



EL DORADO COUNTY PLANNING COMMISSION

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

Alan Tolhurst, Chair, District V
John MacCready, First Vice Chair, District II
Tom Heflin, Second Vice Chair, District III
Lou Rain, District I
Walter Mathews, District IV

Char Tim Clerk of the Commission

MINUTES

Regular Meeting January 22, 2009 – 8:30 A.M.

1. CALL TO ORDER

Meeting was called to order at 8:40 a.m. Present: Commissioners Rain, MacCready, Mathews, and Tolhurst; Paula Frantz, County Counsel; and Char Tim, Clerk of the Planning Commission.

2. ADOPTION OF AGENDA

Motion: Commissioner MacCready moved, seconded by Commissioner Rain, and unanimously carried (4-0), to adopt the agenda as presented.

AYES: Mathews, Rain, MacCready, Tolhurst
NOES: None
ABSENT: Heflin

3. PLEDGE OF ALLEGIANCE

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

a. **Minutes:** January 8, 2009

END OF CONSENT CALENDAR

Motion: Commissioner Rain moved, seconded by Commissioner MacCready, and unanimously carried (4-0), to approve the Consent Calendar.

AYES: Mathews, MacCready, Rain, Tolhurst
NOES: None
ABSENT: Heflin

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS

Election of Officers: The Commission will elect a Chair, First Vice-Chair, and Second Vice-Chair for 2009.

Motion: Commissioner Rain moved, seconded by Commissioner MacCready, and unanimously carried (4-0), to elect Commissioner Mathews as Chair for 2009.

AYES: Mathews, MacCready, Rain, Tolhurst
NOES: None
ABSENT: Heflin

Motion: Commissioner MacCready moved, seconded by Commissioner Rain, and unanimously carried (4-0), to elect Commissioner Tolhurst as First Vice-Chair for 2009.

AYES: Mathews, Rain MacCready, Tolhurst,
NOES: None
ABSENT: Heflin

Motion: Commissioner Mathews moved, seconded by Commissioner MacCready, and unanimously carried (4-0), to elect Commissioner Rain as Second Vice-Chair for 2009.

AYES: Rain, MacCready, Mathews, Tolhurst
NOES: None
ABSENT: Heflin

Pierre Rivas summarized for the Commission the following action taken at the Board of Supervisors' meeting on January 13, 2009:

- Z08-0009/PD08-0009/P08-0012/Quest Court Commercial Condos: This item was unanimously approved. The fencing condition added by the Planning Commission was removed as it was determined the denseness of the east slope would be a deterrent to any trespassers.
- Z07-0055/P07-0049/McNeil: This item was unanimously approved.
- Z07-0034/P07-0033/Cemo Family Properties: This item was unanimously approved.
- A08/0002/Ag Buffers: This item was continued to the February 3, 2009, meeting.

County Counsel Paula Frantz announced that the UC Davis Extension was offering a class titled, "Role of a Planning Commissioner" on February 6, 2009, in Sacramento from 9:00am – 2:00pm. It is a 4-hour course for \$99.00 with a course book also available for \$70.00. The deadline to sign-up is February 3, 2009.

6. COMMISSIONERS' REPORTS

Chair Tolhurst indicated that he may not be in attendance for the February 12, 2009, meeting due to surgery scheduled for earlier that month.

Commissioner MacCready stated that due to the Planned Development with Density Bonus option, there are more dense projects. He requests that a workshop be conducted on February 26, 2009, to discuss recommending to the Board of Supervisors to initiate a General Plan elimination of the Density Bonus or to change where appropriate. The Planning Commission agreed with the request to agendize the workshop on February 26, 2009.

9:00 A.M.

PUBLIC FORUM/PUBLIC COMMENT

Hank Rhoads, Wells Fargo Reverse Mortgage, explained that while processing a reverse mortgage for his client, Ms. Erhardt, a conflict between County code and FHA requirements has been discovered, which has placed his client in a difficult predicament. Ms. Erhardt is an elderly client who wants to live under her son's care on his property, but utilize reverse mortgage to financially assist in her care. The property is 1.04 acres and has two homes, one of which is a temporary hardship manufactured home over 1200 sq. ft. FHA requires that manufactured homes be placed on a permanent foundation and all personal property become real property. After spending the money for a foundation, it was discovered that they would be unable to record the manufactured home as real property as it does not comply with County ordinances (two homes larger than 1200 sq ft on the same parcel). He also stated that FHA is not allowing them to use the main house as real property and give zero value to the manufactured home. Mr. Rhoads stated that Planning staff had been very helpful with suggestions and he was now appealing to the Planning Commission for any ideas or suggestions to resolve this issue. He did state that they were also intending to contact Ms. Erhardt's District Supervisor.

Pierre Rivas suggested that in the future a standard is set that doesn't allow temporary hardship homes to be over 1200sq ft.

Fritz Erhardt, client's son, stated that they had been unaware of the 1200 sq ft. issue when his mother purchased the 1600sq ft manufactured home.

Commissioner Mathews suggested that they get their Supervisor involved with this situation.

7. REVOCATION OF RIVER USE PERMIT

Revocation of River Use Permit #27 submitted by EL DORADO COUNTY PARKS to approve the revocation of River Use Permit #27 from Bobby Hicks dba American River Adventures and return said permit to the County of El Dorado [*continued from October 23, 2008 & December 11, 2008, hearings*]

Noah Rucker-Triplett explained to the Commission that the requested conditions have been met as of January 20, 2009 and ask that revocation of River Use Permit #27 be withdrawn and allow the permit to proceed.

There was no further discussion.

Motion: Commissioner Mathews moved, seconded by Commissioner MacCready, and unanimously carried (4-0), to allow the withdrawal of the revocation.

AYES: Rain, MacCready, Mathews, Tolhurst
NOES: None
ABSENT: Heflin

8. SPECIAL USE PERMIT

a. S08-0017/Companion Animal Hospital submitted by CHRIS and ERIN FELTON for a 2,800 square foot animal/veterinary hospital to be located within an existing commercial building. The request includes the placement of wall signs on the north and south side of the building. The property, identified by Assessor's Parcel Number 109-201-16, consisting of 1.54 acres, is located on the north side of Coach Lane, approximately 1,500 feet of the intersection with Cameron Park Drive, located at 3275 Coach Lane, Suites F and G, in the **Cameron Park** area, Supervisorial District II. (Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines)**

Pat Kelly presented the item to the Commission with a recommendation for approval.

The Commission identified a typo in Finding 4.1 which listed a "storage building" instead of the correct type of facility.

Chris Felton, applicant, stated that they live in the area and currently his wife's clients are traveling to Folsom for services. They want to bring that business to El Dorado County.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Rain, and unanimously carried (4-0), to: 1. Certify that the project is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines; and 2. Approve Special Use Permit S08-0017 based on the findings and subject to the conditions as modified.

AYES: MacCready, Rain, Mathews, Tolhurst
NOES: None
ABSENT: Heflin

This action can be appealed to the Board of Supervisors within ten (10) working days.

Findings

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

FINDINGS FOR APPROVAL

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 15301 of the CEQA Guidelines.

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 Department, Planning Services Division at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

2.1 The proposed use is consistent with the policies in the 2004 El Dorado County General Plan, as discussed in the General Plan Section of this staff report. Specifically, the project as proposed is consist with General Plan Polices 2.2.5.2 (General Plan consistency), 2.5.2.2 (commercial development near commercial facilities).

2.2 As proposed, the project is consistent with the Commercial (C) land use designation because the Commercial land use designation permits such uses where the character of an area provides a full range of commercial retail, office, and service uses.

3.0 SPECIAL USE PERMIT FINDINGS

3.1 The issuance of the permit is consistent with the General Plan;

The project meets the intent of the General Plan because the proposed animal/veterinary hospital supports the intent of the uses allowed within the Commercial land use designation.

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

The proposed animal/veterinary hospital will comply with the Development Standards of the CP zoned districts. The proposed Special Use Permit revision has been found to comply with the requirements of Chapter17.22, Special Use Permits, and the proposed use is not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, based on the conclusions contained in the staff report.

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

The proposed use is specifically permitted by Special Use Permit in the CP zone district pursuant to 17.32.150(B) of the El Dorado County Zoning Ordinance as the required findings detailed above may be made by the Planning Commission.

4.0 ADMINISTRATIVE FINDINGS

4.1 The proposed use conforms to the El Dorado County Zoning Ordinance because the project meets all development standards for a ~~storage building~~ animal/veterinary hospital within the Planned Commercial-Design Control (CP-DC) Zone District.

Conditions of Approval

El Dorado County Planning Services

1. This special use permit approval is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Planning Commission Exhibit E "Sign Plan" dated January 8, 2009, 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, as approved, consists of the following:

A Special Use Permit for a 2,800 square foot animal/veterinary hospital and placement of two (2) exterior wall signs measuring 3'x 33'x 5" to be placed on the north and south side of the portion of the commercial building to be used for the animal/veterinary hospital. The face of the two identical proposed signs shall be constructed of red acrylic letters with black trim. The logo graphics shall consist of 3M pressure-sensitive vinyl overlays consisting of slate grey 230-1, Kumquat 230-74, pink lavender 230-108 and black 230-22. The signs shall consist of internally illuminated individual letters and a soft white neon logo wall signs on the north and south side of the building. The services offered shall include the use of a small x-ray, centrifuge machines, autoclave, CO2 laser, oxygen, various laboratory equipment, and computers. The times of operation shall be Monday through Friday 8:00 a.m. to 6:00 p.m. and Saturday from 8:00 a.m. to 2:00 p.m. The number of employees shall include one full-time veterinary and one registered veterinary technician to aide in the daily practice of medicine and cleaning duties.

2. Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months of approval of this Special Use Permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time

limit and make diligent progress toward implementation of the project and compliance with conditions of approval.

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. Prior to issuance of any permits, the applicant shall pay all Development Services fees.
5. Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall be responsible for meeting all appropriate fire and building codes and shall obtain sign offs from appropriate agencies.
6. The applicant shall comply with all requirements of the Cameron Park Fire District, including, but not limited to fire flow requirements, building accessibility, sprinkler requirements, and building materials. The Cameron Park Fire District shall review and approve all building permits.

b. S06-0017-R/Bella Vista Bed & Breakfast submitted by ROBERT and KATHLEEN ASH to revise a special use permit to allow daytime events with acoustic music, including weddings of 75 people or less, at an existing bed and breakfast facility. A maximum of 20 such events would be allowed per year. No commercial kitchen is proposed. This revision would modify existing Condition #6 which prohibits special events. The property, identified by Assessor's Parcel Number 006-480-31, consisting of 5.0 acres, is located on the east side of Cold Springs Road, southwest of the intersection with Kane Hill Road in the **Coloma** area, Supervisorial District IV. (Categorical Exemption pursuant to Section 15061(b)3 of the CEQA Guidelines)**

Thomas Lloyd presented the item to the Commission with a recommendation for approval. He stated that this item was heard on November 13, 2008 and was continued off-calendar until a revised site plan was prepared. Mr. Lloyd stated that one letter of opposition (Mark Kochan) had been received for today's hearing, which was distributed to the Commission.

Commissioner Mathews announced that he had visited the site and met with the applicants.

Kathleen Ash, applicant, indicated that they have been good neighbors and for their business to thrive they need more revenue. They want small, intimate gatherings.

Robert Ash, applicant, stated that you can't see any neighbors from the wedding site as their three-story home blocks the view. In addition, the music will be strings and during the wedding and reception, they will run a waterfall to reduce the noise. He also explained what is required to expand the gravel parking area.

Charles Tryson objected to the revision of the Special Use Permit because it will increase traffic and pedestrians and he doesn't feel that this is a burden the neighbors should have to share.

Commissioner Mathews agreed with the applicants that you can't see other homes from the wedding site. He feels that this area is a "jewel of the county" and although the neighbors' arguments are important, they do not have any bearing in this case.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner MacCready, and unanimously carried (4-0), to: 1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15061(b)3 of the CEQA Guidelines; and 2. Approve the Special Use Permit Revision S06-0017-R based on the findings and subject to the conditions as presented.

AYES: Rain, MacCready, Mathews, Tolhurst
NOES: None
ABSENT: Heflin

This action can be appealed to the Board of Supervisors within ten (10) working days.

Findings

Based on the review of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

FINDINGS FOR APPROVAL

1.0 CEQA FINDING

1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15061(b)3 of the CEQA Guidelines, as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment..

- 1.2 The documents and other materials which constitute the record of proceedings upon which the decision is based are in the custody of the Development Services Department-Planning Services at 2850 Fairlane Court, Placerville, CA 95567.

2.0 GENERAL PLAN FINDINGS

- 2.1 The proposed use is consistent with applicable policies in the 2004 El Dorado County General Plan, as discussed in the General Plan section of this staff report.

3.0 SPECIAL USE PERMIT FINDINGS

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

This project has been found consistent with all applicable policies of the 2004 General Plan, specifically Policies 2.2.5.2, 2.2.5.21, 8.1.4.1, 10.1.6.1, and 10.1.7.4 as it has been conditioned to avoid incompatibilities with neighboring residential uses, has been reviewed and approved by the Agricultural Commission, and promotes both tourism and the local economy.

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

This project has been found to have adequate parking for both residents and guests. Additionally, there will be no additional lighting installed on the exterior of the property, thus light encroachment on neighboring properties will be unchanged. Traffic will not be an issue as there are only three guest rooms and direct access to a well-maintained County road. Finally, the special events to be held at the Bed and Breakfast Inn have been conditioned to limit the number of attendees, the number of events to be held per annum, and have been limited to stringed instruments not to exceed a trio, without amplification, to avoid incompatibility with adjoining residential areas.

The use is found to comply with all applicable section of Title 17;

The project parcel is the property owner's principal residence, meal service is limited to breakfast and an afternoon snack of wine and cheese as a portion of the overall room rate, access and parking meet or exceed Zoning Ordinance requirements, and a valid Health Permit and business license are required prior to operation. Further, events such as those allowed by the special use permit revision, are specifically permitted pursuant to Section 17.14.220C.11 of the zoning ordinance.

The proposed use permit revision will continue to allow signage in excess of the six square feet allowable by right.

The signage will not affect pedestrians or vehicular traffic, nor conceal from view any public signs by being placed outside the road and public utilities easement. Supported by two (2) wooden poles, the total height of the sign does not exceed eight (8) feet, per

17.28.190 (D), which prescribes sign usage by right in the Estate Residential Five-Acre (RE-5) Zone District. The decorative nature of the sign is not out of character with the existing Gold Hill Vineyard signage, located approximately 0.5 miles south on Cold Spring Road.

Conditions of Approval

El Dorado County Planning Services

1. This special use permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits D and E, dated November 13, 2008, 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 special use permit to allow a three-guestroom bed and breakfast in an existing single family residence. Along with the three bedrooms, the bed and breakfast will consist of a common area and dining room for guests. Proposed signage will consist of a 4-foot x 3-foot 4-inch non-illuminated, informational sign, as shown in Exhibit E. This sign will be located outside the existing road and public utilities easements, on the south side of the existing asphalt driveway, as shown in Exhibit D. This sign will be supported by two wooden posts, and total height shall not exceed eight (8) feet. Meal service will be limited to breakfast and an afternoon snack of local wine and cheese, as a portion of the room rate. No special events are proposed, and the owners will operate the bed and breakfast. Access is from Cold Springs Road, and the structure will continue to be served by private well and septic system.

S06-0007-R allows a maximum of 20 special events per year (e.g., weddings, receptions, etc.). These events are limited to 75 or fewer guests. Further, no sound amplification of any kind is permitted.

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.
3. The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or 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 special use permit, which action is brought within the time period provided for in Section 66499.37.

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

4. Prior to issuance of any permits, the applicant shall pay all Development Service fees.
5. The applicant shall post a valid County Business license in a conspicuous place on the premises prior to operation of the bed and breakfast inn.
6. ~~No s~~ Special events (e.g., wedding receptions, outdoor events) shall be permitted occur on no more than 20 calendar days per year, shall have no outdoor sound amplification (music, microphones, or otherwise), and must comply with the Rural Region noise standards set forth in Table 6-2 of the General Plan.
7. All outdoor events shall occur only in and around the area designated "Proposed New Wedding Site Amphitheater" on the site plan.
8. Musical instruments played outdoors will be limited to a maximum of three played at any given time, and shall only include non-amplified, stringed instruments (e.g., classical string trio). The use of brass, percussion, and other instruments is strictly prohibited outdoors.
9. Receptions and similar uses occurring entirely within the house (bed and breakfast inn) shall be permitted the use of amplification including microphones and recorded music, provided the aforementioned noise standard of the General Plan is met at all property lines.
10. All events shall be limited to 75 attendees or less, including those staying as guests at the bed and breakfast.
11. The operator shall submit to Planning Services by December 31 each calendar year, a report summarizing the number of events (with date) and number of guests in attendance.
12. Events shall occur only during daylight hours, and at no time shall these events extend beyond 9 p.m. local time.

El Dorado County Fire Protection District

7. 13. The applicant shall install a home sprinkler system supported by one (1) 3000 gallon water storage tank to substitute for the required fire hydrant, per negotiation with the Fire Protection District, as well as a Fire District approved NFPA 72 Fire Alarm System, prior to permit issuance. The water tank shall be located outside of required setbacks.
8. 14. ~~The facility shall not be placed into operation~~ No special events shall occur prior to inspection and testing of the home sprinkler system.

El Dorado County Environmental Management Department

9. 15. The applicant shall maintain a valid El Dorado County Environmental Health Permit for the inn. Issuance of the permit shall occur prior to operation of the bed and breakfast.

Department of Transportation

10. 16. The applicant shall irrevocably offer to dedicate, in fee, right-of-way for Cold Springs Road along the entire property frontage, prior to the issuance of the special use permit. The width shall be a minimum of 30 feet, or as necessary to provide a total road right-of-way width of 60 feet for that portion of Cold Springs Road fronting the property, but not to exceed 40 feet. This offer will be accepted by the County.
17. All required parking for the proposed project shall be accommodated onsite or offsite with property owner approval. No parking during special events shall be allowed within the right of way of Cold Springs Road. This requirement shall be clearly indicated on project site and/or improvement plans.
18. Adequate internal pedestrian circulation shall be provided to the event area(s). Pedestrians shall not be required to walk within the right of way of Cold Springs Road to access the site from parked vehicles. This requirement shall be clearly indicated on project site and/or improvement plans.
19. The applicant shall provide a Traffic Control and Parking Management Plan that indicates all measures to be used during special events. This plan shall include at a minimum:
- a. Site Plan showing vehicular and pedestrian ingress/egress points and circulation.
 - b. Name and contact information for person in charge of traffic control, parking, and responding to complaints on the days of the events.
 - c. Location of all traffic control personnel on a site plan or vicinity map.
 - d. Location of all traffic control and directional signs on a site plan or vicinity map.
 - e. Location of all parking lots, parking capacity of each, and the sequence of use.
 - f. Location of all shuttle stops and the proposed shuttle routes (if applicable).
 - g. Emergency access ways.

This Traffic Control and Parking Management Plan shall be submitted to DOT for review and approval prior to holding any special events authorized by this special use permit.

c. **S85-0070R2** submitted by JEAN and REN REINDERS to amend Condition #5 of the Special Use Permit as follows: A minimum of ~~126~~ 76 on-site parking spaces shall be provided for employees and patrons of the Fudge Factory. A minimum of one handicap accessible parking space shall be provided adjacent to the Fudge Factory building. The applicant shall install directional signs identifying the location of the on-site parking area, ~~and~~ ~~Two employees shall be available to direct vehicles to the parking area that location~~ 11:30 a.m. to 4:00 p.m., weekends and holidays as needed during peak hours. The property, identified by Assessor's Parcel Number 048-160-44, consisting of 10.01 acres, is located on the east side of High Hill Road, approximately one-quarter mile north of the intersection of High Hill Road and Carson Road, in the **Camino area**, Supervisorial District III. (Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines)** *[continued from December 11, 2008, hearing]*

Michael Baron presented the item to the Commission and stated that there were no new changes from the last time this item was heard at the December 11, 2008, meeting. Staff is recommending approval of this project. He stated that the barn is now correctly permitted, the cabinet shop is closed and the 76 parking spaces are striped and available to the public.

Commissioner Rain identified a discrepancy in the ending times for parking attendants listed in the Staff Report. Mr. Baron indicated that the correct time was 4:30pm and the Staff Report would be amended.

Pierre Rivas indicated that the 76 parking spaces are well above the required minimum of 21 parking spaces.

Ken Grossfeld, applicant's representative, stated that his client is requesting a decrease from 126 parking spaces to 76 parking spaces, which do exist and have been verified, due to a reduction in use on the site. He also stated that the 126 parking spaces was never an agreed-upon number, but was in fact a response to a question posed at the Board of Supervisors hearing.

Bob Laurie, High Hill Ranch's representative, distributed a copy of his letter dated December 3, 2008, which was provided in the agenda packet. He summarized the letter which identified the reasons High Hill Ranch is opposing the request for reduction (i.e., violation of CEQA, agreed-upon parking, applicant can meet current requirement, and applicant has not met burden of proof).

Jerry Visman, High Hill Ranch, summarized the current situation with the easement and access to other businesses in the area and indicated that there is an abatement hearing scheduled for the allowed use of the easement. Mr. Visman stated that he has increased his parking by 350 spaces and Fudge Factory should not be decreasing the number of spaces because it puts a burden on him. He indicated that he was willing to work with Ren Reinders to provide Fudge Factory parking spaces but would want to be financially compensated, which would be approximately \$10,000 per season.

Mr. Laurie also opposed the wording “as-needed basis” regarding the traffic control people because it can not be properly defined.

Mr. Rivas explained that the 126 parking spaces were “picked” and no calculations were used to arrive at that number. He also stated that Fudge Factory does not have crafters, whereas High Hill Ranch does and, therefore, the public would likely stay there longer and the number of parking spaces is appropriate. Mr. Baron also stated that staff did verify, via a site visit, that Fudge Factory could not fulfill the 126 parking spaces requirement.

Ren Reinders stated that the 126 number was used because that was how many cars were parked on his property. He indicated that these were not parking spaces, just the number of cars that were on his property on a particular weekend.

County Counsel Paula Frantz reminded the Commission that there is a difference between the number of cars parked on a property versus the number of legal-size parking spaces. She also stated that the question before the Commission is, based on the intensity of the use, how many legal-sized parking spaces should the applicant be required to have.

Chair Tolhurst announced that during a visit to that area, he had informed the parking attendant that he wanted to park at Fudge Factory and was told that he was not allowed to park there and was directed to a parking space. Chair Tolhurst inquired if there was any other access to Fudge Factory.

In response to a question posed by the Commission, Mr. Rivas explained that overflow parking means that if you have Ranch Marketing activities, you can park on unimproved areas. Fudge Factory is being required to provide improved parking spaces.

Mr. Rivas informed the Commission that the retail space for Fudge Factory is 600 sq. feet and the parking spaces being proposed by the applicant is fair and well beyond what is needed. He also stated that if the applicant was not adjacent to High Hill Ranch, this number of parking spaces would not be required.

Ms. Frantz also clarified that Fudge Factory is an agriculturally-zoned property that could qualify for Ranch Marketing but requires a Special Use Permit due to the fudge and they can't have both (Ranch Marketing and Special Use Permit) due to the burden on the property. However, High Hill Ranch can assume that type of burden and, therefore, has both.

Chair Tolhurst stated that it was his intent to be fair to both parties and would make a motion to that affect.

Commissioner Mathews stated that High Hill Ranch and Fudge Factory benefit from each other and the public does not know the difference. This is just a battle over parking and he agrees with Chair Tolhurst's sentiments.

Commissioner MacCready said that this is an inadequacy of the Special Use Permit process by allowing a non-agricultural oriented business on an agricultural parcel in an agricultural area. He agreed with Chair Tolhurst's sentiments.

Commissioner Rain indicated that both businesses benefit no matter where the public parks and supports Chair Tolhurst's solution as a fair one.

No further discussion was presented.

Motion: Commissioner Tolhurst moved, seconded by Commissioner Mathews, and unanimously carried (4-0), to: 1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines; and 2. Approve the Special Use Permit Revision S85-0070R-2 based on the findings and subject to the conditions as modified; and to amend Condition #1 to state 76 improved on-site parking spaces and 50 unimproved overflow parking spaces either on-site or off-site.

AYES: Rain, MacCready, Mathews, Tolhurst
NOES: None
ABSENT: Heflin

This action can be appealed to the Board of Supervisors within ten (10) working days.

Findings

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CEQA Findings

1.1 The project has been found to be Categorically Exempt from CEQA pursuant to Section 15301 stating that, Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

1.2 The documents and other materials, which constitute the record of proceedings upon which the decision is based, are in the custody of the Development Services Department-Planning Services at 2850 Fairlane Court, Placerville, CA 95567.

2.0 SPECIAL USE PERMIT FINDINGS

2.1 The issuance of the permit is consistent with the General Plan;

The Special Use Permit Revision, as conditioned, is consistent with General Plan since the revision is only a modification of existing conditions with no expansion of existing facilities.

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

The El Dorado County Department of Transportation and the El Dorado County Fire Protection District have determined that with the inclusion specific conditions of approval the Special Use Permit Revision would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

2.3 The proposed use is permitted by special use permit pursuant to Chapter 17.14.

Both the Select Agriculture 10-acre and Exclusive Agriculture Zone Districts (SA-10/AE) allow sales of confections made onsite by Special Use Permit. The project is a modification of a previously approved Special Use Permit and the modifications to the conditions of approval do not include an expansion of the existing facilities. It has been determined that the modification is consistent with the intent of the provisions outlined in Chapter 17.14 of the Zoning Ordinance.

Conditions of Approval

1. The following structures & uses shall be allowed under this use permit:

a. The Fudge Factory building (approximately 1,200 square feet);

- i. All candies and confections sold on-site must be manufactured on-site.
- ii. No candies, crafts, or other food items not produced on-site may be offered for sale.
- iii. The Fudge Factory may have a maximum of 12 seasonal weekend employees at any one time during the peak season hours of operation (September 30 to December 30, each calendar year). The Fudge Factory may have one permanent full-time employee during the peak season (September 30 to December 30, each calendar year) and during the off-peak season (April 1 to September 30, each calendar year).
- iv. The Fudge Factory hours of operation shall be from 9:00 a.m. to 5:00 p.m., Monday through Sunday during the peak season (September 30 to December 30, each calendar year); and the off-peak season (April 1 to September 30, each calendar year) hours of operation shall be shall be from 9:00 a.m. to 5:00 p.m. on Saturday and Sunday only.

b. Cabinet Shop (4,032 square feet);

- ~~i. No on-site sales shall be allowed from the cabinet shop.~~
- ~~ii. The Cabinet Shop may have one permanent full-time employee in addition to the current resident of the single family residence on the property. The cabinet shop may utilize one part time employee during the off peak season for Apple Hill (April 1 to September 30, each calendar year).~~
- ~~iii. The Cabinet Shop hours of operation shall be Monday through Friday 7:00 a.m. to 7:00 p.m.~~
- ~~iv. No deliveries onto or off of the property shall be made on weekends during the peak Apple Hill season (September 30 to December 30, each calendar year).~~

e. Office trailer (500 square feet);

- ~~i. No on-site sales shall be allowed from the office trailer.~~
- ~~ii. The office trailer hours of operation shall be the same as those identified for the Cabinet Shop.~~

1. This Special Use Permit Revision is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit F dated December 11, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Special Use Permit Revision to amend Condition #5 as follows:

A minimum of ~~426~~ 76 on-site parking spaces shall be provided for employees and patrons of the Fudge Factory and also provide 50 unimproved onsite or offsite overflow parking spaces. A minimum of one handicap accessible parking space shall be provided adjacent to the Fudge Factory building. The applicant shall install directional signs identifying the location of the on-site parking area. ~~and t~~Two employees shall be available to direct vehicles to the parking area ~~that location~~ 11:30 a.m. to 4:00 30 p.m., weekends and holidays as needed during peak hours.

2. The preparation of all candies and confections shall be in compliance with the current Uniform Retail Food Facilities Law and all requirements of the El Dorado County Environmental Management division.

3. All structures on the site shall have a permit from the El Dorado County Building Department.
4. The parking area identified on the site plan shall be gravel based and shall be maintained with no obstructions. No materials may be stored, and no permanent or temporary structures may be placed in the parking area.
5. A minimum of ~~126~~ 76 on-site parking spaces shall be provided for employees and patrons of the Fudge Factory. A minimum of one handicap accessible parking space shall be provided adjacent to the Fudge Factory building. The applicant shall install directional signs identifying the location of the on-site parking area and two employees ~~to~~ shall direct vehicles to the parking area ~~that location~~ 11:30 a.m. to 4:00 ~~30~~30p.m., ~~weekends and holidays~~ as needed during peak hours.
- ~~6. The applicant shall be subject to the County Traffic Impact Mitigation (TIM) fee. Pursuant to Resolution 32-98, said fee shall be due upon issuance of this special use permit. If prior to the issuance of the special use permit for said project a revised fee is established, such revised amount shall be paid. (This fee applies only to the 2,300 square foot expansion of the cabinet shop)~~
- ~~7. The applicant shall be subject to the State Infrastructure Traffic Impact Mitigation (TIM) fee. Pursuant to Resolution 31-98, said fee shall be due upon issuance of this special use permit. If prior to the issuance of the special use permit for said project a revised fee is established, such revised amount shall be paid. (This fee applies only to the 2,300 square foot expansion of the cabinet shop).~~
- ~~8. The Cabinet Shop shall submit a Hazardous Materials Management Plan (HMMP) to the El Dorado County Environmental Management department for review and approval. The applicant shall provide information in the HMMP on all hazardous materials utilized in the Cabinet Shop operation.~~
6. The applicant shall provide either permanent restroom facilities or portable restroom facilities on-site for the use of customers during the peak season based on an evaluation from Environmental Management as to what is adequate. Signs shall be placed on-site identifying the location of the restroom facilities. These facilities shall be reviewed and approved by the Environmental Health Department. Additionally, an adequate number of trash receptacles (minimum of 6) shall be placed upon the property.
- ~~10~~ 7. All signs on the property shall conform with the provisions of Chapter 17.16 and Section 17.36.230 (C) of the Zoning Ordinance.
- ~~11~~ 8. The applicant ~~will~~ shall move forward to comply with the County Ranch Marketing Ordinance.

~~12. The permit will be reviewed in February 2002, and at that time, the applicant will submit records of employment for the previous Apple Hill Season.~~

~~14-9. The applicant shall make the actual and full payment of planning processing fees for the special use permit revision prior to the issuance of an approval letter for the special use permit revision.~~

El Dorado County Department of Transportation

~~13-10. The applicant shall widen the High Hill Road to a half width of 12 feet along the entire on-site property frontage, per El Dorado County Standard Plan 101C prior to issuance of the special use permit.~~

~~1416. The applicant shall irrevocably offer to dedicate the onsite 25 foot wide road and public utility easement along the entire property frontage along High Hill Road. This offer will be rejected by the County.~~

~~15-11. 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 the special use permit.~~

~~16-12. Prior to issuance of the special use permit, the applicant shall join and/or form an entity, satisfactory to Department of Transportation, to maintain all roads not maintained by the County.~~

El Dorado County Fire Protection District

~~1713. Site/inspection review fee of \$150.00.~~

~~1820. One new fire hydrant is required. The Fire District shall approve the location of the fire hydrant.~~

9. DESIGN REVIEW

DR08-0003/The Shops at El Dorado Hills submitted by PETER L. NAVARRA to construct three (3) commercial buildings totaling 30,628 square feet. Building 1 (Walgreens) would be 13,368 square feet, Building 2 would be 11,539 square feet and Building 3 would be 5,775 square feet. Walgreens would include a 24-hour drive-through pharmacy and an in-store health clinic. The property, identified by Assessor's Parcel Number 120-690-06, consisting of 3.317 acres, is located on the west side of El Dorado Hills Boulevard at the intersection with Saratoga Way in the **El Dorado Hills** area, Supervisorial District II. (Mitigated negative declaration prepared)*

Gordon Bell presented the item to the Commission with a recommendation for approval. Staff recommended modifying Condition #10 to make it consistent with the Zoning Ordinance.

Peter Navarra, applicant, stated that this was the sixth public forum for this project. They have met with the neighbors and various committees and he summarized the concerns that had been brought to their attention. Mr. Navarra stated that there are phases in the project with Phase 1 being fully improved and Phase 2 being rough grading with utilities on the south end of the site. Although Walgreens is identified in the project, they have not yet signed an agreement and therefore, the project does not have any tenants yet.

Mark Marvelli, project's architect, provided a computer-generated 3-D model of the proposed project.

Hilary Krogh, provided a letter from Matthew Emrick of the El Dorado Hills Townhouses Association, outlining arguments for an Environmental Impact Report be prepared for the project. Ms. Krogh also provided her own letter supporting Mr. Emrick's comments and requesting a limitation on truck delivery times for Walgreens.

Commissioner Rain was in support of restricting truck delivery times for Walgreens to only daylight hours. In addition, he expressed concern on the color palette being requested by the applicant as it does not match the other buildings in the area. There was significant discussion as to the history of why the particular architecture and color scheme was selected. Commissioners Rain and Tolhurst requested the applicant to tone down the shade a little darker and to go less white. The applicant was agreeable.

No further discussion was presented.

Motion: Commissioner Rain moved, seconded by Commissioner MacCready, and unanimously carried (4-0), to: 1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; 2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074 (d) as incorporated in the Conditions of Approval and Mitigation Measures; and 3. Approve DR08-0003 based on the findings, and subject to the conditions, as modified, to include the following amendments: Condition #1 showing Building 1 with restricted delivery times from 6:00am to 10:00pm; Condition #7 including a sign for Building 1 with restricted delivery times; and Condition #10 modified to make it consistent with the Zoning Ordinance.

AYES: Rain, MacCready, Mathews, Tolhurst
NOES: None
ABSENT: Heflin

This action can be appealed to the Board of Supervisors within ten (10) working days.

Findings

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

FINDINGS FOR APPROVAL

1.0 CEQA Findings

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

2.0 ADMINISTRATIVE FINDINGS

2.1 **The proposed use and design conforms to the General Plan;**

The General Plan designates the subject parcel as Commercial (C) which permits the proposed mixed commercial use.

The uses permitted through this Design Review will not be inconsistent with the (C) land use designation or applicable policies as discussed in this staff report.

2.2 **The proposed use and design conforms to the Zoning Ordinance;**

The Zoning Ordinance designates the site as Planned Commercial - Design Control (CP-DC). The proposed design is consistent with the development standards of the CP-DC zone district as discussed in this staff report with inclusion of the Administrative Relief findings contained in Attachment 2.

2.3 **The proposed use and design will not be detrimental to the public health, safety, and welfare, nor injurious to the neighborhood.**

The proposed mixed commercial use project will not create any hazards that will negatively impact the surrounding neighborhood. No use allowed within the CP zone district will be injurious to the neighborhood. The proposed use will not create negative noise, air, or traffic impacts that will be harmful to the land uses in the project vicinity.

3.0 ADMINISTRATIVE RELIEF FINDINGS

3.1 The intent of the parking ordinance is preserved;

The County Zoning Ordinance requires one recreational vehicle space per each ten (10) parking spaces and one off-street loading space per 15,000 square feet. The intent of the parking ordinance is to provide for adequate parking and circulation on-site. Due to the fact that the County's extension of Saratoga Way created an odd-shaped parcel, onsite circulation has been compromised to some extent with respect with the site's ability to handle large vehicles such as recreational vehicles and delivery trucks. Given that the project is not a regional retail center, nor is it a tourist-serving facility, it is unlikely that it would draw recreational vehicles to the site. Thus, the need for RV parking spaces can be waived.

The applicant has provided one off-street loading space for Building 1. No off-street loading has been provided for Buildings 2 & 3. Conditions of approval have been added as Attachment 1 to prohibit deliveries from occurring during peak business hours (after 10 a.m.). With the addition of this condition, the intent of the parking ordinance will be preserved, as adequate parking and circulation will be available during normal, peak, business hours.

The applicant has not provided an on-site drop off and loading area due to the odd-shaped nature of the parcel and constricted circulation patterns as discussed previously. These loading areas are typically required for major retail facilities. The proposed project is considered a major retail facility by definition of size (it barely exceeds 30,000 square feet), but is intended as a neighborhood type of facility, serving the needs of the surrounding community with smaller boutique type shops, restaurants, walkways and access to the surrounding neighborhood, and a retail/pharmacy use that would provide the daily needs of the neighborhood. Administrative relief findings can be made for this requirement.

3.2 The parking provided is sufficient to serve the use for which it is intended;

The project will meet the parking requirements necessary for the proposed mixed commercial uses in terms of the number of spaces provided.

3.3 The modification will not be detrimental to the public health or safety.

The modification of the parking space design requirements will not impair on-site circulation with the inclusion of the condition of approval requiring deliveries to be prohibited during peak business hours.

Conditions of Approval

1. The project, as approved, consists of the following:

This Design Review is based upon and limited to compliance with the project description, the Planning Commission exhibits marked D through N, dated January 22, 2009, 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.

Project Description: Design Review request to construct three (3) commercial buildings totaling 30,628 square feet. Building 1 would be 13,368 square feet, Building 2 would be 11,539 square feet and Building 3 would be 5,775 square feet. Walgreens would include a 24-hour drive-through pharmacy and an in-store health clinic. The project would be phased into two phases with Building 1 and its associated parking to be constructed as part of Phase I, and the remainder of the project to be constructed with Phase II. Delivery hours for buildings 2 & 3 would be limited to the hours of 6 a.m. to 10 a.m., seven days a week. Delivery hours for Building 1 would be limited to the hours of 6 a.m. to 10 p.m., seven days a week.

Access/Road Improvements: Site access would be provided by three driveways along Saratoga Way. The northern driveway would be right-in, right-out only while the other two driveways would be full access driveways. A left-turn pocket would be constructed on Saratoga Way to provide access to the main entrance (middle driveway).

Parking: The project would provide 153 parking spaces including 4 handicap spaces. No RV spaces are provided as part of the project due to the narrow lot configuration. One off-street loading space has been provided for the project for Building 1, no off-street loading has been provided for Buildings 2 & 3. Administrative relief findings have been provided in Attachment 2 to address the requested modifications.

Water/Sewer: Water and sewer would be provided by the El Dorado Irrigation District. Service would be provided by existing mains on and immediately adjacent to the project site. No offsite facility improvements are required as part of project implementation.

Architecture/Color: Exterior colors and materials for buildings shall substantially conform to the following color palette in Table 1. All exterior building materials, treatments, and landscaping shall be maintained in good visual repair, at all times.

Table 1. Color Palette

BUILDING PORTION	STYLE/COLOR	MATERIAL
ROOF	Tierra Antigua #2311/Sandcast Blend	Redland Clay Tile/Two-piece Mission Sandcast
BUILDING WALLS	Kelly Moore 25 Blanco	Cement Plaster/Smooth Finish
CORNICE, FASCIA, & TRIMS	Kelly Moore 42 Wise Owl	Cement Plaster/Smooth Finish
STOREFRONT	Black	
FABRIC AWNING (COLOR 1)	Mustard & Black Stripes	Fabric
FABRIC AWNING (COLOR 2)	Black	Fabric
PERIMETER WALLS	Coarsed Stone/Santa Barbara	Stone Veneer/El Dorado Stone
TRELLIS	Black	Metal
WALL INSERTS	Spanish Tile	Tile

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

2. All site improvements shall conform to Exhibits D-N.

Mitigation Measures:

3. **MM-VIS-1:** The applicant shall include one landscape island/finger within the parking area associated with Walgreens along Saratoga Way. This planter shall be planted with at least one large shade tree. In order to break up other long uninterrupted rows of parking spaces, the applicant shall plant large shade tree clusters (2-3 trees) every ten parking spaces within the perimeter landscape buffer to break up views of the parking lot as seen from the surrounding residential properties and Saratoga Way.

Timing/Implementation: The applicant shall revise all site plans and grading plans to include a landscape island within the parking area associated with Walgreens along Saratoga Way. The landscape plan shall also include large shade tree clusters (2-3 trees) every ten parking spaces within the perimeter landscape buffer.

Enforcement/Monitoring Prior to issuance of construction/grading permits, El Dorado County Planning Services shall review site plans and landscape plans to ensure that these measures have been included.

4. **MM AQ-1:** A Fugitive Dust Plan (FDP) Application with appropriate fees shall be submitted to and approved by the El Dorado County Air Pollution Control District (APCD) with appropriate fees and approved by the APCD prior to start of project construction.

Timing/Implementation: Prior to issuance of grading and building permits the applicant shall submit an FDP to the El Dorado County APCD for review and approval.

Enforcement/Monitoring: El Dorado County Planning Services shall verify that the El Dorado County APCD has approved the FDP prior to issuance of grading and building permits.

5. **MM AQ-2:** Prior to the issuance of any grading permit the property owner/operator shall submit to the El Dorado County AQMD a report prepared by a California-registered geologist that documents the presence or absence of NOA. If El Dorado County AQMD agrees that NOA is not present on-site then no additional avoidance measures are required. If El Dorado County AQMD agrees that NOA is present on-site then the property owner/operator shall prepare and implement an Asbestos Dust Mitigation Plan. The Asbestos Dust Mitigation Plan will be reviewed and approved by El Dorado County Environmental Management and AQMD prior to the issuance of a grading permit. The Asbestos Dust Mitigation Plan shall include BMPs for implementing the asbestos dust control measures identified in the El Dorado County Fugitive Dust Prevention and Control and Contingent Asbestos Hazard Dust Mitigation Plan.

Timing/Implementation: Prior to issuance of grading and building permits the applicant shall submit the report referenced above for review by the El Dorado County Environmental Management Department and the Air Quality Management District. If NOA is present, the applicant shall prepare and submit an Asbestos Dust Mitigation Plan for review and approval by the Environmental Management Department and the AQMD.

Enforcement/Monitoring: Environmental Management Department and the AQMD shall approve the Asbestos Dust Mitigation Plan, if necessary, prior to issuance of grading and building permits. El Dorado County Planning Services shall verify that the El Dorado County APCD has approved the FDP prior to issuance of grading and building permits.

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

Timing/Implementation: The applicant shall include this measure as a note on all grading, building, and improvement plans.

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

7. **MM-TRA-1:** The applicant shall post signs on Buildings 2 & 3 in a conspicuous location that notifies delivery drivers that deliveries are only allowed from 6 a.m. to 10 a.m., seven days a week. The applicant shall post signs on Building 1 in a conspicuous location that notifies delivery drivers that deliveries are only allowed from 6 a.m. to 10 p.m., seven days a week.

Timing/Implementation: The applicant shall include this measure as a note on all building, and improvement plans.

Enforcement/Monitoring: Prior to issuance of building permits, El Dorado County Planning Services shall verify that this measure is incorporated as a note on the plans. Planning Services shall verify that signs have been posted in an acceptable location prior to occupancy clearance.

Planning Services

8. All signage shall conform to Zoning Ordinance Chapter Section 17.32.140 (D). Proposed signage plans shall be revised to reduce the display area of the monument sign to 80 square feet. LED readerboards are prohibited. All future signage shall conform to *Chapter 17.16* and *Chapter 17.34* of the *County Code*.
9. Building design and colors, building placement, and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein (Exhibits D-O). Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require Planning Services review and approval.
10. ~~The project must be started or diligently pursued within one year of approval, or the Design Review approval becomes null and void.~~ Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.

11. A water meter award letter or similar assurance form the water purveyor, guaranteeing water service upon demand to the project, shall be submitted prior to issuance of a building permit.
12. 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 imposed as part of the project approval.
13. The applicant shall schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.
14. Prior to issuance of any building permits, all Development Services fees shall be paid.
15. 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.

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 by El Dorado County.

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

16. The final landscape plan shall meet Zoning Ordinance Chapter 17.18.090. The applicant shall revise the proposed landscape plan consistent with recommendations in Condition #3. The applicant shall submit the revised landscape plan for review and approval by El Dorado County Planning Services and the El Dorado Community Services District prior to issuance of grading and building permits. The property owner shall maintain landscaping for the life of the project.
17. All outdoor lighting shall conform to Sections 17.14.170 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.

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.

18. The applicant shall include provisions for bicycle parking on the site by providing a minimum of one bicycle spaces/rack within the project. The bike rack shall be installed prior to finaling of the building permit.
19. 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 tenant improvement/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 this approval and to be sure the initial proposed uses were not subjected to a change. Parking shall conform to the approved site plan. Any tenant improvement use that causes the total approved number of parking spaces to be exceeded, beyond the approved 153 off-street spaces, shall not be approved until such time as additional parking is legally created, reviewed, and then approved by Deputy Planning Director or designee.
20. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall review and approve the grading plans prior to the issuance of a grading permit.

El Dorado County Department of Transportation

Project Specific Conditions

21. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the driveway encroachments from the proposed project onto Saratoga Way to the provisions of County Design Std **110**, or as required by the approved traffic study. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to issuance of a building permit.
22. **Sidewalks:** The applicant shall construct 5-foot sidewalk, curb, and gutter per DISM 101A in accordance with Policy TC-5 of the County of El Dorado General Plan along the Saratoga Way frontage. This sidewalk/pedestrian route may diverge from the edge of Saratoga Way and meander through the project site due to grade changes and setback requirements. The project shall provide a minimum 5-foot wide sidewalk/ pedestrian route continuously extending from the southwestern edge of the property to the crosswalk at the intersection of Saratoga Way and El Dorado Hills Blvd.
23. **Left Turn Pocket:** The applicant shall design and construct a 14-foot wide left turn pocket at the primary entrance, according to the provisions of the Caltrans Highway Design Manual and/or AASHTO. The improvements shall be completed to the approval

of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to issuance of a building permit.

24. **Signalization:** Due to the proximity of the existing signalized intersection of Saratoga Way and El Dorado Hills Blvd and the future signalized intersection of Saratoga Way and Arrowhead Drive, no additional signalization shall be allowed at any of the proposed project driveways. The final improvement plans shall indicate that no additional signalization is to be installed at any of the project driveways onto Saratoga Way.

Standard Conditions

25. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
26. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, etc. as required by the Department of Transportation prior to issuance of a building permit. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
27. **Vehicular Access Restriction:** Prior to issuance of a building permit, the applicant shall record a vehicular access restriction along the entire frontage of El Dorado Hills Boulevard.
28. **Sidewalks:** Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the Department of Transportation prior to issuance of building permits. Pedestrian easements shall be provided where necessary. Final lane configurations, including the need for additional rights-of-way, shall be subject to review and approval of the Department of Transportation prior to improvement plan approval.
29. **Curb Returns:** All curb returns, at pedestrian crossing, will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.
30. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to issuance of a building permit.
31. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).

32. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
33. **DISM Consistency:** 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 issuance of a building permit.
34. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to issuance of a building permit.
35. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
36. **Grading Permit / Plan:** A commercial grading permit is required for the project. 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. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT and/or Development Services (whichever is applicable) prior to occupancy clearance.
37. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation or Development Services (whichever is applicable). The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.

38. **RCD Coordination:** 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 or Development Services (whichever is applicable) shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
39. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation or Development Services (whichever is applicable). Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
40. **Drainage Study / SWMP Compliance:** 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 or Development Services (whichever is applicable).

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.
- The ultimate drainage outfall of the project.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. The improvements shall be completed to the approval of the Department of Transportation or Development Services (whichever is applicable), prior to occupancy permits or the applicant shall obtain an approved improvement agreement with security.

41. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it

shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to issuance of a building permit.

42. Drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans.
43. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), 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 Federal Clean Water Act and the California Water Code. 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 County, prior to building permit issuance, and by state law must be done prior to commencing construction.
44. **Electronic Documentation:** 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.
45. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

El Dorado Hills Fire Department

46. The required fire flow for the fire protection of the proposed referenced project is 1500 gallons per minute with a 20 psi residual for a two hour duration. This flow rating is in addition to the highest maximum daily consumption and is based on the premise that a fire sprinklered commercial building is to be of Type V-B, wood frame construction and shall not exceed 13,400 square feet in size for a single building.
47. There shall be an unobstructed 20-foot wide access on the east side of Building 1, Walgreens.
48. This development shall install Mueller Dry Barrel Fire hydrants conforming to the El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 300 feet. The location specified on the submitted plans meets this requirement.

49. To enhance nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and the Fire Safe Regulations.
50. In order to provide the 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 the El Dorado Hills Fire Department Standard 103.
51. This development shall be prohibited from installing any type of traffic calming devices that utilize a raised bump or a lower dip section of roadway.
52. Each building shall be addressed in accordance with the Fire Department requirements. The location of the address on the buildings shall be approved at the time of building plan check. More than one address may need to be installed on each building depending on the relation of the building to the path of emergency response.
53. The applicant shall provide the Fire Department with a CD that contains all the CAD files for this project.
54. The fire access roadways servicing all building shall be designed to accommodate a 40-foot inside and a 56-foot outside turning radius. Submitted plans meet this standard.
55. All buildings shall be sprinklered in accordance with NFPA-13, 2007 edition, and the Fire Department requirements.
56. This development shall provide a minimum of two unobstructed access roadways during construction of any building.
57. All trash enclosures shall be located a minimum of 5 feet from a building wall.
58. A KNOX box shall be installed on each building. The KNOX box shall contain the master key to open all exterior doors. The location is to be approved prior to installation.
59. Any driveway that is less than 30 feet in width shall have no parking, fire lane signs installed on each side or have the curbs painted red and stenciled "fire lane no parking" on each side.

Environmental Management Department

60. The applicant shall adhere to all standard Air Quality Management District rules and conditions during project construction, prior to issuance of any permits associated with this project.

Hazardous Materials

61. If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.

10. REZONE/PLANNED DEVELOPMENT/TENTATIVE SUBDIVISION MAP

Z07-0010/PD07-0006/TM07-1438 submitted by GREGORY PORTER (Agent: CTA Engineering and Surveying, Inc.) to rezone from Estate Residential Ten-Acre (RE-10) to One-Family Residential-Planned Development (R1-PD); Create 54 residential parcels, ranging in size from 7,965 to 72,208 square feet, including lots designed for open space and landscaping; Seven lots are proposed for open space, landscaping, lift station and future right of way with open space lots consisting of 9.84 acres and 0.79 acres to be used for a lift station and future right of way; Project would be accessed from Beasley Drive and Marble Valley Road; Modify Development Standards of the One-Family Residential (R1) Zone District; Approximately 30% of site would be set aside within dedicated open space lots; and to request the following design waivers: (a) Request to reduce the right-of-way width along portions of A Drive and B Drive to a 35-foot minimum; (b) Request for a 50-foot radius at the knuckle of A Drive; (c) Request for the narrow access portion of Flag Lots No. 53 and No. 54 to exceed 100-feet; (d) Allow a driveway within 25 feet of a radius return, a minimum standard as required by DISM Standard Plan 103A-1; (e) Reduce the minimum 16 foot driveway width as defined in DISM 103A-1 to a 10 foot driveway width for a single car garage and allow for a 16 foot driveway width for a double car garage; and (f) Request for a 100-foot radius at secondary entrance on A Drive. The property, identified by Assessor's Parcel Number 119-020-35, consisting of 32.82 acres, is located on the south side of Marble Valley Road one mile west of the intersection with Flying C Road, in the **Cameron Park area**, Supervisorial District II. (Mitigated Negative Declaration prepared)* *[continued from October 23, 2008 & December 11, 2008, hearings]*

Pat Kelly presented the item to the Commission with a recommendation of approval to the Board of Supervisors. Staff provided a memo dated January 22, 2009, to the Commission identifying recommended changes to the "Environmental Checklist Form and Discussion of Impacts" and a modification to Condition #7.

Staff also distributed a letter from CTA Engineering regarding "EID FML 1106-110 Revisions" and an e-mail from Chrissy Derksen regarding "Discussion with Eileen Crawford".

The Commission identified a typo on page 4 of the Staff Report in the General Plan paragraph. The density stated should be listed as "1.6 du/a" instead of ".6 du/a".

Eileen Crawford, DOT, stated that Marble Valley Road will be a major road and in anticipation of a high volume, DOT wants the intersections aligned with each other and, therefore, they conditioned the secondary easement be moved over so that it lines up.

Olga Sciorelli/CTA Engineering, applicant's agent, stated that they agree with all of the conditions and have been working with the neighbors and will approach them again once the property is ready to be developed.

Commissioner MacCready met with the agent and would like the Open Space Management Plan conditioned in the project. A draft copy was provided to the Commission for their review.

Angela Johnson and Dana Murphy of the Cameron Estates CSD Board of Directors stated that the Beasley Drive access intersects a private road, Flying C Road. As they have maintained that road for over 20 years and are currently having it surveyed to determine its proximity with Cameron Estates CSD, they are claiming rights to that road. A letter from the Cameron Estates CSD Board of Directors was distributed to the Commission.

David Crosariol/CTA Engineering said that they are only piggybacking on to what has already been adopted through the Marble Valley area of benefit.

No further discussion was presented.

Motion: Commissioner MacCready moved, seconded by Commissioner Rain, and unanimously carried (4-0), to recommend the Board of Supervisors take the following action: 1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; 2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074 (d) as incorporated in the Conditions of Approval and Mitigation Measures; 3 Approve Z07-0010/PD07-0006 and TM07-1438 based on the findings and subject to the conditions as modified; 4. Approve the six following Design Waivers addressed in the staff report since appropriate findings have been made: (a) Request to reduce the right-of-way width along portions of A Drive and B Drive to a 35-foot minimum; (b) Request for a 50-foot radius at the knuckle of A Drive; (c) Request for the narrow access portion of Flag Lots No. 53 and No. 54 to exceed 100-feet; (d) Allow a driveway within twenty-five (25) feet of a curb return, a minimum standard as required by DISM Standard Plan 103A-1; (e) Reduce the minimum sixteen (16) foot driveway width as defined in DISM 103A-1 to a ten (10) foot driveway width for a single car garage and allow for a sixteen (16) foot driveway width for a double car garage; and (f) Request for a 100-foot radius at secondary entrance on A Drive; and 5. Include staff recommended changes to the "Environmental Checklist Form and Discussion of Impacts" and Condition #7, as identified in staff's memo dated January 22, 2009; and amend Condition #18 to include the Open Space Management Plan.

AYES: Mathews, MacCready, Rain, Tolhurst

NOES: None

ABSENT: Heflin

Findings

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made pursuant to *Section 66472.1* of the *California Government Code*:

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County, has been completed in compliance with CEQA and is adequate for this project.
- 1.2 The Initial Study identifies that this project proposes a less than significant impact on the environment with specific mitigation outlined within the Biological Resources, and Cultural Resources. By including mitigation for these categories, the effects on the Mandatory Findings of Significance section are also reduced below a level of significance for the this project.
- 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 their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials, which constitute the record of proceedings upon which this decision is based, are in the custody of the Development Services Department-Planning Services 2850 Fairlane Court Placerville, CA 95667.

2.0 TENTATIVE MAP FINDINGS

- 2.1 **The proposed tentative map, including design and improvements, is consistent with the General Plan policies and land use map.**

The project is designated as High Density Residential (HDR). The proposed 54-lot subdivision will be consistent with the allowed density HDR land use designation. The project will be consistent with General Plan policies relating to public utilities, traffic, noise, air quality, cultural resources, riparian impacts, and oak woodland habitat. The Mitigation Measures included as part of the project will minimize environmental and cultural impacts associated with the project.

2.2 The design or improvements of the proposed division are consistent with the General Plan.

The subdivision includes the Planned Development planning concept which is designed to minimize impacts to the natural resources on the project site. The proposed open space will be used to avoid additional impacts to the oak woodland habitat and wetlands on-site.

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

The project has been designed to utilize the developable areas of the site. The project site contains adequate buildable areas for each of the proposed residential lots. The new on-site access road will be designed to comply with the requirements of the General Plan, County Design and Improvement Standard Manual, and Fire Safe Regulations.

2.4 The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitats.

The project includes a Planned Development application which will allow the design to minimize the impacts to the natural resources on the project site. The project site contains adequate buildable areas for each of the proposed residential lots. Slopes exceeding 30% have been avoided and the project will minimize the impacts to the existing wetlands. All oak woodland habitat impacts will be consistent with the General Plan and Interim Interpretative Guidelines. Any natural resources that will not be impacted will be included in the required 30% open space areas. In order to ensure compliance with the General Plan Policy 7.3.3.4, a 50-foot buffer on each side of the riparian woodland and stream has been shown on the tentative subdivision map.

2.5 The design of the subdivision or the improvements are not likely to cause suitable to allow for compliance with the requirements of Section 4291 of the Public Resource Code (Section 4291 establishes criteria for fire and fuel breaks around buildings).

The El Dorado County Fire Protection District has reviewed the project and determined that the installation of fire hydrants and implementation of a Fire Safe Plan will be acceptable for fire protection. The public water system servicing the project will provide adequate fire flow for the project.

2.6 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 division.

The project will not result in conflicts with existing easements. No access through the project site for public use currently exists. The project will not conflict with existing access to the adjacent properties and will not conflict with any existing easements.

3.0 PLANNED DEVELOPMENT FINDINGS

3.1 That the PD zone request is consistent with the general plan;

The Planned Development (PD) will be consistent within the HDR land use designation. The proposed use and density is allowed within the HDR land use designation.

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

The development will include 9.84-acres of open space and landscaping to preserve the oak woodland habitat and wetlands. The decorative planters and landscaping will provide a desirable environment on the site.

3.3 That 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, due to the number of residential lots, and the design of the proposed subdivision, the project will be found to be in compliance with all County Code requirements.

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

The project has been designed to utilize the developable areas to the greatest extent possible. The design of the development will minimize the potential impacts to the site.

3.5 That 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, including, but not limited to, water supply, sewage disposal, roads, and utilities.

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

The project will preserve the oak woodland habitat not impacted as part of the project in an open space lot. The project has been designed to be more compatible with the existing features of the site.

4.0 DESIGN WAIVER APPROVAL FINDINGS

4.1 Request to reduce the right-of-way width along portions of A Drive and Drive B to a 35-foot minimum.

4.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The proposed reduced right-of-

way, will better conform to the allocated open space and preserve existing hillside with oak woodland canopy. Increased right-of-way could require more extensive grading and increase tree removal.

4.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* The development has been designed to minimize the impacts to the site to the greatest extent possible. Strict application of road widths will increase the landform disturbance, increase removal of oak woodland and create unnecessary hardship.

4.1.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The roadway width is 28-feet, face of curb to face of curb as suggested by County Design and Improvement Standards Manual (DISM), Standard Plan 101B and appropriate ADT count. The approval of the Design Waiver will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

4.1.4 *The waivers will 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 Waivers will not nullify the additional requirements contained in the Chapter 16 of County Code.

4.2 Request for a 50-foot radius at the knuckle of A Drive.

4.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which will justify the adjustment or waiver.* The proposed reduced road radius will better conform to the allocated open space and preserve existing hillside with oak woodland canopy. Increased road radius design could require more extensive grading and increase tree removal.

4.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* The development has been designed to minimize the impacts to the site to the greatest extent possible. Strict application of road design will increase the landform disturbance, increase removal of oak woodland and create unnecessary hardship.

4.2.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The road will be graded with compliance to the DISM - Hillside Standards and the road design shall be approved by the Fire District. The approval of the Design Waiver will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

4.2.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act

as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

4.3 Request for the narrow access portion of Flag Lots No. 53 and No. 54 to exceed 100-feet.

4.3.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* As a Planned Development, the project has been designed to minimize impacts on the surrounding areas by dedicating 30 percent of the site to the open space and taking into consideration the natural topography and features of the site. The 260-foot long access portion of the lot will provide access to the lot that is created as a “no grade” lot to minimize landform disturbance and preserve oak woodlands.

4.3.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Different layout of the lots in the vicinity is not feasible or appropriate due to the natural topography and features of the site, constraints restricting the access to the lot.

4.3.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* As the project has been reviewed by the responsible fire agency and the Department of Transportation, it is unlikely that increased length of the access portion of the lot will be detrimental to health, safety, and welfare of the public. Access portions for both lots will be graded with compliance to Hillside Standards.

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

4.4 Allow a driveway within twenty-five (25) feet of a radius return, a minimum standard as required by DISM Standard Plan 103A-1.

4.4.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The Design Waiver request to allow a driveway within twenty-five (25) feet of a radius return will better conform to the allocated open space and preserve existing hillside with oak woodland canopy. Application of the Design Waiver will provide more creative design and unique overall look of the subdivision by minimizing landform disturbance and impacting sensitive natural resources.

4.4.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* The development has been designed to minimize the impacts to the site to the greatest extent possible.

Strict application of setbacks to driveways and driveway widths will increase the landform disturbance, increase removal of oak woodland and create unnecessary hardship.

4.4.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The road and driveway design will be graded and constructed with compliance to the County Design and Improvement Standards Manual- Hillside Standards and fire safety regulations. The approval of the Design Waiver will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

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

4.5 To reduce the minimum sixteen (16) foot driveway width as defined in DISM 103A-1 to a ten (10) foot driveway width for a single car garage and allow for a sixteen (16) foot driveway width for a double car garage.

4.5.1. *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The Design Waiver would provide access to a lot created as a "no grade" lot to minimize landform disturbance and preserve oak woodlands. Application of the Design Waiver request would provide more creative design and unique overall look of the subdivision by minimizing landform disturbance and impacting sensitive natural resources.

4.5.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* As a Planned Development, the project has been designed to minimize impacts on the surrounding areas by dedicating 30 percent of the site to the open space and taking into consideration the natural topography and features of the site.

4.5.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The road and driveway design will be graded and constructed with compliance to the County Design and Improvement Standards Manual- Hillside Standards and fire safety regulations. The approval of the Design Waiver will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

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

4.6 A 100-foot radius at secondary entrance on A Drive.

- 4.6.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The County DISM calls for a 100-foot minimum radius (150-foot in Hillside Standards). The proposed reduced road radius will better conform to the allocated open space and preserve existing hillside with oak woodland canopy. Increased right-of-way could require more extensive grading and increase tree removal.
- 4.6.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* The development has been designed to minimize the impacts to the site to the greatest extent possible. Strict application of the road radius will increase the landform disturbance, increase removal of oak woodland and create unnecessary hardship.
- 4.6.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The County DISM calls for a 100-foot minimum radius (150-foot in Hillside Standards). The road design will be graded and constructed with compliance to the County DISM- Hillside Standards. The approval of the Design Waivers will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.
- 4.6.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

Conditions of Approval

Project Description

1. This Planned Development and Tentative Map are based upon and limited to compliance with the Project Description, the Planning Commission hearing exhibits marked Exhibits A-M dated January 22, 2009 and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The project request includes a Zone Change from Estate Residential Ten-acre (RE-10) to One-family Residential-Planned Development (R1-PD) and a Planned Development and

Tentative Map to create 54 residential lots an existing 32.82-acre parcel. The residential lots will range in size from 7,965 to 72,208 square feet. The project includes seven open space lots, landscaping, lift station and future right-of-way. The open space lots shall consist of 9.84 acres. The project site shall be accessed from Beasley Drive and Marble Valley Road. The Planned Development request includes modification to the Development Standards of the One-Family Residential (R1) Zone District. Approximately 30% of the site shall be set aside within a dedicated open space lots.

Design Waiver(s) shall include the following:

- a. Request to reduce the right-of-way width along portions of A Drive and Drive B to a 35-foot minimum.
- b. Request for a 50-foot radius at the knuckle of A Drive.
- c. Request for the narrow access portion of Flag Lots No. 53 and No. 54 to exceed 100-feet
- d. Allow a driveway within twenty-five (25) feet of a curb return, a minimum standard as required by DISM Standard Plan 103A-1
- e. To reduce the minimum sixteen (16) foot driveway width as defined in DISM 103A-1 to a ten (10) foot driveway width for a single car garage and allow a for sixteen (16) foot driveway width for a double car garage.
- f. Request for a 100-foot radius at secondary entrance on A Drive.

The project shall include two new Marble Valley Road segments, one between the project site and Beasley Road and the other between Voltaire Drive and Flying C Road. The extension of Marble Valley Road from Voltaire Drive to Flying C Road shall provide primary access for the project to Highway 50 and Cambridge Road (Exhibit D).

The proposed lots would conform to Table 4 listed below:

Lot Number	Gross Area (S.F.)	Net Area (S.F.)
1	13,063	8,835
2	13,537	7,935
3	10,643	6,853
4	10,114	6,539
5	10,182	6,598
6	10,066	6,508
7	11,104	7,301
8	11,202	7,399
9	10,656	6,913

10	10,797	7,032
11	11,558	7,574
12	11,839	7,881
13	10,677	6,925
14	9,868	6,344
15	10,120	6,578
16	10,012	6,484
17	9,278	5,844
18	10,046	5,129
19	12,083	6,704
20	7,965	4,809
21	8,096	4,924
22	8,186	5,002
23	8,136	4,960
24	8,140	4,885
25	9,059	5,698
26	8,418	5,196
27	8,841	5,498
28	9,892	6,419

Lot Number	Gross Area (S.F.)	Net Area (S.F.)
29	10,254	6,753
30	9,961	6,500
31	9,317	5,937
32	8,365	5,189
33	8,047	4,930
34	8,849	5,503
35	9,400	5,984
36	9,594	6,046
37	8,072	3,990
38	11,919	7,013
39	15,993	10,775
40	24,591	16,404
41	13,094	8,257
42	13,353	6,696
43	19,366	6,669
44	18,354	6,966
45	21,517	8,998
46	22,607	10,183
47	32,021	16,550
48	18,450	8,882

Lot Number	Gross Area (S.F.)	Net Area (S.F.)
49	19,273	11,976
50	18,655	13,226
51	17,896	8,780
52	19,116	8,018
53	60,164	13,078
54	72,208	19,979
A Open Space	221,304	
B Open Space	190,184	
C Lift Station	10,707	
D Landscaping	2,798	
E Landscaping	11,454	
F On-site ROW-	24,106	
G Open Space	3,256	

The oak removal as part of construction of the on-site access road and future residential development of the site shall comply with Table 1 below:

Table 1: Oak Tree Canopy Summary				
Project Site (acreage)	Oak Canopy Coverage (acreage)	Percentage of Required Retention	Proposed Oak Removal for mass pad grading, roads & infrastructure (acreage)	Percentage Retention Proposed
32.82	19.71	70%	5.9	70%
Note: The canopy removal for custom lot development for Lots 41-54 is subject to mitigation under Option B.				

The grading, development, use and maintenance of the property, the size, shape, arrangement and location of structures, parking areas, landscape areas, and 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 approved and shall be implemented as approved by the County.

CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION:

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

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

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

3. Prior to any project grading or tree removal or structure removal occurs, an on-site pre-construction surveys for bat roost signs shall be conducted no more than 30 days prior to initiation of the proposed development activities. The pre-construction survey shall be conducted by a qualified biologist familiar with the identification of bat species and bat roost signs. If roosting bats are found during the pre-construction survey CDFG or USFWS should be consulted regarding measures to minimize impacts to roosting bats during construction. No trees or structures should be removed that are utilized by roosting bats. If bats are not found during the pre-construction survey, no mitigation measures will be necessary for special-status bats. CD The survey results shall be submitted to the California Department of Fish and Game (CDFG) and Planning Services prior to issuance of a grading permit. If active raptor nests are found on or immediately adjacent to the site, consultation must be initiated with CDFG to determine appropriate avoidance measures. The applicant shall follow the appropriate avoidance measures issued by CDFG, and no construction activities shall occur on the project site until the avoidance measures are issued and implemented. If no active nests are found, then no further action is required, and construction activities may proceed upon approval by Planning Services (MM BIO-2).

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

4. The applicant shall obtain a Streambed Alteration Agreement from the California Department of Fish and Game for each stream crossing or any activities affecting the on-site riparian vegetation. The agreement shall be submitted to Planning Services for review prior to issuance of a grading permit (MM BIO-3).

MONITORING: Planning Services shall verify the agreement has been obtained and necessary mitigation measures are incorporated on the plans prior to issuance of a grading permit.

5. Prior to issuance of a grading permit, the applicant shall obtain a 404 Permit from the U.S. Army Corps of Engineers and a Water Quality Certification from the Central Valley RWQCB. The project shall incorporate all conditions attached to the permit and certification into the project (MM BIO-4).

MONITORING: Planning Services shall verify the required permit and certification has been obtained prior to issuance of a grading permit.

6. The applicant shall provide a building setback of ten (10) meters to be established along the southern boundary of Site PA88-80 which shall be shown on the final subdivision map. A qualified archaeologist shall accurately locate PA-88--80 so as to precisely represent the building setback (MM CULT-1).

MONITORING: Planning Services shall verify that the applicant has provided a building setback of ten (10) meters along the southern boundary of Site PA88-80 prior filing the final subdivision map.

7. The rock wall identified as Site PA-88-32 shall be shown as open space or landscape feature on the final subdivision map prior to filing by the applicant. A qualified archaeologist and Licensed Land Surveyor shall accurately locate PA-88-32 ~~so as to precisely represent the building setback~~ (MM CULT-2).

MONITORING: Planning Services shall verify that the above measure has been incorporated on the final subdivision map prior to filing.

8. The applicant shall protect Site PA-88-80 and Site PA-88-32 from all construction activities by installing a drip-line fence along the southern boundary of Site PA88-80 and around Site PA-88-32 to avoid inadvertent damage to either site or feature. A qualified archaeologist and Licensed Land Surveyor shall accurately locate PA-88-80 PA-88-32 to assure the protection of the sites or features (MM CULT-3).

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

9. A plaque or monument should be placed in a conspicuous location with a brief description of the site's original owner (MM CULT-4).

MONITORING: Planning Services shall verify that the above measure has been incorporated on the plans prior to issuance of a building and/or grading permit.

CONDITIONS OF APPROVAL

Planning Services

10. The following shall be noted on the Final map:

A total of 30 percent of oak canopy shall be available within the subdivision for removal during mass pad grading, development of roads and infrastructure. The applicant shall pay the mitigation fee or provide a replacement plan. Replacement plans shall be prepared by a licensed arborist at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors.

Any oak canopy removal for custom lot development of Lots 41 through 54 within the subdivision shall pay the mitigation fee or provide a replacement plan. The individual lot owner shall pay the mitigation fee or provide a replacement plan. The replacement plan shall be prepared by a licensed arborist at a 2:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors.

11. A water meter award letter or similar assurance form the water purveyor, guaranteeing water service upon demand to each of the parcels created, shall be submitted at the time of filing the Final Map.
12. Construction activities shall be limited to 7:00a.m. to 7:00p.m. on weekdays and 8:00a.m. to 5:00p.m. on weekends and federally recognized holidays. This limitation shall be written on the grading plans. Planning Services shall confirm the inclusion of this requirement prior to issuance of a grading permit.
13. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall confirm the inclusion of this requirement prior to issuance of a grading permit.
14. Prior to filing of the Final Map, Development Services shall verify the payment of all Development Services fees.

15. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. Development Services shall verify the payment of the fee at the time of filing the Final Map.
16. The subdivider shall pay a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees. Development Services shall verify the payment of the fees prior to the time of filing the Final Map.
17. The developer shall enter into an agreement with the School District to pay the sum of \$8,288.00 per residential unit constructed within the boundaries of the subdivision. The agreement shall provide for an annual adjustment in the fee by the increase in the Engineering News Record Construction Cost Index. The increase is calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The applicant shall contact the County Office of Education prior to the issuance of any building permits to verify the applicable fee at the time of building permit issuance. The owner of record shall pay the fee at the time the building permit is issued. The owner of record shall record on the property the agreement or a notice of restriction to alert subsequent owners of this obligation.
18. At the time of map filing, all open space lots shall be dedicated to a Homeowner's Association or similar entity as open space with an appropriate maintenance program. Planning Services shall verify the dedication of open space lots to a Homeowner's Association or similar entity at the time of filing the Final Map. An Open Space Management Plan shall be prepared for the site and submitted for approval to Development Services prior to filing of the Final Map.
19. At the time of filing the Final Map CC & R's shall be submitted and reviewed by Planning Services.
20. This Tentative Map shall expire 36 months from the date of approval unless a timely extension has been filed.
21. Prior to issuance of a grading permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.
22. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the Government Code.

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

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

Department of Transportation

PROJECT SPECIFIC CONDITIONS

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

TABLE 1					
ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH **	RIGHT-OF-WAY	DESIGN SPEED	EXCEPTIONS/NOTES
Marble Valley Road (<i>on-site</i>) Segment 1-2	Modified Std Plan 101B	40-ft	50 ft ROW along frontage for a total of 100 feet of ROW (<i>IOD required, Slope easements included As necessary</i>)	35 mph	Std Plan Type 2 vertical curb and gutter (no sidewalk), with Class 1 Bike Path. 40 ft roadway with four (4) foot wide paved shoulder along frontage and 6 foot wide native shoulder on both sides of roadway. Required On-site improvements of Marble Valley Road are reimbursable through the "Area of Benefit for the Construction of Marble Valley Road-Resolution 118-2000"
Marble Valley Road (<i>off-site</i>) Segment 2-3	Modified Std Plan 101B	40-ft	60 ft existing	35 mph	No curb/gutter/sidewalk. Two (2) lane roadway. Required Off-site improvements of Marble Valley Road are reimbursable through the "Area of Benefit for the Construction of Marble Valley Road – Resolution 118-2000".

Marble Valley Road (off-site) Segment 3-4	Modified Std. Plan 101B	40 ft.	60 ft. Additional ROW not required of this project but will be obtained by demand of the County pursuant to Exhibit F of the Marble Valley Development Agreement	35 mph	No curb/gutter/sidewalk. Two (2) lane roadway. Required Off-site improvements of marble Valley Road are reimbursable through the "Area of Benefit for the Construction of Marble Valley Road – Resolution 118-2000"
Marble Valley Road (off-site) Segment 4-5	Modified Std. Plan 101B	40-ft.	60 ft. Additional ROW required of this project.	35 mph	No curb/gutter/sidewalk. Two (2) lane roadway. Required Off-site improvements of Marble Valley Road are reimbursable through the "Area of Benefit for the Construction of Marble Valley Road – Resolution 118-2000."
Flying C Road (off-site) Segment 6-7	Modified Std. Plan 101B	22.5 ft.	50 ft.	25 mph	No curb/gutter/sidewalk. Two (2) lane roadway. Required Off-site improvements of Marble Valley Road are reimbursable through the "Area of Benefit for the Construction of Marble Valley Road – Resolution 118-2000."
A Drive (40 ft ROW)	Modified Std Plan 101B and Hillside Standards	30 ft	40 ft * (IOD required)	25 mph	Std Plan Type 1 rolled curb and gutter with 4 foot wide sidewalks on both sides of roadway. "No Parking" signs or red curb painting required on side without parking.
A Drive (35 ft ROW)	Modified Std Plan 101B and Hillside Standards	30 ft	35 ft * (IOD required)	25 mph	Std Plan Type 1 rolled curb and gutter with 4 foot wide sidewalk on one side of roadway. "No Parking" signs or red curb painting required on side without parking.

B Drive <i>(from C Drive to A Drive)</i>	Modified Std Plan 101B and Hillside Standards	30 ft	35 ft * <i>(IOD required)</i>	25 mph	Std Plan Type 1 rolled curb and gutter with 4 foot wide sidewalks on one side, and Type 3 vertical curb and gutter on one side.
B Drive Court <i>(from A Drive to end)</i>	Modified Std Plan 101B and Hillside Standards	36 ft	40 ft * <i>(IOD required)</i>	25 mph	Std Plan Type 1 rolled curb and gutter with 4 foot wide sidewalks. End of roadway shall be per DISM 114 or approved equivalent.
C Drive	Modified Std Plan 101B and hillside standards	30 ft	40 ft * <i>(IOD required Slope easements as necessary.)</i>	25 mph	Std Plan Type 1 rolled curb and gutter with 4 foot wide sidewalks on both sides. End of roadway shall be per DISM 114 or approved equivalent.
Lot F Right-of-Way Dedication Only	Modified Std Plan 101B and hillside standards	30 ft *	35 ft* <i>(IOD required Slope easements included As necessary t</i>	25 mph	Std Plan Type 1 rolled curb and gutter with 4 foot wide sidewalks. End of roadway shall be per DISM 114 or approved equivalent.

*With approved waiver.

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. Right-of-way includes non-exclusive road and public utility easements.

24. **Off-site Improvements (Cambridge Rd & US 50):** The approved traffic study requires that the applicant shall improve the Cambridge Road/ US 50 eastbound on-off ramps, providing an all way stop. Specific required improvements are limited to signage and striping only as identified in the approved traffic study. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to filing of the Final Map. In addition, the applicant shall obtain an approved encroachment permit from Caltrans for the required improvements.

25. **Marble Valley Road Improvements:** The required off-site improvements to Marble Valley Road, as specified in Table 1 of DOT conditions, shall adhere to the “Area of Benefit for the Construction of Marble Valley Road – Resolution 118-2000” and shall be consistent with the MacKay & Soms “Conceptual Plans for the Improvements of Marble Valley”, which were approved by DOT on 9-3-99. The applicant shall update these Improvement Plans and the associated Area of Benefit Engineer’s report to adhere to current County Design Standards and the improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to filing of the Final Map.

26. **Off-site Easements (Acquisition):** Applicant shall provide all necessary recorded easements for the drainage, slope and road improvements crossing the property line prior to filing of the Final Map.
27. **Common Access Driveway:** Pursuant to Vol. II, Section 12.D of the DISM, a common access driveway is allowed for proposed Lots 51 & 52. The driveway must conform to the following standards:
 - a. The access drive shall not exceed 100-ft
 - b. The driveway must be paved to a minimum of 16-ft in width.
 - c. The driveway shall not exceed 16%
 - d. The access strip shall not be less than 25-ft in width.
 - e. An access easement for the benefit of both parcels shall be recorded

This common access easement shall be indicated on the final map and the common driveway shall be shown on the preliminary and final grading plans.

28. **Offer of Dedication (Marble Valley Rd on-site):** The applicant shall irrevocably offer to dedicate (IOD), in fee, 50 feet of right-of-way along the entire on-site frontage of Marble Valley Road, with the appropriate slope easements. This offer will be accepted by the County.
29. **Offer of Dedication (Marble Valley Rd off-site):** Segment 4-5 and Flying C Road Segment 6-7: The applicant shall irrevocably offer to dedicate (IOD), in fee, 60 feet of right-of-way from the eastern boundary of APN 108-010-44, to Flying 'C' Road at the transition to the existing County Right-of-way. The applicant shall also irrevocably offer to dedicate (IOD), in fee, adequate right-of-way and a 50 foot right-of-way (Segment 6-7) to realign Flying 'C' Road to intersect with Marble Valley Road, with the appropriate slope easements, as depicted on the MacKay & Soms Conceptual Plans for the Improvements of Marble Valley, which were approved by DOT on 9-3-99. These offers will be accepted by the County.
30. **Offer of Dedication (A Drive):** The applicant shall irrevocably offer to dedicate (IOD) a 40-foot nonexclusive road and public utility easement for A Drive, and a 35-foot nonexclusive road and public utility easement, prior to filing the Final Map. This offer will be rejected by the County.
31. **Offer of Dedication (B Drive):** The applicant shall irrevocably offer to dedicate (IOD) a 35-foot road and public utility easement for B Drive (from C Drive to A Drive), prior to filing the Final Map. This offer will be rejected by the County.
32. **Offer of Dedication (B Court):** The applicant shall irrevocably offer to dedicate (IOD) a 48-foot road and public utility easement on B Court (from A Drive to end), prior to filing the Final Map. This offer will be rejected by the County.

33. **Offer of Dedication (C Drive):** The applicant shall irrevocably offer to dedicate (IOD) a 35-foot road and public utility easement for C Drive, prior to filing the Final Map. This offer will be rejected by the County.
34. **Offer of Dedication (Lot F):** The applicant shall irrevocably offer to dedicate (IOD) a 35-foot road and public utility easement for Lot F, prior to filing the Final Map. This offer will be rejected by the County.
35. **Vehicular Access Restriction:** A vehicular access restriction shall be established along the entire on-site frontage of Marble Valley Road except for the proposed access locations, prior to filing the Final Map. All lots that front on two roads shall take access on the minor roadway, and a non-vehicular access easement shall be established along the entire frontage on the major roadway.
36. **Secondary Access:** 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.
37. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the Final Map.
38. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.

PROJECT STANDARD CONDITIONS

39. **Signage:** 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 filing of the Final Map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
40. **Sidewalks:** Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the Department of Transportation prior to issuance of building permits. Pedestrian easements shall be provided where necessary. Final lane configurations, including the need for additional rights-of-way, shall be subject to review and approval of the Department of Transportation prior to improvement plan approval.

41. **Curb Returns:** All curb returns, at pedestrian crossing, will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.
42. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
43. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
44. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00a.m. and 7:00p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
45. **DISM Consistency:** 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.
46. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the Final Map.
47. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that off-site grading.
48. **Grading Permit / Plan:** 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. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
49. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the

County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.

50. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
51. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (complying with the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
52. **Drainage Study / SWMP Compliance:** 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.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.
- The ultimate drainage outfall of the project.

- Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. The improvements shall be completed to the approval of the Department of Transportation prior to the filing of the final map or the applicant shall obtain an approved improvement agreement with security
53. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the Final Map.
 54. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the Final Map.
 55. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), 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 Federal Clean Water Act and the California Water Code. 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 County, prior to building permit issuance, and by state law must be done prior to commencing construction.
 56. **CEQA Review:** All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.
 57. **Off-site Improvements (Security):** Prior to the filing of a Final Map the applicant 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 applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the

amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.

58. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant 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 applicant's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map, the applicant shall submit the following to the Department of Transportation Right-of-way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the off-site improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the 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 certified appraiser of the cost of land necessary to complete the off-site improvements.

In addition to the agreement the applicant 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.

59. **Off-site Access Easements:** The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall be provided by and through a "Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the map.
60. **Electronic Documentation:** 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.
61. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

Local Agency Formation Commission (LAFCO)

62. Prior to Final Map filing, the applicant shall complete the annexation process into EID through LAFCO and submit evidence of the satisfaction of this condition to Planning Services upon completion.

El Dorado County Fire Protection District

63. The applicant shall be required to comply with the Fire District requirements prior to filing of the Final Map, which includes but are not limited to the following:
- a. The applicant shall submit a review fee of \$560.00 prior to filing a Final Map.
 - b. Installation of a hydrant within 500-feet (by the road) of all parcels to provide a 1500 gpm @ 20 psi for two (2) hours. The specific location of the fire department connections will be determined during the building permit review phase. The fire flow may be adjusted up or down when actual building permit plans are submitted during the building permit review phase.
 - c. A deed restriction for an El Dorado County Fire Protection District and California Department of Forestry approved Fire Safe Plan is required for the Tentative Subdivision Map.
 - d. Existing non-conforming access roads serving the Tentative Subdivision Map will be required to be at a minimum Fire Safe Standards for width, surface, grade, radius, turnarounds, and turnouts, one-way and dead-end roads.
 - e. Any emergency access roads to be upgraded to a minimum Fire Safe Standards and will not be gated.
 - f. El Dorado County Department of Transportation standards may be more stringent and will supersede these requirements.

Department of Environmental Health – Air Quality Management District:

64. The applicant shall adhere to all district rules during project construction, as specified by the District prior to issuance of any permits associated with this project.

Surveyor's Office:

65. 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's Surveyor's Office.
66. The roads serving the development shall be named by filing a completed Road name Petition with the County Surveyors Office prior to filing the Final Map.

11. **GENERAL PLAN UPDATE** – None
12. **ZONING ORDINANCE UPDATE** – None
13. **DEPARTMENT OF TRANSPORTATION** – None
14. **COUNTY COUNSEL’S REPORTS** – None
15. **DIRECTOR’S REPORTS** – None
16. **ADJOURNMENT**

Meeting adjourned at 12:50 p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

Alan Tolhurst, Chair