on-site access roadway and a 60-foot wide radius (R & PUE) for the cul-de-sac prior to the recordation of the final map.
 37. The applicant shall form and/or verify the existence of an entity, to the satisfaction of DOT, for maintenance of all on-site roadway and drainage facilities, prior to the recordation of the final map.
 38. A vehicular access restriction shall be established on the final map along the entire frontage of Panorama Drive and Blanchard Road, except for the proposed encroachment onto Panorama Drive.
 39. The applicant shall adhere to all DOT standard conditions as specified on Attachment A, which were provided to the applicant on June 26, 2007.
 40. 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 the final map.
 41. 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.
 42. The construction of all required improvements shall be completed with the presentation of the final map to the Planning Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety

- by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
43. ~~A notice of restriction shall be recorded~~ On all lots where off street parking is required in lieu of the additional on street parking spaces or bays, ~~As an alternative,~~ the project CC&Rs shall include a provision for off street parking to compensate for lack of parking normally required on the street.
 44. The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
 45. A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans to the approval of the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
 46. 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.
 47. 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.
 48. 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.
 49. Grading plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.

50. 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.
51. This project disturbs more than one acre of land area (43,560 square feet). At the time that an application is submitted for improvement plans or a grading permit, the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
52. 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.
53. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
54. The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants, Conditions, and Restrictions (CC&Rs).
55. 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.
56. 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.

57. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7 a.m. and 7 p.m., Monday through Friday, and 8 a.m. and 5 p.m. on weekends, and on federally-recognized holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards.
58. The applicant shall make an application to the Department of Transportation to review the speed limit on Blanchard Road.
59. Two off-street parking spaces shall be required for each single-family residence, at all times.

Diamond Springs-El Dorado Fire Prevention District

60. Prior to the issuance of building permits and issuance of the final parcel map, the applicant must consult with the Diamond Springs-El Dorado Fire Prevention District about required fees, plan reviews, and/or site visits for this project. The district plan review fee structure is as follows:
 - a. Application fee is \$50.
 - b. Six or more lots are a fee of \$300 plus \$10 for each additional lot.
61. The tentative map identifies on-street parking. The areas not identified on the tentative map for on-street parking shall be fire lanes and shall not allow parking for any vehicle other than fire apparatus, at any time. The applicant shall paint all fire lane curbs with red paint and shall provide white stenciled lettering identifying 'no parking at any time, fire lane' on such curbs and as approved by the Fire District.
62. Minimum fire flow required is 1500 gallons per minute (gpm) at 20 pounds per square inch (psi) for a period of two hours for residential units larger than 3,600 square feet. If the square footage is below 3,600 square feet, the minimum fire flow will be 1,000 gallons per minute (gpm) at 20 pounds per square inch (psi) for a period of two hours.
63. Provide document from El Dorado Irrigation District (EID) to show that the system will meet required fire flow for this project. Per EID they can meet this if a loop water line is provided.
64. Additional hydrants will be required for this project. The Fire District will determine hydrant locations.
65. All driveways shall provide a minimum 12-foot traffic lane, with unobstructed horizontal clearance of 14 feet and unobstructed vertical clearance of 15 feet along its entire length, and be capable of supporting a 40,000 pound load.

66. All roadways will be a minimum of 20 feet wide, all weather surfaces, to El Dorado County Standards. If there will be parking on one side of the road, the road shall be 30 feet minimum width. Parking on both sides of the road will require 40 feet minimum road width, or as approved by the Diamond Springs-El Dorado Fire Protection District should the road width be minimally smaller in width on limited sections of the project road easement, and as shown for a 100-foot portion of the road easement on the tentative parcel map. A portion of the project will be allowed to provide parking on both sides of the street, as illustrated on the tentative parcel map.
67. A turnaround shall be provided to all building sites with driveways over 300 feet in length. Turnarounds shall be within 50 feet of the building with a minimum turning radius of 40 feet from the centerline of the road. The applicant may use a hammerhead "T," a modified "T" or a modified "Y" in lieu of a circular type turnaround, per El Dorado County Department of Transportation (DOT) Standard Plan 101C.
68. Disposal, including chipping, burying, burning, or removal to a landfill site approved by the local jurisdiction, or flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.
69. Subdivision and other developments, which propose greenbelt as a part of the development plan, shall located said greenbelt strategically, as a separation between wildland fuels and structures. The locations shall be approved by the inspection.
70. Prior to the recording of the final map, the applicant shall ensure that the financing mechanism associated to public safety and fire protection is place, including inclusion within, or annexation into, a Community Facilities District (CFD) established under the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 et seq.), established by the Diamond Springs-El Dorado Fire Protection District for the provision of public services permitted under Government Code Section 53313, including fire suppression services, emergency medical services, fire prevention activities, and other services (collectively Public Services), and as such, shall be subject to the special tax approved with the formation of such CFD with the Tract's inclusion or annexation into the CFD.

Environmental Management

71. Prior to approval of grading and/or improvement plans, the applicant shall provide a Fugitive Dust Mitigation Plan (FDMP) and application with the appropriate fees to be reviewed and approved by the County Air Quality Management District (AQMD). The FDMP shall comply with the requirements of Rule 223 and 223.1.
72. All project construction activities shall adhere to AQMD Rule 224 for Cutback and Emulsified Paving Materials.
73. All project architectural coatings shall adhere to AQMD Rule 215.

74. Any burning of wastes that result from 'Land Development Clearing' must be permitted through the AQMD. Only vegetative waste material may be disposed of using an open outdoor fire pursuant to AQMD Rule 300.
75. The following measures shall be implemented during construction activities to maintain the air quality standards established by the AQMD. The standards include: use of low emission on-site mobile construction equipment, maintenance of on-site equipment to manufacture's specifications, retardation of on-site diesel engine injection timing by two to four degrees, use of electricity from power poles rather than temporary gasoline or diesel generators, use of reformulated low-emission diesel fuel, use of catalytic converters on gasoline powered equipment, substitution of electric and gasoline powered equipment for diesel-powered equipment where feasible, inactive construction equipment shall not remain idling for periods in excess of two minutes, materials shall be scheduled for delivery during off-peak hours, configure construction parking to minimize traffic interference, and develop a construction traffic management plan.
76. Prior to the construction or installation of any new point source emission units or non-permitted emission units such as gasoline dispensing facilities, boilers, internal combustion engines, the applicant shall submit an authority to construct application to be reviewed and approved by the AQMD. Submittal of the application shall include facility diagram(s), equipment specifications, and emission factors.

County Surveyor

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

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, has been completed in compliance with CEQA, and is adequate for this project.
- 1.2 The Initial Study identifies that this project proposes a less than significant impact on the environment with specific mitigation outlined within the Biological Resources and Transportation/Traffic categories. By including mitigation for these two categories, the

effects on the Mandatory Findings of Significant section are also reduced below a level of significance for this project.

- 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 REZONE FINDING

- 2.1. *That the rezone is consistent with the adopted 2004 General Plan Land Use Designation and the policies of the General Plan.*

The rezone would add the Planned Development (PD) combined zone district to the existing One-Family Residential (R1) zone. The PD that has been developed for this project that clusters development of 18 single-family residential units, while providing outdoor common open space area of 30 percent with a 43,500 square foot open space lot and a 3,812 square foot tot lot meets the policy of the General Plan for a planned development. The PD provides innovative design by combining effective road improvements and access, placement of individual lots on the least sensitive portions of the property, sensitive site grading and building design, as well as a host of architectural design features that promote a balanced subdivision. Such innovation requires that certain development standards be reduced in order for this project to achieve the appropriate density of the High Density Residential (HDR) General Plan land use designation of this lot. This project also meets applicable policies outlined by the General Plan including, those for public road and services, utilities, improvements that will be necessary for this project, removal and replanting of oak woodland tree canopy to meet the policies of the General Plan. The project also designates one unit that will be affordable to moderate income households for a period of 20 years.

3.0 PLANNED DEVELOPMENT FINDINGS

- 3.1 *That the Planned Development (PD) is consistent with the General Plan.*

As proposed, the Planned Development (PD) application and necessary improvements are consistent with the policies and land use designation of the adopted 2004 General Plan. The project meets the High Density Residential (HDR) designation because it provides an 18 unit clustered single-family detached product, where 18 units are allowed. PD criteria are being addressed concurrent with site design that provides an innovative

clustered concept. The deviations that are requested with the PD are appropriate based on the overall project design, with the understanding that there is an added public benefit being provided by this project with inclusion of one unit available to only qualifying moderate income households. The flexibilities in design standards are required in order to justify the project and provide the necessary density of the High Density Residential (HDR) land use designation and the base zone. The flexibilities will allow the project to support the goals established for a PD and those established by the General Plan for the protection of site resources such as oak woodland tree canopy. The 18 units are compatible with the surrounding pattern of development, in that this lot is a transition lot from the less intense single family residential development on the south to the more intense commercial areas located closer to Mother Lode Drive to the north. Other similarly designed projects with comparable densities exist in the immediate area.

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

This project provides 30 percent common open space area where 30 percent is required based on PD standards. The site incorporates the gentle slope and topography of the site into the overall design by stepping buildings on the higher elevations of the parcel away from Blanchard Road. Combined with the siting and clustering of buildings, the use of tasteful architectural elements including the Craftsman, Country, and Tuscan themes, private homeownership opportunities, adequate spacing between structures, proper landscaping, replanting of blue oak saplings within the front yard of each home, and other site improvements, this project creates a sensible and desirable environment within the project boundaries.

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

The project proposes to deviate from most of the underlying One-Family Residential (R1) zone development standards because it provides innovative design in the project layout with an added public benefit that designates one of the 18 units as an affordable unit for moderate income households for a period of 20 years. The project will minimize site grading and provides buildings that step in order to minimize the required grading necessary for this project. The project provides adequate improvements for necessary on and off-site roads in order to improve access into this subdivision as well as improvements that would upgrade the surrounding neighborhood. The project also provides a practical single-family design solution for detached units that would each comprise of a private and enclosed back yard. There is a large common area open space lot that will be maintained in its natural state, as well as a tot lot that can be used by residents or those that visit the residents of this subdivision. The project is within a Community Region and requests the deviations in order to achieve the density potential available by clustering development. As a result, this development is well suited for this property and fits well within the area.

3.4 *The site is physically suited for the proposed use.*

This property is located within the Diamond Springs-El Dorado Community Region and is designated for single and/or multi-family residential development. The property is a transition lot that buffers the less intense single-family residential properties on the south from the more intense commercial zones and uses located north and closer to Mother Lode Drive on the north. The site is predominantly a semi-rural infill site because it is surrounded by existing and similar single-family residential development. As an infill lot, direct access is available onto Panorama Drive which is in close proximity to Mother Lode Drive. A 6-foot solid block wall at the rear property line of Lots 10 thru 17 will attenuate any noise at the residential property line to meet the General Plan requirement of 60 decibels. With the transportation improvements necessary for this project, this project proposes to upgrade the immediate roads in order to enhance the circulation for the neighboring area. As a result, this site is physically suited for the proposed single-family residential use.

3.5 *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 wastewater upgrades and improvements, and fire suppression facilities such as additional fire hydrants and roads that can be accessible by fire apparatus. 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 planned development.

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

This 3.62-acre site is a semi-rural infill lot that is surrounded by existing and similarly developed properties. 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. The majority of the oak trees will be retained and those that are to be removed shall be replaced to meet both the retention and replacement standards of the General Plan policies. By preserving these oak trees, the project proposes to integrate the necessary disturbance required for this project with the natural and scenic qualities that exist at this property. Exterior colors and materials of buildings will add to the eclectic character of the neighborhood by providing aesthetically pleasing design themes of Craftsman, Country and Tuscan. The selected colors will blend the buildings with the existing earth tone colors that are characteristic of the property and the surrounding neighborhood.

4.0 TENTATIVE MAP FINDINGS

- 4.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan.*

All necessary improvements have been considered by the reviewing disciplines in order to determine that this tentative map, including design and improvements, is consistent with the policies of the General Plan. The General Plan HDR land use designation allows a maximum density of one to five units per acre. The tentative map proposes to subdivide a 3.62-acre site to allow 18 single-family residential lots clustered as part of a planned development concept. Each residential lot ranges in size between 2,470 and 3,611 square feet in size with each lot having direct driveway access onto a road easement. The road easement provides direct access onto Panorama Drive that connects to Blanchard Road extending to Mother Lode, which are County maintained roads. As part of the project, infrastructure such as those necessary for road widening and improvements, water and wastewater utility improvements and connections onto the El Dorado Irrigation District (EID) system, fire hydrants and adequate water pressure will be implemented during the processing of the final parcel map or during the review of building and grading permit applications. With the mitigation that has been established for this project, the impacts have been assessed and it has been found that there will be a less than significant level of impact to biological resources, including oak trees, will be required. The project will implement County grading and drainage standards to ensure proper grading and improvements area included in the final design.

- 4.2 *The proposed tentative map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.*

With the rezone, the Planned Development (PD) combined zone would be added to the underlying One-Family Residential (R1) zone of the property. That would allow the project to deviate from the required development standards required within the R1 because the project provides innovation in site design by providing the requires 30 percent common area open space and options to building and design frontage using either a Craftsman, Country, or Tuscan theme with appropriate materials and color palettes. The project provides the required on-site road improvement of 30 feet with four foot wide sidewalks within an easement of 50 feet, as well as an appropriate cul-de-sac for circulation and access, all of which would be maintained by a newly established Homeowner's Association (HOA). Off-site road improvements and dedications on the Panorama Drive and Blanchard Road easements will be required. All on and off-site roads will be designed to meet the County's Design and Improvements Standards Manual (DISM) Standard Plan 101B and 104. Panorama Drive will have a half road width improvement of 12 feet plus 6 feet of shoulder and will be required to dedicate 30 feet of right of way. Blanchard Road will be improved with a half road width improvement of 12 feet plus 6 feet of shoulder and will be required to dedicate 25 feet of right of way. All grading, drainage, and improvements shall be designed to meet the County standards during the review of final grading and improvement plans. As such, the project conforms

to the standards and requirements of the County's Zoning Ordinance and Minor Land Division Ordinance.

4.3 *The site is physically suitable for the proposed type and densities of development.*

This property is well suited within an established neighborhood in order to accommodate a Planned Development (PD) clustered concept with the High Density Residential (HDR) designation. The proposed subdivision of 18 new single-family lots can accommodate new single-family residential development. The location of the home sites are situated on the least sensitive portions of the property.

4.4 *The proposed subdivision is not likely to cause substantial environmental damage*

As designed, the Planned Development (PD) clusters development of 18 units will not have a significant impact on the environment. Development will be directed to the least sensitive portions of the property. Oak trees and oak woodland tree canopy shall be removed and replanted based on the maximum allowed by the General Plan. Since the project is located within Rare Plant Mitigation Area 2, an in-lieu fee will be assessed during the building permit review phase which is suitable for impacts within this area. No wetlands exist on this property. Because there is a potential for raptors and songbirds to nest on-site, a site survey would be required should grading activities be proposed during the breeding period and certain mitigation would need to be included in the form of non-building buffers should nesting species be discovered.

8. **GENERAL PLAN AMENDMENT/ZONE CHANGE/PLANNED DEVELOPMENT/TENTATIVE PARCEL MAP** (Public Hearing)

A07-0007/Rezone Z07-0016/Planned Development PD07-0012/Tentative Subdivision Map TM07-1441/Shinn Ranch submitted by RANCHO CORTINA PROPERTIES (Agent: Camille Courtney) for the following: 1. **General Plan amendment** amending the land use designation for parcel number 319-260-89 from High Density Residential (HDR) to Medium Density Residential (MDR); 331-070-01 from MDR to HDR; a portion of 331-620-23 from Rural Residential (RR) to HDR; a portion of 331-620-04 from RR to HDR; a portion of 331-620-05 from RR to Medium Density Residential/High Density Residential (MDR/HDR); 331-620-10 from HDR to Low Density Residential (LDR); a portion of 331-620-13 from RR to MDR; and a portion of 331-620-18 from RR to MDR; 2. **A modification** to the existing Community Region boundary line that bisects the project site to the south to be co-terminus with Shinn Ranch Road; 3. **Rezone** for parcels numbered: 319-260-89 from Estate Residential Ten-Acre (RE-10) to Single Family Two-Acre Residential (R2A); 331-070-01 from Estate Residential Five-Acre (RE-5) to One-Family Residential-Planned Development (R1-PD); 331-620-23 from One-Family Residential (R1), Estate Residential Ten-Acre (RE-10), and Residential Agricultural Twenty-Acre (RA-20) to One-Family Residential –Planned Development (R1-PD); 331-620-05 from Single-Family Two-Acre Residential (R2A), Estate Residential Five-acre (RE-5), and Estate Residential Ten-Acre (RE-10) to One-Acre Residential-Planned Development (R1A-PD) and One-Family Residential (R1-PD); 331-620-13 from One-Family Residential (R1), Estate Residential Five-Acre (RE-5), Estate Residential Ten-Acre (RE-10), and Residential Agricultural

Twenty-Acre (RA-20) to One-Acre Residential-Planned Development (R1A-PD) and One-Family Residential-Planned Development (R1-PD); and 331-620-18 from Single-Family Two-Acre Residential (R2A) and Estate Residential Ten-Acre (RE-10) to Estate Residential Five-Acre (RE-5); 3. **4. Planned development** and vesting tentative subdivision map with building envelopes for all lots to create 143 lots ranging in size from 13,500 square feet to 10 acres on 177.7 acres with approximately 70 acres of open space including a pond, Slate Creek, and walking trails; and **5. Design waiver** requests for the following (a) Reduction of the right-of-way for Kingvale Road to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B; (b) Reduction of the right-of-way for Shinn Ranch Road to a 50-foot wide easement with a 24-foot wide paved roadway with no sidewalks rather than the 60-foot wide right-of-way with 36-foot wide paved roadway and sidewalks required under Standard Plan 101B; and (c) Reduction of the right-of-way for proposed on-site Road A to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B. The properties, consisting of 177.7 acres, are located on the south side of Mother Lode Drive, east of the intersection with Kingvale Road, in the **El Dorado area**, Supervisorial District III. (Mitigated negative declaration prepared)

Staff: Jason Hade recommended conditional approval to the Board of Supervisors. He presented a revised set of Department of Transportation conditions based on the fact this is a vesting map.

Commissioner Machado has toured the site with the applicant. He asked about Condition 16, fair share payments. Has the vehicle been settled for these payments? Is Condition 21 a negotiated fee (school fees)? The applicant stated it is not a negotiated fee. Commissioner Machado asked that the applicant go through the proposed road improvements. He asked about notification to new property owners that the animal shelter is in this location.

Commissioner Mac Cready asked about Standard Plan 101B. Eileen Crawford, Department of Transportation, commented Condition 16 was required by Caltrans. The applicant is doing improvements along Pleasant Valley Road and Mother Lode Drive. Regarding 101B, the standards were established in 1990. The General Plan has modified some of the standards in the Design Manual. The revised language states should and not shall, so the applicant is asking for a design waiver.

Camille Courtney represented the applicant and thanked staff for working with them. The school fees are what is in effect when they pull the building permits. They have met with the County several times regarding the animal shelter facility. There will be a disclosure in the CC&Rs regarding this facility. Ms. Courtney explained the proposed road improvements.

Commissioner Machado asked about signals on Pleasant Valley Road. Eileen Crawford, Department of Transportation, stated the warrants for a signal have not been met. There will be signals eventually at Forni Road and Pleasant Valley Road and this location.

Mardi Morris represented her parents who own property in this area. The El Dorado Post Office is the worse place for people to enter and exit. Parcel 331-070-01 was not part of the original

plan. It was purchased by the Shinn Ranch in February this year. It helps shelter them from the noise. They are concerned about noise from new residences, not existing residences. At first Mr. Shinn proposed a golf course community and could not because of EID. Her parents will now be surrounded on two sides by high density development.

Richard Warinner would like to know what size the estate size lots will be and what the acreage and parcel counts for the small unit development lots. How many residences are permitted on such acreage (not including the piggy-back properties)? How many trees will be lost on each road segment? This is leapfrog urban sprawl development.

Jack Raines said the development has utilities going in very close to Gold Country. They would like to extend the public utility easement to their project. You will not be able to make a left or right turn onto Mother Lode from Kingvale without a stop sign.

Mr. Warinner asked the responsibility of Gold County for continuing maintenance of the road. He has only lived in the County for five years. The County has put a lot of time and money into the General Plan and does not see any reason for a change. Commissioner Machado asked if Gold Country submitted any comments on this project. Mr. Raines commented not any that he aware of.

Mrs. Morris commented it states in the mitigated negative declaration that the owner will provide the County with money for the signals. Will the safety measures be put in place before the project? Will there be an asbestos problem with the grading?

Mary Lisa Lynch owns property adjacent to the ten-acre parcel that has been added to the project. She pointed out an area that will be a conservation easement. Why do you have to change it to high density if it is a conservation easement? There are stock ponds at the center of the project. She would like to make sure setbacks from Slate Creek are corrected. Regarding conservation and open space, there are 167 acres of watershed in the area. How are you going to protect Slate Creek? Ms. Lynch does not believe raptor nests are adequately addressed in the environmental document. She asked if Condition 30 is a standard condition. Paula Frantz, County Counsel, said the developer is the actual beneficiary, so the condition is appropriate. Ms. Lunch asked if the monitoring program going to be made available to the public.

Kamm Ghalamkar said there will be 300 cars going through Kingvale Road. There needs to be a three-way stop sign and signal. They share road maintenance from Kingvale to Gold Country. The road is now going to be expanded. Who is going to pay for the maintenance of the road?

Ms. Courtney said there will be eight estate lots, one to two acres in size. Mr. Hade commented 197 residences would be allowed under the current land use designations. Ms. Courtney said they will be taking over maintenance of the road.

Commissioner Machado asked the timing of the signal at the Y. Mrs. Crawford said the CIP shows Mother Lode/Pleasant Valley Road to be 2008/2009 for design; first construction in 2009/1010. Commissioner Machado asked about Highway 49 at Pleasant Valley Road. Mrs.

Crawford said that is probably outside the five-year CIP. There are other improvements planned with Caltrans that are outside the County CIP.

Regarding asbestos, Ms. Courtney said none has been found on the site. If some is found, they must follow Best Management Practices. They have no problem stubbing out on a utility easement. There will be individual postal deliveries on this project. They will not be going to the El Dorado Post Office. The ten-acre lot is permanent open space. It was utilized to meet the County Oak Woodland Management Plan requirements. They meet the requirements of Policy 7.4.4.4. The Open Space is High Density because of the planned development. It will be permanent open space with a conservation easement. Slate Creek is an intermittent stream. The initial study has been out for quite some time. There are many mitigation measures for raptors. Credits are available from the mitigation bank.

Thalia Georgiadis gave the Commission some background information on this property. She owns a ten-acre parcel that is part of this project.

There was no further input.

Commissioner Machado said this project is below the density that could be done on the site. He feels this is a well thought out project.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER TOLHURST AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, TOLHURST, AND KNIGHT; ABSENT – COMMISSIONER MATHEWS, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTION: 1. Adopt the mitigated negative declaration, as prepared; 2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, section 15074(d), as incorporated in the conditions of approval and mitigation measures proposed by staff; 3. Approve A07-0007 amending the General Plan land use designation for Assessor’s Parcel Number 319-260-89 from High Density Residential (HDR) to Medium Density Residential (MDR); 331-070-01 from MDR to HDR; a portion of 331-620-23 from Rural Residential (RR) to HDR; a portion of 331-620-04 from RR to HDR; a portion of 331-620-05 from RR to MDR/HDR (Medium Density Residential/High Density Residential); 331-620-10 from HDR to Low Density Residential (LDR); a portion of 331-620-13 from RR to MDR; and a portion of 331-620-18 from RR to MDR; and modification to the existing Community Region boundary line that bisects the project site to the south to be co-terminus with Shinn Ranch Road, based on the findings proposed by staff; 4. Approve Z07-0017 rezoning Assessor’s Parcel Number 319-260-89 from Estate Residential Ten-Acre (RE-10) to Single Family Two-Acre Residential (R2A); 331-070-01 from Estate Residential Five-Acre (RE-5) to Single Family Residence-Planned Development (R1-PD); 331-620-23 from Single Family (R1), RE-10 and Residential Agricultural Twenty Acres (RA-20) to R1-PD; 331-620-05 from R2A, RE-5 and RE-10 to R1A-PD and R1-PD; 331-620-13 from R1, RE-5, RE-10 and RA-20 to R1A-PD and R1-PD; and 331-620-18 from R2A and RE-10 to RE-5, based on the findings proposed by staff; 5. Approve PD07-0012, adopting the development plan as the official development plan, subject to the conditions as modified and based on the findings proposed by staff; and 6. Approve TM07-1441, including design waivers for the following: (a) Reduction of

the right-of-way for Kingvale Road to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B; (b) Reduction of the right-of-way for Shinn Ranch Road to a 50-foot wide easement with a 24-foot wide paved roadway with no sidewalks rather than the 60-foot wide right-of-way with 36-foot wide paved roadway and sidewalks required under Standard Plan 101B; and (c) Reduction the right-of-way for proposed on-site Road A to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B, subject to the conditions, as modified, based on the findings proposed by staff.

Conditions

I. PROJECT DESCRIPTION

1. This planned development and vesting tentative subdivision map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit F “Vesting tentative map,” dated September 27, 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:

PD07-0012/TM07-1441 consists of a planned development and vesting tentative subdivision map to create 143 lots ranging in size from 13,500 square feet to 10 acres on 177.7 acres with approximately 70 acres of open space including a pond, Slate Creek and walking trails. Water and sewer service will be provided to the lots by the El Dorado Irrigation District. Primary site access will be provided via Kingvale Road and Pleasant Valley Road with an emergency-only gated entry off Shinn Ranch Road.

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

II. MITIGATED NEGATIVE DECLARATION CONDITIONS OF APPROVAL

2. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
 - Application of water on disturbed soils and unpaved roadways a minimum of three times per day
 - Using track-out prevention devices at construction site access points
 - Stabilizing construction area exit points
 - Covering haul vehicles
 - Restricting vehicle speeds on unpaved roads to 15 miles per hour
 - Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust

3. If suitable avian nesting habitat is intended to be removed during the nesting season, from February 1 through August 31, a qualified biologist shall conduct a nesting bird survey to identify any potential nesting activity. If passerine birds are found to be nesting, or if there is evidence of nesting behavior within 250 feet of the impact area, a 250-foot buffer shall be required around the nests. No vegetation removal or ground disturbance shall occur within the 250-foot buffer. For raptor species--birds of prey such as hawks and owls--this buffer shall be 500 feet. A qualified biologist shall monitor the nests closely until it is determined that the nests are no longer active, at which time construction activities may commence within the buffer area. Construction activity may encroach into the buffer area at the discretion of the biological monitor.

Monitoring: The nesting survey shall be submitted to Planning Services staff with recommendations prior to issuance of the grading permit.

4. Prior to the commencement of grading activities, the applicant shall obtain a 1602 Streambed Alteration Agreement from CDFG. Loss of riparian habitat within the project boundaries shall be mitigated by the applicant's purchase of credits at an agency-approved mitigation bank within the region. Lost riparian habitat shall be mitigated at a ratio of no less than 1:1. The requirements of the 1602 permit shall be incorporated into the project.

Monitoring: The applicant shall provide a copy of the 1602 permit to Planning Services prior to issuance of the grading permit.

5. Prior to the commencement of grading activities, the applicant shall obtain a 404 permit from the USACE. Loss of wetland habitat within the project boundaries shall be mitigated by the applicant's purchase of credits at an agency-approved mitigation bank within the region. Lost wetlands shall be mitigated at a ratio of no less than 1:1. The requirements of the 404 permit shall be incorporated into the project.

Monitoring: The applicant shall provide a copy of the 404 permit to Planning Services prior to issuance of the grading permit.

6. The applicant shall replant the required number of oaks per General Plan Option A, or if available and desired, pay the established offsite mitigation fee under General Plan Option B.

Monitoring: The applicant shall either have an oak replanting plan submitted with the final map and reviewed and approved by staff prior to recordation, or payment of Option B fees at the time designated under that plan.

7. In accordance with El Dorado County General Plan Policy 7.4.5.2, the applicant shall submit the following documents to the County of El Dorado:
 - A written statement by the applicant or an arborist stating the justification for the development activity, identifying how trees in the vicinity of the project or construction site will be protected and stating that all construction activity will follow approved preservation methods;
 - A site map plan that identifies all native oaks on the project site; and
 - A report by a certified arborist that provides specific information for all native oak trees on the project site.
8. Prior to any ground disturbing activity within 50 feet of the site, drip-line fencing should be placed around each of the features, and monitoring by a qualified archaeologist should occur during all grading or excavation activities near the feature.

Monitoring: Development Services staff shall verify in the field that fencing is in place prior to commencement of grading activities.

9. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.

Monitoring: Recommendations of the archaeologist shall be transmitted to Planning Services to determine the course of action to mitigate the new impact.

10. In accordance with CEQA § 15064.5, should previously unidentified paleontological resources be discovered during construction, the project sponsor is required to cease work in the immediate area until a qualified paleontologist can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall ensure that all construction personnel understand the need for proper and timely reporting of such finds and the consequences of any failure to report them.

Monitoring: Recommendations of the archaeologist shall be transmitted to Planning Services to determine the course of action to mitigate the new impact.

11. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).

Monitoring: Recommendations of the archaeologist shall be transmitted to Planning Services to determine the course of action to mitigate the new impact.

12. In accordance with by El Dorado County General Plan Policy 6.2.2.2, the applicant shall retain a Registered Professional Forrester to prepare a Fire Safe Plan that identifies "defensible space" requirements, emergency access routes, signage, emergency water standards, annual fuel modification maintenance plans, and other measures to address wildland fire hazards. The plan shall be submitted to the Diamond Springs/El Dorado Fire Protection District for approval. The Fire Safe Plan measures shall be incorporated into the Final Tract Map.

Monitoring: Prior to approval of the final map, the fire protection district shall notify Planning Services that the Fire Safe Plan is acceptable to them.

13. Prior to the issuance of building permits, the applicant shall provide plans to the County of El Dorado identifying a barrier of 6 feet in height at the property lines of the residences located nearest to Mother Lode Drive, in accordance with Figure of the Acoustical Assessment prepared by Ballard Acoustical Consultants.

Monitoring: The wall shall be installed prior to occupancy of any adjoining residence.

14. Mechanical ventilation (air conditioning) shall be provided for all residences in this project to allow the occupants to close doors and windows as desired to achieve compliance with the applicable interior noise level criteria.

Monitoring: Air conditioning units shall be shown on mechanical sheets of the building plans.

15. Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on Saturday, Sunday, and federal holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards.

Monitoring: Development Services shall spot check construction hours and respond to any complaints from the public.

16. Prior to the issuance of building permits, the applicant shall contribute fair-share payments to the County of El Dorado for improvements to the intersection of Pleasant Valley Road and SR-49. The improvements shall consist of the signalization of the intersection and the addition of an exclusive left-turn lane on Pleasant Valley Road in the eastbound direction or equivalent measures approved by Caltrans and El Dorado County Department of Transportation.
17. Prior to the issuance of building permits, the applicant shall contribute fair-share payments to the County of El Dorado for improvements to intersection of Pleasant Valley Road and Forni Road. The improvements shall consist of the signalization of the intersection and the addition of an exclusive left-turn lane on Pleasant Valley Road in the eastbound and westbound directions or equivalent measures approved by Caltrans and El Dorado County Department of Transportation.

III. PROJECT CONDITIONS OF APPROVAL

Planning Services

18. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
19. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the final map.
20. The subdivider shall be subject to a \$150.⁰⁰ appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
21. The developer shall enter into an agreement with the School Districts to pay ~~the sum of \$8,288.⁰⁰~~ a fee per residential unit constructed within the boundaries of the subdivision. The agreement shall provide for an annual adjustment in the fee by the increase in the Engineering News Record Construction Cost Index. This annual adjustment is based upon a base amount of \$8,288.⁰⁰ as of January 1, 1997. The increase shall be calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The applicant should contact the County Office of Education prior to the issuance of any building permits to verify the applicable fee at the time of building permit issuance. The fee shall be payable by the owner of record at the time the building permit is issued and the agreement or a notice of restriction shall be recorded on the property to alert subsequent owners of this obligation.
22. 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.

23. At time of map recording, CC&Rs shall be submitted and reviewed by County Counsel.
24. Setbacks for those lots zoned R1-PD and R1A-PD shall be consistent with those shown on Exhibit J for typical lots consisting of 25-foot front-yard setbacks, 20-foot rear-yard setbacks and five-foot side-yard setbacks. Setbacks for corner lots shall be applied as shown on Exhibit J. At time of map recording, setback notes consistent with this condition shall be recorded on the map.
25. At time of final map recordation, building envelopes shall be shown and recorded for each lot consistent with Exhibit L, Preliminary Site Plan.
26. The map shall be recorded and constructed in phases consistent with the phasing plan included within the vesting tentative map, Exhibit F. All open space lots shall be dedicated at the time of recording of the first phase of the map.
27. The final map shall include a 100-foot non-building setback from all ponds and a 50-foot non-building setback from all wetlands at the subject site as delineated on Exhibit F.
28. This vesting tentative map shall expire within 24 months from date of approval unless a timely extension has been filed.
29. All fees associated with the vesting tentative subdivision map shall be paid prior to recording the final subdivision map.
30. 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.

Air Quality Management District

31. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.

32. Burning of vegetative wastes that result from “Land Development Clearing” must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
33. The application of architectural coating shall adhere to District Rule 215 Architectural Coatings.
34. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

California Department of Transportation (Caltrans)

35. Prior to conducting any work within the State right-of-way, an encroachment permit shall be obtained from Caltrans.

Department of Transportation

36. The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual and the following table. 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 final map:

ROAD NAME	ROAD WIDTH	DISM REFERENCE	GENERAL PLAN REFERENCE
On –site roads (cul-de-sacs)	36ft (50ft R/W)	Std Plan 101B	Table TC-1
“A” Drive	40ft(50ft R/W)	Std Plan 101B	Table TC-1
Kingvale Road	40ft (50ft R/W)	Std Plan 101B	Table TC-1

All roads shall be paved per recommendations of geotechnical engineer.

37. The applicant shall construct a cul-de-sac at the end of the on-site roadway, as specified in Standard Plan 114. 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 final map.
38. The applicant shall construct the proposed roadway approach for “A” Drive to the provisions of county Standard Plan 103C and shall be paved per recommendations of geotechnical engineer. 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 final map.
39. The applicant shall construct the proposed roadway encroachment for “A” Drive onto Pleasant Valley Road to the provisions of county Standard Plan 103C and shall be paved per recommendations of geotechnical engineer. 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 final map. The applicant and El Dorado County shall enter into a reimbursement agreement in the event that this development occurs prior to El Dorado County construction of the roads for the Animal Shelter.
40. The applicant shall design and construct left hand turn lanes at the intersection of Kingvale Road and Motherlode Drive and at the intersection of "A" Drive and Pleasant Valley 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 the recordation of the final map.
 41. The applicant shall design and construct a left hand turn lane at the intersection of Kingvale Road and Motherlode Drive. 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 final map.
 42. The applicant shall design and construct a left hand turn lane at the intersection of "A" Drive and Pleasant Valley 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 the recordation of the final map. The applicant and El Dorado County shall enter into a reimbursement agreement in the event that this development occurs prior to El Dorado County construction of the roads for the Animal Shelter.
 43. The applicant shall design and construct acceleration and deceleration lanes at the intersection of Kingvale Road and Motherlode Drive. 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 final map.
 44. The applicant shall design and construct acceleration and deceleration lanes at the intersection of A Drive and Pleasant Valley 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 filing of the final map. The applicant and El Dorado County shall enter into a reimbursement agreement in the event that this development occurs prior to El Dorado County construction of the roads for the Animal Shelter.
 45. The applicant shall demonstrate to the County that this project has entitlements for use of the off-site roads and public utility easements along the western and southern boundaries of this project.
 46. Prior to ~~recordation~~ filing of the final map, the applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads not maintained by the County, both on-site and for those roads that are required for access to County or State maintained roads.

47. Prior to ~~recording~~ filing of the final map, the applicant shall form drainage zone of benefit (ZOB) or other appropriate entity to ensure that all storm water drainage facility maintenance requirements are met.
48. Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to adjoining property.
49. Drainage Ditches and swales shall be designed per Sections 3.3.4 and Section 6 of the County of El Dorado Drainage manual.
50. Include an energy dissipater at the outlet of the culverts per Sections 6.4.1 and 7.3.3 of the County of El Dorado Drainage manual.
51. Per Section 3.B) (6) of the County of El Dorado Design Standards, a tangent at least one hundred feet long shall be introduced between reversed curves. A line and curve table should be introduced to demonstrate that street alignments meet County design criteria prior to the recordation of the final map.
52. Cross lot drainage will not be allowed without the proper drainage easements and/or drainage structures. Drainage easements shall be provided where deemed necessary prior to the recordation of the final map.
53. ~~Prior to recordation of the final map,~~ The applicant shall install all necessary signage such as stop signs, street name signs, and/or “not a county maintained road” road sign as required by the Department of Transportation.
54. Per Section 3.B) (4) of the County of El Dorado Design Standards, all streets and intersections shall have a minimum sight distance based on the design speeds. Verify that Kingvale Rd, Court D and Shinn Ranch onto Road “A” meet sight distance criteria prior to the recordation of the final map.
55. 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 commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. 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 Unit, 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 twenty-percent (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 certified appraiser of the cost of land necessary to complete the off-site improvements.

In addition to the agreement, the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel;

Drainage Study Conditions

The following conditions shall be addressed prior to filing of the final map:

56. The drainage study (hydrologic and hydraulic study) must be sealed and signed. Please see drainage manual section 1.8.3.
57. Page 1: There is no figure 4 in Appendix A. Figure needs to be labeled.
58. The drainage report does not address the downstream and upstream impact at this time. "Impacts to downstream facilities and other proposed mitigation measures included in the design should be discussed. Potential impacts resulting from backwater effects, hydraulic scour and deposition, off-site discharges and other environmental issues should be thoroughly analyzed and discussed in the report" (County Drainage Manual Section 1.8.3 page 1-17). The downstream and upstream impact shall be analyzed.
59. A detailed calculation shall be included for the Mother Lode Triple Culvert Capacity (County Drainage Manual page 1-17).
60. A-drive culvert capacity calculation for slate creek crossing and other pipe size calculations shall be included.
61. Appendix B is HEC-1 analysis for the whole watershed done by Carlton Engineering in 1997. Watershed needs to be analyzed with updated version of HEC software with current watershed information.
62. Composite curve number (CN) has been changed because of the development after 1997 and proposed development upstream of this subdivision.
63. Page 4: HEC-2 was used to calculate water surface profile (not included in appendix). Water surface profile needs to be calculated with the updated version of HEC software with current watershed information.

64. Drainage study pages 4, 5, 6 & 7

- a. Per the study “the peak discharge method-section 2.5 was used to estimate both the 10-year design flows and 100-year design flows” (onsite peak flow calculation not included in the report). Hydrograph method is shall be used instead of peak discharge method because of the extent and the nature of the watershed.
- b. Overland release criteria: per the County Drainage Manual “One foot freeboard shall be maintained between the building finished floor elevation and the water surface elevation resulting from a storm runoff event with an average recurrence interval of 100 years”. The overland release locations 1 foot below proposed building finish floors is not adequate. And all open channels should have a freeboard (County Drainage Manual section 1.8.2 page 1-10, section 6.3.5 page 6-14). Revise.
- c. Total on-site watershed for this subdivision is 167.7 acre, which is a significant amount. Comparison of onsite impervious area with the total watershed (2374 acre) is not rational because the total watershed (2374 acre) contains both pervious and impervious surfaces. The whole watershed both onsite as well offsite (upstream) should be included in the design and in the analysis.
- d. Per report, the peak discharge time of concentration for the proposed development is approximately 1 hr. There is no calculation to support the time of concentration (drainage manual 1.8.3). Provide supporting calculations.
- e. The energy grade line should be at least 0.5 feet below all manholes lids and grate inlets for 10 year return period flood. For 10-year return period flow, hydraulic grade line should be below the ceiling of the pipe (County Drainage Manual section 4.3.2, page 4-11). Provide energy grade line.

65. Appendix A

- a. Pre-development shed map is missing as mentioned in the appendix sheet. Provide pre-development shed map.
- b. Post construction off-site shed map is missing as mentioned in the appendix sheet. Provide post construction shed map.

66. There is an on-site pond within this subdivision. If it is a retention pond for the attenuation of flood, downstream impact needs to be addressed in the drainage study and operation procedure needs to be developed and submitted to the concerned entity including El Dorado County DOT (County Drainage Manual 1.8.2). Does this dam meet the DSOD criteria (Drainage Manual section 5.1)?

Summary and Recommendation

67. New version of the hydrologic and hydraulic study is required because of the upstream development. For the new report, updated version of HEC software should be used to analyze the upstream watershed and to analyze the water surface profiles/flood plain. Watershed map should be broken down to more sub-shed maps with more detail information.
68. “Peak-only method is restricted to catchments with area less than 100 acres. In any analyses in which the peak-only method is used, the design engineer must determine and demonstrate that the model is, in fact, appropriate”. Please see County drainage manual section 2.2.2. Therefore, hydrograph method shall be used instead of rational method for on-site watershed because of extent and nature of the watershed.
69. Per the County Drainage Manual Section 1.8.2 “Drainage facilities for areas greater than 100 acres shall be designed to safely convey the storm runoff for an event with an average recurrence interval of 100 years. All available headwater depth of the culvert may be utilized for these facilities. Flooding effects from backwater shall be analyzed when available headwater depth is incorporated into the design”. Does this applicable to this subdivision?
70. Onsite pre-development and post development storm runoff calculations are required.
71. Drainage easement needs to be shown on the plan (for future improvement plan) as applicable per drainage manual section 1.8.2.
72. 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.
73. 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.
74. The construction of all required improvements shall be completed with the presentation of the final map to the Planning Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.

75. 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.
76. An irrevocable offer of dedication, in fee, for the required rights-of-way shall be made for all the proposed roads, with slope easements where necessary. Said offer may be rejected at the time of the final map, in which case, a homeowner's agreement and association, or other entity, shall be established in order to provide for the long-term maintenance of the roads.
77. The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
78. A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans to the approval of the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
79. 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.
80. 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.
81. 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.
82. Grading plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Department of

- Transportation approves the final grading and erosion control plans and the grading is completed.
83. 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.
 84. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
 85. 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).
 86. 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.
 87. 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.
 88. 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.
 89. This project disturbs more than one acre of land area (43,560 square feet). The Developer shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the

County, prior to building permit issuance, and by state law must be done prior to commencing construction.

Diamond Springs – El Dorado Fire Protection District

90. Prior to improvement plan approval, the applicant shall submit the appropriate review fee to the Diamond Springs – El Dorado Fire Protection District (DSED FPD), as determined by DSED FPD.
91. At time of final map filing, documentation from the El Dorado Irrigation District shall be submitted to the DSED FPD confirming that the fire protection system will meet the required fire flow for this project consisting of 1,500 gallons per minute at 20 pounds per square inch for two hours for residential units larger than 3,600 square feet and 1,000 gallons per minute at 20 pounds per square inch for two hours for residential units smaller than 3,600 square feet
92. All additional required fire hydrants shall be shown on the improvement plans and installed throughout the subdivision subject to DSED FPD approval.
93. All driveways shall provide a minimum of 10-foot wide traffic lane with unobstructed horizontal clearance of 14 feet and unobstructed vertical clearance of 15 feet and be capable of supporting a 40,000 pound load.
94. Any driveway which exceeds a 16 percent slope shall be constructed of an all weather surface. Those driveways which exceed a 20 percent slope shall require review and approval by the DSED FPD prior to building permit issuance.
95. Any driveway exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet in length, turnouts shall be provided no more than 400 feet apart.
96. Parking on both sides of on-site roadways shall only be permitted if the roadway is a minimum of 40 feet wide. Parking on one side of the road shall be permitted for roads which are a minimum of 30 feet wide. CC & R's shall be submitted for review and approval by County Counsel which incorporate these standards at time of map recording.
97. A fire safe turnaround shall be provided prior to occupancy of any building sites with driveways exceeding 300 feet in length. Turnarounds shall be within 50 feet of the building with a minimum turning radius of 40 feet from the center line of the road.
98. Any future proposed gates are subject to review and approval by the DSED FPD.
99. At time of final map filing, a fire safe plan shall be submitted to the DSED FPD for review and approval.

100. Prior to map recordation, the subdivision shall be annexed into the Community Facilities District established by the DSED FPD for the provision of public services.

Environmental Management Department – Environmental Health

101. For newly created parcels less than five acres, all existing abandoned and active wells shall be properly destroyed, under permit, by a license well driller, prior to map recordation.
102. If any existing structures on septic systems will be demolished or connected to public water, a septic system abandonment permit is required, prior to map recordation.

Surveyor's Office

103. 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.
104. 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.

Findings

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 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 GENERAL PLAN FINDINGS

- 2.1 As proposed, overall project density would be approximately one dwelling unit per acre and 0.85 dwelling units per acre with the inclusion of the larger estate lots. This is consistent with the General Plan land use designations of HDR for the production lots and MDR for the estate lots as defined within General Plan Policy 2.2.1.2 because the HDR land use designation permits one to five units per acre while the MDR land use designation permits parcel sizes that range from 1.00 to 5.00 acres.
- 2.2 The proposal is consistent with General Plan Land Use Policies 2.2.1.2, 2.2.3.1, 2.2.3.2, 2.2.5.3, 2.2.5.4, 2.2.5.21, 2.9.1.2 and 2.9.1.4 concerning land use designations, planned developments, rezoning, land use compatibility and community region boundary amendment modification because sufficient open space and clustering of housing units to conform to the natural topography is provided for the project. The proposal was reviewed against the 19 specific criteria under policy 2.2.5.3 and found to be consistent with applicable criteria such as availability and capacity of public treated water system, capacity of the transportation system serving the area and existing land use pattern. There are no existing CC & R's. Adequate justification has been submitted to justify the amendment of the Community Region boundary because of the past mapping error and physical land use density buffering opportunity provided by Shinn Ranch Road. The project is also consistent with General Plan Policies TC-Xe, TX-Xf, 5.2.1.3, 5.2.1.4, 5.3.1.1, 5.3.1.2, 5.7.1.1, 5.7.3.1, 5.8.1.1, 6.2.3.2, 6.5.1.3, 7.1.2.1, 7.3.3.4, 7.3.3.5, 7.4.4.4, 7.4.5.1, 7.5.1.3, 9.2.2.1 and 9.2.2.2 regarding traffic impacts, connection to public water, availability of reliable water supply, wastewater capacity, fire protection, law enforcement, school capacity, fire safe access, noise mitigation, grading on slopes in excess of 30 percent, water resource setbacks and protection, oak tree canopy retention and replacement, cultural resource protection, Quimby Act and park maintenance mechanisms. Sufficient transportation mitigation measures are included within the project's conditions of approval to demonstrate General Plan consistency. The project is consistent with these policies based on comments and analysis provided by El Dorado Irrigation District, Diamond Springs – El Dorado Fire Protection District and the Mother Lode Union School District. Adequate fire safe access is provided and mitigation measures are included within the environmental document that will reduce any potential noise impacts to a level of less than significance. Pursuant to policy 9.2.2.1, the El Dorado County Parks and Recreation Commission reviewed the project on July 19, 2007 and recommended that Quimby Act in-lieu fees would be the most appropriate provision of recreation services for the site with no more than a 50 percent credit for the on-site passive open space proposed by the applicant.

3.0 ZONING FINDINGS

- 3.1 The subdivision contains 143 lots which are consistent with the development standards identified within each respective proposed zoning district including R1-PD, R1A-PD, R2A and RE-5 outlined in Sections 17.28.040, 17.28.080, 17.28.340 and 17.28.210 of the Zoning Ordinance, including a minimum lot area of 6,000 square feet, one acre, two

acres and five acres, respectively. Proposed lot sizes range from 13,500 to 10 acres and consistent with the minimum parcel sizes permitted under the Zoning Ordinance.

- 3.2 The existing residential uses at the subject site are permitted by right under Section 17.28.190. Proposed deviations from the development standards regarding setbacks are identified within the staff report discussion above and appropriate findings for such deviations can be found below.

4.0 ADMINISTRATIVE FINDINGS

4.1 Planned Development

- 4.1.2 *The Planned Development is consistent with the General Plan.* As outlined within the staff report and General Plan consistency findings above, the planned development is consistent with the applicable policies of the General Plan concerning land use, transportation and circulation, public services and utilities, public health, safety, and noise element, conservation and open space and parks and recreation.

- 4.1.3 *The proposed development is so designed to provide a desirable environment within its own boundaries.* The proposed development plan features approximately 70 acres of open space including a pond with floating dock, gazebo, Slate Creek and walking trails. As such, the development is designed to provide a desirable environment within its own boundaries.

- 4.1.4 *Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.* The only exception to the standard requirements of the zone regulations is an increased setback of five-feet for the front and rear yards of a typical 13,500 square foot lot. The increased setbacks represent an enhancement to the zoning development standards.

- 4.1.5 *The site is physically suited for the proposed use.* The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately one unit per acre for the production lots and 0.85 of a unit per acre with the inclusion of the larger estate lots.

- 4.1.6 *Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.* Public water and sewer service will be provided to the project site by EID. El Dorado Irrigation District provided a letter dated March 12, 2007 indicating that it has adequate existing water and wastewater capacity and supplies to serve the proposed project. Based on the traffic analysis, the Department of Transportation (DOT) has conditioned the project accordingly. As such, the project includes the improvement of on-site roads (cul-de-sacs) to a road width of 36 feet and "A" Drive to a road width of 40 feet. Along the project frontage, Kingvale Road would be improved to a road width of 40 feet while Shinn Ranch Road would be improved to a road width of 36 feet. Additionally, the applicant has agreed to mitigation measures requiring fair-share contribution payments to the County for improvements to

the intersection of Pleasant Valley Road and State 49 and the intersection of Pleasant Valley Road and Forni Road.

- 4.1.7 *The proposed uses do not significantly detract from the natural land and scenic values of the site.* The project includes approximately 70 acres of open space, walking trails, sufficient setbacks from on-site sensitive resources, such as wetlands and a pond, and the retention of 50 of the 75 acres of oak tree canopy found at the site.

4.2 Vesting Tentative Subdivision Map

- 4.2.1 *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County.* As proposed, the vesting tentative map conforms to the HDR and MDR General Plan land use designations and applicable General Plan policies including access, oak tree canopy retention, public water service, grading, transportation, fire protection and wastewater disposal.

- 4.2.2 *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 one unit per acre for the production lots and 0.85 of a unit per acre with the inclusion of the larger estate lots.

- 4.2.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat.* A Mitigated Negative Declaration (Exhibit M) was prepared to assess project-related environmental impacts. Based on the Initial Study, the Planning Commission finds that the project could have a significant effect on air quality, biological resources, cultural resources, hazards and hazardous materials, noise and transportation. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared.

- 4.2.4 *The subdivision shall have adequate access to accommodate the proposed density.* Primary site access will be provided via Kingvale Road and Pleasant Valley Road with an emergency-only gated entry off Shinn Ranch Road. On-site circulation includes the improvement of on-site roads (cul-de-sacs) to a road width of 36 feet and "A" Drive to a road width of 40 feet. 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 Diamond Springs – El Dorado Fire Protection District has reviewed the project and confirmed that the proposed access and on-site roadways are adequate for the development.

- 4.2.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.* The Diamond Springs – El Dorado Fire Protection District reviewed the proposed vesting tentative subdivision map and will require new fire hydrants for the site as well as road improvements as

shown on the vesting tentative map and an approved fire safe plan. Project annexation into the Diamond Springs – El Dorado Fire Protection District Community Facilities District for the provision of fire suppression and emergency medical services would also be required prior to final map recordation. Fire issues are addressed within the project's conditions of approval.

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 **Reduce the right-of-way for Kingvale Road to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B**

5.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The proposed reduced road right-of-way will reduce potential project grading and tree removal impacts while still providing adequate circulation and fire protection to the subdivision.

5.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Strict application of the design and improvement requirements would require a wider right-of-way resulting in the need to relocate existing physical improvements. The project's traffic analysis demonstrated that the proposed improvement of Kingvale Road is sufficient to handle the traffic impacts that will be generated by the project.

5.1.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the requested waivers will reduce project impacts to visual resources, such as tree canopy, and earth disturbances. As proposed, the reduced right-of-way width will allow the subdivision to better fit within the context of the surrounding rural residential uses.

5.1.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

5.2 **Reduce the right-of-way for Shinn Ranch Road to a 50-foot wide easement with a 24-foot wide paved roadway with no sidewalks rather than the 60-foot wide right-of-way with 36-foot wide paved roadway and sidewalks required under Standard Plan 101B.**

5.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* Shinn Ranch road will serve 13

new residences upon build-out and provide emergency access to the proposed subdivision. It is a gated roadway and is only intended to serve a maximum of 13 residences upon build-out. As such, the proposed reduced road right-of-way and reduced roadway width will reduce potential project grading and tree removal impacts while still providing adequate circulation and fire protection to the subdivision.

- 5.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* The reduced road easement and width will avoid the need to acquire additional easements from adjacent property owners and also reduce potential project grading impacts.
- 5.2.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* As stated above, the proposed reduced road easement and width will not require neighboring properties to dedicate additional easements and will minimize project grading impacts. A reduced easement and road width is also consistent with the rural character of the surrounding community. The construction of sidewalks on this roadway is unnecessary to serve 13 additional parcels and is inconsistent with the rural surroundings of the area.
- 5.2.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.
- 5.3 Reduce the right-of-way for proposed on-site "Road A" to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B.**
- 5.3.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The proposed reduced road right-of-way will reduce potential project grading and tree removal impacts while still providing adequate on-site circulation and fire protection to the subdivision. Four-foot sidewalks are sufficient to serve the subdivision within a rural community.
- 5.3.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* A 60-foot wide right-of-way would result in the loss of five feet of front-yard landscaping as well as impacts to the lake and wetland areas. The requested reduction in right-of-way would reduce potential impacts to these natural resources while still providing adequate on-site circulation.
- 5.3.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* As stated above, the proposed reduced road easement will not require the loss of five feet of front-yard

landscaping and will minimize project grading impacts to the lake and wetland areas. A reduced easement width is also consistent with the rural character of the surrounding community.

- 5.3.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

9. PRESENTATION

Economic Development Draft Strategy

Staff: Tom Driggers gave a power-point presentation. Darrell Sullivan, Lucinda's Country Inn, likes the draft plan. The General Plan needs to be flexible enough to make sure economic development occurs.

No action was taken.

10. OAK WOODLAND MANAGEMENT PLAN

Public Review Draft

Staff: Peter Maurer commented he understands the Commission would like this item continued to the meeting of October 25. There was no one in the audience wishing to give input.

11. GENERAL PLAN UPDATE

Peter Maurer gave the Commission an update on General Plan implementation. The numbers for the Housing Element appear to be the same. Staff is working on a Scope of Work for the INRMP. He is working on a report for the Board on General Plan implementation. The mixed use development workshop is scheduled for November 8.

12. ZONING ORDINANCE UPDATE

ADDENDUM

Workshop

Bed and Breakfast Inns Ordinance

Staff: Lillian Mac Leod briefly went through her staff report. Roger Trout informed the Commission of the next steps that need to be taken in order to proceed on this issue. Paula Frantz, County Counsel, explained Policy J3. The only input was received from Darrell Sullivan,

Lucinda's Country Inn, stating the industry needs to be involved. The Commission concurred. No action was taken.

13. DEPARTMENT OF TRANSPORTATION - None

14. COUNTY COUNSEL'S REPORTS - None

15. DIRECTOR'S REPORTS - None

16. ADJOURNMENT

Adjourned at 1:45 p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

John Knight, Chair

