



# 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 December 13, 2007 – 8:30 A.M. BUILDING C HEARING ROOM 2850 Fairlane Court, Placerville, CA**

#### **1. CALL TO ORDER**

Meeting called to order at 8:38 a.m. Present: Commissioners Mac Cready, Machado, Mathews, Tolhurst, and Knight; Edward L. Knapp, County Counsel; and Jo Ann Brillisour, Clerk to the Planning Commission.

#### **2. ADOPTION OF AGENDA**

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED BY THOSE COMMISSIONERS PRESENT (Commissioners Machado and Tolhurst were 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. DEPARTMENTAL REPORTS AND COMMUNICATIONS**

These items were considered during the day as time permitted.

Greg Fuz thanked the Commission and staff for working with him during his tenure.

**Presentation:** Design Manual by the Department of Transportation.

Jim Ware, Deputy Director of the Department of Transportation, gave a power point presentation on the Design Manual.

**5. COMMISSIONERS' REPORTS**

Commissioner Machado said the El Dorado Crossing project has been submitted and includes a hotel which is needed in the County.

Commissioner Tolhurst said the permit process in the Angora area is working very well. There is concern about the office being closed during the week between Christmas and New Years. Larry Appel said the Building office will not be closed.

Chair Knight asked about Technical Advisory Committee meetings on time extensions for three projects in the Bass Lake area. Gina Hunter explained the process.

Commissioner Mac Cready asked about the conditions for Lights of the Hills Church. In the letter from ACCORD the conditions are not the same that the Commission discussed. Gina Hunter said the Board made modifications to the conditions at their last meeting, allowing leagues to use the facility and placed time limits on the use. Larry Appel said the conditions/findings were on the Consent Calendar at the last Commission meeting, and none of the Commissioners or members of the audience had any comments.

**6. 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:** November 8, 2007

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE THE MINUTES OF NOVEMBER 8, 2007.

**WILLIAMSON ACT CONTRACTS/REZONES (Public Hearing)**

b. **WAC07-0001/Z07-0030** submitted by TAMMY ISAAC (Agent: Joel Korotkin) to establish a new agricultural preserve and rezone the same property from Residential Agricultural Twenty-acre (RA-20) to Exclusive Agricultural (AE). The property, identified by Assessor's Parcel Number 046-041-17, consisting of 24.501 acres, is located on the north side of Sandridge Road, at the northwest corner of the intersection with Mariah lane, in the **Somerset area**, Supervisorial District II. (Williamson Act Contract categorically exempt from the requirements of CEQA pursuant to Section 15317 of the CEQA Guidelines; mitigated negative declaration prepared for Z07-0030)

Commissioner Mac Cready pulled this item from the Consent Calendar.

Staff: Tom Dougherty recommended approval to the Board of Supervisors. Commissioner Mac Cready commented he has not seen these types of conditions placed on a Williamson Act Contract in the past. Mr. Dougherty replied the Williamson Act Contract is not conditioned but the mitigation measures from the initial study have been added to the zoning due to the type of uses allowed by right.

Commissioner Machado asked for clarification on the surrounding land use and zoning that might prohibit those parcels from further dividing. Pierre Rivas said that type of situation does not apply here.

Joel Korotkin represented the applicant, stating they had not heard there were any concerns on this application and thought it would remain on Consent. There are very good mitigation measures applied to this project that they have accepted. Mr. Korotkin presented a photograph of the residence and vineyard on the subject parcel.

Commissioner Mac Cready did look at the property and does not see any problem with the request.

A resident directly across the street from the subject property said there is an unsightly ditch now where he exits his property. Animals have been displaced and are now on his property. There is also quite a bit of noise since the barrier has been removed. Commissioner Machado asked if the gentlemen had any suggestions. The individual stated planting could be done along the ditch.

Bill Rush, resident directly across the road from this parcel, asked for clarification on surrounding parcels being able to split in the future. His property is ten acres in size, and he would like to know if he could split his property in the future. Mr. Dougherty said Mr. Rush could not split his property today. Mr. Rush thought the map size of residences was 2,500 square feet for a Williamson Act Contract. Commissioner Mac Cready stated County regulation can differ from State regulations. Bill Stephans, Agricultural Commissioner, explained the legislation pertaining to the 2,500 square feet as it refers to a material breach.

Jack Fraime asked about installing a tasting room in the future.

Art Marinaccio said this property is in close proximity to a quarry that is operated by the County. The quarry should not be displaced in the future because of possible uses on the subject property.

Mr. Korotkin said the residence is 2,615 square feet, and there is significant acreage for the vineyard. Regarding traffic, that is what the mitigation measures are to address. The applicants are aware of the quarry operation and hope that it continues to not operate on weekends. The applicants have also agreed to put in some vegetation along the ditch.

There was no further input.

After the motion and before voting, Commissioner Machado said he would like a condition regarding planting along the ditch and a statement included acknowledging the existing quarry. After discussion with County Counsel, such conditions cannot be added to the rezone unless they are tied to a mitigation measure; as they are not, no conditions were added to the project.

**MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS CERTIFY THAT WAC07-**

0001 IS CATEGORICALLY EXEMPT PURSUANT TO SECTION 15317 OF THE CEQA GUIDELINES; ADOPT THE MITIGATED NEGATIVE DECLARATION FOR Z07-0030, AS PREPARED; ADOPT THE MITIGATION MONITORING PROGRAM; AND APPROVE Z07-0030 REZONING ASSESSOR'S PARCEL NUMBER 046-041-17 FROM RESIDENTIAL AGRICULTURAL TWENTY-ACRE (RA-20) TO EXCLUSIVE AGRICULTURE (AE), BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

### **Findings**

#### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 El Dorado County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

#### **2.0 ADMINISTRATIVE FINDINGS**

##### **2.1 Zone Change Findings**

- 2.1.1 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density or intensity zoning district. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change request. Based on this analysis and the conclusions reached in the staff report, the Planning Commission recommends approval of the zone change request to the Board of Supervisors.

## 2.0 General Plan Findings

- 2.1 The proposed rezone is consistent with the policies of the 2004 El Dorado County General Plan, as discussed in the General Plan section of this staff report including Policies 2.2.5.2 and 2.2.5.3 about parcel size and evaluation of rezone appropriateness, Policy TC – Xe for traffic circulation, Policies 6.5.1.2, 6.5.1.3, 6.5.1.7 and 6.5.1.13 for noise impacts, 7.3.3.4, 7.4.2.9, 7.4.4.4 about impacts to wetlands, the Important Biological Corridor and oak tree canopy, 8.1.3.1 and 8.1.4.1 for buffering and Agricultural Commission recommendation for approval, 8.2.4.1 for requirements for an Agricultural Preserve and Policies 8.2.4.4 and 8.2.4.5 for the ability to promote Ranch Marketing and visitor serving uses.

## WAC 07-0001

### 1.0 CEQA FINDING

- 1.1 The proposed requests for Williamson Act Contracts has been found to be Categorically Exempt from CEQA pursuant to Section 15317 stating that, *class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area.*

### 2.0 ADMINISTRATIVE FINDINGS

#### 2.1 Establishment of a new agricultural preserve.

- 2.1.1 The subject parcel satisfies the County's criteria 1, 2, and 3 as contained in Resolution No. 188-2002 for the establishment of an Agricultural Preserve, as discussed in the staff report and pursuant to review by the El Dorado County Agriculture Commissioners. Therefore, the creation of a new agricultural preserve can be approved.

## Conditions

### Conditions from the Mitigated Negative Declaration

The following mitigation measures are required as a means to reduce potential significant environmental effects to a less than significant level:

1. Should a future winery facility involve the storage of reportable quantities of hazardous materials, then prior to building permit issuance the applicant shall submit a hazardous materials business plan to the Solid Waste and Hazardous Materials Division of Environmental Management, to include payment of applicable fees. **[MM Haz Mat-1].**

**Monitoring:** Solid Waste and Hazardous Materials Division of Environmental Management shall review and approve a hazardous materials business plan prior to issuance of any development permit for a winery or tasting room.

2. Prior to building permit issuance for a winery facility, the applicant shall provide a Fuel Modification and Wildland Fire Safety Plan, to be prepared by a Registered Professional Forester and or District approved fire safe planner, which shall be reviewed and approved by Pioneer Fire Protection District and California Department of Forestry (Cal Fire). [MM Haz Mat-2].

**Monitoring:** Pioneer Fire Protection District and California Department of Forestry (Cal Fire) shall review and approve a Fuel Modification and Wildland Fire Safety Plan, to be prepared by a Registered Professional Forester and or District approved fire safe planner, prior to issuance of any development permit for a winery or tasting room.

3. Prior to discharging any wastewater to the land, the applicant shall meet Waste Discharge Requirements (WDRs) of the Regional Water Quality Control Board (RWQCB). If the winery crushes less than 80 tons of grapes per year, produces less than 100,000 gallons of wastewater annually, or collects and hauls all process wastewater off-site for disposal, the applicant can apply for a waiver of WDRs. Otherwise, the applicant shall submit a Report of Waste Discharge with the RWQCB. [MM Hydro-1].

**Monitoring:** California Regional Water Quality Control Board (RWQCB) shall review and approve a Report of Waste Discharge with the RWQCB, prior to issuance of any development permit for a winery or tasting room. A written copy of said approval shall be received by Planning Services for the project file, prior to issuance of any development permit for a winery or tasting room.

4. The applicant will be required to obtain a special use permit if an amplified, outdoor sound system will be utilized during special events. [MM-1 Noise].

**Monitoring:** Applicant shall apply for a Special Use Permit for the use of an amplified, outdoor sound system will be utilized during special events, and shall have said Permit approved by the El Dorado County Planning Commission, prior to issuance of any development permit for a winery or tasting room.

5. The applicant shall be subject to an encroachment permit, Std. Plan 103D, with a minimum width of 24 feet for the Mariah Lane entrance to Sandridge Road. Construction shall be completed prior to final occupancy of any future winery. [MM Trans/Traffic-1].

**Monitoring:** Applicant shall apply for an encroachment permit for the encroachment by Mariah Lane the entrance onto Sandridge Road Said permit be reviewed and approved by the El Dorado County Department of Transportation (DOT) prior to issuance of any development permit for a winery or tasting room.

6. Prior to holding any special events, the applicant shall improve Mariah Lane from the encroachment off Sandridge Road to the winery and tasting room access way. Improvements will consist of surfacing with either gravel, chip seal or asphalt concrete,

to the discretion of the El Dorado County Department of Transportation, 18 feet of width with shoulders on each side. [MM Trans/Traffic-2].

**Monitoring:** Applicant shall submit a grading plan for the winery and tasting room access way, to be reviewed and approved by the El Dorado County Department of Transportation prior to issuance of any development permit for a winery or tasting room.

7. Prior to final occupancy of any potential future winery, the applicant shall post a sign on Mariah Lane discouraging public travel along the road system beyond the winery facilities. The sign shall conform to Standard Plan 105-C for dimensions and materials, and shall read: *End Winery Road – No Trespass*. [MM Trans/Traffic-3].

**Monitoring:** Applicant shall submit proof that a sign on Mariah Lane discouraging public travel along the road system beyond the winery facilities reading, *End Winery Road – No Trespass*, has been posted in a DOT approved location to DOT prior to Prior to final occupancy of the winery a winery or tasting room.

8. Prior to applying for a building permit for the winery or wine tasting facility, the applicant shall submit a Declaration of Small Water System Status form to the El Dorado County Environmental Health Division in order to determine if the project will require a water system permit. If wine tasting activities include the preparation, storing or retail sale of food, then the applicant shall be subject to further requirements and must contact the department for assistance. [MM Utilities-1].

**Monitoring:** Prior to applying for a building permit for the winery or wine tasting facility, the applicant shall submit a Declaration of Small Water System Status form to the El Dorado County Environmental Health Division for review. If wine tasting activities include the preparation, storing or retail sale of food, then the applicant shall be subject to further requirements and must contact the department for assistance. The applicant shall provide information to the El Dorado County Environmental Health Division prior to applying for a building permit so said determination can be made.

9. Immediately subsequent to approval of the subject rezone by the El Dorado County Board of Supervisors, Planning Services shall record a Notice of Restriction on APN 046-041-17 consisting of Mitigation Measures 1 through 9. The applicant shall be responsible for all recordation fees. [MM Manda Signi-1].

**Monitoring:** Immediately subsequent to approval of the subject rezone by the El Dorado County Board of Supervisors a Notice of Restriction on APN 046-041-17 consisting of Mitigation Measures 1 through 9 shall be signed and notarized by the applicant and recorded by Planning Services, and a copy shall be provided to the applicant.

c. **WAC07-0002, WAC07-0003, and WAC07-0004** submitted by Kenneth and Jane Osborn, Guy Shaver and Sarah Rump, and Milburn and Barbara Reed respectively, to divide existing Agricultural Preserve #119 into three separate preserves. The properties, identified by Assessor's Parcel Numbers 046-740-01, -02, -03, and -04, consisting of 640 acres, are located south of Sandridge Road and north of Painted Pony Road, at the intersection with Dwyer Road, in the **Somerset area**, Supervisorial District II. (Categorically exempt pursuant to Section 15317 of the CEQA Guidelines)

Staff: Tom Dougherty recommended approval to the Board of Supervisors. This item was acted upon as a Consent Calendar item.

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15317 OF THE CEQA GUIDELINES, AND APPROVE WAC07-0002, WAC07-0003, AND WAC07-0004 BASED ON THE FINDINGS PROPOSED BY STAFF.

## **Findings**

### **1.0 CEQA FINDING**

1.1 The proposed requests for Williamson Act Contracts has been found to be Categorically Exempt from CEQA pursuant to Section 15317 stating that, "class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area."

### **2.0 ADMINISTRATIVE FINDINGS**

2.1 The subject parcels satisfy the County's criteria 1, 2, and 3 as contained in Resolution No. 188-2002 for the establishment of an Agricultural Preserve, as discussed in the staff report and pursuant to review by the El Dorado County Agriculture Commissioners. Therefore, the creation of three new contracts from the original can be approved.

d. **WAC06-0010 and WAC06-0011** submitted by TERRY and ELLEN STIGALL to divide existing Agricultural Preserve #133 into two separate preserves. The properties, identified by Assessor's Parcel Numbers 089-010-29/60 acres, and 089-010-02 and -27/100 acres, are located on the north side of Thompson Hill Road, at the intersection with Big Sky Ranch Road, in the **Lotus area**, Supervisorial District IV. (Categorically exempt pursuant to section 15317 of the CEQA Guidelines)

Staff: Pierre Rivas stated staff would like this application pulled from the Consent Calendar. The applicant asked that the Commission proceed with his applications. Mr. Rivas said the continuance is based on a request from County Counsel and the Agricultural Department. A continuance would not affect the tax relief the applicant would receive as it would not become



effective until 2009. Edward Knapp, County Counsel, explained the concerns of the State regarding Williamson Act Contracts and the request of his office for a continuance. Bill Stephans, Agricultural Commissioner, explained his reservations with the State and suggested continuance for two or three months. The Commission discussed a continuance to March 13, 2008.

**MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS TOLHURST, MACHADO, MAC CREADY, AND KNIGHT; NOES – COMMISSIONER MATHEWS, IT WAS MOVED TO CONTINUE WAC06-0010 AND WAS06-0011 TO THE MEETING OF MARCH 13, 2008, TO REVIEW THE CONCERNS OF THE DEPARTMENT OF CONSERVATION WITH THE AGRICULTURAL COMMISSION, PLANNING SERVICES, AND AGRICULTURAL DEPARTMENT.**

### **END OF CONSENT CALENDAR**

**PUBLIC FORUM/PUBLIC COMMENT** – Eric Evans read a letter from his wife regarding the conditions recommended by the Commission for the Light of the Hills Church. They thanked the Commission for their recommended conditions; however, the conditions were modified by the Board.

### **7. PLANNED DEVELOPMENT (Public Hearing)**

**PD07-0023** submitted by AMERICAN LEGION POST 119 for the construction of a 7,000 square foot meeting hall including a 613 square foot covered patio on the north side and a 625 square foot drive-thru portico on the west side of the site. The property, identified by Assessor's Parcel Number 319-260-52, consisting of 6.14 acres, is located on the northeast side of Greenstone Road, approximately 0.25 mile north of the intersection with Mother Lode Drive, in the **El Dorado area**, Supervisorial District III. (Mitigated negative declaration prepared)

Staff: Tom Dougherty conditional recommended approval.

Robert Laurie said they believe their environmental document was done on the final 10,900 square foot building. It is shown on the site plan. He suggested that the project description be changed to state: "to be expanded to 10,900 square feet upon the application of an appropriate building permit."

David Becker said when they pull their permits they will know the size of the proposed building. They are hoping they do not have to come back through the planned development process. Commissioner Machado asked if they are going to rent out the building once it is constructed. Mr. Becker replied in the affirmative. They have been approached by the County to rent out a portion of the building for records storage. Chair Knight asked if this facility will be like the one in Shingle Springs. Mr. Becker replied in the affirmative.

Commissioner Machado stated there is paved parking, sewer and water, and the property is zoned Industrial. He asked if staff is satisfied that the environmental analysis is sufficient for the

10,900 square feet. Pierre Rivas said the document was only for the 7,000 square feet. Staff feels additional review would be necessary. Mr. Laurie said the difference between the size of the building has no environmental impact. If the Commission feels it is necessary he would ask for a 30-day continuance in order to modify the project description. He does not believe the environmental document needs to be recirculated.

Commissioner Machado asked for clarification on the required number of parking spaces and also spoke about the floor area ratio.

Mr. Becker said their membership is not in favor of a continuance. He withdrew their request for 10,900 square feet and asked that the Commission go with 7,000 square feet. If they are able to expand, they will go through the necessary process. Mr. Laurie asked that the project be approved as proposed.

There was no further input.

**MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED, AND APPROVE PD07-0023, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.**

## **Findings**

### **1.0 CEQA Findings**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The Zoning Administrator finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

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

## **2.0 General Plan Findings**

- 2.1 As proposed, the project is consistent with the Industrial land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because the Industrial land use designation includes meeting halls as a compatible use.
- 2.2 The proposal is consistent with all applicable Policies of the General Plan including 2.2.1.5, 2.2.3.1, 2.8.1.1, TC-Xf, 5.1.2.1, 7.3.5.1, 7.3.5.2, 7.4.4.2, 7.4.1.1, and 7.4.4.4, concerning the requirement for a planned development request, the floor/area ratio, lighting glare, traffic impacts and landscaping. The project provides adequate access, site design, and architectural features that ensure compatibility with the surrounding uses, is not removing oak trees, avoids rare plants, it is consistent with the General Plan policies identified above.

## **3.0 Zoning Findings**

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards because the proposed building meets the development standards pursuant to section 17.34.020 for minimum lot area, maximum building coverage, height and setbacks required.

## **4.0 Administrative Findings**

### **4.1 Planned Development PD07-0023 Findings**

- 4.1.2 *The planned development zone request is consistent with the General Plan.* The planned development request is consistent with the General Plan because the application is for a meeting hall for 200 people, being developed to serve the residents, businesses and visitors, consistent with the Industrial land use designation, and is consistent with applicable policies as outlined in Finding 2.2.
- 4.1.3 *The proposed development is so designed to provide a desirable environment within its own boundaries.* The proposed development plan provides landscaping, lighting, pedestrian traffic, and subdued design features which will enhance the environment for an industrially-zoned parcel within the El Dorado area.
- 4.1.4 *Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.* The project is being developed or conditioned to comply with all County Code requirements.
- 4.1.5 *The site is physically suited for the proposed uses.* The site is physically suited for the proposed uses since it is located within a commercial environment.

- 4.1.6 *Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.* All required utilities are available for the proposed uses, including, but not limited to, water supply, adequate sewage disposal area, roads, and utilities.
- 4.1.7 *The proposed uses do not significantly detract from the natural land and scenic values of the site.* The proposed uses do not significantly detract from the natural land and scenic values of the site since it does not propose to remove trees, and the driveway and building pad area have been previously graded, and the proposal will provide the required landscaping, enhancing the natural environment.

**Conditions**

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

The project description is as follows:

Development Plan for the construction of a 7000 square-foot meeting hall, including a 613 square-foot covered patio on the north side, and a 625 feet for the drive-thru portico on the west side. The following are the included uses within the meeting hall:

Use	Square Footage
Dining area	2,588 square feet
Restroom	542 square feet
Kitchen	714 square feet
Storage	372 square feet
Office	146 square feet
Bar area	1,009 square feet
Meeting Rooms	1,360 square feet
Entry	269 square feet
<b>Total Interior Building Area</b>	<b>7,000 square feet</b>

Also included are driveway improvements, lighting, parking, and associated landscaping associated with the approved development plan. The meeting hall will have a maximum capacity to accommodate up to 200 persons.

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.

### Conditions from the Mitigated Negative Declaration

The following mitigation measure is required as a means to reduce potential significant environmental effects to a level of insignificance:

2. The Rare Plant Mitigation fee, in lieu of on-site mitigation, shall be paid to El Dorado County at the time of issuance of any building permit subject to this permit. El Dorado County Building Services will be responsible for collecting the appropriate fee prior to issuance of any future development permit for the proposed parcel. **[MM Biological Resources-1].**

**Monitoring:** El Dorado County Building Services Division will be responsible for collecting the appropriate fee prior to issuance of any future development permit for the proposed parcel.

3. The applicant is required to replant a combination of 200 one-gallon sized blue oaks (*Quercus douglasii*) and interior live oak (*Quercus wislizenii*) trees (200 trees x 1 acre = 200). Alternatively, the applicant may plant 600 acorns [(200 trees x 1 acre) x 3 acorns = 600 acorns]. Alternatively, the applicant may plant 600 acorns [(200 trees x 1 acre) x 3 acorns = 600 acorns]. The areas identified as suitable for replanting, as well as the recommended planting techniques are identified in Exhibits M1, M2 and M3. There shall be no development activity permitted of any kind in the area marked on Exhibit M1 as being the location of the Red Hills soaproot (*Chlorogalum grandiflorum*). Prior to final occupancy, the applicant is required to enter into an oak tree replacement and mitigation monitoring agreement with the County. **[MM Biological Resources-2].**

**Monitoring:** Prior to final occupancy, the applicant is required to enter into a *County of El Dorado Agreement for Maintenance and Monitoring of Existing Oak Trees and Oak Tree Replacement Plantings* through Planning Services staff. Applicant shall adhere to the *Revegetation and Restoration Plan* in Exhibit M2 and shall annually report planting status with a letter to Planning Services each year for a period of ten years from the date of the said agreement for planting trees and for fifteen years for planting acorns.

### Planning Services Site Specific and Standard Conditions

4. 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 and be approved by the Deputy Planning Director or designee the prior to installation. The applicant shall install and maintain landscaping in accordance with the approved final landscaping plan in perpetuity.

5. All outdoor lighting shall conform to Section 17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. In addition, the following apply:
  - a. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.
  - b. Lighting for outdoor display areas shall be turned off within 30 minutes after the closing of the business. No more than 50 percent of the parking lot lighting may remain on during hours of non-operation. Security lighting shall be designed with motion-sensor activation.
  - c. Pole lights shall not exceed fifteen (15) feet in height from finished grade to the top of the pole.

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

6. Parking shall be improved consistent with Chapter 17.18 of the County Code, including the April 14, 1993 California Accessibility Regulations. The uses will be evaluated during the building permit process prior to issuance of a building permit to ensure that parking will be available for each use that had been authorized by the approval of PD07-0023. Parking shall conform to the site plan shown in Exhibit F and shall include 76 standard stalls with four (4) of those to be handicap accessible stalls with one being van accessible for a total of 80 parking spaces.
7. Any future signage for the meeting hall must comply with Chapter 17.34.020.D and Chapter 17.16 of the El Dorado County Zoning Ordinance and shall be provided to, and then approved by the Development Services Director or designee prior to issuance of a building permit for the proposed sign.
8. Prior to issuance of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition of approval imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.
9. All Planning Services fees shall be paid prior to issuance of any development permit.
10. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code. The applicant shall defend, indemnify, and hold harmless

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

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

**El Dorado County Environmental Health Division**

11. The applicant shall submit plans for the commercial kitchen for review and approval at the time of building permit application. Once approved, an Annual Operating permit shall be required.

**El Dorado County Environmental Health, Solid Waste Division**

12. The trash enclosure area shall be large enough to enclose two dumpsters, one for trash and one for recycling. The Solid Waste Division shall review and approve the submitted site plan for this requirement prior to issuance of the building permit for compliance with the approved Development Plan subject of this permit request.

**El Dorado County Air Quality Management District (AQMD)**

13. The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. Current county records indicate this property is located within the Asbestos Review Area. Therefore, District Rule 223.2 Fugitive Dust-Asbestos Hazard Mitigation, which addresses the regulations and mitigation measures for fugitive dust emissions, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223.2. In addition, an Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the District prior to start of project construction.
14. Project construction may involve road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials. NOTE: The proposed project is within the Asbestos Review Area; therefore District will require the paving of the proposed driveways or the application of a minimum of three (3) inches in depth, asbestos free gravel, for all roads and driveways.
15. Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
16. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.

17. In order to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following are measures used to reduce impacts on air quality from equipment exhaust emissions:

**Heavy Equipment and Mobile Source Mitigation Measures.**

- Use low-emission on-site mobile construction equipment.
- Maintain equipment in tune per manufacturer specifications.
- Retard diesel engine injection timing by two to four degrees.
- Use electricity from power poles rather than temporary gasoline or diesel generators.
- Use reformulated low-emission diesel fuel.
- Use catalytic converters on gasoline-powered equipment.
- Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible.
- Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
- Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
- Configure construction parking to minimize traffic interference.

**El Dorado County Department of Transportation**

18. The encroachment onto Greenstone Road shall be constructed in accordance per the County of El Dorado Design and Improvement Standards Manual (DISM) Standard Plan 103D. 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 issuance of a building permit.
19. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Subdivision Ordinance, prior to issuance of building permit.
20. If site improvements are to be made, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off-Street Parking and Loading Ordinance", and the State of California Handicapped Accessibility Standards.
21. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, at a minimum, grading practices, compaction, slope stability of



- existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
22. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.
  23. The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of El Dorado County.
  24. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.
  25. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.
  26. 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.
  27. 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.
  28. 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.
  29. 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.
  30. 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 final grading and erosion control plans are approved and the grading is completed.

31. 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.
32. 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.
33. 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.
34. For projects that disturb 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**

35. The District will review the site plan submitted for the building permit prior to issuance to verify that the fire lanes are planned to be installed in close proximity to the fire hydrants identified on that plan as they were shown on the approved Development Plan. The approved fire lanes will provide for easy access by fire and emergency apparatus during incidents that occur at the complex.
36. Building and Fire Codes will also have to be adhered to but can not be determined until a full set of building and site plans are received by this District.
37. Diamond Springs/El Dorado Fire Protection District Ordinance 89-1 requires any new building (Except "E" & "R" Occupancies) that meets or exceeds 3,600 square feet, is two stories or more or 35 feet in height or more shall be equipped with an Automatic Fire

- Sprinkler System. The Fire Sprinkler System shall extend and cover all areas of the building.
38. Minimum Fire Flow for a building is 1500 GPM for duration of 2 hours @ 20 psi.
  39. Knox Box shall be installed per District Requirements.
  40. Fire hydrant placement shall be approved by the Fire District.
  41. Fire apparatus access road shall be provided within 150 feet to all portions of the building.
  42. Additional requirements may be necessary once a full set of building plans are submitted to the District for review.
  43. The project shall meet the public safety and fire protection requirements of the County of El Dorado General Plan, which shall include provision of a financing mechanism for said services. The financing mechanism shall include inclusion within, or annexation into, a Community Facilities District (“CFD”) established under the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311 et seq.) established by the Diamond Springs / El Dorado Fire Protection District (“District”) for the provision of public services permitted under Government Code § 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.
  44. The Fire District reserves the right to make amendments to the aforementioned requirements. These are not necessarily all inclusive. These conditions are time sensitive and are subject to change in the future, based on changes in technology and fire codes. The applicant is encouraged to contact the Fire District to meet and discuss the Community Facilities District matter and the impact on their project.

### **Pacific Gas and Electric Company**

The following conditions apply only to the 60KV line along the north parcel boundary as shown in Exhibit L:

45. All trees shrubs, and plants within said area shall not exceed a height of 15 feet at maturity and no trees shall be planted within said area within 25 feet of any pole structure.
46. Overhead lighting installed within said area shall not exceed 15 feet in height and not be located directly underneath the conductors of PG&E’s overhead electric transmission lines nor within 25 feet of any pole structure.
47. No significant grading, cuts or fills shall be done within the tower line easement.

48. When operating any equipment or tools in proximity to our pole line, the developer must not erect, handle or operate any such equipment or tools, closer to any of PG&E's overhead high-voltage conductors than the minimum clearances set forth in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety, but in no event closer than 10 feet.
49. General Order No. 95 of the California Public Utilities Commission sets forth certain clearance requirements for the construction and operation of electric lines. Therefore, you must control your excavation and digging, including spoils, in such a manner as not to decrease the ground-to-conductor clearance below 30 feet.

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

**8. REZONES/PLANNED DEVELOPMENTS/TENTATIVE MAPS (Public Hearing)**

- a. **Z07-0024** submitted by SALVADOR OROSCO to rezone property from Two-acre Residential (R2A) to General Commercial-Design Control (CG-DC). The property, identified by Assessor's Parcel Number 124-300-90, consisting of 9.55 acres, is located on the south side of Green Valley Road, east of the intersection with Shadowfax Lane, in the **El Dorado Hills area**, Supervisorial District I. (Negative declaration prepared)

Staff: Jonathan Fong recommended approval to the Board of Supervisors. Staff and the Commission discussed the application of a planned development overlay instead of a design control overlay.

Doug Wirtz does not support General Commercial. They do not feel the uses allowed under CG are appropriate for this area. He would not object to a change to CPO.

Stan Iverson gave the Commission an aerial photograph of the site and additional information on uses allowed under CG. He would prefer some type of general office use. General Commercial is too broad of a use. He is worried about use of their road by additional heavy vehicles. The design control overlay is not sufficient for additional review.

Ian Freer shares approximately 300 feet of boundary with the subject property. They are concerned about the general nature of rezoning and the possible impacts.

Rachel Baumgartner commented zoning the property as General Commercial is opening Pandora's Box. They would like the property rezoned to a professional use. She asked that it be done right the first time.

Martin Brinitzer went along with everything previously stated. He is concerned about the traffic situation that currently exists and the possible use of Shadowfax Road by expanded uses. Also, covering more land with asphalt in the area would increase the flooding which is a problem at the present time.

Ken Freed, resident on Shadowfax, said what is being proposed is too broad, too general. This is the gateway to the community. He asked that more stringent controls be in place.

Tracy Iverson is very concerned with General Commercial. It is not a benefit to the community. She would like to see a planned development and commercial office. She asked that the Commission consider the requests of the neighbors.

Another resident in the area said General Commercial is too broad. Traffic and safety is an issue. They are concerned about street lights at night and increased noise.

David Fisher, representing the applicant, said the change to Commercial was to benefit the entire community. It took ten years to accomplish the change. They are looking at a project that would benefit the community. He feels a planned development would unreasonably encumber the property. Traffic and safety will be greatly improved with this change.

There was no further input.

Chair Knight said the General Plan designation is Commercial, and that is what it will be down the road. This is a difficult site to develop. He agrees with everyone that has spoken about assuring that the uses that go on the site be appropriate for the gateway to El Dorado County. He would like to see the uses further constrained. Gina Hunter explained Exhibit C which shows straight Commercial in the area. Commercial would allow more flexibility. Those are the same uses allowed in the Planned Commercial District which requires review but not as much as with the planned development. Depending on the change, the environmental document may have to be recirculated.

Commissioner Machado went over uses allowed under the Commercial zone. He does not believe the planned development overlay would be detrimental to the applicant and would help the residents of El Dorado County. Commissioner Mathews agreed.

Commissioner Machado would like the project to come back to the Commission with a planned development overlay. He does not want to see General Commercial.

**MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACHADO AND UNANIMOUSLY CARRIED, IT WAS MOVED TO RECIRCULATE THE ENVIRONMENTAL DOCUMENT UNDER COMMERCIAL-PLANNED DEVELOPMENT AND AFTER RECIRCULATION FORWARD A RECOMMENDATION OF APPROVAL FOR A COMMERCIAL-PLANNED DEVELOPMENT TO THE BOARD OF SUPERVISORS.**

After discussion with County Counsel, recirculation of the environmental document would not be required, and the item was forwarded to the Board of Supervisors with a recommendation for Commercial-Planned Development (C-PD).

b. **Z06-0045/P06-0046** submitted by MARK and NATALIE PATTERSON to rezone property from Estate Residential Five-acre (RE-5) to Single-family One-acre residential (R1A), and tentative parcel map creating four parcels ranging in size from one to two acres. A design waiver has been requested to allow driveway access to both parcels 2 and 3 without frontage on a public street. The property, identified by Assessor's Parcel Number 070-180-20, consisting of five acres, is located on the north side of Meder Road, 150 feet west of the intersection with Rosebud Drive, in the **Shingle Springs area**, Supervisorial District IV. (Negative declaration prepared)

Staff: Michael Baron recommended approval to the Board of Supervisors. Letters have been received regarding the widening of Joy Lane. Mr. Baron recommended modification of Conditions 7 through 14.

Nicole Young, Lebeck Engineering, asked that Condition 9 reflect one foot shoulders. Joy Lane has two telephone poles, and they would like Condition 9 to accommodate the two poles so they do not have to be relocated.

Pam Wilson, resident on Joy Lane, is concerned because she was under the belief the road was a dead end road. She does not know how the Department of Transportation can make them widen the road. Eileen Crawford, Department of Transportation, said the road is a public road and utility easement. They would support the one foot shoulders. Everyone has to meet Fire Safe Standards. The 18 foot road is to Fire Safe Standards in order to get a truck in and a car out.

Barbara Booth, owner of the parcel directly east of the subject parcel, is not against splitting the parcel but is against the County requirements to widen the road. They pay to maintain the road. According to EID, the water line will have to be moved. The cost is beyond belief. Why not use Meder Road? Could there be a cul-de-sac? Joy Lane is a private road.

John Fleishman, resident on Sierrama Road, is in favor of the request and widening the road. The end of Joy Lane should be closed off. He would question what other alternatives have been evaluated for Joy Lane.

Lisa Junell is not opposed to the rezone and division but would like to look at other alternatives for Joy Lane.

Mark Patterson said they looked at other alternatives. They considered access on Meder, but the Department of Transportation said no. They are going to improve Joy Lane, but there would be an additional three houses to help pay for the upkeep of that road. Mrs. Crawford stated Condition 7 requires the new homeowners join a road entity.

There was no further input.

**MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE**

DECLARATION, AS PREPARED; APPROVE Z06-0045 REZONING ASSESSOR'S PARCEL NUMBER 070-180-20 FROM ESTATE RESIDENTIAL FIVE-ACRE (RE-5) TO SINGLE-FAMILY ONE-ACRE RESIDENTIAL (R1A), BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE P06-0046, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

### **Findings**

#### **1.0 CEQA Findings**

**1.1** El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project. No significant impacts to the environment as a result of this project were identified in the initial study.

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

#### **2.0 General Plan Finding**

##### **2.1 The proposed parcel map conforms to the El Dorado County General Plan;**

The project site is designated as Medium Density Residential (MDR). The parcel map would create parcels which are consistent with the density requirements and minimum parcel size requirements within the MDR land use designation.

#### **3.0 Zoning Finding**

##### **3.1 The parcel map conforms to the El Dorado County Zoning Ordinance;**

The project site is zoned One-Acre Residential (R1A). The parcel map would create parcels which would be consistent with the minimum parcel size requirements and the development standards of the R1A zone district.

#### **4.0 Tentative Map Findings**

##### **4.1 That the proposed tentative map and rezone is consistent with applicable general and specific plans;**

The proposed rezone from Estate Residential 5-acre (RE-5) to Single-family 1-acre Residential (R1A) is consistent with the General Plan which designates the parcel as Medium Density Residential (MDR) which allows for the proposed parcel sizes. The proposed R1A zoning is consistent within the Shingle Springs Community Region.

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

The Department of Transportation and the El Dorado County Fire Protection District have reviewed the existing road conditions and have determined that the proposed improvements would provide adequate access. Adequate public services exist that would be sufficient to serve the project. Based on percolation rate test, septic would also provide adequate service for each parcel.

The proposed parcels provide adequate area to meet the development standards of the R1A Zone District.

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

As determined through a Cultural Resource Study, Biological Survey, and analysis by staff the project site does not contain any natural resources that would be significantly impacted through the proposed residential development of the site.

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

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

**5.0 Design Waiver Findings**

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

Alternative access to proposed Parcels 2 and 3 from Joy Lane or Meder Road would involve introducing a twenty-four foot wide- road to parcel 2 and 3 which would allow unwanted public access, which is not desirable to the applicant. Requiring parcels 2 and 3 front a road pursuant to Volume II, section 2, B (5) would require creating a 100-foot frontage pursuant to section 17.28.210 (C) of the Zoning Code would require construction of a twenty-four foot wide road from either Joy Lane or Meder Road. Allowing the creation of Parcels 2 and 3 using a driveway standard would reduce impacts to oak canopy unwanted public access and will only require an encroachment permit onto Joy Lane for parcel 3 and also an encroachment onto Meder Road for Parcel 2.

**5.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.**



Strict application of the requirement for parcels to meet the *El Dorado County Design and Improvement Standards* required frontage on a public street or a street meeting County subdivision design and improvement standards would introduce new public access and road improvements and removal of additional oak canopy for access to only two parcels.

**5.3 The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.**

Allowing parcels 2 and 3 to use a driveway standard for exclusive access across parcels 1 and 4 will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

**5.4 This waiver(s) 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 approval of this design waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.

**Conditions**

**Planning Services**

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

The project description is as follows:

A rezone of the property will allow approval of the parcel map to create three new lots. The parcel sizes are as follows: Parcels 1, 3, and 4 are proposed as 1 acre parcels and parcel 2 is proposed as a 2 acre parcel. The proposed parcels 3 and 4 would access private driveways from Joy Lane and parcels 1 and 2 would access private driveways off Meder 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.

2. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code. The 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.
3. The applicant shall make the actual and full payment of planning processing fees for the tentative parcel map application prior to the County Recorder processing the final map.
4. 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.
5. The applicant shall be required to pay Park-in-Lieu fees of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090.
6. This tentative parcel map shall expire within 36 months from date of approval unless a time extension has been filed.

### **Department of Transportation**

7. The applicant shall improve the property frontage along Meder Road to a total half width of 16 feet from the existing roadway centerline according to the El Dorado County Design and Improvement Standards Manual (DISM), Standard 101B (without curb and gutter and sidewalk). 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 ~~recreation~~ filing of the parcel map.
8. The applicant shall improve the on-site access driveways along the eastern boundary of Parcel 1 & Parcel 4 for access to Parcel 2 & Parcel 3, respectfully, to a driveway width of 12 feet and according to the design criteria of DISM, Standard Plan 101C. The improvements shall be substantially complete, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the ~~recreation~~ filing of the parcel map.

9. The applicant shall improve Joy lane, from the project boundary to Sierrama Drive, to the provisions of the DISM Standard Plan 101C with an 18 foot road width with ~~2~~ 1 foot shoulders on each side of the roadway with the exception of the locations where power poles exist, as required by Section 3A)2)c)ii, of the DISM. These off-site 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~~ filing of the parcel map.
10. The two central encroachments that serve this existing parcel off Meder Road are substandard and the applicant shall remove and block off these two access points, to the satisfaction of DOT. In addition, the applicant shall construct the driveway encroachment for the proposed driveway access to Lot #2 to Meder Road to the provisions of County Standard Plan 103B-1. An encroachment permit, as approved by DOT, shall be obtained by the applicant for these improvements. 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~~ filing of the parcel map.
11. The applicant shall irrevocably offer (or verify existing offer) to dedicate, in fee, 30 feet of right-of-way for the on-site portion of Meder Road along the entire property frontage, prior to the ~~recordation~~ filing of the map. This offer will be accepted by the County.
12. The applicant shall provide a 25 foot wide road and public utility easement as well as a vehicular access restriction for the proposed on-site driveways along the eastern boundary of parcel 1 & Parcel 4 for access to Parcel 2 & Parcel 3, respectfully, prior to the ~~recordation~~ filing of the parcel map.
13. The applicant shall construct the driveway encroachment from Joy Lane onto Sierrama Drive to the provisions of County Standard Plan 103C. ~~In addition,~~ The applicant shall construct the driveway encroachment for the proposed driveway access to Parcel 3 to Joy lane to the provisions of County Standard Plan 103B-1. These off-site 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~~ filing of the parcel map.
14. 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 prior to the ~~recordation~~ filing of the parcel map.
15. 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 land which will permit the improvements to be made, including proceedings for immediate possession of

- the property. In such cases, prior to filing any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Agent, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the off-site improvements, including costs of acquiring real property interest to complete the required improvements, construction, surveying, construction management and a 20 percent contingency.
- a. A legal description and plat, of the land necessary to be acquired to complete the off-site improvements, prepared by a civil engineer or land surveyor.
  - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
  - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the of-site improvements.
16. The applicant shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Subdivision Ordinance, prior to filing the parcel map.
  17. The applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads and drainage facilities not maintained by the County. All four parcels being created shall join the Sierrama Drive Road Association, Inc.
  18. If site improvements are to be made, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual," the "Grading, Erosion and Sediment Control ordinance," the "Drainage Manual," the "Off-Street Parking and Loading Ordinance," and the State of California Handicapped Accessibility Standards. The improvements shall be substantially completed, to the approval of the Department of Transportation, prior to occupancy.
  19. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
  20. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that off-site grading.
  21. The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

22. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to Dot with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format
23. The applicant shall pay the traffic impact fees in effect at the time a building permit application is deemed complete.

**El Dorado County Fire**

24. Applicant shall submit plan review fee of \$120.00 to the El Dorado County Fire Protection District, prior to recording the parcel map.
25. Fire flow for the proposed parcel map shall be 1000 gpm at 20 psi for two hours.
26. Hydrant locations, as shown on the parcel map shall be installed prior to recording the parcel map.
27. Applicant shall provide documentation from EID (FIL) and the Fire District to show that the system would meet the required fire flow for the project.
28. A CDF approved Fire Safe Plan shall be prepared for each parcel.
29. Any future gates not shown on plans shall require Fire District approval.

**County Surveyors Office**

30. All survey monuments shall be set prior to recording the parcel map.
  31. A letter to the County Surveyor shall be required from all agencies that have conditions placed on the map. The letter shall state that all conditions placed on the map by that agency have been met, prior to recording the parcel map.
- c. **Z07-0046/PD07-0032/P07-0015** submitted by BOW ENTERPRISES (c/o James Webb) to rezone property from Commercial (C) to Commercial-Planned Development (C-PD); development plan to allow the creation of five lots with less than the minimum parcel width of 50 feet, each to retain the existing nonconforming single-family residential use; and tentative parcel map creating five commercial parcels ranging in size from 5,429 to 7,122 square feet. The property, identified by Assessor's Parcel Number 043-226-30, consisting of 0.84 acre, is located on the southeast corner of the intersection of Snows Road and Carson Road, in the **Camino area**, Supervisorial District III. (Negative declaration prepared)

Staff: Tom Dougherty recommended approval to the Board of Supervisors.

Robert Laurie briefly explained he request. His clients are prepared to assure that the uses will remain residential.

Lou Oetinger, property owner adjacent to the subject property, commented there is a real parking problem in this area. He urged the Commission to consider parking if it is going to be increased.

David Brown, Sierra Pacific Industries, said the effluent from these houses goes into their property and into their septic system. There has been no analysis on the effluent that goes onto their property. They would like a study done before this project continues. They are concerned that no one has considered having individual septic systems on the proposed parcels. They do not object to the overall project change to Commercial-Planned Development. There is an absence of parking. The change is not to residential but commercial and should have been assessed on that basis. There will be a loss of employee housing in the area.

Commissioner Machado said this is already zoned Commercial. The request is just to include a planned development. Nothing would change. Mr. Brown said, based on the General Plan, a study needs to be done.

Cathy Toft, Environmental Management, said they have tried to look at this application and asked for additional information from the applicants; but they were not provided with the necessary information, so their department recommended denial of the request. There is no mechanism in place to maintain the septic system. The application cannot demonstrate septic disposal is adequate for the parcel map.

Commissioner Tolhurst said the initial study states when the use changes a planned development application would have to be submitted and the system be evaluated at that time. Pierre Rivas said we are able to go forward with this application because of the planned development overlay. There is no change in the environment. The planned development allows closer scrutiny by the County of any change in use. The application could not have been processed without the application of the planned development overlay.

Edward Knapp, County Counsel, said the property has been zoned Commercial for 40 years. We are actually putting a process in place so any additional environmental impacts can be evaluated. There is a current easement that allows use of the septic system whether there is one or five parcels.

There was no further input.

Mr. Laurie said it is their intent to incur maintenance of common area improvements, and the septic system will be included. They agree this should be included as a condition on the project.

**MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED; APPROVE Z07-0046/PD07-0032, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED;**

AND APPROVE P07-0025, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

**Findings**

**1.0 CEQA Findings**

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

**2.0 General Plan Findings**

- 2.1 As proposed, the project is consistent with the Commercial land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because the Commercial land use designation includes retail/office/services as compatible uses.
- 2.2 The proposal is consistent with the intent of General Plan Policies Objective 2.1.1, 2.1.1.2, 2.1.1.3, 2.1.1.7, 2.2.1.2, 2.2.1.5, 2.2.3.1, Objective 5.3.1, 5.3.1.1, 5.3.1.7, 5.7.1.1 and 6.2.3.2 concerning Community Regions, the requirements and intent of a planned development, the floor/area ratio, supporting infrastructure, and emergency access and public protection. Because of the existing adequate access, site design, and current compatibility within the context of the surrounding uses for the current continued use as residential, it is consistent with the General Plan Policies identified above.

**3.0 Zoning Findings**

- 3.1 The project is consistent with the El Dorado County Zoning Ordinance designation of Commercial because the existing residences are legal nonconforming and the addition of the Planned Development zoning overlay will allow discretionary review of any future change to a commercial use by the Planning Commission. Approval of the Development Plan permits the parcels to be less than 50-feet wide to allow the existing residences to have proportionate sections of the parent parcel and prevents the relocation of the supporting infrastructure.
- 3.2 The project, as proposed and conditioned, along with the zone change to Commercial-Planned Development, is consistent with the El Dorado County Zoning Ordinance Development Standards because the five parcels ranging in size from create five commercial parcels ranging in size from 5,429 to 7,122 square feet on a 0.84-acre parcel,

and the existing buildings meet the development standards pursuant to section 17.32.040 with the approval of the Planned Development to allow five parcels to have widths less than 50 feet and to retain the residential uses.

#### 4.0 ADMINISTRATIVE FINDINGS

##### 4.1 Planned Development PD07-0032 Findings

4.1.2 **The planned development zone request is consistent with the General Plan.** The planned development request is the existing five dwellings split separately onto five individual parcels and can be found to be consistent with the General Plan because the application is for an existing legal nonconforming residential use that was originally developed for residential use and with the approval of the Development Plan to allow individually owned commercial enterprises to serve the residents, businesses and visitors, consistent with the Commercial land use designation, and is consistent with applicable policies as outlined in Finding 2.2.

4.1.3 **The proposed development is so designed to provide a desirable environment within its own boundaries.** The proposed development exists and is providing landscaping, lighting, and historic design features which will maintain the environment for the residents of the Camino Community and provide affordable housing opportunities and preservation of the historical nature and importance to the community. The addition of the Planned Development zoning overlay permits further opportunities for the Planning Commission to review any specific commercial proposal.

4.1.4 **Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.** With the addition of the Planned Development overlay creating the opportunity to evaluate any changes in use in the future with the submission of a revision to an approved Development Plan, the legal nonconforming residential uses could remain until a specific commercial proposal is submitted. Except for minimum parcel widths for the individual units, the can be found to exist in compliance with all County Code requirements.

4.1.5 **The site is physically suited for the proposed uses.** The site is physically suited for the proposed uses since the residential use has existed within the current business, commercial environment for many years.

4.1.6 **Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.** All required utilities are available for the residential uses to continue, including, but not limited to, water supply, sewage disposal, roads, and utilities. Any future commercial use proposed will be analyzed at that time subject to Planning Commission review.

4.1.7 **The proposed uses do not significantly detract from the natural land and scenic values of the site.** The proposed uses do not significantly detract from the natural land and scenic values of the site since it is devoid of native trees and shrubs except for those



along the south and west parcel boundaries and has previously been mass graded. No physical changes are proposed with this project.

#### **4.2 Parcel Map P07-0046 Findings**

- 4.2.1 The proposed parcel map, including design and improvements, is consistent with the General Plan policies and land use map.** The parcel map request is consistent with the General Plan, because the application is to subdivide a multi single-family unit commercial lot. The approval of the Development Plan to allow five parcels to have widths less than 50 feet and to retain the residential uses, and is consistent with applicable policies as outlined in Finding 2.2 with the addition of the Planned Development zoning overlay.
- 4.2.2 The proposed parcel map does conform to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.** The proposed parcel map conforms to the applicable standards and requirements of the County's zoning regulations except for minimum parcel size for each unit and the Minor Land Division Ordinance, because the project site has been evaluated in accordance with the Commercial development regulations, and it has been found that the project complies with the minimum design standards, as conditioned.
- 4.2.3 The site is physically suitable for the proposed type and density of development.** The site is physically suitable for the proposed type and density of development because the site is located within a commercial district, and it can be found that the site is suited for the retail/office/warehouse development. No physical changes are proposed with this project. The existing residential use will remain until such time as a future request is made to revise the Development Plan.
- 4.2.4 The proposed parcel map is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.** The proposed parcel map will not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. The parcel map is an administrative document to allow the individual ownership of buildings within the development. No environmental impacts will be created by the parcel map. No physical changes are proposed with this project.
- 4.2.5 The design of the parcel map is not likely to cause serious public health hazards.** The design of the parcel map is not likely to cause serious public health hazards. The proposed parcel map would not create an undue negative impact upon the Camino community. It can be found that the improvements would not be detrimental to the public health, safety and welfare or injurious to the Camino community because the surrounding infrastructure is in place that can support it.

**Conditions**

**Planning Services**

1. This rezone, parcel map and development plan is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-I 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:

Zone change from Commercial (C) to Commercial-Planned Development (C-PD);

Development Plan to allow the creation of 5 lots with less than the minimum parcel width of 50 feet, each to retain the existing nonconforming single-family residential use; and

Tentative parcel map to create five commercial parcels ranging in size from 5,429 to 7,122 square feet on a 0.84-acre parcel.

Approval of the Development Plan would permit minimum parcel widths as follows:

- Parcel 1: 32 feet
- Parcel 2: 42 feet
- Parcel 3: 44 feet
- Parcel 4: 40 feet
- Parcel 5: 42 feet

The approval of the Development Plan permits the residential uses to remain. Any proposal to change the residential use of any of the five buildings to commercial requires the submittal of an application for a revision to the approved Development Plan.

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.

Parcel Map Conditions

2. All Development Services fees shall be paid prior to clearance recording the parcel map.
3. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
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, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

5. The applicant shall submit Covenants, Conditions, and Restrictions (CC&Rs) to the Development Services Department for review and approval prior to filing of the parcel map. Said CC&Rs shall provide for the maintenance and operation of the common septic system and any common areas.

**El Dorado County Surveyor**

- 5 6. All survey monuments shall be set prior to filing the parcel map.
- 6 7. The road serving the development shall be named by filing a completed Road Name Petition with the County Surveyor's Office prior to filing the Parcel Map.
- 7 8. Prior to filing the parcel map, a letter to the County Surveyor shall be required from all agencies that have conditions place on the map. The letter shall state that "all conditions placed on the map by (that agency) have been satisfied. The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

d. Z07-0048/PD05-0006/TM05-1393/Serrano, Village M/Phase 4 submitted by SERRANO ASSOCIATES, LLC for the following: 1. Amendment of the El Dorado Hills Specific Plan Land Use Map to reconfigure an 16.81 acre portion of Open Space adjacent to Village M/Phase 4 and re-designation of the property to Residential Estate, and reconfiguration of 0.42 acre of Residential Estate and re-designating the same to Open Space; 2. Amendment of the El Dorado Hills Specific Plan Zone Map to reconfigure an 16.81 acre portion of Open Space adjacent to Village M/Phase 4 and re-designation to One-Family Residential/Planned

Development (R1-PD), and reconfiguration of 0.42 acre of One-Family Residential and re-designation to Open Space; 3. Class 1 tentative subdivision map subdividing 69 acres of Village M/Phase 4 into 38 custom residential lots, ranging from 0.46 acre to 4.84 acres in size, and one open space lot totaling 15.68 acres; 4. Planned development permit for the proposed residential subdivision, and to allow modifications to the One-Family Residential (R1) Zone District development standards; 5. Also, a request for design waivers of the following El Dorado County Design and Improvement Standard Manual standards has been submitted: A) Reduction of road right-of-way to conform to actual street width improvements of 50 feet to 46 feet for Western Sierra Way and 50 feet to 36 feet for I Court; and B) Reduction in cul-de-sac turnaround standard from 100 feet to 80 feet improved surface in a right-of-way from 47 feet radius (94 feet diameter). The properties, identified by Assessor's Parcel Numbers 123-260-06 and -07, and a portion of 123-260-05, consisting of 69.03 acres, are located north of Raphael Drive, along Western Sierra Way, in the **El Dorado Hills area**, Supervisorial District I. (Statutorily exempt pursuant to Section 15182 of the CEQA Guidelines)

Staff: Mel Pabalinas recommended approval to the Board of Supervisors.

Chair Knight said the applicant still is exceeding the amount of required open space. Mr. Pabalinas concurred.

Commissioner Tolhurst wants to make sure Lot J is a buildable lot.

Kirk Bone concurred with staff's recommendation including those made today. He presented a letter from the Green Springs Border committee stating they are not in opposition to this request.

Andrea Howard, Serrano Associates, stated she had reviewed the map, and there is a building area available on Lot J.

Don Van Dyke, resident of Green Springs Ranch adjacent to the open space area in question, said because of poor notification they would like the item continued. Green Springs Ranch does not represent them in this matter.

There was no further input.

**MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS FIND THE PROJECT STATUTORILY EXEMPT PURSUANT TO SECTION 15182 OF THE CEQA GUIDELINES; AMEND THE EL DORADO HILLS SPECIFIC PLAN LAND USE MAP TO CHANGE A 16.81 ACRE PORTION OF OPEN SPACE ADJACENT TO VILLAGE M/PHASE 4 TO RESIDENTIAL ESTATE, AND CHANGE A 0.42 ACRE OF RESIDENTIAL ESTATE TO OPEN SPACE, BASED ON THE FINDINGS PROPOSED BY STAFF; APPROVE Z07-0048 REZONING A 16.81 ACRE PORTION OF ASSESSOR'S PARCEL NUMBER 123-260-05 FROM OPEN SPACE (OS) TO ONE-FAMILY RESIDENTIAL-PLANNED DEVELOPMENT (R1-PD) AND A 0.42 ACRE PORTION OF ASSESSOR'S PARCEL NUMBER 123-260-07 FROM ONE-FAMILY RESIDENTIAL-PLANNED DEVELOPMENT (R1-PD) TO OPEN**

SPACE (OS); APPROVE PD05-0006, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED; AND APPROVE TM05-1393 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED, INCLUDING DESIGN WAIVERS TO ALLOW THE REDUCTION OF ROAD RIGHT-OF-WAY TO CONFORM TO ACTUAL STREET WIDTH IMPROVEMENTS OF 50 FEET TO 46 FEET FOR WESTERN SIERRA WAY AND 50 FEET TO 36 FEET FOR I COURT, AND REDUCTION IN CUL-DE-SAC TURNAROUND STANDARDS FROM 100 FEET TO 80 FEET IMPROVED SURFACE IN A RIGHT-OF-WAY FROM 47 FEET RADIUS (94 FEET DIAMETER).

**Findings**

**1.0 CEQA FINDING**

- 1.1 The project is a residential project and a part of an adopted El Dorado Hills Specific Plan EIR, this project is statutorily exempt from the requirements of CEQA pursuant to Section 15182 stating that a residential project is exempt where a public agency has prepared an EIR on a specific plan after January 1, 1980. No impacts have been identified which were not discussed and mitigated in the EIR. Implementation of the project is subject to conformance with applicable mitigation measures detailed in the Mitigation Monitoring Plan in the EIR. No further environmental analysis is necessary
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

**2.0 ADMINISTRATIVE FINDINGS**

**2.1 General Plan**

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

**2.2 Specific Plan**

The proposed tentative subdivision map/planned development shall result in the creation of a total of 38 custom and estate residential lots. This is deemed substantially consistent with the density transfer provision in the El Dorado Hills Specific Plan Development Agreement in that the resulting density is below the maximum density permitted by the El Dorado Hills/Salmon Falls Area Plan, The project does not exceed the maximum

allowed density of 6,160 dwelling units for the Plan Area. Development of this phase shall be subject to various development standards outlined in the Specific Plan and shall maintain consistency with the previous tentative map approvals in the village. Therefore, the proposed tentative map/planned development is found to be consistent with the El Dorado Hills Specific Plan.

### **2.3 Zoning**

In accordance with the land use and zone map changes, the project meets the required minimum standards under One-Family Residential District (R-1) and applicable Open Space (OS). Specifically, the proposed residential lots exceed the minimum lot size, lot width, and standard yard setbacks under modified R-1-PD standards, while Open Space Lot Z exceeds the minimum lot size of 10 acres. Therefore, the proposed tentative map/planned development is found to be consistent with the El Dorado Hills Specific Plan Zone Map.

### **2.4 Subdivision Ordinance**

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

*The proposed development would create a total 38 custom residential lots in conformance with the designated uses, density, and density transfer provision identified in the El Dorado Hills Specific Plan, Development Agreement, and as adopted by reference El Dorado County General Plan.*

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

*The design and improvement of the subdivision has been designed in conformance with the identified residential land use requirements in the Specific Plan, and consistent with previous approval for Village M under TM01-1381/PD01-009. Subsequent improvement plans shall be further reviewed in accordance with the applicable County standards and recommended conditions of approval for this project.*

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

*Village M Phase 4 is characterized with slope areas ranging from 5% to 40%, dense with oak trees, and intermittent stream. Though the proposed residential lots are large in size and would accommodate flexible building pad location, development of these lots are subject to specific policies and design standards in accordance the El Dorado Hills Specific Plan that would ensure appropriate site design avoiding constraints area, minimizing grading impacts to natural resources and use of best management practices involving erosion control, engineered grading, slope stability. Therefore, the site is physically suitable for the residential development.*

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

*The site is physically suitable to accommodate the proposed Village M4 subdivision/planned development. The proposed subdivision would create 38 large custom residential lots resulting in a density of 0.55 du/ac. The anticipated development would consist of individual custom pads for a residential unit subject to the applicable standards of the El Dorado Hills Specific Plan and El Dorado County involving grading, tree preservation, utility connections and road construction.*

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

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

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

*The design and required improvements for Village M Phase 4 would not pose public health hazards. Development of the proposed 38 custom residential lots would be subject to improvement plans and permits verifying construction of utilities for water, sewer, power, drainage and roads in accordance with the Specific Plan and El Dorado County standards.*

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

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

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

body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 3805 §15, 1988: prior code §9702)

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

## **2.5 Planned Development**

2.5.1 The Development Plan is consistent with the Specific Plan and zoning for the applicable site.

*With the land use and zone map change, the proposed subdivision is consistent with the originally approved map and conforms to the standards of the El Dorado Hills Specific Plan regarding land use, density, and site development.*

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

*The proposed subdivision anticipates the development of 38 individual custom lots and one open space lot. Each residential lot would be developed in accordance with site and design standards of the El Dorado Hills Specific Plan with regards to preservation of natural features, landscaping, and planting, and architectural themes.*

2.5.3 The site is physically suited for the proposed use.

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

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

*The subdivision would be served by the extension of the existing public services for roads, water, sewer, drainage, recycled water, fire and emergency, subject to review against the El Dorado Hills Specific Plan, and various applicable County and agency standards.*



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

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

## 2.6 Design Waivers

**Design Waiver 1** - Reduction of road right-of-way to conform to actual street width improvements 50 feet to 46 feet for Western Sierra Way and 50 feet to 36 feet for "I" Court;

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

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

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

*The increased right of way will require more extensive grading and drainage work with increased impacts to an area that is sensitive to soil disturbance. The larger cut and fill slopes, due to the increased right of way, may result in additional erosion and sediment discharge from the site.*

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

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

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

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

**Design Waiver 2** - Reduction in cul-de-sac turnaround standard from 100 feet to 80 feet improved surface in a right-of-way from 47 feet radius (94 feet diameter)

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

*This waiver was approved by the Board of Supervisors and applied project-wide on August 30, 1995. As an element of the grant of waiver at that time, the County required the developer to include in the project Codes, Covenants and Restrictions (CC&Rs) specific language which requires the following: a) a prohibition against parking of vehicles within the Cul-de-sacs, and b) a permanent method of funding for enforcement of the parking prohibition.*

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

*The increased right of way and improvements will require more extensive grading and drainage work with increased impacts to an area that is sensitive to soil disturbance. The larger cut and fill slopes, due to the increased right of way, may result in additional erosion, sediment discharge from the site, and potentially impact oak trees.*

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

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

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

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

## **Conditions**

### **CONDITIONS OF APPROVAL**

1. The Minor Amendment to the El Dorado Hills Specific Plan Land Use and Zone Map, Tentative Subdivision Map and Planned Development, and Design Waivers are based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits December 13, 2007 and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations

without the above described approval will constitute a violation of permit approval. The project description is as follows:

- A. Amendment of the El Dorado Hills Specific Plan Land Use Map reconfiguring 16.81 acres portion of Open Space adjacent to Village M Phase 4 and re-designating as Residential Estate, and reconfiguring 0.42 acres of Residential Estate and re-designating as Open Space;
- B. Amendment of the El Dorado Hills Specific Plan Zone Map reconfiguring 16.81 acres portion of Open Space adjacent to Village M Phase 4 and re-designating as One-Family Residential/Planned Development (R1-PD), and reconfiguring 0.42 acre of One-Family Residential and re-designating to Open Space;
- C. Class 1 Tentative Subdivision Map subdividing 69 acres portion of Village M Phase 4, creating 38 residential lots ranging from .46 to 4.84 acres in size and one Open Space lot measuring 15.68 acres
- D. Planned Development Permit for the proposed residential subdivision, allow modifications to the following One-Family Residential (R1) Zone District development standards:

<u>Development Standards (Minimum)</u>	<u>Proposed Modified One-Family Residential/Planned Development (R1/PD)</u>
<u>Lot Size</u>	<u>20,000 square feet</u>
<u>Lot Width</u>	<u>Varies</u>
<u>Front Yard Setback</u>	<u>30 feet</u>
<u>Side Yard Setback</u>	<u>10 feet</u>
<u>Rear Yard Setback</u>	<u>30 feet</u>

- E. A request for Design Waiver(s) of the following El Dorado County Design and Improvement Standard Manual (DISM) standards:
  - 1. Reduction of road right-of-way to conform to actual street width improvements 50 feet to 46 feet for Western Sierra Way and 50 feet to 36 feet for "I" Court; and
  - 2. Reduction in cul-de-sac turnaround standard from 100 feet to 80 feet improved surface in a right-of-way from 47 feet radius (94 feet diameter)

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

Planning Services

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

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

3. Prior to issuance of building permit, the applicant shall remit payment of any outstanding fees as detailed and required in the *Agreement for Payment of Processing Fees* authorized for this project.
4. ~~25.~~ A Final Subdivision Map shall not be recorded until an EID Water Meter Award Letter or similar document has been issued for all of the lots included in the final map, and a copy filed with the Planning Department.
5. ~~26.~~ Residential lots located on the border of the Green Springs Ranch shall not exceed a 3:1 ratio of lot frontage to lot depth, as noted in the County Design and Improvement Standards Manual.
6. ~~27.~~ Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to the Community Development Director for approval:
  - a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements.
  - b. Improvement plans prepared by a civil engineer of the required off-site improvements.
  - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Prior to the filing of the final map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required off-site improvements including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

7. ~~28.~~ The minimum setback along the common boundary between Village M and the Green Springs Ranch shall be 100 feet.
8. ~~29.~~ Lot ~~€~~ D of the tentative map shall be required to have a maximum building height of 1,170 feet above sea level. The height limitation shall be recorded with the final map and shall be prominently indicated on the lot.
9. ~~30.~~ Fencing of the common border between lots in Green Springs Ranch occupied as of September 30, 2001, and Lots ~~A through G~~ D, E, F, G, H, and J of this tentative map shall be fenced with the Serrano standard wrought iron fence at the time construction of a home on the Serrano lot. For lots not occupied as of September 30, 2001, the common border fence may be either wrought iron or wire fence of design approved by the Serrano Association Architectural Review Committee.
10. ~~31.~~ A potable water line shall be extended easterly of Court A to the common boundary line to the common boundary with Green Springs Ranch. The terminus of the line shall be fire department approved hydrant. The hydrant location shall be accessible either side of Green Springs Ranch/Serrano boundary.
11. ~~32.~~ The applicant shall install an emergency access gate providing a connection between the Village M map and Green Springs Ranch at the midpoint (approximately) of the PG&E/SMUD powerline easement. The gate shall be designed to the requirements of the El Dorado Hills Fire Department and shall include a “Knox Lock” or similar locking mechanism acceptable to the District.

Conditions to Development Plan

12. ~~I. (Development Plan)~~

The Development Plan permits the following:

A tentative subdivision map creating ~~90-38~~ residential lots ranging in size from 0.46 acre to (4) four acres and one (1) open space lot measuring 15.68 acres with the following Design Waivers:

A) reduction of road right-of-way to conform to actual street width improvements 50 to 46 feet for Western Sierra Way and 50 to 36 feet for “I” Court; and

B) Reduction in cul-de-sac turnaround from 100 to 80 feet improved surface in a right-of-way from 47 feet radius (94 feet diameter)

13. 2. ~~(Development Plan)~~

The following standards shall apply to all lots with Village ~~M4 M1 and M2~~:

<u>Development Standards (Minimum)</u>	<u>Proposed Modified One-Family Residential/Planned Development (R1/PD)</u>
<u>Size</u>	<u>20,000 square feet</u>
<u>Yard Setback</u>	<u>30 feet</u>
<u>Yard Setback</u>	<u>10 feet</u>
<u>Yard Setback</u>	<u>30 feet</u>

14. The Planned Development Permit shall expire within ~~two (2)~~ three (3) years from the approval the Planning Commission. Minor changes in the adopted Planned Development Permit may be approved by the Planning Services provided that the changes:

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

Major changes in the official development plan may be approved by the Planning Commission and shall be made in accordance with the requirements of Section 17.04 of the County Code. A major change in a development plan approved by the Planning Commission shall be filed with the Board of Supervisors pursuant to Section 17.04.005(B)(3) of the County Code.

**Department of Transportation**

*Project Specific*

15. ~~1.~~ The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM) as shown 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 filing of the final map:

Table 1. Road Standards for Village M Phase 4			
ROAD NAME	REFERENCE	ROAD WIDTH	EXCEPTIONS/NOTES
Western Sierra Way	Std Plan 101B	36 ft. (46' R/W pursuant to design waiver request), plus utility/slope easements	Type 1 rolled curb & gutter*. No sidewalks Vertical Curve Design per DISM
'I' Court	Std Plan 101B & 114	28 ft. (36' R/W pursuant to design waiver request), plus utility/slope easements	Type 1 rolled curb & gutter*. No sidewalks Vertical Curve Design per DISM
Notes for Condition 1 Table: *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.			

16. ~~2.~~ An irrevocable offer of dedication, in fee, for the required rights-of-way (R/W) as indicated above, shall be made for the proposed roads, with slope easements where necessary. Said offer shall be rejected at the time of the Final Map. The offer shall be subject to that agreement between Serrano and the County, recorded as document 98-0015833-00 on March 26, 1998. Subject to the above agreement, all roads are offered in fee to the Master Owner's Association simultaneously with the filing of the Final Subdivision Map.
17. ~~3.~~ An irrevocable offer of dedication, in fee, for the required rights-of-way (R/W) of 47 feet in radius, shall be made for the proposed cul-de-sac bulbs, with slope easements where necessary. Said offer shall be rejected at the time of the Final Map. The offer shall be subject to that agreement between Serrano and the County, recorded as document 98-0015833-00 on March 26, 1998. Subject to the above agreement, all roads are offered in fee to the Master Owner's Association simultaneously with the filing of the Final Subdivision Map.
18. ~~7.~~ Turnouts shall be constructed at the entry gates of this subdivision and are subject to review and approval by the Department of Transportation at the improvement plan stage.
19. ~~8.~~ A secondary access road, providing permanent or temporary looped circulation for each phase of development, shall be constructed prior to the first building permit being issued for any residential structure except where the issuance of building permits is for model homes, which shall be unoccupied. Such looped circulation shall be subject to the approval of, or may be modified by, the El Dorado Hills Fire District.
20. ~~9.~~ Bus turnouts and shelters shall be constructed at locations required by El Dorado Transit and the appropriate school district.

21. ~~11.~~ A final drainage plan shall be prepared in accordance with the County of El Dorado Drainage Manual, subject to review and approval by the Department of Transportation. Drainage facilities shall be designed and shown on the project improvement plans consistent with the final drainage plan and the El Dorado Hills Specific Plan Master Drainage Study. The developer shall install said drainage facilities with the respective phase of construction, or as specified in the final drainage plan.
22. ~~13.~~ Drainage maintenance shall be the responsibility of the Master Owner's Association. Therefore, all easements for drainage facilities shall first be offered to the County of El Dorado with rejection; the offer shall be subject to that agreement between Serrano and the County recorded as document 98-0015834-00 on March 26, 1998. Pursuant to the terms of said Agreement, upon rejection by the County, all drainage easements will be subsequently offered to the Master Owner's Association simultaneously with the filing of the Final Subdivision Map.
23. ~~14.~~ Prior to the recordation of a Final Map in Village ~~M1 and M2~~ M4, the CC&Rs shall be submitted to the Planning Director to ensure that: the responsibilities for drainage maintenance are specified; that procedures and responsibilities for site plan and architectural review in compliance with the requirements of the Design Guidelines, Appendix B of the Specific Plan are provided; and that the CC&Rs contain other provisions as specified by conditions of this map.
24. ~~2. (Standard Subdivision Requirements)~~ The final map shall show all drainage easements consistent with the County of El Dorado Drainage Manual, the project final drainage plan, and the project improvement plans.
25. ~~15.~~ The Final Grading Plan shall comply with the provisions of the Grading Ordinance pertaining to terracing on slopes exceeding 25 feet in height, including accessibility, intervals, and cross section geometry.
26. ~~16.~~ Erosion control and drainage design from residential areas into the open space areas and shall employ natural appearing methods. The use of native plant materials is required where re-vegetation is proposed.
27. ~~17.~~ Should asbestos-containing rock be exposed during grading, construction of roads, excavation for underground facilities, building foundations or any construction related activity, County Ordinance No. 4548 shall apply.
28. ~~7. (Standard Subdivision Requirements)~~ Grading plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. No building permit shall be issued by the County until final grading plans and erosion control plans are approved by the Department of Transportation and the grading is completed.



- ~~29. 8. A secondary access road, providing permanent or temporary looped circulation for each phase of development, shall be constructed prior to the first building permit being issued for any residential structure except where the issuance of building permits is for model homes, which shall be unoccupied. Such looped circulation shall be subject to the approval of, or may be modified by, the El Dorado Hills Fire District.~~

*Standard Conditions*

30. ~~3.~~ *(Standard Subdivision Requirements)* 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.
31. ~~5.~~ *(Standard Subdivision Requirements)* Subdivision improvements shall include driveways for all lots with street cut or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Transportation Director. Driveways shall be installed in a manner and location acceptable to the County Department of Transportation and shall meet standard County driveway requirements.
32. ~~1.~~ *(Referenced as a Note)* Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the Department of Transportation prior to filing the final map. Sidewalks shall be connected to walk/trail systems in the project open space areas. Pedestrian easements shall be provided where necessary. Final lane configurations, including the need for additional rights-of-way, shall be subject to review and approval of the Department of Transportation prior to improvement plan approval.
33. 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.
34. ~~14.~~ *(Standard Subdivision Requirements)* 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.
35. ~~4.~~ *(Standard Subdivision Requirements)* 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.

36. 2.— ~~(Standard Subdivision Requirements)~~—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.
37. 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.
38. ~~42.~~ Cross lot drainage shall be avoided wherever possible. The CC&Rs for Village M4 shall include a requirement for a grading and drainage plan to be submitted for review and approval of the Architectural Control Committee of the Master or Village Homeowners' association at the time of building permit application. The CC&Rs shall require all "downhill" lots must be designed to accept any drainage from uphill lots and the Master or Village Homeowners' Association shall enforce this condition.
39. 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.
40. 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.
41. 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.
42. The applicant shall submit 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.
43. 7.— ~~(Standard Subdivision Requirements)~~—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.
44. ~~11. (Standard Subdivision Requirements)~~—The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible fire Protection district. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the fire protection district.
45. ~~12. (Standard Subdivision Requirements)~~—If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure that such blasting activities are conducted in compliance with state and local regulations.
46. ~~13. (Standard Subdivision Requirements)~~—If burning activities are to occur during the construction of the subdivision improvements, the subdivider shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
47. ~~8. (Standard Subdivision Requirements)~~—Improvement plans shall incorporate protective measures toward existing oak trees per Volume IV, Design and Improvement Standards Manual, Oak Tree and Wetlands Preservation Requirements and Specifications (County Resolution No. 199-91).
48. ~~4. (Standard Subdivision Requirements)~~—The Master Covenants, Conditions and Restrictions (CC&Rs) shall provide that no parking shall be permitted within cul-de-sac bulbs which have a radius to curb-face that is less than County standards and shall provide for enforcement of such provisions. The CC&Rs shall include a provision for off-street parking to compensate for lack of parking normally provided within the cul-de-sac bulb. The applicant shall either provide adequate parking for a three-car driveway or sufficient depth of driveway (18 feet per parking stall) to accommodate longitudinal and/or lateral parking for three spaces.
49. 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.
50. 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.
51. The applicant shall pay the traffic impact fees in effect at the time a building application is deemed complete.

**El Dorado Hills Fire Department**

52. ~~18.~~—The potable water system for the purpose of fire protection for this residential development shall provide a minimum fire flow of 1,500 gpm with a minimum residual pressure of 20 psi for two-hour duration. This requirement is based on a single family dwelling 4,800 square feet or less in size. Any home larger than 4,800 square feet shall be required to provide the fire flow for the square footage of that dwelling or shall be fire sprinklered in accordance with NFPA 13 D and Fire Department Requirements. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of the system shall be supplied to the fire department for review and approval.
53. ~~19.~~ This development shall install Mueller Dry Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 500 feet on center. The exact location of each hydrant shall be determined by the Fire Department.
54. ~~20.~~ To enhance the night-time visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the fire department and Fire Safe Regulations.
55. ~~21.~~—In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by El Dorado Hills Fire Department Standard 103.
56. ~~22.~~—The lots that are one acre and greater shall be provided with a minimum setback requirement of 30 feet, as required by the Fire Safe Regulations.
57. ~~23.~~—All homes adjacent to the open space area will have stucco siding construction with metal fences. Should any lot be afforded the opportunity to cantilever a deck, the deck shall be enclosed with fire resistant material.
58. The Open Space Lot Z has no access for emergency personnel and equipment to suppress a wildland fire within this area. The applicant shall be required to provide all-weather access roadways into these areas in accordance with Fire Department requirements.
59. The lots that back up to Wildland Open Space shall be required to construct a fence of non-combustible material.
60. During any phase of construction, this development shall be required to provide two independent, non-obstructed points of access.
61. ~~24.~~—This development shall be conditioned to develop and implement a Wild Fire Safe Plan that is approved by the Fire Department.

62. This development shall be prohibited from installing any type of traffic calming devices that utilizes a raised bump section of roadway.

**Air Quality Management District**

63. Project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. Then, District Rules 223 and 223.1 and 223.2, which address the regulations and mitigation measures for fugitive dust emissions and asbestos emission, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust and asbestos shall comply with the requirements of Rules 223, 223.1, and 223.2, whichever rule is appropriate. In addition, the appropriate Fugitive Dust Prevention (FDP) Application or Asbestos Dust Mitigation Plan (ADMP) Application shall be submitted to and approved by the District prior to issuance of a building permit or grading permit.
64. Project construction shall adhere to District 224 Cutback and Emulsified Asphalt Paving Materials and the county ordinance concerning asbestos dust.
65. Burning of wastes that result from “Land Development Clearing” must be permitted through the District. Only vegetative waste materials may be disposed of using an open outdoor fire.
66. The applicant shall submit a list of all proposed architectural coatings to the District for approval prior to the issuance of a building permit. All architectural coatings shall adhere to District Rule 215 Architectural Coatings.
67. The applicant shall submit a list to the District stating which of the following mitigation measures will be used to reduce impacts on air quality from equipment exhaust emissions during all construction involved in this project for approval prior to the issuance of a Building Permit or Grading Permit:

The District’s goal is to strive to achieve and maintain ambient air quality standards established by the United States Environmental Protection Agency and the California Air resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following are measures used to reduce impacts on air quality from equipment exhaust emissions:

**Heavy Equipment and Mobile Source Mitigation Measures.**

- Use low-emission on-site mobile construction equipment.
- Maintain equipment in tune per manufacturer specifications.
- Retard diesel engine injection timing by two to four degrees.
- Use electricity from power poles rather than temporary gasoline or diesel generators.
- Use reformulated low-emission diesel fuel.

Use catalytic converters on gasoline-powered equipment.  
Substitute electric and gasoline-powered equipment for diesel powered equipment where feasible.  
Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).  
Schedule construction activities and material hauls that affect traffic flow to off-peak hours.  
Configure construction parking to minimize traffic interference.

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

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

#### **County Surveyor**

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

#### **Pacific Gas and Electric (PG&E)**

71. Prior to approval of Final Map, dedicate a standard 12.5 foot Public Utility Easement for underground facilities and appurtenances adjacent to all public ways, private drives and/or Irrevocable Offer of Dedication.

#### **9. SPECIAL USE PERMIT (Public Hearing)**

- a. **S07-0017/Pleasant Valley Harvest** submitted by JOHN MOSBACKER, Manager/Gumball Holdings, to allow the following: **Structures/improvements:** 1. Ranch Marketing Building: Construction of a three-level 11,338 square foot mixed use building to include lodging, ranch marketing/sales area, commercial kitchen and bake shop, dining facility, multi-use hall, offices, and storage; 2. Observation tower: Construction of a 19-foot by 20-foot, 32-foot tall high, three level observation tower; 3. Residence: Construction of a single-family primary residence for the property owner; 4. Two parking areas: 103-space main graveled parking area and a 44-space graveled overflow parking area; 5. Other improvements: Three

picnic areas, walking paths, and a pond; 6. Signs: Three on-site 32 square foot monument signs and one wall sign. Uses: 1. Sales of on-site produced agricultural products to the public; 2. 38 commercial events such as social and corporate events, small concerts, theatrical performances, weddings, etc.; and 3. Concurrent with the promotional events, a maximum of 40 crafters for sale of handicraft items only. Booth/sales area is not to exceed 4,000 square feet total. The property, identified by Assessor's Parcel Number 046-270-24, consisting of 50.59 acres, is located on the east side of Bucks Bar Road, approximately 2.1 miles south of the intersection with Pleasant Valley Road, in the **Pleasant Valley area**, Supervisorial District II. (Mitigated negative declaration prepared)

Staff: Tom Dougherty recommended conditional approval. Pierre Rivas read a list of uses allowed by right.

John Mosbacher agreed with the staff recommendation with one exception and that is the use of the commercial kitchen. Mr. Rivas said if the applicant obtains a commercial kitchen, they can have a caterer come in and use the kitchen; however, you cannot lease and rent out the kitchen.

Mark Lee, representing himself and several property owners in the area, read his comments into the record. They are opposed to the request. This is a commercial venture.

Cheri Sousa, owner of a vineyard in the area, asked what they will be growing that will consist of the 20 percent income. What type of alcohol will be served at the events? This is a huge concern to her. If they are going to grow grapes to make wine, they fall under the Winery Ordinance which restricts this use.

Art Marinaccio commented this is an interesting proposal. This is really stretching our credibility of accessory uses to agriculture. This is so large he questions whether it is appropriate for an Agricultural District and for the Williamson Act Contract property in the area.

Valerie Zetner, El Dorado County Farm Bureau, does have some concerns about this project. Agriculture comes first, and then the accessory uses. The conditions need to make sure there is a regular assessment of the agricultural uses.

Linda Westwood read her comments into the record. She asked that the application be denied.

Carol Herrlie, resident in the immediate area, briefly went over her concerns which she submitted in writing. She is opposed to the application.

Ron Bye, also representing his wife, agreed with the previous speakers. He did submit a letter in opposition.

Jack Fraime feels an EIR is necessary. He spoke in opposition.

Jim Traver went over his comments which he submitted in writing. They do not object to the applicant's request to improve his property but do object to the special events.

Steve Burton, Assistant Agricultural Commissioner, made a visit to the property. The Agricultural Commission was concerned that this be a legitimate agricultural operation. The applicant has improved the property quite a bit since the initial visit.

Tom Heflin, member of the El Dorado County Agricultural Commission, commented he likes the concept but has a problem with Policy 8.2.44, Secondary and Subordinate to Agricultural Use. In terms of economics this is a big investment. It will be at least four years before he has any income from agriculture. The Agricultural Commission was concerned about this use taking place before the five acres are in agricultural production.

Mr. Rivas read Policy 8.2.44. The use cannot begin until the agricultural use is there. Commissioner Mac Cready asked if that is a condition of approval. Mr. Dougherty said that is covered under the mitigation measures.

Ken Greenwood said the project is completely out of scale. It is primarily a commercial center. It is not consistent with the General Plan. He presented written comments which included possible findings for denial. They need a complete traffic study which was not required by the Department of Transportation. Mr. Greenwood requested denial of the application.

Thalia Georgiadis agreed totally with Tom Heflin, that we know the criteria for creditable agricultural operations.

Chris referred to Policy 8.2.44 which states secondary but is it talking about monetary or talking about primary and secondary square footage of land. He agrees the Commission needs better direction.

Peter Fields has been under contract to the applicant and is not a partner in the operation. He read his comments into the record. The applicant does accept the conditions with exception of Item c on Page 3. They would also like the Department of Transportation condition pertaining to the left turn lane to be prior to holding the 38 special events rather than prior to certificate of occupancy. The applicant requests that the Commission approve the application

Commissioner Tolhurst referred to the preliminary site plan asking what is planted and what is not. Mr. Fields said there are slightly seven acres of fruits and berries planted. Mr. Mosbacher said there is a potential for 90 acres. He is in full agreement with the Agricultural Commission that there be no special events until they are in agricultural production. It is a long-term plan. Is his interpretation of the ordinance correct? His vision has not changed. His intent is to use the agricultural land for agricultural uses. If he cannot have special events until the agricultural use is there, state that.

Mr. Fields said they submitted this application based on current ordinance requirements.

Commissioner Machado has gone to the site. He commented on the questions he asked Mr. Mosbacher at the site which lead him to believe this is a commercial venture. This is not a farm. It is a special event center. There is no reason to process the application for a special events



center until the agricultural production is there. When the application comes back hopefully we will have the Ranch Marketing Ordinance.

Commissioner Tolhurst said it seems that the amount of planting is based on how many special events they are allowed to have. He would like to see the agricultural uses first.

Mr. Rivas said both promotional and special events cannot occur until there are five acres of agricultural production. Commissioner Mac Cready said production needs to be defined. Mr. Rivas said Planning Services relies on the expertise of the Agricultural Department. They can sell what is grown on their property but cannot engage in Ranch Marketing.

There was no further input.

**MOTION: COMMISSIONER MAC CREADY SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONTINUE S07-0017 OFF CALENDAR.**

**10. TENTATIVE PARCEL MAP (Public Hearing)**

**P07-0020** submitted by DALE G. MELL and ASSOCIATES (Agent: Jai Shri Ram Hospitality Group, LLC) to create two parcels ranging in size from 14,077 square feet (0.31 acre) to 147,067 square feet (3.36 acres). The property, identified by Assessor's Parcel Number 327-140-44, consisting of 3.67 acres, is located on the east side of Green Leaf Drive, at the intersection with Missouri Flat Road, in the **Placerville Periphery area**, Supervisorial District III. (Categorically exempt pursuant to Section 15315 of the CEQA Guidelines)

Staff: Thomas Lloyd recommended conditional approval. First Vice Chair Machado asked the applicant if they would like to continue as only three Commissioners were present for the hearing. The applicant's representative said he would like to proceed. Pierre Rivas said the Commission may want to add a condition for additional landscaping of the restaurant building as it has all been removed. The Commission concurred.

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

**MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER MAC CREADY AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MATHEWS, AND MACHADO; ABSENT – COMMISSIONERS TOLHURST AND KNIGHT, IT WAS MOVED TO FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15315 OF THE CEQA GUIDELINES AND APPROVE P07-0020, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.**

**Findings**

**1.0 CEQA FINDING**

- 1.1 The Planning Commission has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to Section 15315 of the CEQA Guidelines. Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department – Planning Services at 2850 Fairlane Court, Placerville, CA.

**2.0 ADMINISTRATIVE FINDINGS**

**2.1 The proposed parcel map conforms to the El Dorado County General Plan;**

The proposed tentative map is consistent with the Commercial (C) General Plan land use designation.

The proposal, as conditioned, is consistent with the applicable policies of the General Plan, including *2.2.1.2, 2.2.1.5, 5.2.3.5, 5.3.1.2, 5.7.1.1, and 6.2.3.2* because the division would be compatible with the base land use designation, the ratio of floor area to parcel size area of both developed parcels are within established guidelines, there are adequate roadways, utilities, and other public service infrastructure available, the project fits in with the dominant pattern of development in the direct project vicinity, and no parcels less than 5 acres which rely on both onsite sewage disposal systems and water wells will be created.

**2.2 The parcel map conforms to the El Dorado County Zoning Ordinance;**

The parcel map will create parcels which will be consistent with the minimum parcel size requirements and the development standards of the Commercial (C) Zone District, pursuant to *Section 17.32.040* of the County Zoning Ordinance.

**3.0 TENTATIVE MAP FINDINGS**

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

The proposed parcels are consistent with applicable General Plan Policies and the development standards of the Commercial Zone District.

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

The project will create parcels consistent with both the El Dorado County General Plan and the Zoning Ordinance. The project will be served by public water and wastewater treatment facilities. As the parcels are fully developed, the use will not be changed or intensified.

**3.3 The design of the division is not likely to cause substantial environmental damage nor substantial and avoidable injury to fish or wildlife or their habitat;**

The project will not have a significant impact on the environment. It has been found categorically exempt from CEQA pursuant to Section 15315 of the CEQA Guidelines.

**Conditions**

**Planning Services**

1. This parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit D (tentative parcel map) revised May 18, 2007, and the conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The tentative parcel map would create two parcels from a 3.67 acre site. The parcels would range in size from approximately 0.31 acres to approximately 3.36 acres. Both proposed parcels are developed and served by public water and sewer. Access to both parcels is via an on-site drive connecting to Green Leaf Drive. No additional construction is proposed or expected.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any

portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

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

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

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

4. A landscaping plan for Parcel 2 shall be submitted to Planning Services for review and approval prior to filing of the parcel map.

#### **Department of Transportation**

- 4 5. The applicant shall obtain an encroachment permit from the Department of Transportation for the southwesterly driveway encroachment onto Green Leaf Drive to improve the sight distance to the maximum extent possible. This shall be achieved through grading and vegetation removal, according to the provisions of County Standard Plan 103G, prior to the recordation of the map.
- 5 6. The applicant shall provide a reciprocal access and parking agreement, guaranteeing access and use of the existing encroachments, on-site access driveways, and parking areas for both proposed parcels, prior to the recordation of the map.

#### **Diamond Springs-El Dorado Fire Protection District**

- 6 7. Prior to recording the parcel map, the project shall meet the requirements of the California Fire Code, including, but not limited to, minimum fire flow requirements. For this project, minimum fire flow shall be verified at 1,500 gallons per minute for two hours at a minimum of 20 pounds per square inch.

**Surveyor's Office**

- 7 8. All survey monuments must be set prior to filing the parcel map.
- 8 9. Prior to recording 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 on P07-0020 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the agent and the applicant.

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

**11. SPECIAL USE PERMIT/PLANNED DEVELOPMENT (Public Hearing)**

**S07-0011/PD95-0016R3/Kniesel's Auto Collision Center** submitted by RICHARD P. KNIASEL (Agent: Robert A. Laurie, Esq.) to allow the conversion of an existing sports complex into an automobile body shop with 16 service bays and a maximum of 25 to 30 employees. Hours of operation are proposed to be 7:30 AM to 5:30 PM. A free standing sign 94.5 square feet in size is proposed. The property, identified by Assessor's Parcel Number 070-280-64, consisting of three acres, is located on the north side of Wild Chaparral Drive, approximately one-quarter mile west of the intersection with Ponderosa Road, in the **Shingle Springs area**, Supervisorial District IV. (Negative declaration prepared)

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

Staff: Aaron Mount recommended conditional approval, recommending two additional conditions.

Robert Laurie said the site plan has been revised. He explained the revisions and suggested a condition stating: "The size of the signage needs to meet County Ordinance." Mr. Laurie commented the clock has been eliminated from the sign.

Rich Solice presented some photographs of his operation. This business should be in a business park. The revenue generated from this business will be quite substantial. This business will cut into his business, and he may have to lay off some employees. He is in a commercial area by the airport and not adjacent to a residential area. There is not a good buffer for the residents in the area.

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

Commissioner Mathews said there is an empty commercial building, and these applicants have come in to fill it. Commissioner Mac Cready asked why they need a special use permit if it is commercial. Mr. Laurie replied the type of business requires a special use permit. First Vice Chair Machado was comfortable with the language that has been crafted. Mr. Laurie presented a color site plan indicating the proposed signage. The applicants would prefer a double pole but will go with what is approved. Commissioner Mathews feels a monument sign would be lost. Those are for a business park. He feels a pole sign would be more appropriate.

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER MAC CREADY AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MATHEWS, AND MACHADO; ABSENT – COMMISSIONERS TOLHURST AND KNIGHT, IT WAS MOVED TO ADOPT THE NEGATIVE DECLARATION, AS PREPARED; APPROVE S07-0011, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED; AND APPROVE PD95-0016R3, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

### **Findings**

#### **1.0 CEQA Findings**

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

#### **2.0 General Plan Findings**

- 2.2 The proposed project is consistent with policies 2.2.1.2 regarding the Commercial land use designation, 2.2.5.21 regarding compatibility with adjoining land uses, 6.5.1.2 and 6.5.1.3 regarding noise levels, TC-4i regarding traffic levels, and TC-4i regarding pedestrian access.

#### **3.0 ADMINISTRATIVE FINDINGS**

##### **3.1 Special Use Permit S07-0011 Findings**

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

The special use permit request is consistent with the General Plan because the application is for a commercial development consistent with the land use designation and is in conformance with the applicable mandatory and specific general plan policies.

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

As examined in the Negative Declaration and staff report no significant impact has been found related to public health, safety, or welfare and as proposed would not be injurious to the neighborhood. .

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

The proposed auto body shop is located within the Commercial-Planned Development Zone District, which allows automobile repair through the issuance of a special use permit pursuant to Section 17.32.030.A of the El Dorado County Zoning Ordinance.

**Conditions**

1. This planned development revision and special use permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits D-F, approved November 8 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:

Request for a special use permit and planned development revision to allow a conversion of an existing 18,320 square foot sports complex into an auto body shop with 16 service bays and a maximum of 25-30 employees. Hours of operation are proposed to be 7:30 AM to 5:30 PM. Interior modifications include 16 service bays with equipment including frame measurement machines, alignment racks, and paint booths. Parking and storage of all vehicles that are being serviced will be inside the facility. Exterior modifications to the building include two roll up doors on the west side for vehicle entrance and a covered parts storage area on the east side. An existing enclosure on the south east end off the building will contain air compressors. A total of 61 parking spaces are proposed, three of which are handicapped.

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.

**El Dorado County Planning Services**

2. The proposed free standing pole sign shall be a maximum 40 square feet and a maximum height of 5 feet. No moving signs of any type are allowed.

3. New and existing roof mounted equipment shall be painted to match the existing building colors.
4. The proposed exterior parts storage area and entrance doors shall be constructed of materials and colors that are consistent with the existing materials and colors.
5. All existing lighting shall conform to §17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation.

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

6. All vehicles waiting to be serviced are to be parked/stored inside the facility or within the confines of the stacked parking area shown on the site plan. During working hours, any vehicle left at the facility to be serviced shall immediately be located to the stacking area. Should a vehicle be left at the facility during hours when the facility is closed, such vehicles shall immediately be removed to the stacking area upon the opening of the facility. The operator shall designate a location, to be shown on the site plan, to the rear of the parking area for vehicles that might be deposited during hours when the facility is closed. The operator shall communicate to all local towing companies that when depositing vehicles during such hours when the facility is closed, such vehicles shall be left at the rear of the parking area.
7. The final landscape plan shall meet Zoning Code Chapter 17.18.090, and General Plan Policies 7.3.5.1, 7.3.5.2 and 7.4.4.4. The final landscape plan and Water Conservation Landscape Standards form shall be provided to, and then approved by the Deputy Planning Director or designee, the prior to issuance of a building permit. Applicant shall install and maintain landscaping in accordance with the approved final landscaping plan in perpetuity or unless otherwise modified through any future permit.

#### **El Dorado County Department of Transportation**

- 6 8. The applicant shall construct a six (6)-foot wide concrete sidewalk and Type 2 vertical curb and gutter along the entire on-site portion of Crosswood Drive and connect to the existing curb, gutter, and sidewalk along Wild Chaparral Drive according to Design and Improvement Standards Manual (DISM), Standard Plan 110. All curb returns, at pedestrian crossing, shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp. The applicant shall be subject to an encroachment permit, as determined by the DOT, and these improvements shall be completed prior to occupancy of this project.
- 7 9. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in



conformance with the County of El Dorado DISM, the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off-Street Parking and Loading Ordinance", and the State of California Handicapped Accessibility Standards.

8 10. The applicant shall irrevocably offer to dedicate the 25 foot wide non-exclusive road and public utility easement for the on-site portion of Crosswood Drive, prior to occupancy of this project. This offer will be rejected by the County.

9 11. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.

### **El Dorado County Fire Protection District**

10 12. Site review fee of \$150 shall be paid prior to issuance of building permits.

11 13. Existing sprinkler system will need to be upgraded for this use prior to finaling of building permits.

12 14. During the building review process the following plans will need to be submitted: building, alarm, sprinkler, and suppression system (paint booth).

13 15. The project is required to meet fire flow. Fire flow for this project is 1750 gpm @ 20 psi for two hours, with an approved fire sprinkler system.

14 16. Show documentation from EID (FIL) that fire flow can be met.

### **El Dorado County Environmental Management**

15 17. A hazard materials business plan and an air quality plan shall be ~~submitted prior to initiation of the use~~ subject to review and approval of the district prior to initiation of the use.

### **Planned Development (PD95-0016)**

1. All structures, signs, parking, operating hours, and other site improvements shall conform to the submitted plans except for those modified herein.
2. A removable steel bollard shall be installed just beyond the trash/propane enclosure at the building's eastern elevation.
3. Wild Chaparral Drive shall be improved on-site to Standard Plan 101A.
4. An 8-foot high block wall shall be constructed along the northerly property line of the project site from the nearest property corner to five-feet short of the drainage swale.

5. The parking area shall be widened an additional 6 feet to enable the space necessary for a pedestrian walk. The pedestrian walk shall be 6-feet wide and bisect the main parking island running in a north/south direction.
6. The access shall be limited to run 50 feet along the east elevation and shall be marked NO PARKING in the area of the trash/propane enclosure.
7. An in-ground bicycle rack with locking devices shall be installed near the front of the building.
8. Any emergencies exists shall be equipped with alarms to preclude uses other than emergency exiting.
9. Landscape plans shall conform with the water conservation landscape standards pursuant to Resolution No. 69-93. Said plans must be submitted, reviewed, and approved by Planning staff prior to issuance of building permits. The plan shall include a minimum of ten, 15-gallon trees to be located along each side of the north and south elevations.
- ~~10. Outdoor lighting shall be shielded and directed away from U.S. highway 50 and nearby residences.~~
- ~~13. Video games and alcohol beverage sales will not be permitted uses within the building or site.~~
- ~~14. The sign shall be illuminated on one side only and shall face Wild Chaparral Drive.~~
15. County standard "No parking" signs shall be installed on Crossword Road.

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

## **12. GENERAL PLAN UPDATE**

- a. **Workshop:** Mixed Use Development

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

Staff: Peter Maurer presented this item. Input was received from Valerie Zetner, El Dorado County Farm Bureau, Kim Beal, and Noel Abreo.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, AND MATHEWS; ABSENT – COMMISSIONERS TOLHURST AND KNIGHT, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS REVISE THE ORIGINAL PROJECT DESCRIPTION AND CONSIDER THE FOLLOWING:

1. Amend General Plan Policy 2.1.1.3 to include mixed use development to occur horizontally as well as vertically and increase density to allow for up to 24 dwelling units per acre within Community Regions. Policy 2.1.1.3 would read as follows:

*Mixed use developments which combine commercial, research and development, and residential uses on a single parcel are permissible and encouraged within Community Regions provided the commercial use is the primary and dominant use of the land. Within Community Regions, the mixed uses may occur vertically and horizontally. In mixed use projects, the maximum residential density shall be ~~10~~ 24 dwelling units per acre within Community Regions.*

2. Amend Table 2-2 of Policy 2.2.1.3 to increase the range of population densities in the respective land use designation based upon the permitted range of dwelling units per acre and number of persons per acre.

<b>TABLE 2-2 LAND USE DENSITIES AND RESIDENTIAL POPULATION RANGES</b>			
<b>Land Use Designation</b>	<b>Units Per Acre</b>	<b>Persons Per Housing Unit</b> <sup>1</sup>	<b>Persons Per Acre</b>
Multifamily Residential	5 – 24	2.3	11.5 - 55.2
High-Density Residential	1 – 5	2.8	2.8 - 19.6
Medium-Density Residential	1 – 0.2	2.8	2.8
Low-Density Residential	0.20 - 0.1	2.8	0.56 - 0.28
Rural Residential	0.1 – 0.025	2.8	0.28 - 0.07
Agricultural Lands	0.05	2.8	0.14
Natural Resource	0.025 – 0.00625	2.8	0.07 - 0.0175
Commercial	<del>10/4<sup>2</sup></del> <u>24/4<sup>2</sup></u>	<u>2.3/2.8</u>	<del>28-55.2/11.2</del>
Research & Development	10/4 <sup>3</sup>	2.8	28/11.2
Industrial	–	–	–
Open Space	–	–	–
Public Facilities	–	–	–
Tourist Recreational	–	–	–
<b>Notes:</b>			
<sup>1</sup> 1990 U.S. Census			
<sup>2</sup> Maximum of <del>10</del> 24 units per acre in Community Regions; maximum of 4 units per acre in Rural Centers			
<sup>3</sup> Maximum of 10 units per acre in Community Regions; maximum of 4 units per acre in Rural Centers			

3. Amend Zoning Ordinance Chapter 17.32 to included Mixed Use Development as a use “by right” in all commercial zoned districts with a maximum residential density of 24 dwelling units per acres within Community Regions and a maximum residential density of up to 4 units per acre in Rural Centers.

b. **Workshop:** Agricultural Buffers

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

Staff: Peter Maurer presented this item. Input was received from the following individuals: Kathy Russell; Valerie Zetner, El Dorado County Farm Bureau; Dave Pratt, Agricultural Commissioner and member of the Grape Growers Association; Olga Sciorelli, CTA Engineering & Surveying; Kim Beal; Cindy Schaffer; and Thalia Georgiadis.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, AND MATHEWS; ABSENT – COMMISSIONERS TOLHURST AND KNIGHT, IT WAS MOVED TO ADOPT RESOLUTION OF INTENTION 2007-03.

c. **Oak Woodland Management Plan/ Public Review Draft**

Staff: Peter Maurer recommended the Commission accept public comments and that the Commission provide comments to staff. He went through the document with the Commission.

The following individuals gave input on the Plan: Elena DeLacy, American River Conservancy; Shelly Perry, Native Plant Society; Kathy Russell; Tom Heflin, Agricultural Commissioner; Karen Pitts; Ben Parks, California Native Plan Society; Dave Pratt, Agricultural Commissioner and member of the Grape Growers Association; Bob Smart; Ray Griffiths; Cindy Schaffer, Community Coalition; Thalia Georgiadis; Valerie Zetner, El Dorado County Farm Bureau; and Olga Sciorelli, CTA Engineering & Surveying.

Mr. Maurer said staff will start meeting tomorrow to consider the comments received and consider what should be included in the Plan. Hopefully, something will be out by the end of the month. The Plan should be back for a recommendation by the Commission sometime in February and final action by the Board in March.

First Chair Machado said the comments tonight include connectivity; the one-to-one ratio; no language for exemption given for dead and dying trees or digger pines; discussion about punitive measures; and let's have some reward provisions.

Commissioner Mac Cready would like to have a General Plan amendment to change Option B from 2-1 to 1-1.

No action was taken.

13. **ZONING ORDINANCE UPDATE** - None

14. **DEPARTMENT OF TRANSPORTATION** - None

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

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

17. **ADJOURNMENT**

Meeting adjourned at 7:05 p.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:

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John Knight, Chair

