



COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room
2850 Fairlane Court, Placerville, CA 95667
<http://www.edcgov.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 TimClerk of the Planning Commission

MINUTES

Regular Meeting
November 12, 2009 – 8:30 A.M.

1. CALL TO ORDER

Meeting was called to order at 8:35 a.m. Present: Commissioners Rain, Pratt, Heflin, and Mathews; Paula Frantz-County Counsel*; and Char Tim-Clerk of the Planning Commission.
[*Arrived at 8:47 a.m. and was in attendance at the start of the public hearing portion.]

2. ADOPTION OF AGENDA

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

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

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: October 8, 2009

[Clerk's Note: Commissioner Rain abstained from Item 4.a]

b. 2009 Meeting Schedule: Clerk recommending the regularly scheduled meetings of November 26, 2009, and December 24, 2009, be cancelled.

c. 2010 Meeting Schedule: Clerk recommending the 2010 Meeting Schedule be approved.

d. **Parcel Map Waiver**

P09-0012 submitted by BOULDER GLEN INVESTORS/MIKE WITT to create two parcels ranging in size from 40 acres to 120 acres. The property, identified by Assessor's Parcel Number 104-500-07, consisting of 160 acres, is located on Miner's Valley Road, approximately 0.5 mile southeast of the intersection with Salmon Falls Road, in the Pilot Hill area, Supervisorial District IV. [*Project Planner: Tom Dougherty*] (Statutory Exemption pursuant to Section 15061(b)(3) of the CEQA Guidelines)**

Staff Recommendation: 1. Certify that the project is Exempt from CEQA pursuant to Section 15061 (b) (3); and 2. Approve Parcel Map P09-0012 based on the findings proposed by staff, subject to the conditions as presented.

[*Clerk's Note: Commissioner Rain announced that he is acquainted with the applicant of Item 4.d, but has no prejudice and will still vote.*]

Findings

1.0 CEQA FINDINGS

1.1 CEQA does not apply to this project pursuant to Section 15061, "Review for Exemption," which states in subsection (b)(3) that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Planning Commission has found that the facts that the project would not change or intensify any development potential for Parcel 1 and Parcel 2 will become a plant and animal habitat with minimal impact trail use for the public benefit, all support the determination that the waiver would have no potential for causing a significant effect on the environment.

1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 As proposed, the project is consistent with the Rural Residential (RR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the project proposes two parcels, 120 and 40 acres in size and the RR land use designation allows parcels ranging in size from 10 to 160 acres.

2.2 The proposal is consistent with General Plan policies, 2.2.1.2 (land use category definitions), 2.2.5.21 (land use compatibility), 7.4.2.9 (biological corridors), Objective 9.1.2, 9.1.2.8, Objective 9.1.3, 9.1.3.1 (trails) It has been determined that the project is consistent with the General Plan because the project would be compatible with the

surroundings land uses, would not impact Important Biological Resources, and provides a trail, plant and wildlife protection, and open space for the public benefit.

3.0 ZONING FINDINGS

3.1 The subject site is zoned Estate Residential Ten-Acre (RE-10) which permits the proposed parcel sizes of 40 and 120 acres under Section 17.70.110(A).

4.0 PARCEL MAP WAIVER FINDINGS

4.1 *The proposed division of land complies with the requirements as to area, improvements and design.*

As proposed and conditioned, the project conforms to the size requirements of the Estate Residential Ten-Acre (RE-) zone district and the General Plan RR land use designation. The site is physically suitable for the proposed type and density of development. The project will provide legal access to both parcels and fits within the context of the surrounding land uses in the project vicinity.

4.2 *The proposed division of land provides the appropriate approved public roads.*

The project is conditioned to assure legal access in the form of easements to both parcels is provided prior to filing the Parcel Map. No road improvements are required as Parcel 2 will remain undeveloped.

4.3 *The proposed division of land provides the appropriate flood and drainage control.*

The Flood Insurance Rate Map (Panel 06017C0450E) for the project area establishes that the project site is not located within a mapped 100-year floodplain. The project does not propose any development and existing drainage patterns are not anticipated to be impacted.

4.4 *The proposed division of land provides the appropriate sewage disposal facilities and water supply availability.*

No development is part of this project. The County will review specific septic disposal designs that accompany future development plans on Parcel 1 to ensure that the final septic disposal design meets established County design standards. Any future building permit will be required to have a safe and reliable water source that meets the criteria of Environmental Management Policy 800-02 prior to issuance.

4.5 *The proposed division of land provides the appropriate environmental protection and required certificates*

The waiver does not have the potential to cause significant environmental impacts because the purpose of the parcel being created is for natural resource protection and

passive recreational uses, and is therefore exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Conditions of Approval

1. This Parcel Map Waiver is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit A through J and conditions 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 waiver and/or further environmental review. Deviations without the above described approval would constitute a violation of waiver.

The project would allow the creation of two parcels, 40 and 120 in size, from a 160-acre site. The use of Parcel 2 is restricted to resource protection and passive recreation uses and is intended to be sold to the American River Conservancy and then transferred to the U.S. Bureau of Land Management in the future.

The use and maintenance of the property, the size, shape, arrangement, and location of parcels, 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 hereto.

2. A notice of restriction shall be recorded against Parcel 2 limiting the use of said parcel to natural resource protection and trail facilities.
3. Conditional certificates of compliance shall be recorded concurrently with the grant deed or other instrument transferring title of Parcel 2. The conditional certificates of compliance shall require the following:
 - a. A record of survey reflecting all public easements and full monumentation for both parcels shall be recorded within 120 days of the recording of the conditional certificates of compliance; and
 - b. The notice of restriction required in condition 2 shall be shown on the record of survey
4. The applicant shall make the actual and full payment of Development Services Department processing fees for the Parcel Map Waiver application prior to recording the instrument transferring title to Parcel 2. Additionally the property owners are responsible for all processing and recording fees associated with all conditions of approval, including the execution of the grant deeds, Notice of Restrictions, Certificates of Compliance and Record of Survey.

5. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services after the end of the ten working day appeal period of a final project decision.
6. 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 Parcel Map Waiver, which action is brought within the time period provided for in *Section 66499.37*.

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

7. A Parcel Map Guarantee, issued by a title company showing all parties having record title interest, shall be provided to the County Surveyor prior to transfer of title of Parcel 2.
8. The grant deed to The American River Conservancy must be acknowledged and consented to by all parties having record title interest.
9. Proof from the County Tax Collector that there are no liens against any portion of the land division for unpaid state, county, city or local taxes, or special assessments shall be provided to the County Surveyor prior to transfer of title of Parcel 2.

END OF CONSENT CALENDAR

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

AYES: Rain, Pratt, Heflin, Mathews

NOES: None

ABSENT: Tolhurst

[Clerk's Note: Commissioner Rain abstained from Item 4.a]

5. **DEPARTMENTAL REPORTS AND COMMUNICATIONS** – None
(Development Services, Transportation, County Counsel)

6. **COMMISSIONERS' REPORTS** – None

9:00 A.M.

PUBLIC FORUM/PUBLIC COMMENT – None

7. SPECIAL USE PERMIT

a. S05-0007-R-1/Metro PCS Communication Tower-Camino submitted by METRO PCS/Timothy Miller to revise a Special Use Permit to allow collocation of six new wireless antennas on an existing monopine and the expansion of the lease area to accommodate radio equipment cabinets and support equipment. The total lease area would be 2,632 square feet. The property, identified by Assessor's Parcel Number 043-011-38, consisting of 43.16 acres, is located on the south side of Carson Road, approximately 1,000 feet east of the intersection with Carson Road and U.S. Highway 50, in the Camino area, Supervisorial District III. [*Project Planner: Tom Dougherty*] (Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines)**

Tom Dougherty presented the item to the Commission with a recommendation of approval.

Timothy Miller/applicant's agent requested that Condition #1 be amended by changing "replacement" to "addition" in the fourth paragraph.

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner Pratt, and carried (4-0), to take the following actions: 1. Find the project is Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures); and 2. Approve Special Use Permit S05-0007-R-1 based on the findings proposed by staff, subject to the conditions as modified: (a) Amend wording in Condition #1.

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

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

Findings

1.0 CEQA FINDINGS

1.1 Although collocation of wireless telecommunication facilities is not specifically listed in Section 15303 of the CEQA Guidelines, the items listed in Section 15303 are similar to collocation of wireless communication equipment at an existing facility. Staff has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines. Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small

structures... include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

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

2.0 SPECIAL USE PERMIT FINDINGS

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

The proposed use is consistent with the policies in the El Dorado County General Plan, as discussed in the General Plan section of this staff report. The proposed use is consistent with all applicable policies including Policy 5.6.1.4 (special use permit required) because the aesthetics of the proposed collocation and related ground equipment have been designed to minimize the effects on adjacent properties. The proposed antennas will be painted to match the existing branches. The proposed ground equipment will be screened from adjacent land uses by existing chain-link fencing with redwood-colored slats which will blend with the existing enclosure.

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

The proposed use would not create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. At less than one percent of the public safety standard established by the FCC, the risk of emissions to the public is remote.

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

Section 17.14.200 (D) (3) of the County Code requires a Special Use Permit for collocation of new antennas on existing non-building structures or public facilities. Section 17.22 outlines the requirements for Special Use Permits and the project and associated materials have been reviewed in accordance with this section. The proposed use complies with the requirements of County Code Sections 17.14.210 (E) through (J) and 17.36.210 thru 17.36.260. As proposed, the project is consistent with these requirements.

Conditions of Approval

PROJECT DESCRIPTION

1. The project as approved, consisted of the following: Nextel Wireless Communications proposes to construct Special Use Permit to allow the construction of a new wireless

tower disguised as a 95-foot monopine ~~style monopole~~ and a 12 foot by 20 foot equipment shelter located inside a 35-foot by 45-foot leased area. The monopole ~~will~~ shall be disguised as a pine tree with bark detail and branches beginning at ground level to 45-feet. The monopole ~~will~~ shall have up to three antenna sectors with four antennas per sector, and one future collocation antenna per sector. The facility ~~would~~ shall be connected to land-based electrical and telecommunications utilities located within the equipment shelter. Access to the site ~~is~~ shall be provided from the south side of Carson Road, 1,000-foot east of the intersection with U.S. Highway 50 in the Camino area. This ~~s~~Special u~~se~~ Permit authorizes maintenance personnel to visit the site approximately once or twice a month, at which time the facilities would be inspected to ensure proper operation and ongoing maintenance.

Revision S05-0007-R-1 consists of the following:

This Special Use Permit revision is based upon and limited to compliance with the project description, the hearing exhibits marked A through H2 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 shall constitute a violation of permit approval.

The revision amends the original permit to allow the ~~replacement~~ addition of six antennas at the 76-foot height on the existing 95-foot tall tower. The lease area shall be expanded by 12 feet by 16 feet and fenced to match the existing structure with redwood-colored vinyl slats. Up to four new radio cabinets and other supporting equipment shall be placed within the lease area. The facility shall continue to be served via the existing access driveway traveling from the lease area to Carson Road.

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

2. All site improvements shall conform to the site plan and elevations in Exhibits ~~D~~E1 to E4 of the staff report on file in Planning Services.
3. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. All facility RF antennas shall be painted with non-reflective paint and maintained to blend with the color of the branches. Planning Services shall verify the painting of the structures and antennas prior to issuance of final occupancy of the facility through Building Services.

4. ~~For collocation purposes, no further review by the Planning Commission shall be required provided that all ground-mounted equipment is located within the proposed leased area and provided that there is no increase in overall height. Expansions to the lease area or additional antennas mounted on the monopine shall be subject to review and approval by the Development Services Director. Should the Director find that additional lease area or antennas may create a visual impact, the Director shall refer the project to the Planning Commission for review and approval.~~
5. The applicant shall consent to the co-location of other wireless telecommunication communication users on their monopine when the increase in pole height would be undesirable. Any increase in pole height, expansion of the lease area, or addition of additional cellular antennas will require an amendment to this Special Use Permit.
- 5-6. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Planning Services requires that that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent. The monopine shall be maintained in order to provide a quality and aesthetically pleasing exterior finish, including maintenance and upkeep of the earth-tone color, as referenced by photo-simulation Exhibits G1 and G2. Colors of the monopine, antennas, and other appurtenances shall be maintained to ensure the appearance remains consistent.
- 6-7. The applicant shall assume full responsibility for resolving television reception interference, if any, caused by operation of this facility. The applicant shall take corrective action within 30 days of receipt by Planning Services of any written television interference complaint.
- 7-8. All obsolete or unused communication facilities shall be removed by the applicant within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project conditions.
- 8-9. ~~Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to: (1) Modify the conditions of approval in order to reduce identified adverse impacts; and (2) Initiate proceedings to revoke the special use permit, requiring the facility's removal, if it is no longer an integral part of the wireless communication system. By operation of this condition, it is the intent of the Planning Commission to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Planning Commission to conduct or~~

complete a five year review in a timely fashion shall not invalidate this Special Use Permit. The applicant shall pay a fee as determined by the Planning Director to cover the cost of processing a five year review. Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Department every five years. At each five-year review, the permit holder shall provide the Development Services Department with a status report on the then current use of the subject site and related equipment. Development Services shall review the status and present that report to the approving authority with a recommendation whether to:

(A) Allow the facility to continue to operate under all applicable conditions; or
(B) Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.

By operation of this condition, it is the intent of County to reserve the right to modify or add new conditions, consistent with the language specified above. The failure of the County to conduct or complete a five-year review in a timely fashion shall not invalidate the Special Use Permit. The applicant shall pay a fee determined by the Development Services Director to cover the cost of processing a five-year review on a time and materials basis.

9. Access road shall be constructed prior to final occupancy.

10. Prior to commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services for verification of compliance with applicable conditions of approval. The operator shall pay Planning Services for the time spent reviewing the site on a time and materials basis. All future development plans shall include this condition on the submitted plans.

11. A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El Dorado County Planning Services prior to the issuance of any development permit being issued on the project parcel.

12. The operator (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.

13. All Development Services fees for processing this application shall be paid in full prior to issuance of a Building Permit.

14. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the applicant and landowner agrees to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

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

El Dorado County Department of Transportation

- ~~10. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in conformance with the County of El Dorado Design and Improvement Standards Manual, the Grading, Erosion and Sediment Control Ordinance, the Drainage Manual, the Off Street Parking and Loading Ordinance, and the State of California Handicapped accessibility Standards. A commercial grading permit from Department of Transportation is required.~~
- ~~11. The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed.~~
- ~~12. The applicant shall provide a 12-foot wide all weather surfaced (gravel) access road (Fire Safe Standards) from the maintained road to the project site. As an alternative, the El Dorado County Fire Protection District may provide a letter addressing their requirements to provide fire protection and access to the cell site.~~
- ~~13.15. The applicant shall be subject to an encroachment permit, Standard Plan 103B-1, minimum driveway width of 20 feet for the access to Carson Road. The applicant shall construct/verify the encroachment onto Carson Road per El Dorado County Design Improvement Standards Manual 103B-1. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to issuance of a building permit.~~
14. In the event a heritage resource or other item of historical or archeological 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 archeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archeologist 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.

~~15. 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 deposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.~~

16. If human remains are discovered at any time during the improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

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

El Dorado County Fire Protection District

~~16.~~17. A site plan review fee of ~~\$200.00~~ \$150.00 shall be submitted to the Fire District prior to the issuance of a building permit

~~17. The applicant shall post address at Carson Road with (12 inch minimum size) prior to final occupaney by Building Services.~~

~~18. The applicant shall construct a Fire District approved turn a round at project site prior to final occupaney by Building Services.~~

~~19. Access roads shall have a 13 foot 6 inch vertical clearance and capable of supporting a 40,000 pound load.~~

~~20. Road grades shall not exceed 16 percent.~~

~~21.~~18. Gates shall have Knox padlocks. The applicant shall provide a low priority "Knox" padlock on the access gate if not already provided. Applications for both high and low security "Knox" systems are provided at the District office. Proof of compliance with said condition shall be received by the District prior to issuance of final occupancy of a building permit.

- 22-19. ~~The equipment shelter shall be required to have a Knox box with keys. Applicant shall provide a high priority "Knox Box" to access the cabinets, (if not already provided), and keys for all cabinets shall be placed within the "Knox Box." Proof of compliance with said condition shall be received by the District prior to issuance of final occupancy of a building permit.~~
20. The applicant shall install one 2A10BC Fire Extinguisher shall be mounted inside a weather resistant fire extinguisher box within the lease area. Proof of compliance with said condition shall be received by the District prior to issuance of final occupancy of a building permit.

El Dorado County Environmental Management Department (Air Quality District)

- 23-21. District Rule #223, which addresses the regulation and mitigation measures for fugitive dust emissions, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 403 of the South Coast Air Quality Management District. A fugitive dust prevention and control plan and contingent asbestos hazard dust mitigation plan shall be submitted to and approved by the Air Pollution Control District prior to the start of project construction.
- 24-22. Burning of wastes that result from "Land Development Clearing" must be permitted through the District. Only vegetative waste materials may be disposed of using an open outdoor fire.
- 25-23. The District's goal is to strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following measures shall be used to reduce impacts on air quality from equipment exhaust emissions:

Heavy Equipment and Mobile Source Mitigation Measures

1. Use low-emission on-site mobile construction equipment.
2. Maintain equipment in tune per manufacturer specifications.
3. Retard diesel engine injection timing by two to four degrees.
4. Use electricity from power pole rather than temporary gasoline or diesel generators.
5. Use reformulated low-emission diesel fuel.
6. Use catalytic converters on gasoline powered equipment.
7. Substitute electric and gasoline powered equipment for diesel powered equipment where feasible.
8. Do not leave inactive construction equipment idling for prolonged periods (i.e. more than two minutes).
9. Schedule construction activities and material hauls that affect traffic flows to off-peak hours.

10. Configure construction parking to minimize traffic interference.
 11. Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; rerouting construction trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on and off-site.
- 26-24. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e. gasoline dispensing facility, boilers, internal combustion engines etc.) authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagrams, equipment specifications and emissions factors.

Environmental Management – Solid Waste/Hazardous Material Division

25. If this facility will store reportable quantities of hazardous materials (55 gallons, 500 lbs, 200 cubic feet) or generate hazardous waste, prior to commencing operations the owner/operator shall:
- a. Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
 - b. Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
 - c. Train all employees to properly handle hazardous materials and wastes.
 - d. Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

b. **S09-0020/Petrone Smog Test Facility** submitted by TOM PETRONE to allow the operation of a smog test only facility within a 1,000 square foot portion of an existing 2,080 square foot commercial building. The Applicant is also requesting either a roof mounted internally illuminated sign above the proposed testing bay (Alternative 1) or a roof mounted internally illuminated sign on the roof line above the office (Alternative 2). The property, identified by Assessor's Parcel Number 124-300-88, consisting of 0.78 acres, is located on the north side of Green Valley Road, approximately 0.25 miles east of the intersection with Sophia Parkway, in the El Dorado Hills area, Supervisorial District I. *[Project Planner: Michael Baron]* (Categorical Exemption pursuant to Section 15301(a) of the CEQA Guidelines)**

Mike Baron presented the item to the Commission with a recommendation of approval. He stated that no additional public comments were received. Mr. Baron informed the Commission that two alternatives for the signs were provided for their review due to the close proximity to Green Valley Road.

Tom Petrone/applicant requested the Commission select Alternative #1 for the signage as the internal illumination sign would be consistent with the signs from the surrounding businesses.

Commissioner Rain stated that he had received an inquiry from one of the surrounding businesses regarding the car exhaust during testing. Mr. Petrone explained the various tests required and stated that the amount of exhaust would be similar to a car driving by on Green Valley Road.

No further discussion was presented.

Motion: Commissioner Rain moved, seconded by Commissioner Heflin, and carried (4-0), to take the following actions: 1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15301(a); and 2. Approve Special Use Permit S09-0020 based on the findings proposed by staff, subject to the Conditions of Approval as modified: (a) Alternative #1 selected in Condition #1.

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

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

Findings

1.0 CEQA FINDINGS

1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301(a) of the CEQA Guidelines which apply to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

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

2.0 SPECIAL USE PERMIT FINDINGS

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

The proposed project has been analyzed for consistency with General Plan Policies 2.2.5.2 (General Plan Consistency), 2.2.5.21 (Consistency with surrounding land uses), The proposed project is also consistent with the Commercial General Plan Land Use Designation which allows automobile repair or similar facilities with approval of a Special Use Permit. The project would require both interior and minor exterior modifications to a portion of an existing building and would not violate applicable policies of the General Plan or objectives of the Commercial Land Use Designation.

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

The proposed smog test only facility will comply with the Development Standards of the Commercial Zone District. 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 permitted by Special Use Permit in the Commercial Zone District pursuant to 17.32.030 (A) of the El Dorado County Zoning Ordinance.

Conditions of Approval

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

This Special Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits E through G and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

Project Description:

A Special Use Permit to allow the following:

1. Operation of a smog test only facility within a 1,000 square foot portion of a 2,080 square foot existing building.
2. The facility shall be staffed by 1 or 2 employees.
3. All activities shall occur within the enclosed building.
4. No outdoor testing areas or mechanical work shall be performed as part of the proposed business.
5. Exterior Signage shall allow
 - A Roof Mounted Internally Illuminated Sign Above the testing bay (Alternative 1).
 - ~~A Roof Mounted internally illuminated sign above the office area (Alternative 2).~~

Planning Services

2. All site improvements shall conform to Exhibits E and F. Planning Services shall verify the site improvements prior to final issuance of a building permit.
3. A revision to this Special Use Permit shall be required if outdoor uses are to be considered. This revision shall be subject to review and approval by the Planning Commission.
4. The property owner/applicant shall provide a minimum of 5 parking spaces solely for the use of the smog test facility. Planning Services shall verify the parking provision prior to final issuance of a building permit.
5. The applicant shall provide written proof that all necessary State permits have been issued for operation of the smog test facility. Planning Services shall review the documentation prior to final issuance of a building permit.
6. 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.

7. Prior to issuance of any permits, the applicant shall pay all Development Service fees.
8. Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.
9. Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall be responsible for meeting all appropriate fire and building codes and shall obtain sign offs from appropriate agencies.

El Dorado Hills Fire Department

10. Fire alarms shall be installed per NFPA 74 in all areas of the building. Fire alarm plans shall be submitted to the El Dorado Hills Fire Department for review and approval prior to installation.
11. Fire extinguishers shall be installed as part of the project. The maximum travel distance from any location in the building to a fire extinguisher shall not exceed 75 feet. The minimum rating for fire extinguishers is 2A:10B:C.
12. A KNOX box shall be installed, the exact location to be coordinated with the El Dorado Hills Fire Department prior to installation. A master key for all occupancies shall be placed in the KNOX key box prior to occupancy. The purchase form for the KNOX box is available at the El Dorado Hills Fire Station 85 located at 1050 Wilson Boulevard.
13. Address numbers shall be a minimum of 16 inches high with 2 inch stroke and shall be visible from the roadway. All exterior doors shall be numbered (4inch stencil) in accordance with the EDHFD standard B001. Coordinate exact location with the El Dorado Hills Fire Department prior to occupancy.
14. The occupancy class S1 (garage/barn) shall not have storage higher than 12 feet.
15. An application for a building permit shall be submitted and permit pulled from the El Dorado County Building Division for the fire alarm installation and any other modifications that are made to the building.

Environmental Management-Hazardous Waste Division

16. The applicant/property owner shall submit a Remedial Action Plan (RAP) to the Environmental Management Department Hazardous Materials/Solid Waste Division that more aggressively remediates petroleum-impacted soils in the former underground storage tank location, prior to final occupancy for any building permits.

c. S07-0019/Olde Coloma Theatre submitted by COLOMA CRESCENT PLAYERS, INC. (Agent: Robert Laurie) to authorize the use of an existing building for live theatre performances with a maximum occupancy of 149 persons. The property, identified by Assessor's Parcel Number 006-290-04, consisting of 19,602 square feet, is located on the south side of Monument Road, approximately 100 feet west of the intersection with Cold Springs Road, in the Coloma area, Supervisorial District IV. [*Project Planner: Jason Hade*] (Categorical Exemption pursuant to Section 15323 of the CEQA Guidelines)**

Jason Hade informed the Commission that staff was requesting a continuance to the January 14, 2010 meeting to allow time to resolve some issues. The primary issue is the parking and the applicant has not provided an agreement for off-site parking. Mr. Hade stated that at the next meeting a revised Staff Report with new conditions would be provided. He also indicated that one public comment had been received with included concerns with the parking.

Jerry Griffin/neighbor surrounds the parcel on three sides and voiced the following concerns: fire/life safety issues (i.e., inadequate exit doors); location of 3,000-gallon water tank; plans not drawn by licensed professional; and requested realistic timelines for certain conditions (i.e., fire/life safety) to be met since building is currently occupied. Pierre Rivas indicated that Mr. Griffin raised some valid issues on the timing and staff will review that closely.

County Counsel Paula Frantz explained that the building is currently occupied per the Board's motion to allow that while the applicants pursue a Special Use Permit. This item came before the Commission as a Code Enforcement issue and never had the necessary permits to operate. This has been on-going for approximately 2 ½ years and has been very episodic.

In response to Commissioner Pratt's inquiry to staff's request for a continuance, County Counsel Frantz stated that she had met with staff after reviewing the Staff Report and conditions. She felt that a more appropriate CEQA section should be used and disagreed with the parking issue being deferred.

Tina Lingford/neighbor inquired on the following: (1) Where did the hours of operation come from since noise is an issue?; (2) Why is the applicant benefiting from illegal grading for the parking area?; and (3) Who is going to enforce the conditions when this is over?

Chair Mathews stated that this has been a part of the Coloma Valley for a long time and that should be taken into consideration.

Commissioner Heflin had no problem with the continuance request but that it needed to be resolved on January 14, 2010.

Commissioner Rain would like the hours of operation reviewed more closely to ensure that there is a balance.

Discussion ensued between Commissioner Pratt, County Counsel Frantz and staff regarding the school bus/tour bus parking concerns. Commissioner Pratt inquired who the contact person was for the Coloma Crescent Players (applicant) and staff informed him that it was unclear who exactly the contact person was now and that Robert Laurie was no longer the applicant's agent.

Mr. Rivas indicated that little effort has come from the applicant in completing this project, so staff is diligently moving forward with it.

Commissioner Pratt directed staff to inform the applicant that they need to be present at the next meeting and this needs to be resolved or it will be forwarded to Code Enforcement.

Applicant/Agent was not present.

No further discussion was presented.

Motion: Commissioner Pratt moved, seconded by Commissioner Rain, and carried (4-0), to continue the item to the January 14, 2010, meeting.

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

d. S09-0016/Miraflores Winery Tasting Room and Storage submitted by VICTOR ALVAREZ (Agent: James Whitmarsh) to authorize the construction of a 3,593 square foot building for storing barrels, assembly area for wine tasting, merchandise sales, and a commercial kitchen for special on-site events. The property, identified by Assessor's Parcel Number 079-010-79, consisting of 134.16 acres, is located on the east side of Four Springs Trail, at the intersection with Sly Park Road, in the Pleasant Valley area, Supervisorial District IV. [*Project Planner: Jason Hade*] (Previously adopted Mitigated Negative Declaration in accordance with CEQA Section 15162)

Jason Hade presented the item to the Commission with a recommendation of approval. He indicated that issues regarding access, parking and noise had been addressed. Mr. Hade also said that since easement widths had been brought up at the Ag Commission meeting he wanted to state for the record that there is no requirement on that and it is outside of today's review. Mr. Hade informed the Commission that the Staff Memo dated November 9, 2009, requested amending Condition #1 to provide a more accurate project description and modifying Condition #24 to allow more flexibility in fire protection standards.

Victor Alvarez/applicant stated that they will visit the site with DOT staff to determine which trees need to be removed to address the "line of sight" issue. He also commented on the following: (1) In agreement with Staff Report; (2) Will add parking at the new tasting room site; and (3) Passport Weekends have a more significant impact than what the special events will have.

No further discussion was presented.

Motion: Commissioner Pratt moved, seconded by Commissioner Rain, and carried (4-0), to take the following actions: 1. Certify that the previously adopted Mitigated Negative Declaration is adequate for this project in accordance with CEQA Section 15162; and 2. Approve S09-0016 based on the findings proposed by staff, subject to the conditions of approval as modified: (a) Include modifications identified in Staff Memo dated November 9, 2009.

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

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

Findings

1.0 CEQA FINDINGS

- 1.1 This special use permit application does not require a subsequent Negative Declaration in accordance with Section 15162 of the California Environmental Quality Act (CEQA). An initial study and Mitigated Negative Declaration was previously adopted for the zone change and Williamson Act Contract applications which analyzed potential impacts related to the development of a winery and tasting room. No new or additional impacts have been identified beyond the impacts evaluated in the previous Mitigated Negative Declaration. As such, no further environmental analysis is necessary. The project shall be subject to applicable mitigation measures and conditions of approval.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Natural Resource (NR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the NR land use designation is intended to provide areas for agriculture, such as the Miraflores Winery.
- 2.2 As conditioned, the proposal is consistent with General Plan Policies 2.2.5.21, land use compatibility, 5.2.1.2, water quality, 6.2.3.2, emergency access, 8.1.4.1, agricultural lands protection, and 10.1.6.1, tourism promotion. Because of the project's compatibility with surrounding land uses, provision of sufficient water, emergency access, compatibility with agricultural lands, and tourism promotion, it is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The proposed use is permitted by special use permit in the Exclusive Agricultural (AE) zone district, pursuant to Section 17.36.070.K which refers to the Winery Ordinance, Section 17.14.190. The proposed tasting room use is authorized under Section 17.14.200.E.5.b of the Winery Ordinance provided that the administrative findings outlined below can be made by the Planning Commission.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because sufficient parking is provided, adequate setbacks are proposed, and outdoor project lighting will be fully shielded.

4.0 ADMINISTRATIVE FINDINGS (SPECIAL USE PERMIT)

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

As discussed above, the proposal is consistent with the following applicable General Plan Policies 2.2.5.21, land use compatibility, 5.2.1.2, water quality, 6.2.3.2, emergency access, 8.1.4.1, agricultural lands protection, and 10.1.6.1, tourism promotion.

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

The proposed use will not be detrimental to the public health, safety and welfare or injurious to the neighborhood as it will fit within the context of the surrounding mix of residential and public land uses adjacent to the subject site. Potential land compatibility issues such as access, lighting, parking, and noise will be addressed through compliance with the conditions of approval in Attachment 1.

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

The proposed use is specifically permitted by special use permit pursuant to Section 17.14.200.E.5.b of the El Dorado County Zoning Ordinance as the required findings detailed above may be made by the Planning Commission.

Conditions of Approval

El Dorado County Planning Services

I. PROJECT DESCRIPTION

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

The project description is as follows:

Special Use Permit authorizes the construction of a 3,593 square foot building for storing barrels, assembly area for wine tasting, merchandise sales, and a commercial kitchen for special on-site events. Uses consist of the following: (1) public wine tasting within the assembly area for up to 52 people from 10 AM to 5 PM seven days a week. Outdoor seating for 50 people is available for special occasions; (2) wholesale and retail sales of wine; (3) public tours limited to 10 persons or less by appointment only; and (4) special events with up to 250 persons at one time up to 48 times a year. Types of special events include outdoor music from 10 AM to 9 PM held to 50 decibels at the property line,

winemaker's dinners for up to 50 people, wine festivals, weddings, and renting of the tasting room for private parties.

Special Use Permit also authorizes ~~all other winery structures~~ the existing 6,080 square foot winery and covered work area for continued use as a winery as shown on the approved site plan, Exhibit F, dated August 28, 2009.

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

II. PROJECT CONDITIONS OF APPROVAL

2. Prior to holding any special events, the applicant shall improve Four Springs Trail from the encroachment off Sly Park Road to the winery and tasting room access way. Improvements will consist of surfacing the access way from the existing winery to the proposed tasting room with a minimum of two inches of aggregate base 18 feet width with one foot shoulders on each side.
3. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Special Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
4. Prior to issuance of any permits, the applicant shall pay all Development Service fees.
5. Prior to building permit issuance, the applicant shall provide a written description, together with appropriate documentation, demonstrating conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services permit center staff prior to final occupancy for verification of compliance with applicable conditions of approval.
6. Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.

7. Prior to final building occupancy under S09-0016, all outdoor lighting shall conform to Section 17.14.170 of the County Code, the approved outdoor lighting plan (Exhibit H), and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation, as determined by Planning Services.
8. The applicant is responsible for providing nine off-street parking spaces at all times while the facility is in operation pursuant to 17.18.060 of the Zoning Ordinance. The required parking shall be provided as shown on the approved site plan, Exhibit E.
9. Prior to building permit issuance, the site plan shall be revised to reflect the location of overflow parking for special events, limited to 250 persons at one time.
10. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,993 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid. Alternatively, documentation from the California Department of Fish and Game waiving this fee may be also be submitted to satisfy this condition, if applicable.

Air Quality Management District

11. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
 - Application of water on disturbed soils and unpaved roadways a minimum of three times per day
 - Using track-out prevention devices at construction site access points
 - Stabilizing construction area exit points
 - Covering haul vehicles
 - Restricting vehicle speeds on unpaved roads to 15 miles per hour
 - Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust
12. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
13. Burning of vegetative wastes that result from "Land Development Clearing" must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
14. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
15. The project construction will involve the application of architectural coating which shall adhere to District Rule 215, Architectural Coating.

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

Department of Transportation

17. **Sight Distance:** (Four Springs Trail and Sly Park Intersection) The sight distance from a vehicle parked at the edge of traveled way of Four Springs Trail with the driver's eye no more than 15 feet from the edge of pavement, shall be a minimum of 550 feet in either direction, consistent with Caltrans AASHTO standards. Sight distance easements, if necessary or placement of signage as approved by the Department of Transportation must be completed by the applicant prior to issuance of the building permit.
18. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" sign as required by the Department of Transportation prior to issuance the building permit. The signing and striping shall be designed and constructed per the latest version of the California Manual Uniform Traffic Control Devices (MUTCD).

El Dorado County Fire Protection District

19. A site inspection/review fee of \$150.00 shall be submitted to the El Dorado County Fire Protection District (EDCFPD) prior to building permit issuance.
20. Prior to final building occupancy, an approved fire alarm system (NFPA 72) shall be installed to the satisfaction of the EDCFPD.
21. Prior to final building occupancy, a fire hydrant shall be installed as shown on Exhibit F.
22. Prior to final building occupancy, the access road and turnaround shall be constructed as shown on Exhibit F with a 12 percent gradient or less.
23. Documentation confirming that the minimum fire flow of 1,500 gallons per minute at 20 psi for two hours can be met shall be submitted for EDCFPD review prior to building permit issuance.
24. Ceiling heights exceeding 14 feet require the installation of a NFPA 13 fire sprinkler system, or alternative fire protection method, in the building prior to final building occupancy- to the satisfaction of the EDCFPD.
25. Prior to final building occupancy, all project gates shall include a knox security system with 3M opticom.

El Dorado County Environmental Management Department

26. If this farm/facility stores or will store reportable quantities of hazardous materials (55 gallons) or generate hazardous waste, prior to commencing operations the owner/operator must:
- Prepare, submit, pay appropriate fees for and implement a hazardous materials business plan to the EDC Department of Agriculture. The EDC Department of Agriculture will in turn forward the HMBP to Environmental Management for review
 - Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
 - Train all employees to properly handle hazardous materials and wastes.
 - Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

8. PARCEL MAP

P08-0030/Harris submitted by MARY H. NUGENT to create two parcels of 25 acres and 125 acres. The property, identified by Assessor's Parcel Number 101-030-13, consisting of 150 acres, is located at the intersection of Blair Road and Badger Hill Road, in the Pollock Pines area, Supervisorial District II. [*Project Planner: Jason Hade*] (Negative declaration prepared)*
[continued from 7/23/09, 9/10/09 & 10/08/09 meetings]

Commissioner Heflin recused himself from the item and left his seat on the Commission. County Counsel Paula Frantz informed the Commission that since Mr. Heflin is a property owner, he will have the right to speak on the item if so desired.

Jason Hade informed the Commission that staff had met with County Counsel, DOT, and the applicant and the result of that meeting was the Staff Memo dated November 9, 2009 recommending modifications to the findings and conditions. However, this morning staff received a letter from the applicant's counsel addressing issues with the conditions. Mr. Hade stated that staff was still recommending the Commission move forward with the amendments listed in the Staff Memo.

Commissioner Pratt had concerns with Low Density Residential and the TPZ zoning being compatible with Community Region. To address these concerns, Pierre Rivas referred to Table 2-4 and read into the record General Plan Policy 2.2.1.2. In addition, County Counsel Frantz explained that the General Plan is a broad-based plan and she addressed the uniqueness of this situation.

County Counsel Frantz informed the Commission that today they needed to determine the conditions to facilitate the lot split directed by the Court Order. She indicated that the Staff Memo dated November 9, 2009 had been reviewed by Counsel and the applicant and that the applicant's issues, per the letter received today, surrounds DOT's conditions required at the time of filing the map.

David Combellack/representative for Pam Harris stated the following:

- Applicants want to resolve differences and continue managing the property together under a joint Timber Management Plan;
- Reiterated many of the issues addressed in letter dated November 10, 2009;
- Since there will be no change in use with the property, strongly disagreed with Conditions #14 and #15;
- Concerns with Conditions #13 and #16 because if the County rezones the property, then the applicant would be required to make road improvements;
- Recommended the Commission utilize restricted CC&Rs instead of certain conditions and have the map conditions reference the restricted covenants;
- Suggested providing an easement for existing road with ancillary access for maintenance; and
- 60 foot right-of-way is significant and is unacceptable.

John Olsen/representative for Mary Nugent stated the following:

- If unable to resolve issues, parcel will have to be sold;
- If DOT conditions are required, this project will most likely not move forward;
- Supports the restricted CC&Rs;
- Suggests meeting with County Counsel to identify which conditions need to be met now and which ones can be deferred; and
- Disagrees with requirement that no matter who initiates a rezone, the applicant would be required to do the road improvements.

County Counsel Frantz responded to the various comments made by the representatives, as follows:

- Action being taken today has impact on the future because one parcel will now become two parcels, which could be rezoned in the future;
- The day this map is not in TPZ, it would cause growth development;
- In response to road improvements being required only for applicant-initiated rezones: County's definition of a rezone is a change in use, no matter who initiates it, and can be done with or without the owner's permission as it is ultimately the Board's decision;
- County is not in the CC&R business and, therefore, utilizes map conditions instead;
- Difficult to condition a rezone because there is no way to revoke it if the conditions are not met; and
- Staff proposed conditions that protect the County's interests and the applicant's current proposal does not do that.

Eileen Crawford/DOT spoke on the Subdivision Act. She stated that Badger Hill Road, a private roadway, will have the Offer of Dedication rejected. However, since Blair Road is a County-maintained road, DOT staff is following General Plan Policy TC-1R which states they are to acquire roads that the County is already maintaining. She stated that Parcel Map applications are used as the vehicle for this since ministerial permits (i.e., building permits) are not reviewed by DOT. In addition, currently, there is no ability to track a project that gets rezoned in order to flag it for DOT review.

Significant discussion ensued between County Counsel Frantz and the Commission on options of deferring road improvements or other options available to resolve the issue.

Chair Mathews clarified that what he is hearing from the representatives is that the deal will fall apart if the IOD is accepted.

Mr. Rivas stated that staff is responding to the Parcel Map application and not analyzing if there is an issue between the applicant(s). This is unique in that parcel map conditions are not usually deferred like what is occurring in this application and staff is trying very hard to facilitate this.

Ms. Crawford commented that an easement would be better than the current situation and that the standard is 60 feet to assist in left-turn pockets. The options before the Commission are: (1) Approve DOT's recommendations as presented; (2) Reduce it to 50 feet; or (3) Easement.

Mary Nugent/applicant stated they are trying to preserve the family legacy. This situation has lasted for six years and has cost a significant amount of money with more costs to be incurred and inquired as to when this would finally end.

Sue Taylor inquired if the Community Region designation was appropriate for that area. She also reminded the Commission that the design standards for roads are currently being worked on.

Chair Mathews stated he wanted to see an end to this so that both parties could move on. He would like to see easement language.

Commissioner Pratt indicated that he was in favor of as small an easement width as possible. Significant discussion ensued between County Counsel Frantz and Commissioner Pratt on easement width, potential for growth-development and what DOT would be allowed to do on the easement.

County Counsel Frantz suggested conceptual action be taken today and direct staff to come back with revised conditions. She clarified that the Commission's direction is to modify Conditions #14 and #15 so the applicant would currently grant an "unspecified foot" easement for right-of-way on Blair Road and nothing done currently on Badger Hill Road. Prior to any rezone or building permits, the applicant would irrevocably offer to dedicate in fee Blair Road and prior to any rezone or building permits, the applicant would irrevocably offer to dedicate in fee Badger Hill Road. She also clarified with the Commission that they are interested in having language state that the easement is for the maintenance of the existing paved road. Ms. Crawford stated she would contact DOT's Maintenance Division to determine the minimum width requirement for an easement.

County Counsel Frantz suggested the representatives be asked if "in concept" were willing to agree to the new conditions. Mr. Olsen agreed and Mr. Combellack stated he only had authority to agree to an easement for the existing road with ancillary access for maintenance.

Commissioner Pratt reminded the Commission that there was a portion of the parcel in a Williamson Act Contract which is zoned AE. As a result, he felt that it was important to use ag-

zoning language instead of just TPZ, in order to protect any “triggers” that are placed in the conditions.

Condition #18 was also addressed as it was identified as a concern in the applicant’s letter. Mr. Rivas indicated that staff could make the language clearer in regards to future structures.

Commissioner Pratt inquired if a date-specific continuance should be done or if an off-calendar continuance would be more appropriate. Mr. Rivas stated that staff would recommend off-calendar and would bring it back as quickly as possible.

No further discussion was presented.

Motion: Commissioner Pratt moved, seconded by Commissioner Rain, and carried (3-0), to continue the item to the December 10, 2009, meeting and direct staff to modify conditions as indicated.

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

9. REZONE/PARCEL MAP

Z06-0040/P06-0043 submitted by SUSAN MARCYAN (Agent: Baker-Williams Engineering Group) to rezone from Residential Agricultural 20-Acre-Planned Development (RA-20-PD) to Residential Agricultural 20-Acre (RA-20) and create two parcels, ranging in size from 20.00 acres and 26.23 acres. The property, identified by Assessor’s Parcel Number 073-020-43, consisting of 46.23 acres, is located on the northwest side of State Route 193, approximately 3,250 feet east of the intersection with Penobscot Road, in the Cool area, Supervisorial District IV. [*Project Planner: Tom Dougherty*] (Mitigated Negative Declaration prepared)*

Tom Dougherty presented the item to the Commission with a recommendation of approval to the Board of Supervisors. He stated that no letters had been received from the public on this item.

Kent Baker/applicant’s agent stated that they had no issues with the conditions as presented. He explained that the rezone is simply removing the Planned Development as it is not needed.

No further discussion was presented.

Motion: Commissioner Rain moved, seconded by Commissioner Heflin, and carried (4-0), 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), incorporating the Mitigation Measures in the Conditions of Approval as presented; and 3.

Approve Rezone Z06-0040 and Tentative Parcel Map P06-0043 based on the Findings proposed by staff, subject to the Conditions of Approval as presented.

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

Findings

1.0 CEQA Findings

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

2.0 General Plan Findings

- 2.1 As proposed, the project is consistent with the Rural Residential (RR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because this land use designation permits an allowable density of one dwelling unit per 10 to 160 acres, and establishes areas for single family residential and agricultural development in a rural setting. The proposed 20 and 26.23-acre parcels conform to the General Plan land use designation.
- 2.2 As conditioned and mitigated and with strict adherence to County Code, the proposal is consistent with all applicable Policies of the General Plan including 2.2.5.21 (land use compatibility), 2.2.5.3 (future rezoning), 5.7.1.1(emergency water supply), 6.2.2.2 (high wildland fire hazard), 6.2.3.2 (fire safe access), 6.5.1.8 (noise impacts), 7.3.3.4 (wetland

buffers), 7.4.2.9 (Important Biological Corridor (IBC) overlay), 7.4.4.4 (oak tree canopy retention and replacement), 8.1.3.1 (ten-acre buffer for agriculturally zoned lands), 8.1.3.2 (200-foot setback buffer for agriculturally zoned lands), 8.1.4.1 (Agricultural Commission review), 8.2.2.5 (adequate parcel size to allow adequate setback) concerning adequate roadways, utilities and other public services, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access, noise impacts, wetland impacts, retaining the character of land located designated as IBC, mitigation for the loss of indigenous oak tree canopy, and impacts to agriculturally-zoned lands. The project provides adequate access and site design that ensure compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above.

3.0 Zoning Findings

3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards because the proposed 20 and 26.23-acre lots would conform to the new zoning and the development standards in Section 17.30.050 for minimum lot width of 300 feet, minimum parcel size of 20 acres, building setback requirements of 30 feet from parcel boundaries and road easements from non-agricultural parcels, 50 feet for agriculture structures, 200 feet for agriculturally incompatible uses from agricultural parcels, as well as the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

4.0 Administrative Findings

4.1 Rezone Finding

4.1.1 **That the rezone is consistent with the adopted 2004 General Plan Land Use Designation and the policies of the General Plan** because the Residential Agricultural 20-Acre (RA-20) Zone is consistent with the Rural Residential (RR) land use designation based on the Consistency Matrix, Table 2-4. The RA-20 zone allows parcels to be a minimum of 20 acres in size while the RR designation allows 10.0 to 160 acres depending on the availability of infrastructure and public resources. The rezone is compatible with the surrounding pattern of development where a majority of parcels are five acres or larger within a 500-foot radius of the property. With the Tentative Parcel Map site design and the project-specific conditions related to improvements for infrastructure, this project meets the applicable conditions of Policy 2.2.5.3. This project also meets applicable policies outlined by the General Plan including, but not limited to, those established for wetland buffers, preservation of oak woodland tree canopy and cultural resources, slope preservation, compatibility with agriculture, and adequacy of public services and utilities.

4.2 Tentative Parcel Map Findings

4.2.1 **The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance** because they are of adequate size for the Residential Agricultural 20-Acre

(RA-20) zone district, there is adequate emergency and standard vehicular access provided, and public facilities and existing utilities to support the residential uses.

- 4.2.2 **The site is physically suitable for the proposed type and density of development** because the parcels have existing facilities and utilities to support the residential uses on site or are conditioned to provide them prior to filing the Parcel Map.
- 4.2.3 **The proposed tentative map is not likely to cause substantial environmental damage** because the access roadway to Parcel 1 will not require modifications to the existing rough-graded roadway or encroachment onto State Route 193 because the impacts to that existing roadway and encroachment will not change as a result of this Parcel Map. Parcel 2 will gain access directly from SR 193 from an independent encroachment to be approved prior to issuance of final occupancy for any future grading and/or building permit. The impacts from all other potential impacts have been analyzed in the Initial Study and, as conditioned, mitigated and with strict adherence to County Code, have been found to be less than significant.

Conditions of Approval

Project Description

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

The project description is as follows:

Approval of this project allows the following: Rezone of the 46.23-acre parcel referenced as Assessor's Parcel Number 073-020-43 from Residential Agricultural 20-Acre -Planned Development (RA-20-PD) to Residential Agricultural 20-Acre (RA-20) and a Tentative Parcel Map to subdivide the 46.23-acre parcel into two parcels, 20.00 acres and 26.23 acres in size. Neither of the two parcels shall be less than 20-acres in size. Parcel 1 would have 2,259 sq. ft. single family residence, 748 sq. ft. garage, and one inspection exempt barn. Parcel 2 would be unimproved.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and

the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Conditions from the Mitigated Negative Declaration

2. Prior to disturbance of any waters of the United States including any wetland features, the wetland delineation study for the project site shall be submitted to the Corps for their verification and approval. If fill of any potential waters of the U.S are anticipated, the appropriate Corps 404 permit must be obtained prior to the fill activity occurring. The appropriate terms of mitigation including the wetland acreage to be mitigated for would be defined in the issued Corps permit. Any waters of the U.S. that would be lost or disturbed should be replaced or rehabilitated at a "no-net-loss" basis in accordance with the Corps' mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to the Corps. A total of 4.84 acres of seasonal wetlands were mapped in the combined study area and infrastructure corridors. Wetland mitigation for this project shall be required. Mitigation may include the purchase of mitigation credits from an approved wetland mitigation bank at an appropriate ratio for each acre of wetland /waters proposed to be impacted as determined by the Corps of Engineers. [MM Bio 1].

Monitoring: The applicant shall provide a copy of the 404 permit, if required, to Planning Services prior to issuance of the grading permit. If no permits are required by the Corps, a letter from the Corps shall be provided to Planning Services stating that no permit shall be required for this project.

3. A 50-foot non-building/disturbance setback line shall be recorded on the Parcel Map that begins at all high-water marks or the outer boundary of any adjacent wetlands along the unnamed tributary that transverses the northeast corner and is shown on the Greenwood U.S.G.S Quadrangle and as determined by the Corps of Engineer's verified wetland delineation of waters of the United States. No development shall occur within the setback area and a note shall be made on the Parcel Map identifying that said purpose for the line and for streambed protection purposes. No proposed lot boundary lines shall infringe on said setback lines. The identification shall be made on the Parcel Map, Site Plan Review, grading and building plans where applicable. [MM Bio 2].

Monitoring: Prior to filing of Parcel Map, Site Plan Review (SPR), grading and/or building plan approval, Planning Services shall verify that the identification has been made on the Parcel Map, Site Plan Review, grading and building plans where applicable.

4. A Streambed Alteration Agreement shall be obtained from CDFG, if applicable, pursuant to Section 1602 of the California Fish and Game Code, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. Appropriate mitigation measures would be developed in coordination with CDFG in the context of the 1602 agreement process. Authorization prior to placement of any fill is required from the Corps of Engineers if any impacts are proposed to

jurisdictional riparian habitat. This authorization may require mitigation as deemed necessary by the Corps of Engineers. [MM Bio 3].

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

5. The applicant shall pay the in-lieu fee for 0.25 acre oak canopy removed. The 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.

Monitoring: The applicant shall provide to Development - Planning Services proof of payment of the in-lieu fee prior to issuance of a grading permit. [MM Bio 4].

6. A deed restriction and permanent easement shall be placed over the site area identified for protection by the Cultural Resource Study for the site dated October 2005, and the amended study dated January 2007. The purpose of said easement shall be for the prevention of any use or impact to that portion of the parcel. The easement area shall be shown on the final Parcel Map.

Monitoring: The applicant shall supply a letter from the qualified archeologist to Planning Services staff that the location noted on the map is accurate, prior to filing the Parcel Map. [MM Cult Res 1].

7. A 225-foot non-building setback from the eastern parcel boundary along the full length of where it adjoins State Route 193 shall be shown on the final Parcel Map. [MM Noise-1].

Monitoring: Planning Services shall be responsible for assuring that the 225-foot non-building setback is shown on the final Parcel Map prior to filing. The final Parcel Map shall have a note explaining that the setback line is for the purpose of protecting the residents from traffic noise and for aesthetic reasons for views from State Route 193, pursuant to the adopted Mitigated Negative Declaration. A note shall also be made on the Parcel Map that this setback restriction shall include only noise sensitive structures such as dwellings, guest house, and pools.

Planning Services Site Specific and Standard Conditions

8. 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.
9. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,993.00 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or Parcel Map filed until said fees are paid.
10. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to the Georgetown Divide Recreation District, pursuant to El Dorado County Subdivision

Ordinance Chapter 16.12.090. A receipt showing compliance with this condition shall be submitted by the applicant to Planning Services prior to filing the Parcel Map.

11. The applicant shall make the actual and full payment of Development Services Department processing fees for the Zone Change and the Tentative Parcel Map applications prior to filing the Parcel Map.
12. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

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 California Government Code.

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

El Dorado County Fire Protection District

14. The applicant shall submit review fee of \$150.00 prior to filing the Parcel Map.
15. Fire flow for this project shall be 1,000 gpm @ 20 psi for two hours with 3 hydrants. In place of requirements for hydrants and fire flow the applicant shall enter into a deed restriction for Parcel 2 with a Fire District approved NFPA 13D Fire Sprinkler System with 3,000 gallons of water storage on each parcel for all new structures. The deed restriction shall be reviewed and approved by the District prior to filing the Parcel Map. The deed restriction shall be recorded concurrently with the Parcel Map.

16. The existing home on Parcel 1 shall require 3,000 gallons of Fire District approved water storage within 150 feet of the home. Proof of compliance with said condition shall be received by the District prior to filing the Parcel Map.
17. The applicant shall develop and implement an El Dorado County Fire Protection District and Cal Fire approved Fire Safe Plan for the project parcels. Said plan shall be reviewed and approved by the District prior to filing the Parcel Map. A Notice of Restriction (NOR) shall be recorded that ensures implementation of the Fire Safe Plan. The NOR shall be reviewed and approved by the El Dorado County Fire Protection District prior to filing the Parcel Map.

Georgetown Divide Public Utility District (GDPUD)

18. The existing seasonal irrigation water account with GDPUD shall be required to be assigned to one of the new parcels prior to filing the Parcel Map. If the account is assigned to one of two parcels that is not adjacent to the existing facilities, an easement shall be reserved for the private service line from the existing ditch connection facilities to the account holder's parcel. The easement shall be between five and ten feet wide, to the discretion of the subject Tentative Parcel Map applicant. The location of the easement on the Parcel Map, as well as the note describing the easement, shall be reviewed and approved by GDPUD prior to filing the Parcel Map.
19. A 50-foot wide easement that equally straddles GDPUD's Main Ditch #2 which traverses the property in the northwest portion of proposed Parcel 1 as shown in Exhibit F shall be dedicated to GDPUD and recorded on the parcel map for access purposes to maintain and repair the facilities within the easement. The location of the easement on the Parcel Map, as well as the note describing the easement, shall be reviewed and approved by GDPUD prior to filing the Parcel Map.

California Department of Transportation (Caltrans)

20. The locations of the encroachment from Parcels 1 and 2 onto State Route 193, and all associated easements within the State right-of-way shall be accurately shown and described on the Parcel Map and shall be reviewed and approved by Caltrans prior to filing the Parcel Map.
21. The existing access to Parcel 2 shall be upgraded to State Standards. An encroachment permit shall be required for any work conducted in the State's right-of-way such as sign placement, traffic control, light installation, culvert maintenance, or drainage pattern changes. A cost estimate for the work within the State's right-of-way will be reviewed to determine whether it triggers the need for a 'project funded by others' designation. To secure an application the applicant shall contact Encroachment Permits Central Office at (530) 741-4403 for information regarding the Caltrans encroachment permit process for any work that would be conducted in the State right-of-way. The width of the existing easternmost encroachment located at approximately PM 5.2 shall be 12 feet wide measured at the end of the returns.

22. The applicant shall request a "Notice of Completion" from the Encroachment Permit Office once all work related to the encroachment permit application has been completed as shown on the approved plans. The applicant shall provide Development Services a copy of said Notice prior to issuance of final occupancy for any grading or building permit for Parcel 2.
23. A Drainage Report shall be prepared and submitted to Caltrans District 3 Hydraulics Branch, at (530) 741-4056, at the time of the request for an encroachment permit, for review and approval. The Report shall address the following concerns:
 - a) Within the project area, a 24-inch culvert at Post Mile 4.9, and a 48-inch culvert at Post Mile 5.1 convey runoff flows around State Route 193. Additional runoff flows from this proposed project shall not be directed towards these culverts.
 - b) Pre-project and post-project flows should be calculated. Mitigation for any additional runoff flow from this project shall be provided.

Environmental Management Department – Environmental Health Division

24. Prior to filing the Parcel Map, each parcel shall have a safe and reliable well provided for that meets the criteria of Environmental Management Policy 800-02. Proof of compliance with said condition shall be received by the Division prior to filing the Parcel Map.

El Dorado County Office of the County Surveyor

25. All survey monuments shall be set prior to filing the Parcel Map.
26. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office. Proof of any signage required by the Surveyor's Office must be provided to their office prior to filing the Parcel Map.
27. Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed conditions on the map. The letter will state that "all conditions placed on the map by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

10. REZONE/TENTATIVE MAP

Z06-0025/TM06-1419/Kamm Park Subdivision submitted by KAMM GHALAMKAR (Agent: Gene Thorne & Associates, Inc.) to rezone from Estate Residential Five-Acre-Airport Safety (RE-5-AA) to One-Family Residential (R1) for Lots 1-5 and One-Family Residential-Airport Safety (R1-AA) for Lots 6 and 7; Create seven single family residential lots ranging in size from 9,700 gross square feet to 1.98 gross acres; and Design Waiver Request to deviate from

the following El Dorado County Design and Improvement Manual (DISM) standards: (a) Reduction of sidewalk width along Rancho Tierra Court from six feet to four feet; (b) Exceed 3 to 1 lot depth-width ratio for Lot 7; and (c) Reduction of off-site road width from 28 feet to 20 feet with 1-foot shoulders and asphalt concrete (AC) curbs, and without concrete curbs, gutters or sidewalk. The property, identified by Assessor's Parcel Number 116-040-07, consisting of 5.07 acres, is located along the east and west side of Rancho Tierra Court, approximately 0.25 mile south of the intersection with Woodleigh Lane, in the Cameron Park area, Supervisorial District I. *[Project Planner: Mel Pabalinas]* (Mitigated Negative Declaration prepared)*

Mel Pabalinas presented the item to the Commission with a recommendation of approval to the Board of Supervisors. Staff was recommending the removal of Conditions #28, #30, and #34, which was requested from the applicant's agent and agreed upon by DOT. Mr. Pabalinas indicated that a letter was received by Greg and Karen Duncan and he addressed each issue that was listed in the letter.

Gene Thorne/applicant's agent distributed maps to the Commission which indicated the lot sizes of the project and the adjacent parcels. He briefly explained the reason of requesting the removal of the three conditions.

Brad Bonar/neighbor is opposed to the project because a subdivision would be created among 5 acre parcels which will cause an increase in noise and a loss of privacy. In addition, he stated that the applicant did deep brushing on over 10,000 square feet of the property and did not get the required permit. Since no erosion control practices were used, mud and dirt washed into his property causing approximately \$5,000 in damage.

Lana Bonar/neighbor requested the Commission to deny the project due to the drainage issues, the incompatibility with the surrounding area and the loss of privacy and quiet which is why they moved to the area. In addition, she voiced concern on whether they would be required to move from their well and septic system to EID.

The Commission voiced concern over the possible violation of grading without a permit and Chair Mathews requested that research be conducted on this issue since the brush removal did cause damage to the neighbor's property.

Eileen Crawford/DOT stated that General Plan Policy 15.14.140 states exemptions for a grading permit and item #4 of that policy states soil disturbance less than 10,000 square feet.

No further discussion was presented.

Motion: Commissioner Pratt moved, seconded by Commissioner Rain, and carried (4-0), 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 Reporting Program in accordance with Section 15074(d) of the CEQA Guidelines, incorporated in the Conditions of Approval as presented; 3. Approve Rezone Z06-0025 based on the Findings proposed by staff; 4. Approve Tentative Map TM06-1419 based on the Findings proposed by staff, subject to the Conditions of Approval as modified:

(a) Delete Conditions #28, #30, and #34; and 5. Approve the following Design Waiver requests: (a) Reduction of sidewalk width along Rancho Tierra Court from six feet to four feet; (b) Exceed 3 to 1 lot depth-width ratio for Lot 7; and (c) Reduction of off-site road width from 28 feet to 20 feet with 1-foot shoulders and asphalt concrete (AC) curbs, and without concrete curbs, gutters or sidewalk.

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

Findings

1.0 CEQA FINDING

- 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 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 ADMINISTRATIVE FINDINGS

2.1 El Dorado County General Plan

The project area is located within the Cameron Park Community Region with a land use designation High Density Residential General Plan Land Use Designation. The proposed project is consistent with General Plan Policies including 2.1.5.2 (Project consistency with General Plan), 2.1.5.3 (Rezone consistency), 2.2.5.21 (Compatibility with adjoining land uses), 5.2.1.2 (Adequate water supplies), 5.2.1.3 (Connection to a public water system), and 7.4.4.4 regarding oak woodland preservation and mitigation.

2.2 Zoning

The proposed One-Family Zone Residential (R-1) Zone District for Lots 1 to 5 and One-Family Zone Residential-Airport Safety District (R1-AA) for Lots 6 and 7 are consistent with High Density Residential Land Use Designation. The residential subdivision meets the required density, residential product type, and shall be conditioned to meet applicable county design and improvement standards.

2.3 Subdivision Ordinance

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

The proposed project has been verified for conformance with applicable General Plan Policies including provisions relating to density, site and layout design, and zone development standards. The anticipated development shall be subject conformance with the approved Conditions of Approval and Mitigation Measures identified in the environmental document prepared for the project.

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

The design and improvement of the subdivision has been designed in conformance with the applicable residential land use requirements in the DISM. Subsequent improvement plans, grading plans and other development permit applications shall be further reviewed in accordance with the applicable County standards and recommended conditions of approval/mitigation measures for this project.

- 2.3.3 That the site is physically suitable for the type of development; and
2.3.4 That the site is physically suitable for the proposed density of development;

The site is physically suitable to accommodate the proposed type of development, density and improvements to accommodate the residential subdivision. The site contains varying topography with sparse tree coverage. Development of the site shall be conducted in accordance the applicable county standards. Environmental effects shall be adequately mitigated based on the measures identified in the Initial Study/Mitigated Negative Declaration. Prior to any activities, the anticipated development would require various permit and plan approval, subject to review for consistency with the conditions of approval for the project by the County and affected agencies.

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

Environmental impacts from the development of the infill subdivision have been adequately evaluated in the Initial Study Checklist/Mitigated Negative Declaration. The impacts include effects to biological resources including oak trees, ephemeral drainage

features, and sensitive plants and habitats. Mitigation Measures have been identified and shall be imposed in order to mitigate these impacts to a less than significant level.

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

The proposed development has been designed and conditioned to ensure no public hazard would occur. The design and improvements involve a controlled internal road systems, public utility services, on- and off-site amenities, and adequate vehicular accesses. Development of the project would be subject to improvement plans and permits verifying construction of these improvements for water, sewer, power, drainage, and roads in accordance with the El Dorado County Design and Improvement Manual and County Grading Ordinance.

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

Implementation of the development shall be subject to the applicable County and other agency standards involving site design. The development is subject to specific project conditions from the Cameron Park Fire Department regulating location of on-site hydrant, construction of non-combustible fencing material, and a preparation, submittal, and implementation of a Fire Safe Plan. Therefore, the subdivision conforms to the requirements of Section 4291 of the Public Resource Code;

- 2.3.8 That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection the approving authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 3805 §15, 1988: prior code §9702)

Coupled with imposed project conditions, necessary utility and right-of-way easements for the project are appropriately depicted on the submitted plans and shall be further verified for any conflicts by the County Surveyor's Office at the time of filing and approval of the Final Map for any portions of the approved tentative map.

2.4 Design Waivers

The following design waiver requests are subject to specific findings in accordance with Section 16.08.020.A.2a-d of the El Dorado County Subdivision Ordinance. Each request is followed by a response from the applicant justifying the waiver.

Request 1: Reduction of standard sidewalk width along Rancho Tierra Court from six feet to four feet;

Finding A: There are special conditions or circumstances peculiar to the property justify the adjustment or waiver.

Response: Special physical conditions are prevalent on the project site the warrants the waiver. Specifically, construction of the modified 4-foot wide sidewalk would match the similar public improvement existing in the adjacent residential subdivision to the north. Construction of the DISM required 6-foot wide sidewalk would be inconsistent and would result in additional, unnecessary impacts.

Finding B: Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property;

Response: Application of the standard 6-foot side sidewalk would impose an extraordinary and unnecessary hardship and project costs resulting from encumbering additional area with concrete for sidewalk construction. Moreover, construction of the standard sidewalk width could also impose unnecessary impacts to sensitive natural features existing on site.

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

Response: The proposed modified sidewalk width of 4 feet would match and provide continuation of existing sidewalks in the contiguous subdivisions. The modified sidewalk width is determined to be sufficient in providing adequate pedestrian traffic and connectivity within the immediate neighborhood. Therefore, granting of the waiver would not be injurious to adjacent properties or be detriment to health and safety of the public.

Finding D: This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.

Response: The requested waiver would be similar to previous deviations granted for other development contiguous to and shall be matched by the proposed project. Standard conditions of approval and mitigation measures shall be imposed on the project ensuring orderly development of the site. Therefore, granting of the design waiver will not nullify the objectives of any law or ordinance.

Request 2: Exceed 3 to 1 lot depth-width ratio for Lot 7; and

Finding A: There are special conditions or circumstances peculiar to the property justify the adjustment or waiver.

Response: Per the DISM, a design waiver is required for subdivision lots that exceed a width to length ratio of 3:1. The parent parcel is rectangular in shape and is divided off-center and perpendicular to the long axis by Rancho Tierra Drive. As a result, Lot 7 of the subdivision, which is constraint by slopes and is in excess of 1-acre in size, exceed the width to length ratio at 3.65 to 1. Despite moderate excess of this standard, the shape of the lot is of regular shape and the lot is designed to adequately accommodate residential development which would not significantly deviate from the residential characteristic of the area. This special condition peculiar to the property would justify granting of the waiver.

Finding B: Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property;

Compliance with lot ratio standard would cause unnecessary limitations in developing the property. Given the preexisting conditions with regards to the parent parcel's off-centered configuration and topography, the allowance of this excess of the standard would provide opportunity and flexibility in accommodating residential construction on the parcel.

Finding C: The adjustment or waiver(s) will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

Response: Granting of this waiver would protect adjoining properties and residents though maintaining of required setbacks necessary for site design and development of the lot. Therefore, the waiver would not be detrimental to the health and welfare of the public.

Finding D: This waiver(s) will not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.

Response: The preexisting conditions of the project site would justify the waiver of the standard which would not have any nullifying effect of the objectives of the any law or ordinance. Nevertheless, implementation of the project would be subject to compliance with the project conditions and other applicable development standards.

Request 3: Reduction of off-site road width from 28 feet to 20 feet with 1-foot shoulders and AC curbs, without concrete curbs, gutters or sidewalk.

Finding A: There are special conditions or circumstances peculiar to the property justify the adjustment or waiver.

Response: Construction of this off-site road as part of the required improvement of Rancho Tierra Court would provide a necessary secondary access for the subdivision in accordance with the DISM. Though Standard Plan 101b requires full road improvements, this portion of the road is not anticipated to be a primary high traffic connection to major residential collector roads such as Bass Lake Road and Cambridge Road via Woodleigh Lane. The proposed 20-foot road width meets the required Fire Road standards. Full road

improvements would be required as part of the development of Rancho Tierra Subdivision. Based on this, specific circumstances peculiar to the property would justify the waiver.

Finding B: Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property;

Response: The requirement of full improvement for this off-site portion of the road would cause undue cost and hardship with respect the minor project size. Though required, this off-site portion is not anticipated to have significant vehicular or pedestrian traffic. These improvements are temporary and would be replaced when full road improvements are subsequently furnished as part of the Rancho Tierra Estates Subdivision.

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

Response: The construction of this road would provide for a mutual secondary access in benefit of the adjoining subdivisions. Though modified road improvement is proposed, it adequately meets the minimum standards of the DISM and Fire Regulations in ensuring safety of the residents in the neighborhood and general public utilizing this road.

Finding D: This waiver(s) would have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.

Response: The waiver would not have a nullifying effect the applicable provisions of the ordinance as the modified improvement still adequately meets the design standard under the DISM and implementation of the project would be subject to compliance with the specific conditions and other applicable development standards to ensure orderly development.

Conditions of Approval

PROJECT DESCRIPTION

1. The Rezone and Tentative Subdivision Map are based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits A through J 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 5.07 acre parcel from Estate Residential 5-acre-Airport Safety District (RE-5-AA) to One-Family Residential Zone District (R1) for Lots 1-5 and One-Family Residential-Airport Safety District (R1-AA) for Lots 6 and 7;
- B. Tentative Subdivision Map of subject parcel creating seven (7) single family residential lots ranging from 9,700 square feet to 1.98 acres in size; and
- C. Design Waiver Request to deviate from the following El Dorado County Design and Improvement Manual (DISM) standards:
 1. Reduction of sidewalk width along Rancho Tierra Court from six feet to four feet;
 2. Exceed 3 to 1 lot depth-width ratio for Lot 7; and
 3. Reduction of off-site road width from 28 feet to 20 feet with 1-foot shoulders and asphalt concrete (AC) curbs, and without concrete curbs, gutters or sidewalk

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

CONDITIONS OF APPROVAL

Planning Services

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

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

3. Prior to approval of Final Map, the applicant shall remit payment of any outstanding fees as detailed and required in the *Agreement for Payment of Processing Fees* authorized and executed for this project.

4. If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure that such blasting activities are conducted in compliance with state and local regulations.
5. If burning activities are to occur during the construction of the subdivision improvements, the subdivider shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
6. Prior to filing a Final Map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).
7. This project is proposing mass pad grading. Chapter 15.14 of the County of El Dorado Grading, Erosion and Sedimentation Ordinance (Amended Ordinance No. 4719, 3/13/07) states that a final mass pad grading project application shall be transmitted for comment to the supervisor of the district where the project is located, prior to the issuance of grading permit. If the final grading plan substantially differs from the preliminary grading plan reviewed during the tentative map stage, the district supervisor will be allowed 15 calendar days to respond, before the grading permit is issued.
8. A meter award letter or similar commitment to provide water and sewer service to each lot by the El Dorado Irrigation District shall be submitted to the Planning Services prior to filing the Final Map.
9. The applicant shall pay the mitigation in-lieu fee or provide a replacement plan for all oak canopy removed as part of project implementation (total 0.939 acres). The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Management Plan (OWMP) 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.
10. Prior to filing of the final map, the applicant shall record an Avigation easement for Lots 6 and 7, which are located within the Safety Area 3 as identified by the Cameron Park Airport Comprehensive Land Use Plan (CLUP).
11. The following information shall be incorporated and verified as a note on the grading plan and Improvement Plan:

If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public

Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource. If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by the County Development Services Director.

12. This Tentative Subdivision Map shall expire in 36 months from date of approval unless a time extension has been filed.

The following are recommended Mitigation Measures identified in the Initial Study Checklist/Mitigated Negative Declaration prepared for the project.

13. Construction equipment equal to or greater than 50 horsepower shall be limited to model years 1996 or newer. Maximum daily combined fuel use of all equipment shall not exceed 402 gallons per day. The prime contractor shall maintain a comprehensive daily inventory of all off-road construction equipment equal to or greater than 50 horsepower used during project construction. At a minimum, the inventory shall identify the horsepower rating, engine production year, date/hours of use, and daily fuel throughput for each piece of equipment. The inventory shall be maintained on site, to be made available to County officials upon request. Alternatively, the contractor may implement Mitigation Measure AQ-2b. **(MITIGATION MEASURE AQ-1a)**

Implementation/Timing: The above measure shall be incorporated as note on all construction plans subject to verification and prior to approval by Planning Services.

14. The prime contractor shall provide an approved plan demonstrating that heavy-duty off-road vehicles (i.e., greater than 50 horsepower) to be used in the construction project, and operated by either the prime contractor or any subcontractor, will achieve at a minimum a fleet-averaged 20 percent NO_x reduction, compared to the most recent California Air Resources Board (CARB) fleet average. Use of aqueous emulsified fuel verified by CARB may be used to achieve reductions in NO_x and PM₁₀. The prime contractor would be required to submit a comprehensive inventory of all off-road construction equipment equal to or greater than 50 horsepower used that will be used an aggregate of 40 or more hours during project construction. At a minimum, the inventory shall identify the horsepower rating, engine production year, date/hours of use, and fuel throughput for each piece of equipment. The inventory list shall be updated and submitted monthly to County officials throughout the duration of construction activity; and

The prime contractor shall ensure emissions from all off-road diesel-powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. As an enforcement component of the measure, the prime contractor shall agree to a visual survey of all in-operation equipment conducted on a periodic basis. In

addition, a summary of the visual results shall be submitted to County officials throughout the duration of construction activity. The summary shall include the quantity and type of vehicles surveyed and the dates of each survey. The El Dorado County AQMD and other qualified officials may conduct periodic site inspections to determine compliance. If any equipment is found to exceed the opacity requirement, the equipment shall be repaired immediately and notification of non-compliant equipment shall be made to the AQMD. **(MITIGATION MEASURE AQ-1b)**

Implementation/Timing: The above measure shall be incorporated as note on all construction plans subject to verification and prior to approval by Planning Services.

15. The project shall comply with the Ecological Preserve Mitigation program set forth in the Ordinance Code Chapter 17.71; however, the election to pay the in lieu fee, as provided in Section 17.71.220.A of the Ordinance, may not be made until such time as the County has completed its intended review and update of the in-lieu fee. The project shall be subject to the updated fee at such time as it has been found to be in compliance with the intent of the Ordinance. If the applicant elects to record a final map for the project prior to the completion of the update of the fee, the applicant will be required to demonstrate compliance with the Rare Plant Offsite Mitigation Program as provided in subsection 17.71.220.B, providing off-site mitigation at 1.5:1 for land area permanently impacted within the project area, in accordance with the Ordinance. **(MITIGATION MEASURE BIO-1)**

Implementation/Timing: Conformance shall be verified by Planning Services as noted in the measure.

16. Pursuant to the July 9, 1999 USFWS Conservation Guidelines for the Valley Elderberry Longhorn Beetle, the project applicant shall establish a 20-foot buffer zone around each of the two potentially affected elderberry shrubs within which, no clearing, grading, or excavation or other activities that could result in the damage to or loss of the elderberry shrubs shall occur. This buffer shall be marked with high visibility fencing during excavation so excavation crews can easily avoid them during the excavation of the site. This buffer zone shall remain in place throughout the life of the project. **(MITIGATION MEASURE BIO-2)**

Timing/Implementation: Planning Services shall verify that the above measure has been incorporated on the plans prior to the issuance of a grading permit.

17. The project applicant shall conduct Worker Environmental Awareness Program (WEAP) training for construction crews before construction activities begin. The WEAP shall include a brief review of the special-status species and other sensitive resources that could occur in the proposed Project Site (including their life history and habitat requirements and what portions of the proposed Project Site they may be found in) and their legal status and protection. The program shall also cover all mitigation measures, environmental permits and proposed project plans, such as the Stormwater Pollution Prevention Plan (SWPPP), Best Management Practices (BMPs), erosion control and

sediment plan, and any other required plans. During WEAP training, construction personnel shall be informed of the importance of avoiding ground-disturbing activities outside of the designated work area. **(MITIGATION MEASURE BIO-3)**

Timing/Implementation: The project applicant shall submit evidence of compliance with the above measure to Planning Services prior to the issuance of a grading permit.

18. Prior to any ground disturbing activities within 20 feet of the dripline of any elderberry shrub, the applicant or their representative shall initiate consultation pursuant to the Federal Endangered Species Act with the USFWS. Section 7 Consultation will occur if the US Army Corps of Engineers (ACOE) is involved with this project through a Section 404 permit. Section 10 Consultation will be required if there is no ACOE involvement with this project. Specific mitigation measures for project related impacts on VELB will be developed during this process, but will generally include the following mitigation measures.

Timing/Implementation: The project applicant shall submit evidence of compliance with the above measure to Planning Services prior to the issuance of a grading permit. **(MITIGATION MEASURE BIO-4)**

19. If the elderberry shrubs cannot be avoided then those elderberry shrubs shall be transplanted to a USFWS approved location following the guidelines set forth in the July 9, 1999 USFWS Conservation Guidelines for the Valley Elderberry Longhorn Beetle. This location may be established on site, or at an approved mitigation bank.

In addition to transplanting the affected shrubs, the project applicant shall plant additional seedlings or cuttings in the established mitigation area following the guidelines set forth in the July 9, 1999 USFWS Conservation Guidelines for the Valley Elderberry Longhorn Beetle. **(MITIGATION MEASURE BIO-5)**

Timing/Implementation: The project applicant shall submit evidence of compliance with the above measure to Planning Services prior to relocation of any elderberry shrub and any construction.

20. The project applicant shall present a formal delineation to and obtain a Section 404 permit from the U.S. Army Corps of Engineers and a Section 401 water quality certification from the Central Valley RWQCB. The project applicant also shall obtain a Streambed Alteration Agreement from the California Department of Fish and Game. **(MITIGATION MEASURE BIO-6)**

Timing/Implementation: Prior to approval of grading permit, the applicant shall provide documentation of the above permits and certifications to Planning Services.

21. If construction activities are scheduled to occur within the typical breeding season for raptors (February through October), a pre-construction survey for active nests shall be conducted by a qualified biologist no more than two weeks prior to start of development activities. The survey shall be conducted on site and within 250 feet of the site. If an

active raptor nest is found within 250 feet of a construction area, the biologist shall record the location on a site map and a 250-foot buffer shall be established around the nest tree. The buffer zone shall be physically marked by the biologist, and no construction activities shall occur within the buffer area until the young have fledged. If establishment of a buffer is not practical, the California Department of Fish and Game shall be contacted for further avoidance and minimization guidelines. If no active nests are found, then no further action is required, and construction activities may proceed upon approval by Planning Services. **(MITIGATION MEASURE BIO-7)**

Implementation/Timing: The above measure shall be incorporated as note on all construction plans subject to verification and prior to approval by Planning Services.

22. If any cultural resources are uncovered during grading and construction activities, work in the vicinity of the discovery shall be halted until a qualified cultural resource specialist evaluates the find. If the resource is found to be significant, the cultural resource specialist, in coordination with appropriate agencies, shall provide recommendations on the disposition of the resource that retains its cultural value. Recommendations may include, but are not limited to, excavation of the resource or covering of the resource by pavement. These recommendations shall be implemented by the contractor working at the project site prior to resumption of work in the vicinity of the find. **(MITIGATION MEASURE CUL-1)**

Implementation/Timing: The above measure shall be incorporated as note on all construction plans subject to verification and prior to approval by Planning Services.

23. Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, and 8:00 AM and 5:00 PM on weekends and federally recognized holidays. **(MITIGATION MEASURE NOI-1)**

Implementation/Timing: The above measure shall be incorporated as a note on all construction plans subject to verification and prior to approval by Planning Services.

24. Motorized construction equipment shall be equipped with intake/exhaust mufflers and engine shrouds, in accordance with manufacturers' specifications. Noise-generating equipment, including portable power generators and air compressors, shall be located at the farthest distance possible from the nearest occupied residence. **(MITIGATION MEASURE NOI-2)**

Implementation/Timing: The above measure shall be incorporated as notes on all construction plans subject to verification and prior to approval by Planning Services.

Department of Transportation

Project Specific Conditions

25. The applicant shall improve or verify roads in conformance with the Design and Improvements Standard Manual and the following table. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map:

ROAD NAME	ROAD WIDTH	R/W	DISM REFERENCE	Notes/Comments
Rancho Tierra Court (onsite)	36 feet with 4-foot sidewalk, curb and gutter (60 feet R/W)	60-feet	Std Plan 101B	County Roadway
Rancho Tierra Court (offsite)	36 feet with 4-foot sidewalk, curb and gutter (60 feet R/W)	60-feet	Std Plan 101B	Improvements shall tie into existing improvements on Rancho Tierra Court and thru their frontage.
Rancho Tierra Court (offsite)	20 feet roadway with 1 foot shoulder either side with AC curb	60-feet	Modified Std Plan 101B	Improvements to be made from southerly property line to connect to Great Heron Drive as shown on December 2008 plans.

26. The applicant shall irrevocably offer to dedicate a total of 60 feet of right-of-way, along the onsite portion of Rancho Tierra Court, with the filing of the final map. This offer shall be accepted by the County.
27. The applicant shall provide a 60 foot wide non –exclusive road and public utility easement (R & PUE) for Rancho Tierra Court, with the filing of the final map.
- ~~28. The applicant shall provide a turn around at the end of Rancho Tierra Court to the provisions of County Standard Plan 114 or per the fire safe standards. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.~~
2928. Because Rancho Tierra Court is currently a dead end street that may serve more than twenty-four existing or potential lots (as defined in DISM Section 3.A.12), the applicant shall be required to provide a secondary access to this site or an acceptable alternative. Both the primary and secondary off-site accesses shall meet the requirements of El Dorado County Standard Plan 101B as described in the table above. 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 map.

- ~~30. Prior to filing of the final map, the applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads not maintained by the County, both on-site and for those roads that are required for access to County or State maintained roads.~~
3129. Prior to filing of the final map, the applicant shall join or form a drainage zone of benefit (ZOB) or other appropriate entity to ensure that all storm water drainage facility maintenance requirements are complied.
3230. The applicant shall install all necessary signage such as stops signs, street name signs, and/or "not a county maintained road" road signs as required by the Department of Transportation prior to filing the final parcel map.
3331. 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 may be required. The drainage shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map:
- ~~34. All on and off site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA. Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5-year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.~~
3532. 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 percent contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.

- c. An appraisal prepared by a 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.

Standard Conditions

- 3633. 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.
- 3734. All curb returns, at pedestrian crossing, shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.
- 3835. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance, prior to filing the final map.
- 3936. 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.
- 4037. 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.
- 4138. A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans to the approval of the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
- 4239. Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the

- County. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway.
4340. 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.
4441. 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.
4542. This project disturbs more than one acre of land area (43,560 square feet). At the time that an application is submitted for improvement plans or a grading permit, the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
4643. The applicant shall submit a soil 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.
4744. Grading plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
4845. 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.

4946. Turnarounds shall be constructed at any proposed entry gates within this subdivision and are subject to the review and approval by the Department of Transportation at the improvement plan stage.
5047. The Master Covenants, Conditions and Restrictions (CC&Rs) shall provide that no parking shall be permitted within cul-de-sac bulbs which have a radius to curb-face that is less than County standards and shall provide for enforcement of such provisions. The CC&Rs shall include a provision for off-street parking to compensate for lack of parking normally provided within the cul-de-sac bulb. The applicant shall either provide adequate parking for a three-car Courtway or sufficient depth of Courtway (18 feet per parking stall) to accommodate longitudinal and/or lateral parking for three spaces.
5148. Subdivision improvements shall include rough grading of Courtways 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 Courtways 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 Courtway access only.
5249. 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).
5350. 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.
5451. 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.
5552. The applicant shall pay the traffic impact fees in effect at the time a building application is deemed complete.

Office of County Surveyor

5653. All survey monuments must be set prior to the filing of the Final Map or the developer shall a surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to coordinated with the County Surveyor's Office.

~~57~~54. 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.

~~58~~55. Situs addressing for the project shall be coordinated with the Cameron Park Fire Department and County Surveyor's Office prior to filing the Final Map.

Cameron Park Community Services District

~~59~~56. 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.

~~60~~57. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the final map.

~~61~~58. As applicable, a draft copy of Conditions, Covenants and Restrictions (CC&R) for the subdivision shall be coordinated for review and approval by the CSD, prior to filing the Final Map.

Cameron Park Fire Department

~~62~~59. A final Fire Safe plan shall be submitted for review and approval by the Fire Department and Cal Fire and provided to the Planning Services prior to filing the final map.

~~63~~60. The following standards shall be verified as notes during review of Improvement Plan:

A. In accordance with California Fire Code 2008 Edition, the required fire flow for residential structures below 3,600 square feet is 1,000 gallons per minute with a 20 psi residual pressure. Structures in excess of 3,600 square feet shall conform to the standards of Table B105.1. A reduction in required fire flow of 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system.

B. Fire hydrant spacing shall not exceed 300 feet. Location of the hydrants shall be determined by the Fire Department.

C. Fire apparatus access roads between 20 and 29 feet shall be posted on both sides as fire lane with No Parking allowed on either side of the roadway. Roads measuring between 30 and 39 feet shall have No Parking Fire Lane sign posted on one side of the road, with parking allowed on the opposite side of the roadway.

~~64~~61. Prior to issuance of residential building permit, siting of propane tanks must comply with provisions set forth in Chapter 38 of the CFC 2008 edition and NFPA 58.

Air Quality Management District

6562. All applicable AQMD standard measures and provisions including District Rules 215, 223, 223.1, 224 and implementation of Fugitive Dust Plan shall be coordinated with and verified by the District prior to approval of all grading and construction plans.

11. **LAND DEVELOPMENT MANUAL/HIGHWAY DESIGN MANUAL/STANDARD PLANS**

Adoption of Land Development Manual, Highway Design Manual, and Standard Plans (hereinafter “Manuals”). Section 16.14.010 and 16.16.020 of the El Dorado County Code require all subdivision improvements to be constructed in accordance with the County Design Manual. The proposed Manuals comprehensively incorporate provisions of the 2004 General Plan and 2007 Fire Code, updates to the current Design and Improvement Standards Manual, and includes additional information on development processes. The Manuals include provisions for: Subdivision Development Processes; Road Standards and Typical Sections; Hillside Design Standards; Design Waivers; Secondary Access Provisions; Sidewalk Requirements; Fire Protection Standards; Water and Sewage Disposal Standards; Miscellaneous DOT permits and processes; Grading; Gating of Roads; Surveying Information; and a Reference Chapter. *[Staff: Roger Trout] (Negative declaration prepared)* [continued from 6/11/09, 7/23/09 & 9/24/09 meetings]*

Roger Trout presented the item to the Commission and referred to Staff Memo dated October 29, 2009. Per the Commission’s request, he went through, in detail, each policy issue identified in the Staff Memo. Significant discussion ensued between staff and the Commission on each policy issue, particularly Policy Issue #10/Fire Code Requirements, and then the item was opened to the public for comment.

Fred Sanford/Environmental Management:

- Policy Issue #5: Staff surveyed other jurisdictions for the percentage used and it was all over the board. As a result, it was determined to use 10% as it would provide a good basis for reviewing if there was an adequate water supply without testing all of the other lots. In addition, to Commissioner Pratt’s comments on the wording “land use intensification”, Mr. Trout stated that staff would clarify that better.
- Policy Issue #9: The 30% figure has been in existence since the 1970s and is a standard of the Regional Water Quality Control Board.

Art Marinaccio:

- There are more issues than what was presented in the Staff Memo.
- Concerned that the LDM has items included with their approved wording but that doesn’t reflect how they are actually enforced.
- Fire Code-Part D was not adopted by the State but adopted by the local Fire Departments.
- Wants to see the Commission become more involved with each of these issues.

Kathye Russell:

- Stressed the importance of the continuation of the weekly EDAC Regulatory Reform Subcommittee meetings.

- Complimented staff on being very supportive and open during this process.
- Major issues surround the Fire Department.
- Important for the Commission to be involved with the details.
- Although staff feels an urgency to move forward since the DISM is outdated, she still feels there is much more discussion needed with the Commission.

Noah Briel:

- Suggested Commission members attend some of the weekly meeting as they are very productive.

Olga Sciorelli/CTA:

- Complimented staff;
- It would be a good idea to go over the LDM one more time to identify any issues.
- More time would be needed for the HDM which has not be reviewed very thoroughly yet.

Commissioner Pratt responded to comments of more Commission involvement by stating that this item had been continued from past meetings in order to allow more public input. He had wanted to hear specifics from them, similar to the Staff Memo, and not generalities.

Commissioner Rain stated that everything has been gone over and is continually being amended through the hard work by the EDAC subcommittee. Since this could be on-going, need to determine a stopping point. He also stated that he was relying on those with expertise in the field to bring the issues to the Commission.

Chair Mathews reminded the audience that no one had been present the last few meetings to address any issues. He also indicated that he did not have any problems with the 11 Policy Issues identified in the Staff Memo.

Commissioner Heflin would like to hear more on off-site improvements and grading without a permit.

Ms. Russell suggested that at tomorrow's weekly meeting, the subcommittee members could define specifics of what they would like the Commission to review and compare what Mr. Trout had presented to the Commission already.

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner Pratt, and carried (4-0), to continue the item to the January 14, 2010, meeting based upon the recommendations to staff.

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

12. WORKSHOP

Discussion on the application of General Plan Objective 2.2.4 – Density Bonus [Staff: Pierre Rivas]

Pierre Rivas stated that approximately three months ago Commissioner Rain expressed an interest in having a workshop on the application of General Plan Objective 2.2.4 – Density Bonus.

Commissioner Rain stated he requested the workshop because he questioned the consistency. He was also concerned that developers were being rewarded for areas that were developable in the first place.

Mr. Rivas stated that for future project coming before the Commission, staff can begin including how the calculations were done

Significant discussion ensued between the Commission, staff, and audience members (Joel Korotkin, Olga Sciorelli, Kathye Russell, Art Marinaccio) on the following topics:

- developable vs buildable;
- wetlands calculations;
- parks instead of open space;
- rewarding for undevelopable land;
- overall project reviewed;
- land use designation instead of zoning; and
- Quimby Act

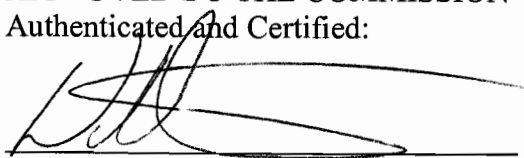
No action taken.

13. ADJOURNMENT

Meeting adjourned at 4:58 p.m.

APPROVED BY THE COMMISSION

Authenticated and Certified:



Walter Mathews, Chair