



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

Walter Mathews, Chair, District IV
Alan Tolhurst, First Vice-Chair, District V
Lou Rain, Second Vice-Chair, District I
Dave Pratt, District II
Tom Heflin, District III

Char Tim Clerk of the Commission

MINUTES

**Regular Meeting
March 26, 2009 – 8:30 A.M.**

1. CALL TO ORDER

Meeting was called to order at 8:37 a.m. Present: Commissioners Rain, Pratt, Heflin, Mathews, and Tolhurst; Paula Frantz-County Counsel; and Char Tim-Clerk of the Planning Commission.

2. ADOPTION OF AGENDA

Motion: Commissioner Tolhurst moved, seconded by Commissioner Heflin, and unanimously carried (5-0), to adopt the agenda as presented.

AYES: Rain, Pratt, Heflin, Tolhurst, Mathews

NOES: None

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:** March 12, 2009

END OF CONSENT CALENDAR

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

AYES: Tolhurst, Rain, Heflin, Mathews

NOES: None

ABSTAIN: Pratt

**5. DEPARTMENTAL REPORTS AND COMMUNICATIONS
(Development Services, Transportation, County Counsel)**

Pierre Rivas welcomed Commissioner Pratt as the new representative for District II and encouraged him to contact staff with any questions.

Mr. Rivas provided a summary of the Board of Supervisor's actions at the March 17, 2009, hearing:

- A08-0006/Z08-0015/Lomax: This item was met with some discussion at the Board level, but was approved by a 3-2 vote.
- A07-0017/Z07-0053/P07-0048/P276-0466C/Stark: This item was unanimously approved by the Board.

Peter Maurer provided the following summary of information:

- Board of Supervisors' General Implementation Workshop regarding Ag issues was continued to May 4, 2009.
- Follow-up interpretation of General Plan Policy 8.1.3.1 has been continued until after the Ag issues workshop on May 4, 2009.
- A08-0013/Hazard Mitigation Plan: This item was approved by the Board of Supervisors on March 24, 2009.

6. COMMISSIONERS' REPORTS

Commissioner Heflin thanked staff, including Code Enforcement, for their assistance regarding recent issues in his district that he brought to their attention on behalf of the public.

Chair Mathews welcomed Commissioner Pratt to the Commission. He also acknowledged and thanked John MacCready for all the hard work and effort he had put in as the District II Planning Commissioner.

9:00 A.M.

PUBLIC FORUM/PUBLIC COMMENT – None

7. SPECIAL USE PERMIT

a. **S08-0012/Rancho Olivo Vineyards** submitted by NELLO OLIVO to allow the use of an existing 3,750 square foot accessory building for a home-based wine making operation. Wine production would be limited to a maximum of 1,500 cases a year, of which, approximately 750 cases would be sold through wholesale and retail distribution. The property, identified by Assessor's Parcel Number 109-090-07, consisting of 21 acres, is located on the south side of Rancho Road, approximately 660 feet south of the intersection with Lariat Road in the Shingle Springs area, Supervisorial District II. (Categorical Exemption pursuant to Section 15303(e) of the CEQA Guidelines)** *[continued from 2/26/09 meeting]*

County Counsel Paula Frantz announced that if a current Planning Commissioner heard an agenda item as a past Agricultural Commission member, they still can take action on this item.

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

There was discussion regarding the different 200 foot agricultural setback requirements when a project is within or outside an Agricultural District.

Commissioner Tolhurst was concerned that an existing accessory building does not have the proper building permit (i.e., electrical) for future potential uses and requested a new condition be added to identify this requirement.

Nello Olivo, applicant, stated that the purpose of the winery is to process the grapes that are growing on his property. There will be no winery or an increase in noise or traffic than what is already occurring.

Judy Mathis indicated that she is in support of the project as it is a prime example that an agricultural-type project can be blended into a large subdivision.

No further discussion was presented.

Motion: Commissioner Rain moved, seconded by Commissioner Tolhurst, and unanimously carried (5-0), to: 1. Certify that the project is Categorical Exempt from CEQA pursuant to Section 15303(e) of the CEQA Guidelines; and 2. Approve Special Use Permit S08-0012 based on the findings proposed by staff, subject to the conditions as modified, to include a new condition regarding a building permit.

AYES: Pratt, Heflin, Tolhurst, Rain, Mathews

NOES: None

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

Findings

1.0 CEQA Finding

- 1.1 This project has been found to Categorical Exempt from the requirements of CEQA pursuant to *Section 15303(e)* of the *CEQA Guidelines*. This guideline states that the installation of small new equipment and facilities in small structures including garages, carports, and patios; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure are exempt. No major improvements have been proposed for this project.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

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, specifically **Policy 2.2.5.2** which necessitates this review for consistency, **Policy 2.2.5.21** which provides that development projects shall avoid incompatibility with adjoining land uses, ~~**Objective 10.1.7**, which seeks to promote home occupations, **Policy 10.1.7.4** which assures these home occupations will be compatible with adjacent or surrounding properties,~~ and **Policy 10.1.7.2** which directs the County to assist small businesses.

3.0 Special Use Permit Findings

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

The proposed winery, as conditioned, is consistent with the applicable general plan policies as it will promote a home-based business and will be compatible with surrounding properties since there are no public uses allowed on the project site.

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

With the specific case limitation placed on the project, as recommended by the Agriculture Commission and Planning Services, the proposed special use permit will not be detrimental to the public health, safety and welfare. Furthermore, the processing and storage of wine within the existing a 3,750 square foot accessory building will not be detrimental to the neighborhood as the nearest residence is several hundred feet away.

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

The proposed use is allowed by Special Use Permit pursuant to *Section 17.70.100(A)*, which provides for the packing and processing of agricultural or wood products and the necessary buildings and structures required therefore where the nature of the product is changed. Additionally, home occupations which require special consideration and will not change the residential character of the premises or adversely affect the other uses permitted in a residential area are allowed through issuance of a Special Use Permit, pursuant to *Section 17.70.100(G)*.

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 Exhibit D through ~~GH~~, dated February 26, 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:

The Special Use Permit request will be to allow the use of approximately twenty-one acres, consisting of approximately seven acres of existing vineyards; and an existing 3,750 square foot accessory building for wine production. There will be no public tasting room, no retail sales or special events with the facility at this time. A revision to the Special Use Permit will be required if ~~one~~ additional uses under the Wineries Ordinance were to be ~~necessary~~ requested in the future.

All operational activities including grape crushing, fermentation, and bottling will occur in and around the existing 3,750 square foot accessory building. The accessory building will house the necessary wine making equipment including barrels, tanks, and bottling equipment. All operations, including harvesting, will be carried out by the applicant's family and one to four part-time (seasonal) employees. The wine produced at the facility will consist of 1,200 to 1,500 cases per year produced entirely with grapes grown on the premises. No wine grapes will be imported. The wine will be made available through wholesale and retail sales and for personal consumption.

On-site parking will be located near the northwest corner of the project site. The designated parking area is approximately one acre in size, being a flat, hard packed dirt surface and will include an existing parking lot flood light. The designated parking area will accommodate the one to four seasonal employees required to produce wine.

Solid waste will be stored and disposed of in accordance with Chapter 8.42 of the County Code.

2. No public shall be permitted on the project site for any wine activities, such as, but not limited to wine tasting, weddings, concerts, winemaker dinners, and festivals.
3. Pursuant to *County Code Section 17.22.250*, implementation of the project shall 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.
4. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

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.

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

5. Prior to issuance of any permits, the applicant shall pay all Development Services fees.
6. The applicant shall obtain a building permit for the facility, if one should be necessary for the change in use from residential to commercial winery purposes. The applicant shall meet with the Building Department to determine if such a Building Permit is necessary.

Environmental Health

- ~~6.7.~~ Prior to initiating all operational activities including grape crushing, fermentation, and bottling the applicant shall apply for and obtain a waiver of Waste Discharge Requirements for small wineries in accordance with Regional Water Quality Control Board Central Valley Region Resolution No. R5-2003-0106. The applicant shall comply with the conditions of the waiver and the associated monitoring and reporting program. A copy of the Waiver of Waste Discharge shall be received by Environmental Health Division prior to initiating the use.
- ~~7.8.~~ Prior to initiating all operational activities including grape crushing, fermentation, and bottling the applicant shall submit a solid waste management plan for review and approval by the Environmental Management Department, Solid Waste Division. The plan shall include a green waste reduction program that includes the disposal of stems, leaves, and skins of grapes by drying, spreading, and diking the waste into the soil or composting on the winery premises. Pomace may be used on-site as fertilizer or soil amendment, provided that such use or other disposal shall occur in accordance with applicable disposal requirements.
- ~~8.9.~~ Prior to commencement of any use authorized by this permit, the applicant shall provide a copy of the Winegrower License obtained from the Alcoholic Beverage Control to the Planning Services.
- ~~9.10.~~ Prior to commencement of any use authorized by this permit, the applicant shall provide proof to the Planning Services that the facility has been bonded through the Alcohol, Tobacco Tax and Trade Bureau.

b. S08-0025/Subaru Pole Sign submitted by BOB McCARVER (Agent: Western Sign Company, Inc./Dennis Small) to replace existing Subaru pole sign with new sign. The sign would be a total height of 25 feet and would have a sign area of approximately 97 square feet. The property, identified by Assessor's Parcel Number 070-280-53, consisting of 6.17 acres, is

located on the north side of Wild Chaparral Drive, approximately 860 feet west of the intersection with Ponderosa Road, in the Shingle Springs area, Supervisorial District IV. (Categorical Exemption pursuant to Section 15311(b) of the CEQA Guidelines)

Jonathan Fong presented the item to the Commission with a recommendation of approval.

Dennis Small, applicant's agent, was available for questions.

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner Tolhurst, and unanimously carried (5-0), to: 1.Certify that the project is exempt from CEQA pursuant to Section 15311(b) of the CEQA Guidelines; and 2.Approve the Special Use Permit S08-0025 based on the findings proposed by staff, subject to the conditions as presented.

AYES: Rain, Pratt, Tolhurst, Heflin, Mathews

NOES: None

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 15311(b) of the CEQA Guidelines pursuant to which states that on-site signage is exempt from further environmental review.

2.0 SPECIAL USE PERMIT FINDINGS

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

There are no specific policies that apply directly to the proposed Special Use Permit; however, the absence of any policy that would restrict or prohibit the use implies consistency, provided the required findings of Chapter 17.22, Special Use Permits, of the Zoning Code can be made.

The proposed sign would be internally illuminated and would not result in excessive glare or other visual impairments in the project area which is a requirement of the General Plan to limit new sources of light glare.

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

The proposed free standing sign will comply with the Development Standards of the C Zone and will comply with the free standing signage requirements of the Zoning Ordinance. The proposed Special Use Permit has been found to comply with the requirements of Chapter 17.22, 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.

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

The proposed use is specifically by Special Use Permit pursuant to Section 17.32.140(B) of the Zoning Ordinance as the required findings detailed above may be made by the Planning Commission.

Conditions of Approval

El Dorado County Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, Planning Commission hearing Exhibits E-G, dated March 26, 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:

This Special Use Permit shall allow a new free standing pole sign. The sign shall have The following dimensions:

Overall height: 25'9"
Pole height: 17'2"
Sign height: 7'5"
Pole width: 2'3"
Sign width: 13'1"
Sign size: 97 square feet

The sign shall read "Subaru" with the corporate logo above. The sign shall be internally illuminated and shall not include exposed LED lighting or moveable copy.

The existing on-site signage shall be incorporated into this Special Use Permit approval. Existing signage shall correspond to the table below:

Sign	Copy	Size (sf)	Height (ft)	Permit
A	Nissan	50sf	20ft	S04-15
B	Subaru	97	25ft 9in	S08-0025
C	Nissan	28sf	Wall sign	S88-14
D	Shingle Springs	As determined	Wall sign	By right
E & F	Directional Signs	12sf	4ft	By right
G	Directional Signs	4sf	4ft	By right
H	Parts	4sf	Wall sign	By right
I	Service	10sf	Wall sign	By right

Any additional signage or modification to existing signage shall require a revision to this Special Use Permit.

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. Minor modifications may be approved by the Development Services Director or designee; however major modifications shall constitute a revision to the Special Use Permit subject to review and approval by the Planning Commission.

2. The sign design shall adhere to the approved sign plan (Exhibit F) and located as shown on the Site Plan (Exhibit G). No other site modifications are approved as part of this Special Use Permit approval.
3. The existing Subaru monument sign shall be removed prior to installation of the new pole sign. The applicant shall make applications and pay appropriate fees for the removal of the existing sign prior to issuance of a building permit for the new pole sign.
4. Prior to issuance of any permits, the applicant shall pay all Development Service fees.
5. 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. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.

6. The applicant shall ensure the sign is properly maintained at all times. Any maintenance problems shall be addressed immediately.
7. The placement of the proposed sign shall not be placed in the existing right-of-way and shall not restrict sight distance along Wild Chaparral Drive.
8. 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 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.

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

8. REZONE/TENTATIVE SUBDIVISION MAP

Z07-0043/TM07-1458/Miginella submitted by SHAN NEJATIAN and MARIE MITCHELL (Agent: Gene Thorne and Associates, Inc.) to rezone from Estate Residential Ten-Acre (RE-10) to Three-Acre Residential (R3A); and tentative subdivision map to create eight residential parcels, ranging in size from 3 to 3.5 acres, with the following two Design Waivers: (1) Allow the on-site roads to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within a 50 foot right-of-way; and (2) Allow the off-site improvements to Wolf Creek Road to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within the existing 50-foot right-of-way. The property, identified by Assessor's Parcel Numbers 110-020-30 and -32, consisting of 25.04 acres, is located on the west side of Kaila Way, approximately 600 feet north of the intersection with Salmon Falls Road in the El Dorado Hills area, Supervisorial District I. (Mitigated negative declaration prepared)

Jonathan Fong presented the item to the Commission with a recommendation of approval to the Board of Supervisors. He stated that staff has received public comment on the following two issues: (1) Secondary access from Wolf Creek Road; and (2) Septic wastewater services. Mr. Fong informed the Commission that staff was contacted this morning by the applicant's engineer stating that they would be providing a sewer line extension exhibit showing the length to be closer to 3,000 feet instead of the 2,000 feet as listed in the Staff Report.

Commissioner Heflin inquired on the placement of the financial burden of the additional footage of the sewer line extension and if there were any other projects in the area that would benefit from this extension.

Commissioner Pratt questioned if the parcels located on the west were septic or sewer; with the response being septic.

Gene Thorne, applicant's agent, stated that a recently approved project by the Planning Commission, Lomita Way subdivision, which is located north of the project, had a septic system using the same arguments as being presented today for this project. Mr. Thorne distributed the following to the Commission for review: (1) aerial map; (2) well location map and well production report; and (3) sewer line extension exhibit.

Cathy Toft, Environmental Management/Environmental Health, distributed the County's septic setback standards handout to the Commission. She informed the Commission that septic systems usually last 20 years before needing to be replaced, they work by gravity and the effluent goes approximately 1 ½ inches from the trench.

Jim O'Camb, El Dorado Hills Fire Department, stated that when gates don't function properly, they can't do their jobs, therefore, the Fire Department has very in-depth gate standards. Mr. O'Camb also stated that the project will be required to dismantle an old cistern hydrant and have the water source from EID.

Paul Raveling, El Dorado Hills Citizens Alliance, indicated concern with traffic safety at the Salmon Falls Road and Lake Hills Drive intersection and that this area needs to be re-engineered and re-aligned.

Kent Malonsen, El Dorado Hills CSD, indicated that there were comments on the El Dorado Hills sphere of influence. He also wanted to ensure that the applicant had clarification on the designation of the various fees. Mr. Malonsen stated that trail connectivity is needed.

Peggy Christensen, a 40-year resident, stated that General Plan Policy 5.3.1.7 indicates that these 3 acre lots require a sewer system instead of a septic system and that there is an existing sewer system on a bordering lot. She said that she has a pre-65 surface well which is her only water supply and she is concerned about possible pollution. Ms. Christensen also expressed concern over the limited area for a leach field due to the slope of the parcel and the possible failure of a septic system. She also stated that she would like to see trails connected.

Art Marinaccio informed the Commission that he has been involved with the project/area for 15 years. He provided the following comments: (1) Since there are no other projects on the other side of this project that would need to have sewer extended to, it is not appropriate to require it for this project; (2) CC&Rs require no lots under 3 acres, so sewer requirement is irrelevant; (3) The road was just overlaid by the County, so it is unlikely that it will be torn up; (4) CSD doesn't have the authority to ask for trail connectivity; (5) There is no current public trail; and (6) Parcel map shows that easements were created for all of the parcels on that map. Mr. Marinaccio urged the Commission to approve the map as proposed.

Bahman Fozouni supports the project as it is providing EID water, road improvements to Wolf Creek Road are providing him a secondary access for fire protection, and the project is being developed in a responsible way.

Linda Green, adjacent property owner, is not opposed to the project but to the CEQA policy not being adhered to by the applicant regarding the septic system. She also commented on alternatives to the Wolf Creek secondary access and trail connectivity being provided.

Shan Nejatian, applicant, stated that he was approached by neighbors approximately 10 years ago regarding obtaining water.

Susan Prang ensured that the Commission had received a letter from Gary and Nancy Fletcher and voiced her own similar concerns.

Commissioner Tolhurst, in regards to the sewer system, felt that a lift station would be a serious undertaking and that 3 acres is large enough to support a septic system. Commissioner Heflin agreed.

Chair Mathews felt that the neighbors' issue was not necessarily the septic system, but that a large parcel was being split into 3 acre lots. He felt that the benefits outweigh the negatives in this project.

County Counsel Paula Frantz recommended adding a new condition under the El Dorado Hills CSD regarding payment of fees.

Staff requested stronger language for the finding for the septic system. It was also identified that there was a duplication of the same condition (#53 and #55).

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner Mathews, and unanimously carried (5-0), to recommend the Board of Supervisors take the following actions: 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 proposed by staff; 3. Approve Rezone Z07-0043 based on the findings proposed by staff; 4. Approve Tentative Subdivision Map Application TM07-1458 based on the findings proposed by staff, subject to the conditions as modified, to include new finding language for septic system, new condition under El Dorado Hills CSD regarding payment of fees, modify condition #52 to reference fire department gate standards and remove duplicated condition #55; and 5. Approve the following design waivers since appropriate findings have been made: (a) To allow the on-site roads to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within a 50 foot right-of-way; (b) To allow the off-site improvements to Wolf Creek Road to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within the existing 50-foot right-of-way.

AYES: Rain, Pratt, Tolhurst, Mathews, Heflin

NOES: None

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 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 category. 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 parcel sizes are consistent with the General Plan land use map and/or policies.

The project will require a Rezone from RE-10 to R3A. The R3A Zone District will be consistent within the MDR General Plan Land Use Designation. The project will create eight (8) residential parcels within the El Dorado Hills Community Region which will be consistent within the MDR land use designation.

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

The subdivision will create 8 residential parcels on a 25.04-acre site. The proposed density will be consistent within the MDR land use designation. The proposed road improvements will be consistent with the requirements of the General Plan. The subdivision will be consistent with the retention and replacement provisions of Policy 7.4.4.4 and riparian areas will be protected consistent with Policy 7.3.3.4

The proposed septic systems will be consistent with the surrounding development in the project area. The project will create three acre parcels which will be capable of provide adequate area for septic systems consistent with El Dorado County Department of Environmental Management standards. The proposed septic systems will meet or exceed the required setbacks from adjoining properties.

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

The project site contains adequate buildable areas for the eight (8) proposed lots. Adequate public utilities are available to serve the project and the proposed road improvements will be consistent with the County Design Manual and the General Plan.

2.4 The site is physically suitable for the proposed density of development.

The project will result in a residential density of approximately three dwelling units per acre (3 du/a). The proposed density is consistent within the MDR land use designation. The subdivision will be consistent with the oak canopy retention and replacement requirements and will not disturb slopes exceeding 30% or sensitive biological resources. The subdivision includes mitigation measures to protect oak canopy on-site and requires the applicant to obtain the necessary permits for any impacts to riparian areas.

2.5 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 will not negatively impact rare or sensitive plant species. Mitigation measures have been included to require pre-construction surveys to protect animal and plant species during project construction, monitoring programs for replaced oak canopy and state and federal permits for impacts to riparian areas.

2.6 The design of the subdivision or type of improvements are not likely to cause serious public health or safety hazards.

The project will construct road improvements to provide adequate emergency access to the project site. The Fire Department has reviewed the project and determined that installation of fire hydrants and implementation of a fire safe plan will provide adequate emergency protection for the project.

- 2.7 The design of the subdivision or the improvements are 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 proposed lots have been designed in accordance with the Development Standards of the R3A Zone District and the County Design Manual. The proposed buildable areas will provide for the required 30 foot setback as required by the Fire Safe Regulations.

- 2.8 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 subdivision will create a through road system connecting Wolf Creek Road and Kaila Court. The project will not conflict with any easements for access through the subdivision.

3.0 Zoning Findings

- 3.1 The Zone Change is consistent with the General Plan.**

The Rezone would amend the parcels zoning from Estate-Residential Ten Acre (RE-10) to Three-Acre Residential (R3A). The Rezone is consistent within the Medium Density Residential (MDR) land use designation. The Rezone has been evaluated against the specific criteria include in General Plan Policy 2.2.5.3 and it has been determined that the adequate site conditions exist to support the increase in density.

4.0 Design Waiver Findings

- 4.1 To allow the on-site roads to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within a 50 foot right-of-way;**

- 4.1.1 There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,**

The proposed project will create eight (8) additional residential parcels. The project will not create additional traffic that will require roads to be improved to the Standard Plan 101B requirement.

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

The required 28 foot wide roadway will create additional grading and environmental impacts including additional oak canopy removal and additional impacts to biological resources in the area.

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

The reduced roadways will not limit vehicular access to the site. The roadways as proposed will allow for through vehicular access throughout the site and will not impair emergency vehicles from accessing the project site and proposed parcels.

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

The proposed Design Waiver will be consistent with the County Design Manual and the Fire Safe Regulations. The reduced road widths will not nullify any applicable County ordinances applicable to the subdivision.

4.2 To allow the off-site improvements to Wolf Creek Road to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within the existing 50-foot right-of-way;

4.2.1 There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,

The proposed project will create 8 additional residential parcels. The project will not create additional traffic that will require roads to be improved to the Standard Plan 101B requirement.

4.2.2 Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,

The required 28 foot wide roadway will create additional grading and environmental impacts including additional oak canopy removal and additional impacts to biological resources in the area.

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

The reduced roadways will not limit vehicular access to the site. The roadways as proposed will allow for through vehicular access throughout the site and will not impair emergency vehicles from accessing the project site and proposed parcels.

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

The proposed Design Waiver will be consistent with the County Design Manual and the Fire Safe Regulations. The reduced road widths will not nullify any applicable County ordinances applicable to the subdivision.

Conditions of Approval

Planning Services:

1. This Tentative Map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit B (tentative subdivision map) dated March 26, 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:

A Rezone of the property zoning from Estate Residential Five-Acre (RE-10) to Three-Acre Residential (R3A).

A Tentative Map creating eight (8) residential lots. The lots would be served by EID public water and individual septic systems.

The gross and net acreages of the proposed lots shall correspond to the table below:

Lot Number	Gross Area (acres)	Net Area (acres)
1	3.00	2.86
2	3.50	2.95
3	3.04	2.85
4	3.00	2.80
5	3.45	2.96
6	3.05	2.64
7	3.00	2.14
8	3.00	1.94

The project shall connect to EID public water and construct private on-site septic systems.

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

CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION:

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

2. Prior to any construction activities during the nesting season (February 1- August 31), a pre-construction survey shall be required to determine if active nests are present onsite. The survey shall be completed no more than 30 days prior to the commencement of construction activities. If nests are found and considered active, construction activities shall not occur within 500 feet of the active nest until the young have fledged or until a biologist determines that the nest is no longer active. The survey shall be submitted to the California Department of Fish and Game and Planning Services prior to issuance of a grading permit (MM BIO-1).

MONITORING: Planning Services shall verify that the above measure has been incorporated in the project plans prior to issuance of a grading permit. Planning Services shall coordinate with the applicant and/or biologist to verify conformance with this measure.

CONDITIONS OF APPROVAL

Planning Services

3. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Final Map.
4. 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.
5. The developer shall pay the mitigation Oak Conservation In-lieu Fee or provide a replacement plan for all oak canopy removed as part of road and infrastructure improvements (1.67-acres). The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based upon the in-lieu fee established by the Board of Supervisors. The applicant shall provide proof of payment of the mitigation in-lieu fee or replacement plan prepared by a qualified professional to Planning Services prior to issuance of a grading permit.
6. The Final Subdivision Map shall include the following notes:
 - (1.) All future oak canopy removal as a result of residential development of the subdivision shall correspond to the table below. Individual property owners shall pay the mitigation Oak Conservation In-lieu Fee or provide a replacement plan for all oak canopy removed as part of residential development. The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based upon the in-lieu fee established by the Board of

Supervisors. The applicant shall provide proof of payment of the mitigation in-lieu fee or replace plan prepared by a qualified professional to Planning Services prior to issuance of a building permit.

Lot Number	Maximum Allowable Removal (ac)
Lot 1	0.43
Lot 2	0.12
Lot 3	0.31
Lot 4	0.33
Lot 5	0.44
Lot 6	0.46
Lot 7	0.43
Lot 8	0.38
Total	3.78

- (2.) Any oak canopy removal on any individual lot exceeding the maximum allowable removal indicated in the table above shall pay the mitigation fee at a 2:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the in-lieu fee established by the Board of Supervisors. The applicant shall provide proof of payment of the mitigation in-lieu fee to Planning Services prior to issuance of a building permit.
7. 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
8. 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 shall cooperate fully in the defense.

9. All Development Services fees shall be paid prior to filing of the Final Map.
10. The applicant shall submit to Planning Services the recording fee and the Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
11. The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.

The Department of Transportation:

Project Specific Conditions:

12. **Road Design Standards:** The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map: (the requirements outlined in Table 1 are minimums)

Table 1					
ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH* / SHOULDER WIDTH	RIGHT OF WAY**	DESIGN SPEED	EXCEPTIONS /NOTES
Road A (onsite)	Modified Std Plan 101B Std Plan 114 at cul-de-sacs	20ft / 2ft 3" AC over 8" AB	50ft	20 mph	No curb, gutter, or sidewalk, road width is measured Edge of Pavement(EP) to EP
Road B (onsite)	Modified Std Plan 101B Std Plan 114 at cul-de-sacs	20ft / 2ft 3" AC over 8" AB	50ft	20 mph	No curb, gutter, or sidewalk, road width is measured EP to EP.
Kaila Way (offsite)	Modified Std Plan 101B Std Plan 103C at Salmon Falls Road	20ft / 2ft	50ft	25 mph	No curb, gutter, or sidewalk, road width is measured EP to EP.
Wolf Creek	Modified Std Plan	20ft / 2ft	50ft	25 mph	No curb, gutter, or

Road (<i>Offsite</i>)	101B	3" AC over 8" AB			sidewalk, road width is measured EP to EP.
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* 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.
 ** Non-exclusive road and public utility easements included

13. **Secondary Access:** The nearest County roadway having two means of access for this site is Salmon Falls Road. The DISM [Section 3 A. 9. & 12)] states and therefore the applicant shall be required to verify and/or provide a secondary access to this site. Both the primary and secondary off-site accesses shall meet the requirements of El Dorado County Standard Plan 101B with a 20 foot road width with 2 foot shoulders on each side of the roadway, as required in Section 3 A. 2. c. ii, of the DISM. These off-site 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 the filing of the parcel map

14. **Maintenance Entity:** The proposed project must form an entity for the maintenance of the private roads 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 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 parcel map.

15. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from Kaila Way onto Salmon Falls Road to the provisions of County Design Std 103C if necessary. The signing and striping for this encroachment shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.

16. **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.

17. **Drainage Easements:** The site plans shall show drainage easements for all on-site drainage courses and facilities prior to filing of the map.

18. **Turnaround:** The applicant shall provide a turn around at the end of the northern roadway and at the end of the southern emergency access roadway connecting to Wolf Creek Road (if a gate is installed) to the provisions of County Standard Plan 114 or approved equivalent. 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 the filing of the map.
19. **Driveway Cuts:** Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. Attention should be given to the minimum required sight distance at all driveway encroachments. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
20. **Intersection / Turnaround Grades:** The DISM Section 3.B.3 requires the summation of the absolute values of the centerline gradients of proposed streets within an intersection shall not exceed 10%. Also, the centerline gradient of a street terminating at an intersection shall not exceed 5% at any point within the intersection and for a distance of 50-ft from the point of intersection. Finally, the gradient within turnarounds shall not exceed 8% or an acceptable alternative approved by the County Engineer. Road profiles indicating compliance with these standards shall be submitted and approved by DOT prior to approval of improvement plans.

DOT STANDARD CONDITIONS:

21. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
22. **Road & Public Utility Easements:** The applicant shall provide a 50 foot wide non-exclusive road and public utility easement for the on-site access roadways prior to the filing of the parcel map.
23. **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 parcel map.
24. **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).
25. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.

26. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the following hours and days: 7:00 a.m. and 7:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on weekends and holidays.
27. **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.
28. **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 map.
29. **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.
30. **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.
31. **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.
32. **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.

33. **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. 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.
34. **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.

35. **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 State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

36. **Off-site Improvements (Security):** Prior to the filing of a final map or parcel map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
37. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

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

38. **Off-site Access Easements:** The applicant shall provide proof of access to the project site from a State or County maintained road, together with the legal right to improve such access. Said proof shall be provided by and through a "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the parcel map.

39. **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.
40. **TIM Fees:** The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

El Dorado Hills Fire Department:

41. The project shall provide a potable water system that is capable of supplying the required fire flow as determined by the Department for the protection of lives and property within this development. The Department shall review and approve the fire flow prior to filing the final map.
42. The applicant shall install Mueller Dry Barrel fire hydrants conforming to the El Dorado Irrigation District specification for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 500 feet spacing. The location of each hydrant shall be reviewed and approved by the Department prior to filing the final map.
43. The existing dwarf fed hydrant shall be dismantled. The Department shall verify the destruction of the hydrant prior to filing the final map.
44. All access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members. The Department shall verify compliance with this requirement prior to issuance of a building permit.
45. The driveways shall not exceed a 15% grade. Any driveways exceeding this requirement shall install fire sprinklers per NFPA 13D within any dwelling unit. The Department shall review and approve all driveways prior to issuance of a building permit.
46. The applicant shall prepare a Wildland Fire Safe Plan. The Department shall review and approve the plan prior to filing the final map.
47. The development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump section of roadway. The Department shall review and approve the improvement plans prior to issuance of a grading permit.
48. All lots shall conform to the 30-foot setback as required by the Fire Safe Regulations. The Department shall verify the setback prior to issuance of a building permit.
49. Wolf Creek Road shall be improved with an all weather asphalt surface to no less than 20 feet wide with a 15 foot vertical clearance, from the project site to Lakehills Drive. The road shall support 75,000 pounds. The Department shall verify the road improvements prior to issuance of a grading permit.

50. The road system within this development shall conform to the El Dorado County Design standards and Fire Department Regulations. The Department shall review and approve the road system prior to issuance of a grading permit.
51. The minimum water flow to provide fire protection to any home in this subdivision is 1,000 gallons per minute for a home less than 3,600 square feet. Any home greater than 3,600 square feet shall meet fire flow according to Appendix B in the 2007 California Fire Code. A 50% fire flow credit shall be given when fire sprinklers are installed. The Department shall verify the fire flow prior to filing the final map.
52. ~~There shall be no gate installed between Wolf Creek Road and the project. This is due to the need for a secondary means of egress for both areas. The Department shall verify the unobstructed access prior to issuance of a grading permit.~~ The gate between Wolf Creek Road and the project shall be constructed to El Dorado Hills Fire Department Standards. The Department shall review and approve the gate design prior to issuance of a grading permit.

El Dorado Hills Community Services District

53. The developer shall ensure that any CC&Rs established for the project are reviewed and approval by the El Dorado Hills CSD.
54. 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.
55. ~~The developer shall ensure that any CC&Rs established for the project are reviewed and approval by the CSD.~~ The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid to the CSD at the time of filing the final map.

Department of Environmental Health- Air Quality Management District

56. The applicant shall prepare a Fugitive Dust- Asbestos Hazard Mitigation Plan. The District shall review and approve the plan prior to issuance of a grading plan.
57. The project shall adhere to all District rule during project construction.

Surveyor's Office:

58. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office.

59. 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.

9. REZONE/PLANNED DEVELOPMENT/PARCEL MAP

Z06-0018/PD06-0016/P06-0018 submitted by DG GRANADE to rezone from Industrial-Design Control (I-DC) to Industrial-Planned Development (I-PD); parcel map to create five light industrial lots ranging in size from 0.49 acres to 1.95 acres; and a Development Plan to allow construction of three warehouse/office buildings to accompany three existing warehouse/office buildings. The property, identified by Assessor's Parcel Number 109-480-03, consisting of 4.87 acres, is located on the west side of Commodity Way, approximately 300 feet south of the intersection with Dividend Drive in the Shingle Springs area, Supervisorial District II. (Negative declaration prepared)

Michael Baron presented the item to the Commission with a recommendation of approval to the Board of Supervisors. He indicated that no public comment was received for this project.

Commissioner Tolhurst stated that in the future, for all projects, he would like to see vicinity maps that show a larger perspective to the County than what is currently being provided. Commissioner Pratt concurred and also suggested either aerial maps or color coding.

Bob Granade/DG Granade, applicant, was available for any questions.

No further discussion was presented.

Motion: Commissioner Pratt moved, seconded by Commissioner Mathews, and unanimously carried (5-0), to recommend the Board of Supervisors take the following action: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; 2. Approve Z06-0018 based on the findings proposed by staff; 3. Approve Planned Development application PD06-0016, adopting the Development Plan as the official Development Plan, based on the findings proposed by staff, subject to the conditions as presented; and 4. Approve Parcel Map P06-0018 based on the findings proposed by staff, subject to the conditions as presented.

AYES: Rain, Heflin, Tolhurst, Mathews, Pratt

NOES: None

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 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The project will not affect wetlands, watercourses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91) is applicable.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in custody of the Development Services Department-Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

2.0 General Plan Findings

- 2.1 The proposed use and design conforms to the Industrial General Plan Land Use Designation. The project area is located within the Shingle Springs Community Region, the proposed use and developmental density are consistent with both land use designation and floor area ratio policies as well as the natural resources on site being protected pursuant to General Plan Policies 2.2.1.2 regarding Land Use Designations, 2.2.3.1 regarding Planned Developments, 2.2.1.5 regarding building intensities, 2.2.5.3 regarding general policies for evaluating Zone Changes, 2.2.5.21 regarding compatibility with surrounding land uses, Policies 7.3.5.1, 7.3.5.2, and 7.4.4.2 regarding adequate Landscape Plans, 7.4.4.4 regarding oak woodlands and Objective 10.1.5 and Policies 10.1.5.1 and 10.1.5.2 regarding the importance of promoting and encouraging commercial growth within the County.
- 2.2 As proposed, the project is consistent with the Industrial land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because the Industrial land use designation includes light industrial uses as compatible.
- 2.3 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject Zone Change request based on the requirements of the General Plan relating to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support the addition of the Planned Development Overlay. Based on the analysis contained in the staff report and the conclusions reached, the site is found to be suitable to support the addition of the Planned Development Overlay (-PD).

3.0 Zoning Findings

- 3.1 **The project is consistent with the El Dorado County Zoning Ordinance.**

The proposed land uses are permitted by right within the Industrial Zone District. The project would be consistent with the Development Standards of the Industrial Zone District. The Rezone to add the Planned Development Overlay (-PD) and associated Development Plan would allow the creation of individual parcels and shared parking.

4.0 Administrative Findings

4.1 Planned Development

The proposed use and Development Plan conforms to the Zoning Ordinance as follows:

4.1.1 That the PD zone request is consistent with the General Plan;

The project parcel is already zoned Industrial-Design Control (I-DC), so a zone change request to Industrial-Planned Development (I-PD) would not change the base zone district. The General Plan land Use Designation is Industrial and this proposed Development Plan requires the Planned Development process. Based on the analysis, it has been found that the project is consistent with the General Plan.

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

The Development Plan has been reviewed by staff and is consistent with the intent of the Barnett Business Park based on adequate development standards for lighting, landscaping, parking, signs, and overall project design. The project would be developed as a light industrial park, providing landscaping which would enhance the environment for the tenants within the business park; therefore, it can be found that the proposed development would provide a desirable environment within its own boundaries.

4.1.3 That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography;

The project does not propose any exceptions from the development standards of the Industrial Zone District.

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

The topography of the parcel is sloped in a westerly direction with 96.6 percent slopes ranging from 0-29 percent and some isolated areas or 3.3 percent slopes ranging from 30-40 percent, which would be avoided by the developer with only a small percentage being impacted using retaining walls for parking circulation. The site is located within the Barnett Business Park; therefore, it can be found that the site is suited for the light industrial development.

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

The project site is located within the Barnett Business Park and as such has all necessary infrastructure in place to support the proposed use. The Facility Improvement Letter of November 20, 2008 indicates that water, sewer, and fire flow requirements are of adequate capacity to serve the project in both availability of equivalent dwelling units (EDU's) and in existing infrastructure. A traffic study submitted to the County Department of Transportation indicates that the project will not negatively impact current levels of service for the business park.

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

The project would provide the required landscaping, enhancing the existing environment. Upon review of landscape plans and the existing site, it can be found that the proposed buildings are compatible with the surrounding development and would provide an architecturally consistent appearance to the site.

4.2 Parcel Map Findings

4.2.1 The proposed Tentative Parcel Map, including design and improvements, is consistent with the General Plan policies and Land Use Map.

The proposed application is for a light industrial park. A Development Plan has been submitted in order to allow for the creation of parcels consistent with General Plan policies and land use map.

4.2.2 The proposed Tentative Parcel Map conforms with the applicable standards and requirements of the County's Zoning Regulations and the Minor Land Division Ordinance.

The proposed project has been reviewed by staff and is considered to be consistent with the intent of the Barnett Business Park based on the Industrial Zone District Development Standards for lighting, landscaping, parking, signs, and overall project design. The project would be developed as a light industrial park, providing landscaping which would enhance the environment for the tenants within the business park; therefore, it can be found that the proposed development would provide a desirable environment within its own boundaries.

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

The site is located within the Barnett Business Park, and it has been determined that the site is suited for the light industrial development based on the moderately sloped topography, lack of tree canopy, and access availability.

4.2.4 The proposed Tentative Parcel Map is not likely to cause substantial environmental damage, as it is a commercial Parcel Map for a development within an established business park.

The Parcel Map subdivides a partially developed site to allow the individual ownership of five lots within the overall development. The Parcel Map is a component of the Development Plan and Zone Change, for which, an Initial Study has been prepared in accordance with the CEQA Guidelines. The Initial Study identified that there would be no significant impact on fish, wildlife or habitat from the project.

4.2.5 The design of the Tentative Parcel Map is not likely to cause serious public health hazards.

The design of the Parcel Map is unlikely to create public hazards based on the review by the Department of Transportation and the El Dorado County Fire Protection District.

Conditions of Approval

Planning Services

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

A zone change from Industrial-Design Control (I-DC) to Industrial-Planned Development (I-PD), a Development Plan for construction of three warehouse/office buildings in addition to three existing warehouse/office buildings, shared parking, landscaping and lighting. A Parcel Map to subdivide the 4.87 acre site into five lots ranging in size from 0.49 acres to 1.95 acres. The following table provides proposed parcel details:

Parcel Number	Parcel Size (acres)	Building (sq. ft.)
1	0.94	A: 11,700
2	0.86	B: 11,250
3	0.64	C: 11,250
4	0.49	D: 7,200
5	1.95	E: 5,365 & F: 9,000

Development Plan: Three warehouse/office buildings would be constructed as part of this Development Plan, in addition to three existing warehouse/office buildings (total 55,765 sq. ft.). Buildings C, D, E, & F, would only be allowed a total of 34 parking spaces for potential tenant office space to ensure consistency with County parking ordinance. There are a total of 88 parking stalls including 6 handicapped stalls of the required 54 spaces for the whole development. A shared parking and maintenance agreement would be incorporated into CC&R's for the project.

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

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

3. 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.
4. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.
5. 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.

Development Plan

6. All site improvements shall conform to Exhibit E Site Plan, F1-F6 Building Elevations, G1 & G2 Preliminary Landscape Plans, H1 & H2 Pre and post Phase II Oak Canopy, I Sign Plan, J1 & J2 Lighting Plan.
7. Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on Saturday. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards. Planning Services shall verify this requirement is placed on the Grading Plans prior to issuance of a grading permit.

Parcel Map

8. All fees associated with the Tentative Parcel Map shall be paid prior to filing the Parcel Map.
9. This Tentative Parcel Map shall expire in 36 months from date of approval unless a timely extension has been filed.
10. Domestic water shall be supplied by a public entity with a minimum six-inch water line to the property being divided, and a water meter award letter or similar assurance from the water purveyor, guaranteeing water service upon demand to each of the parcels created, shall be submitted to the County Surveyor at the time of filing the Parcel Map.
11. At time of filing the Parcel Map, CC & R's shall be submitted and reviewed by Planning Services.

County Surveyor

12. All Survey monuments shall be set prior to filing the Parcel Map.
13. Prior to filing the Parcel Map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The latter shall state that all conditions placed on the Parcel Map have been met.

El Dorado County Fire Protection District

14. Applicant shall submit a \$300.00 site plan review fee.
15. Minimum fire flow shall be 1,500 gpm @20 psi for 2 hours.
16. Additional fire hydrants will be required for this project. The Fire District will determine hydrant locations prior to issuance of a building permit.

Department of Transportation

17. The developer shall obtain an encroachment permit and construct a modified Std. Plan 103G driveway for the access connection onto Commodity Way. This work must be substantially complete, as determined by the Department of Transportation, prior to occupancy of any unit of this project.
18. The applicant shall provide a reciprocal access and parking agreement, guaranteeing access for all parcels involved in this parcel map to use all access points from Commodity way and Business Drive, prior to the filing of the map.
19. All applicable existing and proposed easements shall be shown on the project plans.
20. The proposed project must form an entity for the maintenance of any shared or common area including: private roadways, 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 roadways, 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 parcel map.
21. The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Conditions and Restrictions (CC&Rs).
22. 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.
23. 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.
24. The developer shall enter into a Parcel Map Improvement Agreement (PMIA) with the Department of Transportation for onsite roadway, drainage infrastructure, grading, etc. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the PMIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map. This condition shall appear as a note on the recorded parcel map.
25. Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
26. 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 DOT and/or Development Services (whichever is applicable) 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 the DOT and/or Development Services (whichever is applicable) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
27. 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.
 28. The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation 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.
 29. 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.
 30. 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 the filing of the parcel map or the applicant shall obtain an approved improvement agreement with security.

31. 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 the filing of the parcel map.
32. 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.
33. 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.
34. 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.

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

10. WORKSHOP

Density Bonus: Discussion to determine if Planning Commission should recommend to Board of Supervisors to either institute a General Plan elimination of the Density Bonus or institute changes, where appropriate. *[continued from 2/26/09 meeting]*

- As directed by the Planning Commission on 2/26/09, Planning Services submitting for consideration a proposed Interpretation of Policy 2.2.4.1 regarding what constitutes a public benefit for planned development projects utilizing the density bonus.

Peter Maurer indicated that this was a follow-up to the workshop held the previous month. He stated that for this meeting he had forwarded the Board's policy on this issue and apologized for not providing it at the last meeting. Mr. Maurer stated that public comment was received on this subject.

There was significant discussion on the Board action taken on October 2, 2008 regarding this subject.

Mr. Maurer recommended that instead of a General Plan policy change, instruct staff that during review of a project requesting density bonus, consideration be taken on how the surrounding parcel owners will be affected. Commissioner Tolhurst was in agreement with this.

Commissioner Pratt felt that since the Board has already set the course, the next step would be setting the standard of criteria as it is currently undefined.

Commissioner Tolhurst stated that CC&Rs and Maintenance Agreements are usually included in a project's conditions of approval. The real issue on the open space is who uses it and who maintains it.

County Counsel Paula Frantz said that many years the Commission has debated over the wording "public benefit of open space". She suggested that they direct staff to develop types of factors to use regarding public benefit when reviewing open space for density bonus. Ms. Frantz indicated that this can be done under the existing policy as it is fairly articulated.

There was discussion on the factors currently being used during staff review (i.e., buffer, oak tree canopy, soils, wildlife) and Commissioner Tolhurst felt that these were adequate.

Chair Mathews stated that it had not been his intent to change the policy, but to have one of the 1st things reviewed be the benefit of immediate neighbors. He also stated that the current policy is very clear and concise and staff has always taken into consideration the various factors regarding open space.

Art Marinaccio complimented County Counsel for detailed summary of this issue and stated that if the Commission wants a major change in the policy, it needs to go through the Board.

Bill Welty, President of Arroyo Vista CSD, stated that the issue is how to mitigate communication with the community regarding open space. A project's design must not decrease the property values of adjacent parcels.

Kathye Russell said she had been frustrated at the last workshop, but felt the Commission was now going in the right direction.

Gerri Elk, questioned who is the public and that the surrounding owners should be considered. Also, the overall area should be looked at instead of individual projects.

After several public comments expressing concern over staff's recommended interpretation of Policy 2.2.4.1, Mr. Maurer clarified that it was only draft language based from the last workshop and after today's discussion, was rescinding that draft interpretation.

Cindy Shaffer emphasized that case-by-case review is needed since each project is different. She also stated that the Board's position was clear in that no further expansion was needed. Ms. Shaffer requested that the current policy be left intact.

Vern Miller said that a definition of public benefit is needed instead of allowing flexibility to Planners to do whatever they want. This is needed in order to protect existing residents and developers.

Paul Sayed stated that at the last workshop he had suggested utilizing a checklist and still felt that it should be used.

Garland Gagnon had concerns with the density bonus as it is giving developers an in-road to change zoning without actually changing the zoning.

Sam Neasham reiterated the Board's actions and stated that the wording "may be used" is permissive and is utilized because the General Plan is county-wide and is a flexible planning tool. Mr. Neasham thought that the suggested checklist could be argumentative and it would defeat the General Plan Policy as there may be special elements in a project that would not be identified in the checklist. He felt that a project should be reviewed on its own merits.

Joel Korotkin said that reviewing projects individually is the way to apply broad policies.

Commissioner Rain felt that the density bonus, in concept, is an excellent idea and would like staff to review on a project-by-project basis. He also stressed the importance of staff knowing if these lands are developable in order to correctly use the policy.

Chair Mathews agreed with Commissioner Rain regarding the developable land and reviewing on a case-by-case basis. He also likes the current definition of open space.

No further discussion was presented.

Motion: Commissioner Tolhurst moved, seconded by Commissioner Heflin, and unanimously carried (5-0), to not accept the March 7, 2009 staff report's interpretation as new interpretation of Policy 2.2.4.1.

AYES: Rain, Pratt, Heflin, Tolhurst, Mathews
NOES: None

11. REZONE/TENTATIVE SUBDIVISION MAP/PLANNED DEVELOPMENT

Z06-0005/TM06-1408/PD06-0006 submitted by ALTO, LLC/GARY SPARKS to rezone from Exclusive Agriculture (AE) to Estate Residential Five-Acre, with a Planned Development Overlay (RE-5-PD); and a tentative subdivision map to create 23 single-family lots ranging in size from 78,147 square feet to 120,291 square feet (1.79 to 2.76 acres) and three open space lots totaling 25.40 acres. The property, identified by Assessor's Parcel Number 126-100-19, consisting of 81.61 acres, is located approximately 3,000 feet northeast of the intersection of Malcolm Dixon Road and Salmon Falls Road, in the El Dorado Hills area, Supervisorial District IV. (Mitigated negative declaration prepared)

Michael Baron presented the item to the Commission with a recommendation of approval to the Board of Supervisors. Mr. Baron explained that this project had been heard previously with direction to return with a traffic circulation plan. In October 2008, it was continued off-calendar and was to be brought back with the La Canada project. However, that project has been placed on an indefinite hold; therefore, the Alto project is moving forward alone.

Mr. Baron informed the Commission of the following changes: Modifications to the staff report and conditions of approval as identified in staff's memo dated March 5, 2009; and a new exhibit ("X") being provided titled "Salmon Falls/Green Valley Circulation Plan".

Sam Neasham, applicant's agent, indicated that condition #37 required some minor modifications. County Counsel Paula Frantz concurred and stated that County Counsel and DOT had already reviewed and approved the revised language and it should have been included in staff's memo.

Olga Sciorelli/CTA, applicant's agent, explained that the project will fix the "S" curve, create two "T" intersections, and punch through to Green Valley Road. These improvements will decrease the existing traffic level by 30% even at full build-out, which would include the four pending projects. Ms. Sciorelli also informed the Commission that several workshops had been held with the neighbors, with their concerns being the septic fields and the open space/public benefit.

Gary Dickerson expressed concern on the adverse effect to oak trees from the leach lines.

Bill Welty, Arroyo Vista CSD, stated that the neighbors are not against the project, but have the following concerns: septic tanks, density bonus, and the financial burden and liability to Arroyo Vista CSD regarding condition #37.

Terri Howe said that the access road would be running through her property, which is heavily-treed and her well is there. She inquired as to why not punching out at Salmon Falls Road instead of Malcolm Dixon Road. Ms. Howe also said that the residents were never given the opportunity to review the option regarding the fire access road location.

Garland Gagnon, adjacent property owner, felt that the density bonus was causing the houses to be placed next to the existing property lines. He stated that as a result, he could have two houses within 30 feet of his property line and if they are 2-3 story houses, he would lose his view. Mr. Gagnon also expressed concern regarding the septic system and disagreed with Environmental Health's approval of the leach line location as the soil is not good in the winter time.

Vern Miller stated that the following issues need to be addressed: gated community vs public benefit; sewer vs septic; and all traffic being placed on Malcolm-Dixon Road instead of using other alternatives.

Paul Sayed expressed the following concerns: (1) project is proposing septic, yet other developments in area will be sewer; (2) open space density bonus; (3) cumulative effects of all proposed projects has not been addressed; and (4) granny flats have not been considered.

Mr. Neasham made the following responses to public comment received:

- Emergency Vehicle Access (EVA) road: Easement location was on record when the Arroyo Vista map was planned. The project already has the required two points of access without this road. This would be a public benefit as it provides an alternative public escape route in the event of an emergency. This road is to accommodate the Fire Department's request.
- Malcolm-Dixon Road Improvements: Increases public benefit and will decrease current traffic levels.
- Open Space: Their proposal is "hand-in-glove" with the Board's General Plan policy.
- Public Water: Had offered to stub by the EVA road for neighbors' fire suppression.

When Commissioner Heflin inquired as to why 30 foot setbacks for lots adjacent to existing houses, Mr. Neasham stated that to vary the setbacks on different lots would create different inequitable classes of property owners.

Commissioner Tolhurst stated that the main issue the neighbors have is that they don't want the development by them. Although he sympathizes with them, the property owner has the right to develop the land and the issues being brought to them are no longer relevant.

Ms. Frantz informed the Commission that they do have the ability to cluster the development to make the project better and to vary the setbacks. This would not be inequitable to the General Plan.

There was significant discussion between CTA and the Commission regarding formula utilizing setback distance and proposed building height in order to determine building location. The primary focus was the lots adjacent to the existing houses on the eastern side.

In response to Commissioner Rain's inquiry on Arroyo Vista CSD being responsible to improve EVA road, Ms. Frantz stated that since Alto already has met the required two access points, the EVA is providing an opportunity that if Arroyo Vista CSD wished to have a secondary access that Alto has agreed to connect to it. However, if Arroyo Vista CSD chooses not to utilize it, then there is no point in Alto improving the road.

Chair Mathews stated that although he understands the neighbors' concerns, he doesn't agree with them and feels that this is a good project.

Commissioner Pratt stated that based on the arguments presented to them from Dave Croseriol and Ms. Sciorelli regarding the 30 foot setbacks and the correlation of the building height and placement, with 50 feet being the maximum setback in a maximum situation, he requested that the minimum rear setback on the eastern property line of the project be 50 feet. Ms. Frantz clarified that the 50 foot rear setback would then have a maximum building height of 45 feet.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and 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) incorporated as conditions of approval proposed by staff; 3. Approve Z06-0005 based on the findings proposed by staff; 4. Approve Planned Development application PD06-0006 adopting the Development Plan as the official Development Plan based on the findings proposed by staff, subject to the conditions as modified; and 5. Approve Tentative Subdivision TM06-1408 based on the findings proposed by staff, subject to the conditions as modified, to include: (a) changes identified in staff's memo dated March 5, 2009; (b) language modification to condition #37; and (c) a new condition stating a 50 foot minimum rear setback on eastern property line of the project.

**AYES: Rain, Pratt, Heflin, Mathews
NOES: None
ABSENT: Tolhurst**

[Clerk's Note: Commissioner Tolhurst left his seat on the Commission at 2:36pm]

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 County 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 measures placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3** Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4** The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 General Plan Findings

- 2.1** The proposed use and design conforms to the Low Density General Plan Land Use Designation. The project area is located outside a Community Region, the proposed use and developmental density are consistent with both land use designation and floor area ratio policies as well as the natural resources on site being protected pursuant to General Plan Policies 2.2.1.2 regarding land use designations, 2.2.4.1 regarding density bonus, 2.2.3.1 regarding planned developments, 2.2.1.5 regarding building intensities, 2.2.5.3 regarding general policies for evaluating zone changes, 2.2.5.21 regarding incompatibility with surrounding land uses, 5.2.1.2 regarding adequate water supply, 5.7.1.1 regarding fire protection, 7.3.3.4 regarding special setback for riparian areas, and 7.4.4.4 regarding oak woodlands.
- 2.2** In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject Zone Change request based on the requirements of the General Plan relating to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density Zone District. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced Zone Change request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed density.

2.3 The proposed project is consistent with policies 2.1.5.1 regarding building densities, 2.2.5.21 regarding compatibility with adjoining land uses, 5.2.1.2 regarding adequate water supplies, 5.2.1.3 regarding connecting to a public water system, 5.7.1.1 regarding adequate water for fire protection, 7.3.3.4 regarding buffers and setbacks for wetlands and streams, and 7.4.4.4 regarding oak woodland preservation and mitigation.

3.0 Administrative Findings

3.1 Tentative Subdivision Map

3.1.1 The site is physically suitable for the proposed type and density of development after rezone.

As shown on the Tree Preservation Plan (Exhibit H), adequate building areas for each lot are available considering the required wetland setbacks, tree canopy retention, zoning setbacks, and fire safe standards. As such, the site is physically suitable for the proposed type and density of development.

3.1.2 The proposed subdivision is not likely to cause substantial environmental damage.

The proposed subdivision is not likely to cause substantial environmental damage with the implementation of the mitigation measures identified in Attachment 1.

3.1.3 The proposed Tentative Map, including design and improvements, is consistent with the General Plan policies and land use map after rezone.

As proposed, the Tentative Map conforms to the Low Density Residential General Plan land use designation and applicable General Plan policies including density, access, tree canopy retention, water service, wetland setbacks, grading, transportation, fire protection, and wastewater disposal.

3.1.4 The proposed Tentative Map conforms to the applicable standards and requirements of the County's zoning regulations and the Major Land Division Ordinance.

As proposed, the Tentative Subdivision Map conforms with the applicable development standards outlined within the Estate Residential 5-Acre Zone District with the addition of the Planned Development Overlay (RE5-PD) and the Major Land Division Ordinance.

3.2 Planned Development

3.2.1 The Development Plan is consistent with the General Plan.

As outlined within the staff report and General Plan consistency findings above, the Development Plan is consistent with all applicable policies of the General Plan

concerning land use, transportation and circulation, public services and utilities, public health, safety, and noise element, as well as conservation and open space.

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

The proposed development plan features approximately 24.5 acres of open space. As such, the development is designed to provide a desirable environment within its own boundaries.

3.2.3 Any exceptions to the standard requirements of the Zone Regulations are justified by the design or existing topography.

A Deviation from the Residential 5-acre Development Standards includes a reduction in the minimum lot size requirement for all residential parcels. This exception to the standard requirements of the RE-5 Zone Regulations is justified to accommodate the Density Bonus Provision of the General Plan.

3.2.4 The site is physically suited for the proposed use.

The 81.61 acre site contains sufficient developable areas to accommodate the proposed residential uses and density.

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

Public water will be provided to the project site by EID upon annexation by LAFCO into fire and water district boundaries. El Dorado Irrigation District provided a letter dated May 19, 2008 indicating that the project could have adequate water capacity and supplies to serve the proposed project provided additional improvements are made to the system. Environmental Management has provided conditions of approval to ensure the septic capability of each proposed lot. The Department of Transportation (DOT) has conditioned the project accordingly to reflect the additional traffic to Malcolm Dixon Road as well as all onsite roads. The Fire District has provided conditions of approval to reflect the addition of an emergency access road to the proposed development.

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

The project includes approximately 25.4 acres of open space to preserve the natural landscape and scenic value of the site as well as provide wildlife habitat.

Conditions of Approval

1. This Tentative Subdivision Map, Zone Change and Development Plan approval is based upon and limited to compliance with the project description, the Planning Commission exhibits marked Exhibit E, F, G, H1, H2, H3, H4 & I, dated July 24, 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:

The project includes a request for a Zone Change from Exclusive Agriculture (AE) to Estate Residential 5-acre, with a Planned Development Overlay (RE-5-PD) and a Tentative Map to create 23 single-family lots ranging in size from 78,147 square feet to 120,291 square feet (1.79 to 2.76 acres) and three open space lots totaling 25.40 acres. Access to the proposed subdivision would be from two proposed gated roadway connections, one to the south at the existing Malcolm Dixon Road extending further off-site to the south providing an additional connection to Green Valley Road and another to the west from Salmon Falls Road. The project proposes to use public water and individual septic systems. In order for the project to be eligible for public water and fire services the property would be require annexation by LAFCO into the local water and fire districts. The project proposes to use the Density Bonus provision for seven additional residential lots. No Design Waivers have been requested.

The allowable density shall comply with Table 1 below:

TABLE 1: Density Calculation			
Acreage 81.61 acres	Allowable Density within AE Zone District	Allowable Density in RE-5 Zone District	Allowable Units Using Density Bonus
	Minimum 20 acre parcels	Minimum 5- acre parcels	1.5 Density Bonus Units
Allowable Parcels	4	16	23.94

The gross and net lot area shall comply with Table 2 below:

TABLE 2: Gross and Net Lot Area		
Lot Number	Gross Area (Sq. Ft.)	Net Area (Sq. Ft.)

1	107,632	79,007
2	120,291	91,731
3	96,158	70,016
4	95,314	69,535
5	89,621	65,865
6	87,268	61,697
7	99,322	73,782
8	85,746	62,317
9	86,976	63,325
10	89,905	64,359
11	95,304	65,536
12	91,828	64,723
13	89,535	64,844
14	88,992	59,454
15	100,300	64,956
16	104,900	77,364
17	87,264	63,816
18	78,147	55,746
19	110,923	84,174
20	117,142	88,978
21	92,247	60,109
22	115,253	39,108
23	90,704	59,017
Lot A	1,002,876	1,002,876
Lot B	94,720	94,720
Lot C	8,800	8,800

The oak removal as part of construction of the on-site access road and future residential development of the site shall comply with Table 3 below:

Table 3: Oak Tree Canopy Removal Summary		
Total Oak Canopy to Be Removed (acres)	Canopy Removed for Road Improvements (acres)	Proposed Canopy Removed for Residential Development (acres)
27.36 26.73	5.87 5.27	21.46

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

Conditions of Approval from the Mitigated Negative Declaration

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

2. To avoid take of active raptor nests, pre-construction surveys shall be conducted by a qualified biologist no more than 30 days prior to initiation of proposed development activities. Pre-construction surveys shall follow protocol guidelines issued by the California Department of Fish and Game (CDFG). If no active raptor nests are found to occur, necessary tree removal shall proceed. If active raptor nests are found on or immediately adjacent to the site, the following actions shall be taken in order to avoid impacts to nesting raptors:
 1. Halt all construction within 150 feet of any trees containing active raptor nests; these areas shall be marked with fencing or tape in order to clearly delineate areas where construction is prohibited.
 2. Construction shall not resume within 150 feet of any identified nest until the end of the typical nesting season; August 31. Construction may resume prior to the end of the nesting season, only if all raptor fledges have left the nest.
 3. Construction shall not resume prior to consultation with the California Department of Fish and Game and determination that the proposed project would not result in a “take” of any rare, threatened, endangered or special status species.

Monitoring: The applicant shall provide Development Services with a letter from a qualified biologist verifying compliance, prior to issuance of a grading permit.

Project Conditions of Approval

Planning Services

3. The developer shall pay the mitigation in-lieu fee or provide a replacement plan for all oak canopy removed as part of road and infrastructure improvements (Total ~~27.36~~ ~~26.73~~ acres). The mitigation fee shall be paid 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. The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee or replacement plan, prepared by a licensed arborist, prior to issuance of a grading permit or removal of any oak trees. (Reference PD06-0006)
4. The Final Subdivision Map shall include the following notes:
 1. A total of 1 acre or 1.5 percent of oak canopy shall be available to each lot within the subdivision for removal during individual lot development. Individual property owners 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 fee shall be based on the amount fee established by the Board of Supervisors, excluding lots 2 1 & 12. (Reference PD06-0006)
2. Any oak canopy removal beyond 1 acre or 1.5 percent for any individual lot within the subdivision, including any removal on Lots 2 1 & 12, shall pay the mitigation fee or provide a replacement plan. Replacement plans shall be prepared by a licensed arborist at a 2:1 ratio as required by the Oak woodland Conservation Ordinance and fee shall be based on the amount fee established by the Board of Supervisors. (Reference PD06-0006)
 3. Lots 2, 3, 4, 5, 19, 20, & 21 shall be required to provide a minimum 50 foot setback with a maximum 45 foot building height.
 5. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Final Map.
 6. 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. Planning Services shall verify that the fees have been paid at the time of filing the Final Map.
 7. The subdivider shall be subject to a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
 8. At time of final 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.
 9. At time of final map filing, CC & R's shall be submitted and reviewed by Planning Services.
 10. The map shall be recorded and constructed in phases consistent with the phasing plan included within the Tentative Subdivision Map, Exhibit E. All Open Space (Lots A, B & C) shall be dedicated at the time of filing of the first phase of the map.
 11. This Tentative Subdivision Map shall expire in 36 months from date of approval unless a timely extension has been filed.
 12. All fees associated with the Tentative Subdivision Map shall be paid prior to filing the Final Subdivision Map.
 13. 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 shall cooperate fully in the defense.

14. Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on Saturday. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards. Planning Services shall verify this requirement is placed on the Grading Plans prior to issuance of a grading permit.
15. 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.
16. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
17. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).

Environmental Management-Air Quality

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

19. The applicant shall obtain and comply with all necessary permits from the Air Quality Management District prior to issuance of a grading permit.

Surveyor's Office

20. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval; or the developer shall have the surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit shall be coordinated with the County Surveyor's Office.
21. The roads serving the development shall be named by filing a completed road name petition with the County Surveyor's Office prior to filing the final map.

El Dorado Hills Fire Department

22. The potable water system for the purpose of fire protection for this project shall provide a minimum fire flow of 1,000 gallons per minute. The fire flow must have a duration of two hours with no less than 20 psi residual pressure. The District shall verify that adequate fire flow is available prior to filing the final map.
23. The project shall annex into the El Dorado Irrigation District (EID) and pay all fees associated with the annexation.
24. The developer shall install Mueller Dry Barrel fire hydrants consistent with El Dorado Irrigation District specifications for fire protection. The spacing between fire hydrants shall not exceed 500 feet. The exact location of each fire hydrant shall be determined by the El Dorado Hills Fire Department prior to filing the final map.
25. All access roadways and fire hydrants shall be installed prior to issuance of any building permit, as specified by the El Dorado Hills Fire Department Standard 103.
26. Driveways shall be designed to a maximum of 20% grade. Any driveway exceeding this requirement shall require the installation of fire sprinklers per NRPA 13D.
27. The applicant shall provide a Wildland Fire Safe Plan that is approved by the Fire Department Prior to filing the Final Map.
28. No traffic calming devices shall be installed that utilize a raised bump section of roadway as determined by the Fire Department.
29. All lots within the subdivision that are one acre or greater shall provide a minimum 30 foot building setback, as required by the California Fire Safe Regulations.
30. Any driveway exceeding 150 feet in length shall provide a turn around that meets or exceeds 2007 California Fire Code.

31. Minimum widths for all driveways shall be 12 feet with a vertical clearance of 15 feet. All medium to heavy vegetation within 10 feet of either side of driveways shall be thinned or removed, as determined by the Fire Department.
32. The proposed 40 foot easement dedicated to the Fire Department shall create a four way intersection at B Drive and C Court. The ~~roadway easement~~ shall be 20 feet wide with a 15 foot vertical clearance and improved to an all weather surface per the 2007 California Fire Code. The roadway shall continue to the eastern property line and line up with ~~an the~~ adjoining roadway from the Arroyo Vista Subdivision. The Department shall review and approve all plans prior to ~~issuance of a grading permit. filing the final map.~~

Department of Transportation

PROJECT SPECIFIC CONDITIONS

33. The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be substantially completed to the approval of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map:

Table 1			
ROAD NAME		ROAD WIDTH	EXCEPTIONS/NOTES
AREA OF BENEFIT Off-Site Malcolm Dixon Road Widening From STA:10+00 to STA:28+20	Std Plan 101B County Maintained System	24ft (50ft R/W) EP to EP	Two 12 foot wide lanes and 3 foot wide shoulder per Exhibit X. 2"AC overlay over existing section. No vertical profile change. 3"AC/8"AB section for pavement extension or as recommended in Soils report.
AREA OF BENEFIT Off-Site Malcolm Dixon Road Reconstruction From STA:28+20 to STA: 40+51	Std Plan 101B County Maintained System	24ft (50ft R/W) Including slope easements. EP to EP	Two 12 foot wide lanes, AC dike and 3 foot wide shoulder per Exhibit X. Omit shoulders at (e) Box Culvert location. 3"AC/8"AB or as recommended in Soils report. For design speed see Exhibit X.
AREA OF BENEFIT New Connection Reconstruction portion From STA: 20+20 to STA: 21+70.	Std Plan 101B County Maintained System	24ft (50ft R/W) Including slope easements. EP to EP	Two 12 foot wide lanes, AC dike and 2 foot wide shoulder per Exhibit X. 3"AC/8"AB section or as recommended in Soils report. For design speed see Exhibit X.
AREA OF BENEFIT Off-Site New Connection	Std Plan 101B County Maintained	36ft (60ft R/W) Including slope easements.	36 foot travel way, curb, gutter and 6 foot wide shoulder per Exhibit X. 3"AC/8"AB section or as

From STA:10+00 to STA:15+44	System	FC to FC	recommended in Soils report. For design speed see Exhibit X. 36 feet will accommodate two 11-foot travel lanes and a 10-foot striped turn pocket if necessary and 2-foot gutter pans on each side.
Onsite 'A' & 'B' Drive to intersection of A & B Drives,	Std Plan 101C Maintenance Entity	24ft(50ft R/W) EP to EP	Two 12 foot wide lanes and 2 foot wide shoulder per Exhibit X. 3"AC/8"AB section or as recommended in Soils report. 25 MPH Design Speed.
Onsite 'B' Drive North of A & B Intersection, 'C' Court	Std Plan 101C Maintenance Entity	36ft(50ft R/W)	Two 18 foot wide lanes and 2 foot wide shoulder per Exhibit X. 3"AC/8"AB section or as recommended in Soils report. 25 MPH Design Speed
On-Site Emergency Vehicle Access (EVA).	Std Plan 101C N/A	20ft (40ft easement)	20 foot travel way with 1' shoulder per Exhibit X. All weather surface, 6" class 2 AB or equal. 20 MPH Design Speed. No construction, deposit of funds only.
Off-Site Chartraw Road Widening From STA: 21+70 (New Connection) to ALTO LLC southern boundary line.	Std Plan 101C Condition #45	24ft (50ft R/W) Including slope easements. EP to EP	Two 12 foot wide lane and 2 foot wide shoulder per Exhibit X. 3"AC/8"AB section or as recommended in Soils report. Road width is measured EP to EP. 25 MPH Design Speed.

34. Upon the applicant's request, the County will form and implement, at the applicant's expense, a public improvement financing district for funding or reimbursement of the costs of off-site public improvements to be constructed as identified in the Exhibit X entitled Malcolm Dixon Area Traffic Circulation Plan. The applicant shall prepare and submit for County's approval and adoption a proposed Area of Benefit and supporting Engineers Estimate and Report for the purpose of financing and reimbursement of required off-site land acquisitions, widening and (re-) construction of public improvements as may be appropriate. The proposed Area of Benefit shall include but not be limited to parcels APN: 110-020-12, 126-100-18, 19, 23, & 24. The Area of Benefit Engineer's Report shall be prepared and submitted and the proposed public financing district formed prior to the filing of the Final Map. For development projects within the proposed public financing district Area of Benefit, County shall require consent by the land owner to the public financing district and participation in the funding or reimbursement and/or construction of the off-site public improvements for Malcolm Dixon Area Traffic Circulation Plan on a pro rata share of residential lots or equivalent share basis as a condition of approval. For development projects which may derive benefit from the public improvements to be constructed as part of the Malcolm Dixon

Area Traffic Circulation Plan, County shall require participation in the funding and reimbursement and/or construction of the off-site public improvements for Malcolm Dixon Area Traffic Circulation Plan on a pro rata share of residential lots or equivalent share basis as a condition of project approval.

~~The applicant shall form an Area of Benefit and prepare an Engineers Report for the purpose of financing and reimbursement of the required off site widening and reconstruction public improvements. The Area of Benefit shall include but not be limited to APN: 110 020 12, 126 100 18, 19, 23, & 24. The Area of Benefit shall be formed prior to the filing of the Final Map.~~

35. The applicant shall obtain an encroachment permit from DOT and shall construct the encroachment of the off-site access roadway onto Green Valley Road to the provisions of County Standard Plan 103E or as specified in the approved traffic study for this project.
36. The applicant shall provide at least two connections with an existing, improved public street, not to include the Emergency Access road, for the project. The accesses shall adhere to the provisions described in Table 1. In the alternative, the second connection with an existing, improved public street may be provided by way of the Salmon Falls connector road in accordance with County approved design standards as shown on the Malcolm Dixon Area Traffic Circulation Plan. The improvements shall be substantially completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
37. The applicant shall set funds aside for construction of the Emergency Vehicle Access as shown on the TM and described in Table 1. The amount of funds shall be determined by an Engineer's Estimate subject to review and approval by DOT. Once approved, the funds shall be placed into a restricted interest bearing account for a period not to exceed 5 ~~10~~ years from the filing of the Final Map. The funds will be available to the Arroyo Vista CSD if and when the CSD installs an emergency access acceptable to the El Dorado County DOT and El Dorado Hills Fire Department on lands within their jurisdiction that will line up with the EVA easement proposed by the ALTO LLC TM06-1408. If the Arroyo Vista CSD fails to install an emergency access on their lands within the 5 ~~10~~-year time frame, the funds including interest will be returned to the applicant or its assigns as provided in written notice by the applicant to the County. The EVA easement will be granted to the El Dorado Hills County Water District (Fire Department) prior to the filing of the Final Map.
38. The applicant shall provide a 50 foot wide road and public utility easement for all on-site roadways Road A, B and Court C, with the appropriate slope easements, prior to the filing of the final map.
39. The applicant shall provide a 40 foot wide road and public utility easement for the Emergency Access Road with the appropriate slope easements, prior to the filing of the final map.

40. All lots that front on two roads shall take access on the minor roadway, and a non-vehicular access easement shall be established on the major roadway on the final map, specifically Lots 7, 12, 13, 14 and 18.
41. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. The January 2008 preliminary grading plan indicates and therefore Lots 17, 21-23 shall have driveways rough graded. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.

STANDARD DOT CONDITIONS

42. **Improvement Plans and Cost Estimate:** 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.
43. **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 map.
44. **Performance Bond:** The construction of all required improvements shall be completed with the presentation of the final map to the Planning Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
45. **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 ~~pareel~~ final map.

46. **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 ~~parcel~~ 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.
47. **Easements:** The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
48. **CC&R's:** The Master Covenants, Conditions and Restrictions (CC&Rs) shall provide that no parking shall be permitted within cul-de-sac bulbs which have a radius to edge of pavement which is less than County standards and shall provide for enforcement of such provisions. Additionally, the CC&Rs shall include a provision for off-street parking to compensate for lack of parking normally provided within the cul-de-sac bulb shall either provide a three-car driveway or provide sufficient depth of driveway (18 feet per parking stall) to accommodate longitudinal and/or lateral parking for three spaces.
49. 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).
50. **Construction Hours:** Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7 a.m. and 7 p.m., Monday through Friday, and 8 a.m. and 5 p.m. on weekends, and on federally-recognized holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards.
51. **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.
52. **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.
53. **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.

54. **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.
55. **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. 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.
56. **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.
57. **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.
58. **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.
59. **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 or parcel 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 offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a 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.

60. **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 "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the parcel map
61. **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.
62. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

LAFCO

63. The applicant shall process a request for annexation into the El Dorado irrigation District for public water, prior to filing the final map.
64. The applicant shall process a request for annexation into the El Dorado Hills Fire Department for fire protection services, prior to filing the final map.

12. ADJOURNMENT

Meeting adjourned at 3:00 p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

Walter Mathews, Chair