



# 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 Tim ..... Clerk of the Planning Commission

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## MINUTES

**Regular Meeting  
December 10, 2009 – 8:30 A.M.**

### 1. CALL TO ORDER

Meeting was called to order at 8:40 a.m. Present: Commissioners Rain, Pratt, Heflin, Mathews, and Tolhurst; Paula Frantz-County Counsel\*; and Char Tim-Clerk of the Planning Commission.  
*[\*Arrived at 8:50 a.m. and was in attendance at the start of the public hearing portion.]*

### 2. ADOPTION OF AGENDA

Commissioner Heflin requested that an Urgency item be placed on today's agenda. The item would be a discussion on rescheduling the Land Development Manual/Highway Design Manual/Standard Plans continuation date from January 14, 2010 (next meeting) to January 28, 2010.

**Motion: Commissioner Heflin moved, seconded by Commissioner Pratt, and unanimously carried (5-0), to add a new item to the agenda to discuss rescheduling the Land Development Manual/Highway Design Manual/Standard Plans continuation date from January 14, 2010 (next meeting) to January 28, 2010 and to place the item immediately following Public Forum/Public Comment.**

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

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

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

3. **PLEDGE OF ALLEGIANCE**

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

a. **Minutes:** November 12, 2009

**END OF CONSENT CALENDAR**

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

**AYES: Pratt, Heflin, Rain, Mathews**

**NOES: None**

**ABSTAIN: Tolhurst**

5. **DEPARTMENTAL REPORTS AND COMMUNICATIONS**

Peter Maurer provided a summary of events regarding long-range planning:

- **INRMP Consultant Selection:** Sierra Ecosystems Associates (SEA) was selected by the Board of Supervisors for preparation of the first phase of the INRMP. The agreement is scheduled to be approved by the Board at today's meeting.
- **Zoning Ordinance:** Three articles (1, 2, & 4) of the Zoning Ordinance are very close to being released for review to the EDAC Advisory Subcommittee. In addition, it is expected that the first draft of the rezoning maps will be available for review in January 2010.

6. **COMMISSIONERS' REPORTS** – None

**9:00 A.M.**

**PUBLIC FORUM/PUBLIC COMMENT** – None

**NEW ITEM:**

**Discussion on rescheduling Land Development Manual/Highway Design Manual/Standard Plans continuation date from January 14, 2010 to January 28, 2010**

Commissioner Heflin requested that the Land Development Manual/Highway Design Manual/Standard Plans (LDM) item, which was continued to the January 14, 2010 meeting at a previous meeting, be rescheduled to the January 28, 2010 meeting for the following reasons: (1) He will not be in attendance at the January 14, 2010 meeting and is interested in participating in the discussion of this item; and (2) General Plan Policy 10.1.2.4 needs to be followed when discussing this item, particularly Policy 10.1.2.4.3. When discussing the LDM, he feels it is

important to go back to the Economic Development Element of the General Plan. Commissioner Heflin stated that by rescheduling the meeting to a later date will also provide additional time to staff to respond to his concerns regarding the Economic Development Element.

**Motion: Commissioner Heflin moved, seconded by Commissioner Pratt, and unanimously carried (5-0), to reschedule the Land Development Manual/Highway Design Manual/Standard Plans item from the January 14, 2010 meeting to the January 28, 2010 meeting.**

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

**7. SPECIAL USE PERMIT**

**S09-0018/Western Sign Monument/Tenant Sign** submitted by WESTERN SIGN COMPANY to allow the installation of a new freestanding internally illuminated monument sign. The sign would be 12 feet tall with an overall sign face of approximately 102 square feet. An approximately 17 square foot digital message center would be included as part of the monument sign. The property, identified by Assessor's Parcel Number 329-240-22, consisting of 4.3 acres, is located on the north side of Enterprise Road, 500 feet west of the intersection with Missouri Flat Road, in the Diamond Springs area, Supervisorial District III. [*Project Planner: Jonathan Fong*] (Categorical Exemption pursuant to Section 15311(a) of the CEQA Guidelines)\*\*

Jonathan Fong presented the item to the Commission with a recommendation of approval with exclusion of the digital message center from the proposed monument sign.

There was discussion on the sign size in regards to how it is calculated, what is the ratio of sign space between Western Sign and the other tenants, and what was planned for the space designated for the LED readerboard if it was not approved.

Keith Wills/applicant stated they wanted to showcase the types of signs they can fabricate and coincide it with the commemoration of their 50<sup>th</sup> year in business. He indicated that the LED readerboards can be done tastefully, small, and with adjustable light output to where it can be a win-win situation. Mr. Wills stated that it was their intent to promote local non-profit organizations and events, in addition to promoting Western Sign Company. He indicated that the location is in a business park, cannot be seen from Missouri Flat Road, has low traffic count and would only be run during business hours. Mr. Wills stated that examples could be created for the Commission's review, but in fairness, they would have to be viewed in the field and not in a controlled environment.

Chair Mathews stated that he was interested in allowing this, but there is no code to authorize it and there is significant concern about creating a Folsom Lake Auto Mall atmosphere in the County. He also indicated that past requests for LED readerboards have been denied and applicants had been requested to return with different options but that has not happened.

Commissioner Rain stated that at a past meeting, Commissioner Tolhurst had requested a workshop be conducted on the different technologies available and encouraged the applicant to participate in that when it occurs.

Pierre Rivas informed the Commission that staff is preparing a background paper on the LED readerboards and the legality issues. Once they are finished, County Counsel will review it prior to it being agendized for the Commission.

Commissioner Tolhurst cautioned that since the applicant is a sign company and would be showcasing the LED readerboard, that others would want the same sign so it was important to be careful on what was allowed.

County Counsel Paula Frantz said that as of today, the Commission did not have the authority to approve the moving portion of a sign (text) pursuant to the Ordinance and the Commission's past routine interpretation. An approval can not be based on location, therefore, if a new interpretation was used, it would be county-wide.

Mr. Rivas stated that many past applicants that have been denied the LED readerboard have designed their signs so that it is pre-wired in the event that the Ordinance is revised and the LED readerboards are allowed.

No further discussion was presented.

**Motion: Commissioner Heflin moved, seconded by Commissioner Pratt, and unanimously carried (5-0), to take the following actions: 1. Certify the project is Categorical Exempt from CEQA pursuant to Section 15311(a) of the CEQA Guidelines; and 2. Approve Special Use Permit S09-0018 based on the findings proposed by staff, subject to the conditions as presented, excluding the digital message center from the proposed monument sign.**

**AYES: Rain, Tolhurst, Pratt, Heflin, Mathews**

**NOES: None**

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

**Findings**

**1.0 CEQA FINDING**

**1.1** The project is Categorical Exempt pursuant to Section 15311(a) of the CEQA Guidelines which exempts on-site signage from the provisions of CEQA.

**2.0 SPECIAL USE PERMIT FINDINGS**

**2.1 The issuance of the permit is consistent with the El Dorado County General Plan;**

The project site is located within the Barnett Business Park which permits a range of industrial uses. The proposed sign would utilize design features and materials which would be consistent within an industrial area. The proposed sign would not result in objectionable glare or other vehicular hazards which would be inconsistent with the General Plan.

Approval of the proposed sign is subject to the removal of the LED digital message center portion of the sign. The exposed LEDs would result in objectionable glare and would pose a vehicular hazard to motorists along Enterprise Drive which would be incompatible with the surrounding area and inconsistent with the General Plan.

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

The proposed sign would not incorporate any design features that would be detrimental to the health, safety and welfare of the neighborhood.

The LED digital message center has the potential to produce objectionable glare and is not approved as part of this Special Use Permit approval.

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

The proposed sign exceeds the maximum sign area requirements of the (I) Zone District. Section 17.34.030(E) of the County Code would allow the increased sign area by Special Use Permit.

Chapter 17.16 of the County Code prohibits signage which produces objectionable glare, vehicular traffic impairment and moving signs. The proposed LED digital message center is excluded from approval because the message center would be inconsistent with the County Code.

**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 Staff Report hearing exhibits marked Exhibits E-F 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:**

This Special Use Permit shall permit the removal of an existing monument and the replacement of a new monument sign. The signage shall meet the following requirements:

**Location:** The sign shall be located southwest corner of the project site as shown on the approved Site Plan (Exhibit E).

**Lighting:** The sign shall utilize internal illumination. The 'Western Sign Company' Logo and Tenant Sign Copy shall be internally illuminated utilizing LED's. No exposed LED's shall be permitted as part of this approval. Three in-ground, 'up' lighting fixtures would provide exterior illumination on the column accent. The lighting fixtures shall be recessed within the sign base and shall not be visible from view.

**Dimensions:** The sign shall have an overall height of 12 feet. The widest portion of the sign shall be 11 feet 6 inches wide. The sign shall display the text 'Western Sign Company' and the corporate logo. Eight (8) lines of tenant copy would be allowed each seven (7) inches in height.

**Readerboard:** No electronic message board shall be permitted as part of this approval. Prior to installation of any electronic message board, the applicant shall obtain approval of a Revision to this Special Use Permit.

**Design:** The color and design features of the monument sign shall correspond to Exhibit F of the staff report. The sign face shall utilize a brushed aluminum face with solid blue accents. A basalt column accent shall be located adjacent to the monument sign.

### Planning Services

2. **Site Improvements:** All site improvements shall conform to Exhibits F-H. Planning Services shall verify the site improvements are substantially consistent with the approved exhibits prior to issuance of a building permit.
3. **Electronic Message Board Prohibited:** No LED readerboard or similar electronic message or reader board shall be approved as part of this Special Use Permit. Planning Services staff shall verify that all electronic message boards are removed from the plans prior to issuance of a building permit.
4. **Removal of Existing Sign:** The applicant shall remove the existing monument sign on-site. Planning Services shall verify the removal of the existing sign prior to issuance of a building permit.
5. **In-ground Lighting:** The three (3) proposed in-ground, 'up' lighting fixtures shall be recessed within the signage base. No portion of the lighting fixture shall protrude beyond the horizontal plan of the signage base. Planning Services shall verify the lighting design prior to issuance of a building permit.

6. **Maintenance and review:** The applicant shall adjust the internal lighting of the sign to reduce the nighttime intensity. The applicant shall correct any lighting issues within 30 days of any written complaint to Planning Services regarding the nighttime light intensity of the sign.

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

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Special Use Permit.

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

8. **Processing Fees:** Prior to issuance of any permits, the applicant shall pay all Development Service fees and noticing fees.

9. **Condition Compliance:** 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.

### **Department of Transportation**

10. **Sign Placement:** The placement of this proposed signs shall not be within the existing right of way of Enterprise or Missouri Flat roads. In addition, this proposed sign shall not be placed in a location that will restrict sight distance as determined by the DOT.

### **8. PLANNED DEVELOPMENT REVISION**

**PD07-0008R/Serrano Commercial Village J5** submitted by SERRANO ASSOCIATES, LLC to revise an approved Development Plan that would approve the following: Photometric Plan, Sign Program, Building Elevations, and Color Palette. The property, identified by Assessor's Parcel Number 123-040-07, consisting of 24.91 acres, is located on the south side of Bass Lake Road, east of the intersection with Serrano Parkway, in the El Dorado Hills area, Supervisorial District II. [*Project Planner: Jonathan Fong*] (Statutory Exemption pursuant to Section 15162(a) of the CEQA Guidelines)\*\*

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

Kirk Bone/agent stated that this was just the next step in the project.

In response to Commissioner Tolhurst's inquiry on impacts to adjacent properties in regards to the blank walls, Andrea Howard/applicant discussed the proposed architectural style, landscaping plan, sound walls, and retaining walls. Tom Howard/agent also commented that a portion of the subject parcel has a creek by it and that area will be permanent open space.

Commissioner Rain complimented the applicant on the excellent attention to detail.

No further discussion was presented.

**Motion: Commissioner Rain moved, seconded by Commissioner Tolhurst, and unanimously carried (5-0), to take the following actions: 1. Certify that the project is exempt from CEQA pursuant to Section 15162(a) of the CEQA Guidelines; and 2. Approve Planned Development Revision Application PD07-0008R adopting the Development Plan as the official Development Plan, based on the Findings proposed by staff, subject to the Conditions as presented.**

**AYES: Pratt, Heflin, Tolhurst, Rain, Mathews**

**NOES: None**

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

### **Findings**

#### **1.0 CEQA Findings**

**1.1** The project is statutorily exempt from the CEQA Guidelines pursuant to Section 15162(a) which states that once an EIR has been prepared for a project, a subsequent environmental document is not required unless substantial changes to the project or the project circumstances occur. The proposed project would be consistent with the commercial development established within the El Dorado Hills Specific Plan. No changes to the circumstances have occurred. No further environmental review is necessary.

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

#### **2.0 Administrative Findings**

**2.1 The project is consistent with the El Dorado Hills Specific Plan**



The proposed neighborhood commercial center would be consistent with the permitted used and development standards established for Village J within the El Dorado Hills Specific Plan.

The proposed Revision to the Development Plan shall approve building elevations, outdoor lighting plans, and sign program. The proposed Revision will be consistent with the Development Standards and objectives of the Specific Plan.

**2.2 The project is consistent with the Zoning Ordinance**

The project site is zoned Planned Commercial (CP). The proposed neighborhood commercial center will be consistent with the parking requirements and the development standards of the CP Zone District.

The proposed Revision will approve elevations, outdoor lighting and signage. The project elevations and outdoor lighting will comply with the requirements of the Zoning Ordinance. The proposed sign program will allow two monument signs each 140 square feet in size which exceeds the requirements of the CP Zone District. The Development Plan flexibility in the zone district standards is permitted because the project includes a sign program which governs all on-site signage.

**3.0 Planned Development Findings**

**3.1 That the Planned Development request is consistent with the Specific Plan**

The proposed commercial development will be consistent within the CP zone as established by the El Dorado Hills Specific Plan. All future development will be reviewed to be consistent with the architectural guidelines of the Specific Plan.

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

The project has been designed to provide adequate vehicular access to the site as well as on-site parking consistent with the Zoning Ordinance. Sidewalks and bus turnouts will allow for non-motorized and public transportation. Landscaping and project siting will buffer the commercial uses from the surrounding residential uses.

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

The proposed commercial project will meet the Development Standards of the CP Zone District. The Revision to the Development Plan will approve the Building Elevations, Outdoor Lighting Plan, and Sign Program. The proposed Building Elevations and Outdoor Lighting will conform to the Zoning Ordinance.

The Sign Program will allow two monument signs which exceed the maximum square signage square footage allowed within the CP Zone District. The overall project consists of nine (9) individual parcels. In accordance with the CP Zone Development Standards, each of the parcels would be allowed one (1) sign not exceeding 80 square feet or two (2) signs not exceeding 50 square feet. The two proposed monument signs will be each 140 square feet each. The exception to the Development Standards of the CP Zone District will be justified due to the consolidation of signage for the proposed project. In accordance with the approved Sign Program, no other monument signage will be permissible within the project. Tenant signage will be limited to wall and window signage as established in the Sign Program

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

The project site is easily accessed from Serrano Parkway and Bass Lake Road. The project will require road improvements and signal construction to reduce the future traffic impacts associated with the project. The construction of sound walls will reduce any impacts of site operation on the surrounding residential uses. The removed oak canopy will be mitigated through the preservation of additional oak canopy within the Village J area.

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

The existing public water and sewer services are available to serve the project. The project will include road improvements and signal construction to reduce the future traffic impacts associated with the project.

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

The project site is currently undeveloped and does not contain any scenic value. The proposed commercial development will be consistent with the anticipated improvements in the Specific Plan area and will provide a benefit to the existing and future residential uses in the area.

**Conditions of Approval**

**Planning Services**

1. This Parcel Map and Development Plan Revision is based upon and limited to compliance with the project description, the ~~Planning Commission hearing exhibit marked Exhibit E-G, dated August 14, 2008~~ Staff Report Exhibits E through I, and conditions of approval set forth below. Any deviations from the project description; exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further

environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The project would allow for a Commercial Parcel Map and Development Plan. The Parcel Map would allow for nine parcels, one right-of-way parcel and a remainder. The Planned Development would allow for commercial building on each of the numbered parcels. The parcel sizes and improvement square footages in the following table are approximate only.

<b>Parcel Number</b>	<b>Improvements (Square Feet)</b>	<b>Net Area (Acre)</b>
1	62,000	5.70
2	3,080	1.00
3	8,400	0.81
4	4,800	0.44
5	6,000	0.56
6	4,000	0.37
7	8,064	0.75
8	8,098	0.74
9	14,400	1.33
Subtotal	118,842	11.7
A	Right-of-Way	1.45
Remainder	Remainder	11.76

~~Approval of the project shall allow for the creation of the parcels only. All future development of the site shall correspond to the square footage improvements listed in the table above and shall require Planning Commission approval demonstrate consistency with the adopted Development Plan and Site Exhibits prior to issuance of any building permit for the project.~~

The Revision to the Development Plan shall approve the following:

-Sign Program: All signage installed as part of the project shall demonstrate consistency with the approved Sign Program.

-Elevations/Color Palette: All buildings shall substantially conform to the approved elevations and color palette. Planning Services shall verify consistency with the approved exhibits prior to issuance of a building permit.

-Outdoor Lighting: All outdoor lighting shall conform to the Lighting Plans approved as part of the Development Plan Revision. Planning Services shall verify consistency with the approved plans prior to issuance of building permit.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County. Minor modifications to the approved plans may be administratively approved by the Development Services Director or designee. Increases or decreases in the improvement square footages or parcel sizes for Parcels 1 through 9 are minor modifications so long as the aggregate improvement square footage of 118,842 square feet and the aggregate parcel size of 11.7 acres are not exceeded and all applicable requirements of Zoning Ordinance and the El Dorado Hills Specific Plan are satisfied. Major modifications shall require approval of a revision to this Development Plan subject to approval by the Planning Commission.

2. The project shall connect to EID services for water and waste water services. The applicant shall submit an EID Water Meter Award Letter or similar document to Planning Services prior to ~~filing the Parcel Map.~~ issuance of a building permit.
3. The applicant shall construct sound barriers as recommended in the noise impact analysis prepared by The Acoustics & Vibration Group dated March 2007. Planning Services and the acoustical engineer shall review and approve the sound barriers prior to issuance of any building permit for the project.
4. The applicant shall submit an acoustical analysis for any outdoor mechanical equipment proposed on Parcels 1, 2, 8, or 9. Planning Services shall review and approve the acoustical analysis prior to issuance of a building permit.
5. The project shall remove 1.112-acres of oak canopy. The required 20 % retention of oak canopy as established by the El Dorado Hills Specific Plan EIR shall be achieved through limited development of Village J6 and J7 areas.
6. Development Services shall verify that all fees have been paid prior to filing of the Parcel Map.
7. The applicant shall submit to Planning Services the required Department of Fish and Game fee and filing 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.
8. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

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

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

9. 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.

### **Department of Transportation**

#### ***Project Specific Conditions***

#### ***DOT CONDITIONS***

10. The applicant shall construct realigned Sienna Ridge Road from the boundary of the Bass Lake Hills Specific Plan to form a 4-way intersection with Serrano Parkway and Bass Lake Road. The improvements shall be as follows (starting on the north side of Sienna Ridge Road):
  - 6-foot sidewalk with Type 2 vertical curb and gutter
  - 8-foot shoulder to include a type II Bike path
  - 11-foot AC travel lane
  - 12-foot striped median
  - 11-foot AC travel lane
  - 4-foot shoulder to include a type II Bike Path
  - 6-foot sidewalk with Type 2 vertical curb and gutter

A transition to the existing road (Sienna Ridge Road) must be provided to the satisfaction of the Department of Transportation. 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 Parcel Map.

11. An application for general vacation shall be filed for the unused segment of Sienna Ridge Road from the intersection of the proposed local road to Bass Lake Road prior to occupancy.
12. The applicant shall irrevocably offer to dedicate in fee, 60-foot wide on-site road and public utility easement for the on-site portion of Sienna Ridge Road, prior to the filing of

- the map. This offer will be acknowledged but rejected by the County, subject to completion of said improvements.
13. In Accordance with Policy TC-5 of the County of El Dorado General Plan, sidewalks and curbs shall be required along the future road as well as along Bass Lake Road per DISM 101A. The concrete curb and gutters shall be in accordance with DISM Standard Plan 104 Type 2. 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 Parcel Map.
  14. The southerly driveway encroachment onto Bass Lake Road shall have a restricted turn movement to a right-in and right-out only. 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 Parcel Map.
  15. A left turn pocket shall be provided on Bass Lake Road for the driveway between Buildings B and C. A letter from the traffic engineer shall be provided stating the required length of the turn pocket. 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 Parcel Map.
  16. A traffic signal shall be placed at the intersection of Serrano Parkway/Sienna Ridge Road and Bass Lake Road. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.
  17. The location of the bus turnout located on Sienna Ridge Road shall be located as shown on the preliminary plans submitted September 10, 2007 by R.E.Y. Engineers, Inc. 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 Parcel Map.
  18. ~~The applicant shall obtain encroachment permits from the Development Services Department and shall construct said encroachments per DISM Standard Plan 103G prior to the issuance of a building permit.~~ Encroachment Permit: The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment(s) from the proposed private driveways onto Sienna Ridge and Bass Lake Road to the provisions of County Design Std 110. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
  19. Sight distance must be verified for all driveway approaches. DOT is concerned about site distance on the southeasterly driveway. Engineer/Applicant must verify that he/she has a sufficient sight distance prior to filing the Parcel Map.

20. Drainage structures shall be relocated outside of the right-of-way. 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 Parcel Map.
21. 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 Parcel 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 Parcel Map, the subdivider shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
  - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
  - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

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

22. Class II Bike Lane: Pursuant to the Bicycle Transportation Plan, a Class II Bike Lane is to be provided along both sides of Bass Lake Road along the project frontage. The applicant shall verify or construct the Bike Lane, or provide striping for this improvement (if sufficient pavement exists), or, at the discretion of DOT, contribute funds towards its construction, prior to filing of the parcel map.

***Standard Conditions***

- ~~22.~~23. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Subdivision Ordinance, prior to the recordation of the Parcel Map.
- ~~23.~~24. If site improvements are to be made, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off-Street

Parking and Loading Ordinance”, and the State of California Handicapped Accessibility Standards.

- 24.25. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
- 25.26. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.
- 26.27. The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
- 27.28. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.
- 28.29. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.
- 29.30. 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 analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis.
- 30.31. 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.
- 31.32. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
- 32.33. 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.



- 33.34. 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.
- 34.35. 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.
- 35.36. 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.
- 36.37. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 7:00 p.m. on any weekdays, and 8:00 a.m. and 5:00 p.m. on weekends and federally recognized holidays. This requirement shall be noted on the improvement plans.
- 37.38. If the project disturbs more than one acre of land area (43,560 square feet), the Developer shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A notice of Intent form, the appropriate fee, and a location map are required for this filing. A copy of the Application shall be submitted to the County with two (2) copies of the Storm Water Pollution Prevention Plan (SWPPP), prior to building permit issuance, and by state law must be done prior to commencing construction

#### **El Dorado Hills Fire Department**

- 38.39. The potable water system for the purpose of fire protection for this commercial development shall provide a minimum fire flow of 2,500 gpm with a minimum residual pressure of 20 psi for a two-hour duration. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of the system shall be supplied to the Fire Department for review and approval. The Department shall verify the fire flow prior to issuance of a grading permit.

- 39.40. This development shall install Mueller Dry Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 300 feet. The exact location of each hydrant and all fire protection system devices shall be determined by the Fire Department. The Department shall review and approve all hydrant locations prior to issuance of a grading permit.
- 40.41. To enhance the nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and the Fire Safe Regulations. The Department shall verify compliance with this condition prior to issuance of a grading permit.
- 41.42. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by El Dorado Hills Fire Department Standard 103. The Department shall verify compliance with this condition prior to issuance of a building permit.
- 42.43. This development shall be prohibited from installing any type of traffic calming devices that utilize a raised bump or a lower dip section of roadway. The Department shall verify compliance with this condition prior to issuance of a grading permit.
- 43.44. Each building shall be addressed in accordance with Fire Department requirements. The Department shall verify compliance with this condition prior to issuance of a building permit.
- 44.45. The applicant shall provide the Fire Department with a CD that contains all CAD files for this project.
- 45.46. The fire access roadways serving all buildings shall be designed to accommodate a 40 foot inside and a 56 foot outside turning radius. The Department shall verify compliance with this condition prior to issuance of a grading permit.
- 46.47. All buildings shall be fire sprinklered in accordance with NFPA-13 and Fire Department requirements. The Department shall verify compliance with this condition prior to issuance of a building permit.
- 47.48. This development shall provide a minimum of two unobstructed access roadways during construction of any building. The Department shall verify compliance with this condition prior to issuance of a grading permit.
- 48.49. The trash enclosure located between the Market and "G" Building shall be relocated a minimum of 5 feet from a building wall. The Department shall verify compliance with this condition prior to issuance of a building permit.

49.50. The main entrance to the project which consists of two 16 foot wide paved sections of roadway for ingress and egress. This width is not sufficient for emergency response vehicles to pass any vehicle located within this section of roadway. This section of roadway shall be increased to a minimum width of 20 feet. The Department shall verify compliance with this condition prior to issuance of a grading permit.

**El Dorado County Department of Transit**

50.51. The project shall provide curbside turnouts as shown the Preliminary Plans submitted September 10, 2007 by R.E.Y. Engineers.

51.52. The project shall provide on-site passenger loading areas. The Department shall review and approve the loading areas prior to issuance of a grading permit.

**El Dorado County Department of Environmental Management**

52.53. For any proposed food facilities, the applicant shall submit complete, easily readable plans, drawn to scale. The Department shall review and approve the plans prior to issuance of a building permit.

53.54. Prior to installation of any new equipment, for any proposed food facilities, equipment specification sheets shall be reviewed and approved by the Department.

54.55. All new and replacement food-related and utensil-related equipment shall be certified or classified by for sanitation by an American National Standards Institute (ANSI) accredited certification program. In the absence of an applicable ANSI sanitation certification, this Department shall review food-related and utensil-related equipment prior to issuance of a building permit.

**Air Quality Management District**

55.56. The applicant shall make applications and pay appropriate fees for an Asbestos Dust Mitigation Plan. The District shall review and approve the Plan prior to issuance of a grading permit.

56.57. The applicant shall adhere to all District rules during project construction.

58. A health risk assessment shall be prepared prior to the emission of toxic air contaminants. Airborne toxic pollutants expected to be generated by the project shall be identified. In addition, it shall be determined if the project is to be located in an area which may impact existing or planning schools or facilities with the potential to emit toxic or hazardous pollutants. A potential airborne toxic pollutant to consider is asbestos in asbestos-containing serpentine. The applicant shall assist the District in preparing a public notice in which the proposed project is fully described and complies with Health and Safety Code 42301.6. The risk assessment shall address the pollutants and potential impacts on

public health. The risk assessment shall be approved by the District and noticing completed prior to issuance of a grading permit.

### Surveyor's Office

57-59. All survey monuments must be set prior to filing the Parcel Map.

58-60. Prior to filing the Parcel Map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The letter will state that all conditions placed on the map by that agency have been met.

### 9. REZONE

**Z09-0007** submitted by CHARLES and KYLEEN CORNELL to rezone from Estate Residential Five-Acre (RE-5) to Select Agricultural (SA-10). The property, identified by Assessor's Parcel Number 060-190-41, consisting of 13.53 acres, is located on the west side of Greenwood Road, approximately 0.7 miles north of the intersection with Marshall Road, in the Garden Valley area, Supervisorial District IV. [*Project Planner: Jonathan Fong*] (Negative declaration prepared)\*

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

Commissioner Pratt inquired more details from staff regarding the recommendation of reducing the 200 foot setback 100% (not less than 30 feet) for adjacent properties. He was primarily interested if there were existing homes on those properties and if it was possible to limit further encroachment by using the current distance of the existing home to the property line.

Charley and Kyleen Cornell/applicants stated that it was their dream to make and sell cheese to local businesses. They also indicated that some of their neighbors are in homes built in the 1950s/60s and they are already well within the 30 foot setback.

Commissioner Heflin commented that he supported and encouraged agricultural activities in the County.

No further discussion was presented.

**Motion: Commissioner Mathews moved, seconded by Commissioner Tolhurst, and unanimously carried (5-0), to recommend the Board of Supervisors take the following actions: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; 2. Approve Rezone application Z09-0007 based on the findings proposed by staff; and 3. In accordance with Board of Supervisors Resolution 079-2007, reduce the 200-foot agricultural setback one hundred percent (100%) (not less than 30 feet) for the following parcels: APNs 060-190-31, 060-190-42, 060-190-21, 060-170-27, 060-170-28, 060-180-04, and 060-180-11.**

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

**Findings**

**1.0 CEQA Findings**

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The proposed project would not have a significant effect on the environment.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

**2.0 General Plan Findings**

- 2.1 The proposed Rezone to Select Agricultural (SA-10) Zone District would be consistent with the Rural Residential (RR) General Plan Land use designation.
- 2.2 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density or intensity zoning district. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed use.

**3.0 Agriculture Setback Exemption Findings**

- 3.1 The following properties would be exempt from the 200-foot agricultural setback:  

APN: 060-190-31	APN: 060-170-28
APN: 060-190-42	APN: 060-180-04
APN: 060-190-21	APN: 060-180-11
APN: 060-170-27	

The listed properties range in size from 0.5 to 1.8 acres and due to their proximity in relation to the project parcel would be located entirely within the 200-foot setback. This limitation would negatively impact these properties and would require Agricultural Commission review of any future development on these parcels. This would be an unnecessary hardship for these parcels. Due to the potential location of expanded

agricultural uses on the project site and the distance from the adjoining properties, there would be a low likelihood that the adjoining properties would negatively affect the agricultural potential of the site.

**10. REZONE/PARCEL MAP**

**Z09-0005/P09-0007/Lakeview Villas** submitted by GREG GULARTE (Agent: Lebeck Young Engineering, Inc.) to rezone from Estate Residential Ten-Acre (RE-10) to Estate Residential Five-Acre (RE-5); create two parcels ranging in size from 8.62 to 5.6 acres; and a Design Waiver request to allow the following: (a) To allow La Sierra Drive and Shoreview Drive to remain at their current road widths. The property, identified by Assessor's Parcel Number 110-590-54, consisting of 14.22 acres, is located on the north side of La Sierra Drive, approximately 75 feet east of the intersection with Shoreview Drive, in the El Dorado Hills area, Supervisorial District I. [*Project Planner: Jonathan Fong*] (Negative declaration prepared)\*

Jonathan Fong presented the item to the Commission with a recommendation of approval to the Board of Supervisors. He indicated that a comment letter was received during the 30 day public review period of the environmental document and it was determined that none of the issues raised elevated any of the potential impacts that were addressed by staff and no addendum was prepared.

Commissioner Heflin inquired who has the authority to determine code violations since the Staff Report only identified "Building Services staff" in the Background section on page 2. County Counsel Paula Frantz explained the various stages in the processing of code violation complaints.

Craig Sandberg/applicant's agent acknowledged that there is a dispute over the CC&Rs and requested the Commission be neutral on the CC&R issue and to allow the disputing parties to resolve the issue themselves.

Commissioner Tolhurst voiced concern over the complaint that illegal grading was conducted in order to make it a buildable lot. Mr. Sandberg responded that the allegations of a code violation had been brought up by a neighbor and when County staff visited the site it was determined that the activities that had occurred were appropriate under the permit and the case was closed. He stated that brush removal was not the same as grading.

Kirk Giberson/Southpointe Owners Association's (SOA) representative formally stated their objection to the applicant's request for a rezone as it is a violation of the CC&Rs, as identified in their submitted letter.

Commissioner Tolhurst commented on the November 2009 timing of the SOA amendment requiring a two-thirds vote for sub-dividing and inquired if something similar had been in place prior to the amendment.

Doug Roeca/Alan Hines' representative stated that this was a tortured project that should be denied due to the following reasons: (1) Applicant has ignored the CC&Rs and the General

Plan; (2) Does not have the required two-thirds vote from the SOA; (3) The CC&Rs trump any action taken by the County; (4) In 2005, applicant applied to the SOA for two access points and possible parcel split so he was aware of the required authorization from the SOA at that time; (5) Environmental assessment is inadequate as the air quality aspects are ignored; (6) Findings 2.2, 2.3, and 2.5 cannot be found; and (7) Disagrees that there are two buildable lots on parcel and referenced documents submitted by Alan Hines to the Commission which discussed the soil disturbance issue. Mr. Roeca provided a letter from Carlton Engineering certifying the accuracy of their maps for this project.

Scott Lee/resident said that the CC&Rs state one lot/one house and the recent vote by the SOA made it clear that they want to know about lot splits. He stated that the rules should be followed.

Chuck Clupper/resident stated that prior to purchasing his property he had read the entire CC&Rs to ensure he knew the rules and followed them. He also said that he is a past SOA Boardmember and during his nine-year tenure, the adjacent parcel to the applicant had asbestos and was required to truck it out. In addition, Mr. Clupper said that he has routinely walked the neighborhood for five years and has noticed how the lot has visibly changed.

In Mr. Sandberg's rebuttal, he stated the following: (1) Agreed that the CC&Rs cannot be ignored, but that the County normally does not weigh in on them; (2) Applicant did not ignore the CC&Rs but the rules have been changed since he purchased the property; (3) Staff confirmed that there was a grading permit that was used appropriately and determined that there were no violations; (4) Application has been in place for two years, but the possible CC&R violations have just come into view; and (5) Requested the Commission allow the parties to resolve the CC&R issue among themselves and approve the project as they are compliant and this application has been in process for some time.

County Counsel Frantz made the following comments on the CC&R issue:

- The County does not enforce CC&Rs and the only time the County becomes involved in weighing in on them is when:
  - The County requires it as part of the Conditions of Approval as an on-going enforceability of one of the County's conditions; or
  - Reviewing CC&Rs as evidence of whether something is in the best interest of the health, safety, and welfare of the neighborhood.
- County generally does not look at whether or not something is allowed under the CC&Rs as a determining factor for the County to allow it.
- Staff reviewed the County's rules when making the determination for their recommendation.

Tom Burnette/Building Services explained that the code violation complaint was very typical of the types of complaints received as it is primarily a dispute among neighbors and he had advised both parties that it was a civil matter. Mr. Burnette informed the Commission that the grading done on the parcel was compliant to the rules at that time and the rules have since changed.

Chair Mathews stated that this was a classic battle between a new neighbor and the CC&Rs and he suggested that only the project's merits be looked at.

Commissioner Tolhurst said that based on the CC&Rs, the neighbors feel that this is injurious to the neighborhood and this is one of the findings the Commission needs to make. Therefore, based on what he has heard from the neighbors, he can't make the finding that it is not injurious to the neighborhood. Commissioner Heflin agreed with Commissioner Tolhurst's comments.

Commissioner Pratt disagreed by stating that based on the aerial map, it was apparent that one side of the hill had been developed and parcelized and the other side had not. When there are acreage-sized parcels on one side and quarter-acre parcels on the other side, it appears the intent was for future development considerations. In regards to the one lot/one house statement, he felt it was disingenuous for someone on a quarter-acre parcel telling someone with 10 acres they can only have one house since the property was probably purchased with the intent of developing since it is located next to developed land. Commissioner Pratt said he understood the rules and that the CC&R conversation is a separate battle and he is looking at the project strictly from the County ordinance perspective. Also, due to the delicacy of the asbestos issue, he cautioned the neighbor's comments regarding asbestos in the area as there are probably a couple of undeveloped lots in the subdivision and these comments are doing a disservice to the neighborhood and the future development of that particular area and borders on reckless in his opinion.

Commissioner Rain acknowledged that this will go to civil court based on statements received by the SOA and recommendations from the El Dorado Hills APAC. He also felt that this project is inconsistent with the General Plan for that area and he is not in support of the rezone.

Chair Mathews said he did not want to get in the middle of fight when it comes to CC&Rs, but he did not see a problem with this project as it fits in the design/pattern of the neighborhood, is allowable based on land use, allowable based on Planning staff, trusts Mr. Burnette's comment that there was no violation, and the attorneys' arguments revolve only around the CC&Rs.

No further discussion was presented.

**Motion #1:**

**Commissioner Pratt moved, seconded by Commissioner Mathews, and FAILED (2-3), to recommend the Board of Supervisors take the following actions: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; 2. Approve Rezone Z09-0005 based on the findings proposed by staff; 3. Approve Tentative Parcel Map P09-0007, based on the findings proposed by staff, subject to the conditions as presented; and 4. Approve the following design waiver since appropriate findings have been made: (a) To allow La Sierra Court and Shoreview Drive to remain at their current road widths.**

**AYES: Pratt, Mathews**

**NOES: Rain, Heflin, Tolhurst**



**Motion #2:**

Commissioner Tolhurst moved, seconded by Commissioner Rain, and carried (3-2), to recommend the Board of Supervisors deny the project as the finding cannot be made that the project would be consistent with applicable General Plan policies based on slope, site was previously disturbed as pointed out in Finding 2.5, and cannot find that there was a building site on each parcel consistent with the General Plan.

AYES: Heflin, Rain, Tolhurst  
NOES: Pratt, Mathews

**11. 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 & 11/12/09 meetings]*

Commissioner Heflin recused himself from the item and left his seat on the Commission.

Jason Hade presented the revised conditions and findings as identified in the Staff Memo dated November 23, 2009.

David Combellack/representative for Pam Harris requested that the wording "for a new single-family dwelling" be added to the first sentence in Condition #16 to make it consistent with Conditions #14 & #15. Staff was in concurrence.

Mr. Combellack also wanted to ensure that for Condition #14, it was the Commission's intent that the easement was for the existing road and the 50 feet was for maintenance, if needed.

No further discussion was presented.

**Motion: Commissioner Rain moved, seconded by Commissioner Pratt, and carried (4-0), to recommend the Board of Supervisors take the following actions: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and 2. Approve P08-0030 based on the findings proposed by staff, subject to the conditions of approval as listed in the Staff Memo dated November 23, 2009, and as modified: (a) Add new wording to Condition #16. (Requires Board of Supervisors 4/5 vote for approval pursuant to California Government Code Section 51119.5)**

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

**Findings**

**1.0 CEQA Findings**

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services located at 2850 Fairlane Court, Placerville, CA.

**2.0 GENERAL PLAN FINDINGS**

- 2.1 As proposed, the project is consistent with the Low Density Residential (LDR) 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 parcel size of five to 10 acres. The proposed project parcel sizes conform to the General Plan land use designation.
- 2.2 The proposal is consistent with all applicable Policies of the General Plan including 2.1.1.7 (adequate roadways, utilities, and other public services), 2.2.1.2 (land use density), 2.2.5.21 (compatibility with the surrounding neighborhood), 5.7.1.1 (availability of emergency water), 6.2.3.2 (adequate emergency access), 7.3.3.4 (intermittent stream setbacks), and 8.3.2.1 (subdivision of TPZ 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.
- 2.3 In addition to consistency with the General Plan policies outlined above, the following required findings can be made as required by General Plan Policy 8.4.2.1.
  - 2.3.1 *The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area.* The project will not be detrimental to the subject site or to adjacent parcels for long-term forest resource production or conflict with forest resource production in the project area because the 150 acre site will continue to be managed as one unit for timber production purposes.
  - 2.3.2 *The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities. Pursuant to the required deed restriction to be recorded for the parcels, ~~n~~No non-compatible development, as defined under Section 17.06.050.GG. of the Zoning Ordinance, is permitted on the 25-acre TPZ zoned parcels until and unless a rezone from TPZ to*

another zone district has occurred. As such, no conflicts will occur between adjacent proposed uses and timber production activities.

- 2.3.3 *The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected.* The 25 acre parcel will continue to be zoned as TPZ lands and managed under one Non-Industrial Timber Management Plan. As such, no island effect will occur.
- 2.3.4 *The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting.* No development will occur on the 25 acre parcel. Therefore, access to water and public roads will not be impacted.
- 2.3.5 *The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.* The 150 acre site will continue to be managed as one unit for timber production purposes. As a result, the project will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

### **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 parcels meet the development standards of the TPZ zone district pursuant to Section 17.44.060 for minimum parcel area, building setback requirements of 100 feet on any side from parcel boundaries and road easements, as well having the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

### **4.0 ADMINISTRATIVE FINDINGS**

#### **4.1 Tentative Parcel Map**

- 4.1.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan and Specific Plan, where applicable.* As proposed, the tentative map conforms to the LDR General Plan land use designation and applicable General Plan policies concerning, adequate roadways, utilities and other public services, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access, intermittent stream setbacks, subdivision of TPZ zoned lands, and impacts to existing and future timber harvesting activities.
- 4.1.2 *The tentative map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.* The proposed parcel sizes of 25 to 125 acres conform to the minimum parcel size of the TPZ zone district for the proposed uses. Additionally, the project conforms to the applicable provisions of the Minor Land Division Ordinance.

- 4.1.3 *The site is physically suitable for the proposed type and density of development. The creation of one additional parcel with no non-compatible development, as defined under Section 17.06.050.GG. of the Zoning Ordinance, permitted for at least 10 years at the 150 acre site is compatible with the surrounding existing residential land use densities.*
- 4.1.4 *The proposed subdivision is not likely to cause substantial environmental damage. A negative declaration was prepared for the proposed tentative parcel map. Based on the initial study, it was determined that the project would not have a significant effect on the environment.*

### **Conditions of Approval**

#### **I. PROJECT DESCRIPTION**

1. This tentative parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E, ~~approved July 23, 2009~~, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Tentative parcel map subdividing a 150 acre parcel zoned TPZ and AE into a 25 acre, zoned exclusively TPZ, and 125 acre parcel, both zoned both TPZ and AE. creating two parcels, comprising 25 and 125 acres, on a 150-acre site. Pursuant to a 10-year deed restriction, While zoned TPZ and/or AE, both parcels are prohibited from constructing any additional residences or non-compatible development as defined under Section 17.06.050.GG of the Zoning Ordinance. is permitted on the 25-acre parcel. The parcels will be served by individual well and septic systems. Primary site access will be provided via Blair Road and Badger Hill Road.

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

#### **II. PROJECT CONDITIONS OF APPROVAL**

Planning Services

2. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
3. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
4. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to El Dorado County, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090. Check shall be submitted to the Development Services Department. A receipt showing compliance with this condition shall be submitted by the applicant to the Planning Services prior to filing of the parcel map.
5. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
6. All fees associated with the tentative parcel map shall be paid prior to filing the parcel map.
7. The applicant shall submit to Planning Services a \$50.00 recording fee and a ~~\$1,993~~ 2,010.25 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.
8. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the Government Code.

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

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

9. At time of parcel map filing, a 50-foot non-building setback shall be shown on the map from all intermittent streams at the subject site. A 50-foot setback shall also be shown on "Parcel A" (25 acre parcel) from the adjacent land designated Natural Resources to the Northwest of the subject site.

### Agriculture Department

10. Prior to parcel map filing, the Harris Non-Industrial Timber Management Plan shall be updated and amended to include the legal descriptions of the newly created parcels ~~to be verified by the Agriculture Department, and be recorded with the County Recorder's Office as a deed restriction on the newly created parcels, and be recorded with the County Recorder's Office as a deed restriction on the newly created parcels.~~ The updated timber management plan deed restriction shall be signed and dated at the time of parcel map filing with the current year and shall expire no sooner than December 31, 2020, remain in effect for a period of not less than 10 years from the date the parcel map is approved by the Board of Supervisors. Prior to recordation, the deed restriction shall be reviewed and approved to the satisfaction of the Agriculture Department, Planning Services, and County Counsel. Prior to recordation, the timber management plan shall be reviewed and approved to the satisfaction of the Agriculture Department, Planning Services, and County Counsel.
11. No further subdivisions are permitted to occur on the TPZ and AE zoned parcels, ~~as stated in the deed restriction.~~
12. No non-compatible development, as defined under Section 17.06.050.GG of the Zoning Ordinance, is permitted to occur on ~~the 25-acre TPZ and AE zoned parcels either parcel, until and unless a rezone from TPZ and AE to another zone district has occurred, as stated in the deed restriction.~~

### Department of Transportation

13. **On-site Access Improvements:** Prior to approval of a rezone or issuance of a building permit for a new single-family dwelling, the applicant shall widen the on-site portion of Badger Hill Road and Blair Road to the minimum county standards at the time the parcels are rezoned from the current Timber Preserve Zone. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map. As authorized under Section 66411.1 of the Subdivision Map Act, a Notice of Restriction shall be recorded prior to the filing of the map requiring that this condition of approval be satisfied prior to approval of a rezone or issuance of a building permit.

14. **Offer of Dedication:** Prior to the filing of the parcel map, the applicant shall grant a 50-foot wide road easement to the County in the present location of Blair Road. This easement will allow for all maintenance activities for the existing public right of way, including, but not limited to, drainage and road maintenance. The easement shall be reviewed and approved by DOT and County Counsel. Prior to approval of a rezone or issuance of a building permit for a new single-family dwelling, tThe applicant shall irrevocably offer to dedicate in fee, 60 feet of right-of-way along the entire frontage of Blair Road as determined by EDC DOT, ~~prior to the filing of the map. This offer will be accepted by the County.~~
15. **Offer of Dedication:** Prior to approval of a rezone or issuance of a building permit for a new single-family dwelling, tThe applicant shall irrevocably offer to dedicate 60 feet of right-of-way along the entire frontage of Badger Hill Road as determined by EDC DOT, ~~prior to the filing of the map. This offer will be rejected by the County.~~
16. **Encroachment Permit:** Prior to approval of a rezone or issuance of a building permit for a new single-family dwelling, tThe applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from Badger Hill Road onto Blair Road to the provisions of County Design Std 103D. ~~The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map. As authorized under Section 66411.1 of the Subdivision Map Act, a Notice of Restriction shall be recorded prior to the filing of the map requiring that this condition of approval be satisfied prior to approval of a rezone or issuance of a building permit.~~

#### El Dorado County Fire Protection District

17. A plan check fee of \$120.00 shall be submitted to the El Dorado County Fire Protection District (EDC FPD) prior to parcel map filing.
18. Prior to filing the parcel map, the applicant shall either install a fire hydrant within 500 feet of each new parcel and submit documentation from the El Dorado Irrigation District indicating that a fire flow of 1,000 gallons per minute at 20 pounds per square inch for two hours will be met or sign an enforceable agreement with the EDC FPD indicating that no occupancy of any additional structures shall occur prior to installation of ~~In place of fire flow and a hydrant, the applicant may use a NFPA 13D home sprinkler system with 3,000 gallons of water storage for all structures built on each parcel or installation of a fire hydrant within 500 feet of each new parcel and submittal of documentation from the El Dorado Irrigation District indicating that a fire flow of 1,000 gallons per minute at 20 pounds per square inch for two hours will be met. Prior to filing the parcel map, a deed restriction shall be recorded noting this requirement.~~
19. Prior to approval of a rezone or issuance of a building permit for a new single-family dwelling, an amended A fire safe management plan, acceptable to the EDC FPD and the California Department of Forestry and Fire Protection, shall be prepared and implemented. ~~A letter of compliance with this condition shall be submitted by the fire~~

~~district to Planning Services prior to filing the map. As authorized under Section 66411.1 of the Subdivision Map Act, a Notice of Restriction shall be recorded prior to the filing of the map requiring that this condition of approval be satisfied prior to approval of a rezone or issuance of a building permit.~~

### Hazardous Materials

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

### Surveyor's Office

21. All survey monuments must be set prior to filing the parcel map.
22. Prior to filing the parcel map, a letter will be required from all agencies that have placed conditions on the map stating that "all conditions placed on P08-0030 by that agency have been satisfied." The letter is to be sent to the County Surveyor and copied to the agent and applicant.

## **12. REZONE/PLANNED DEVELOPMENT/TENTATIVE MAP**

**Z08-0001/PD08-0003/TM08-1463/La Canada Subdivision** submitted by DAN and LAURA PARKES (Agent: CTA Engineering & Surveying) to rezone from Estate Residential Five-Acre (RE-5) to Estate Residential Five-Acre-Planned Development (RE-5-PD); Development Plan to allow clustering of lots and a reduction in the minimum parcel size of five acres in the RE-5 zone district and to allow for a density bonus; and a Phased Tentative Map to create 47 residential lots ranging in size from 1.09 to 4.04 acres and four lettered open space lots (three open space lots and one landscape lot) totaling 63.18 acres. Phase I would encompass Lots 1-3 & 26 – 46 (24 lots), Phase II would encompass Lots 4-6, 12-25, & 47 (18 lots), and Phase III would encompass Lots 7-11 (5 lots). The property, identified by Assessor's Parcel Numbers 126-100-18 and 110-020-12, consisting of 143 acres, is located on the east side of Salmon Falls Road approximately three-fourths of a mile north of the intersection with Green Valley Road, in the El Dorado Hills area, Supervisorial District IV. *[Project Planner: Michael Baron]* (Mitigated negative declaration prepared)\*

Mike Baron presented the item to the Commission with a recommendation of approval to the Board of Supervisors. He stated that there has been minimal correspondence received from the



public for this project. A letter from Paul Sayegh was distributed to the Commission for their review.

Joel Koroktin/applicant's agent stated that project maximized the contiguity of the open space between the Alto and La Canada projects.

Vern Miller/resident is not opposed to development but is concerned that for some project-related items (i.e., traffic plan) all of the pending projects in the area are lumped together, but then for other items they are separated out and viewed on an individual basis only. Mr. Miller stated that he was not here today to oppose the project but to request that it is in the best interest of the public to cumulatively look at all of the projects in the area. He also said that the County needs to have guidelines which would provide assurances to the public. In regards to the required road improvements, he disagreed that there were safety issues and felt that the requirement was an imposition on the developers.

Sam Neasham/representative for the Alto project distributed his letter dated December 9, 2009 and reiterated the concerns addressed in the letter regarding permitting Phase I of the La Canada subdivision without the requirement of developing the interior connector road with that phase. He stated that the traffic plan was imposed on Alto and Diamante Estates when approved by the Board of Supervisors and La Canada is the critical link to this traffic plan. Mr. Neasham felt there should be safeguards in place to ensure that the interior connector road is developed in the chance that only Phase I is built and the other phases of La Canada never get developed.

Eileen Crawford/DOT stated that when the traffic study was conducted for the area, the initial assumption was of the cumulative projects, half the traffic would use Salmon Falls Road and half the traffic would use Malcolm-Dixon Road. When counting lots, La Canada has 47 lots proposed and Alto (23) and Diamante Estates (24) total another 47 lots. Chartraw, which has not come before the Commission yet, has 8 lots. When the analysis was done, it was a 50-50 split of the traffic and the 47 lots in La Canada make up the majority of that 50% traffic load. With that and the fact that Phase I meets the design standards for a dead-end road length with one access with the potential of a secondary access that would be built within the phase, DOT approved the project with the conditions presented. It is not uncommon to have multiple phasing of a project showing the secondary access being built as long as they meet the dead-end road lengths.

Commissioner Rain voiced serious concern regarding the access point on Salmon Falls Road as that road could be compared to a race course with that particular area being the straightaway. He is very concerned about traffic getting on and off that road and wants to avoid a "Blood Alley" scenario. He questioned the specifics on how the acceleration and deceleration areas were going to be developed. Dave Crosariol/CTA Engineering informed the Commission that standard encroachments would be utilized for that area. He went into further detail regarding the turn pockets and tapered areas.

Mr. Korotkin rebutted Mr. Neasham's request for a requirement to include the development of the interior connector road with Phase I by stating: (1) This portion of the map does not require two points of access; (2) If the La Canada project fails and isn't developed, the Alto project has other options in the traffic plan, particularly the alternate route through Diamante Estates; and (3)

It was questionable to require Phase I to complete the traffic plan when it wouldn't impact the other projects.

Significant discussion ensued regarding the traffic plan in terms of what is required of each development, cost-sharing, and timing of the road being completed.

Commissioner Pratt clarified that Mr. Neasham's request to require La Canada to develop the interior connector road with Phase I is not something that was required of the other approved developments.

Chair Mathews stated that one project cannot be forced to develop a road in order to make another project more attractive.

No further discussion was presented.

**Motion: Commissioner Rain moved, seconded by Commissioner Heflin, and unanimously carried (5-0), to recommend the Board of Supervisors take the following actions: 1. Adopt the Mitigated Negative Declaration based on the Initial Study reviewed by staff; 2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the conditions of approval and mitigation measures as presented; 3. Approve Rezone Z08-0001 based on the findings proposed by staff; 4. Approve Planned Development application PD08-0003, adopting the Development Plan as the Official Development Plan, based on the findings proposed by staff, subject to the conditions as presented; and 5. Approve Phased Tentative Map TM08-1463, based on the findings proposed by staff, subject to the conditions as presented.**

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

### Findings

#### 1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department – Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

## **2.0 GENERAL PLAN FINDINGS**

- 2.1 The proposed use and design conforms to the Low Density General Plan Land Use Designation. The project area is located outside a Community Region, the proposed use and developmental density are consistent with both land use designation and floor area ratio policies as well as the natural resources on site being protected pursuant to General Plan Policies 2.2.1.2 regarding land use designations, 2.2.4.1 regarding density bonus, 2.2.3.1 regarding planned developments, 2.2.1.5 regarding building intensities, 2.2.5.3 regarding general policies for evaluating zone changes, 2.2.5.21 regarding incompatibility with surrounding land uses, 5.2.1.2 regarding adequate water supply, 5.7.1.1 regarding fire protection, 7.3.3.4 regarding special setback for riparian areas, and 7.4.4.4 regarding oak woodlands.

- 2.2 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject Zone Change request based on the requirements of the General Plan relating to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density Zone District. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced Zone Change request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed density.

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

## **3.0 ZONING FINDINGS**

- 3.1 The subdivision contains 47 residential lots which are consistent with the development standards identified within the RE-5 zone district outlined in Sections 17.28.210 of the Zoning Ordinance, except for minimum lot size. Proposed residential lot sizes range from 1.09 acres to 4.04 acres. Justification for the reduced lot sizes are discussed within the Planned Development findings.

## **4.0 ADMINISTRATIVE FINDINGS**

#### **4.1 Planned Development**

- 4.1.1** *The Planned Development is consistent with the General Plan.* As outlined within the staff report and General Plan consistency findings above, the Planned Development is consistent with the applicable policies of the General Plan concerning land use, transportation and circulation, public services and utilities, public health, safety, and noise element, conservation and open space and parks and recreation.
- 4.1.2** *The proposed development is so designed to provide a desirable environment within its own boundaries.* The proposed development plan features approximately 62.81 acres of open space that include riparian areas and woodland areas. As such, the development is designed to provide a desirable environment within its own boundaries.
- 4.1.3** *Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.* A Deviation from the Residential 5-acre Development Standards includes a reduction in the minimum lot size requirement for all residential parcels. This exception to the standard requirements of the RE-5 Zone Regulations is justified to accommodate the Density Bonus Provision of the General Plan.
- 4.1.4** *The site is physically suited for the proposed use.* The 143-acre site contains sufficient developable areas to accommodate the proposed residential uses and density.
- 4.1.5** *Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.* Public water will be provided to the project site by EID upon annexation by LAFCO into fire and water district boundaries. El Dorado Irrigation District provided a letter dated December 7, 2007 indicating that the project could have adequate water capacity and supplies to serve the proposed project provided additional improvements are made to the system. Environmental Management has provided conditions of approval to ensure the septic capability of each proposed lot. The Department of Transportation (DOT) has conditioned the project accordingly to ensure that all roads are developed to handle project traffic. The Fire District has provided conditions of approval to ensure that roads are developed in accordance with the proposed phasing plan in order to provide for adequate emergency access.
- 4.1.6** *The proposed uses do not significantly detract from the natural land and scenic values of the site.* The project includes approximately 62.18 acres of open space to preserve the natural landscape and scenic value of the site as well as provide wildlife habitat.

#### **4.2 Tentative Subdivision Map**

- 4.2.1** *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County.* As proposed, the Tentative Map conforms to the LDR General Plan land use designation and applicable General Plan policies including access, public water service, grading, transportation, fire protection and on-site wastewater disposal.

- 4.2.2 *The site is physically suitable for the type and density of development proposed.* As shown on the Tree Preservation Plan (Exhibit H1, H2, and H3), adequate building areas for each lot are available considering the required wetland setbacks, tree canopy retention, zoning setbacks, and fire safe standards. As such, the site is physically suitable for the proposed type and density of development.
- 4.2.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat.* A Mitigated Negative Declaration (Exhibit J) was prepared to assess project-related environmental impacts. Based on the Initial Study, the Planning Commission finds that the project could have a significant effect on air quality and biological resources. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared.
- 4.2.4 *The subdivision shall have adequate access to accommodate the proposed density.* Primary site access will be provided via "C Drive", a private road, which will take access from Salmon Falls Road. "C Drive" will provide access to "A Drive" which will be developed with Phase I of the project, and eventually "B Drive" which will be developed with Phase II of the project and will provide secondary access where it connects to the proposed development to the east. As such, the proposed project does not include any design features, such as sharp curves or dangerous intersections, or incompatible uses that will substantially increase hazards. No traffic hazards will result from the project design with the incorporation of Department of Transportation conditions. The proposed subdivision is consistent with General Plan Policy 6.2.3.2 as the El Dorado Hills Fire Department has reviewed the project and confirmed that the proposed access and on-site roadways are adequate for the development.
- 4.2.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.* The El Dorado Hills Fire Department has reviewed the proposed tentative subdivision map and will require new fire hydrants for the site as well as road improvements as shown on the Tentative Map and an approved fire safe plan. Fire issues are addressed within the project's conditions of approval.

### **Conditions of Approval**

1. This Rezone, Planned Development and tentative subdivision map are based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits A-J (Rezone/Planned Development/Tentative Map) dated September 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

**Project Description:** The project includes a request for a Zone Change from RE-5 (Estate Residential Five-Acre) to RE-5-PD (Estate Residential Five-Acre-Planned Development), with a Development Plan to allow clustering of lots and a reduction in the minimum parcel size of five acres in the RE-5 zone district and to allow for a density bonus, and a Phased Tentative Map to create 47 residential lots ranging in size from 1.09 to 4.04 acres and four lettered open space lots (three open space lots and one landscape lot) totaling 63.181 acres. Phase I would encompass Lots 1-3 & 26 – 46 (24 lots), Phase II would encompass Lots 4-6, 12-25, & 47 (18 lots), and Phase III would encompass Lots 7-11 (5 lots). Access to the proposed subdivision would be from two proposed roadway connections, one to be developed with Phase I of the project (“C” and “A” Drives) which would connect the project directly to Salmon Falls Road, and a secondary access road (“B” Drive) which would be developed with Phase II of the project and would connect to Malcolm Dixon Road through subdivisions south and east of the project. The project proposes to use public water and individual septic systems. In order for the project to be eligible for public water and fire services the property would be require annexation by LAFCO into the local water and fire districts. The project proposes to use the Density Bonus provision for nineteen (19) additional residential lots.

The allowable density shall comply with Table 1 below:

Acreage – 143 acres	Allowable Density in the RE-5 Zone District	Allowable Units Using Density Bonus
	Minimum 5-acre parcel sizes	1.5 Density Bonus
# of Lots	28.6	47.6

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

Lot No.	Gross area (S.F.)	Net Area (S.F.)	Lot No.	Gross Area (S.F.)	Net Area (S.F.)
1	49,974	23,992	27	71,051	41,240
2	47,323	21,997	28	58,891	29,390
3	58,355	32,601	29	57,720	31,773
4	61,082	30,685	30	58,094	30,723
5	51,631	21,368	31	56,447	30,070
6	57,073	30,642	32	49,881	24,884
7	69,028	40,023	33	57,443	27,039
8	57,863	31,000	34	175,860	110,098

9	52,355	26,514	35	57,790	30,542
10	77,679	35,942	36	56,695	26,602
11	57,982	27,888	37	57,216	30,585
12	73,908	40,110	38	61,467	31,315
13	68,258	40,327	39	57,738	29,605
14	72,992	42,118	40	68,517	37,224
15	86,912	47,193	41	65,248	34,590
16	62,082	32,084	42	43,771	21,708
17	72,141	28,317	43	59,831	32,799
18	75,058	43,896	44	54,007	26,797
19	57,470	30,349	45	64,361	30,990
20	59,059	31,125	46	124,612	70,679
21	68,375	37,202	47	62,757	28,532
22	65,754	30,087	Open Space "A"	29.536 acres	
23	66,976	33,752	Open Space "B"	32.835 acres	
24	76,873	40,532	Open Space "C"	0.435 acres	
25	72,053	35,817	Open Space "D"	0.375 acres	
26	70,984	41,720			

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

<b><i>TABLE 3: Oak Canopy Removal Summary</i></b>		
Total Oak Canopy to be Removed (Acres)	Canopy Removed for Road Improvements (Acres)	Canopy Removed for Individual Lot Development (Acres)
51.8	9.8	42

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

**Conditions of Approval from the Mitigated Negative Declaration**

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

2. To avoid take of active raptor nests, pre-construction surveys shall be conducted by a qualified biologist no more than 30 days prior to initiation of proposed development

activities. Pre-construction surveys shall follow protocol guidelines issued by the California Department of Fish and Game (CDFG). If no active raptor nests are found to occur, necessary tree removal shall proceed. If active raptor nests are found on or immediately adjacent to the site, the following actions shall be taken in order to avoid impacts to nesting raptors:

1. Halt all construction within 150 feet of any trees containing active raptor nests; these areas shall be marked with fencing or tape in order to clearly delineate areas where construction is prohibited.
2. Construction shall not resume within 150 feet of any identified nest until the end of the typical nesting season; August 31. Construction may resume prior to the end of the nesting season, only if all raptor fledges have left the nest.
3. Construction shall not resume prior to consultation with the California Department of Fish and Game and determination that the proposed project would not result in a "take" of any rare, threatened, endangered or special status species (**MM BIO-1**).

*Timing/Implementation: The applicant shall provide Development Services with a letter from a qualified Biologist verifying compliance prior to issuance of a grading permit.*

*Enforcement/Monitoring: El Dorado County Planning Services*

3. In order to protect sensitive cultural resources, the area delineated as Open Space Lot "B" on the Tentative Subdivision Map shall be designated on the final map as an unbuildable area. No reference to specific locations of the cultural resource site shall be recorded with the Final Map (**MM CUL-1**).

*Plan Requirements/Timing: A note designating Open Space Lot "B" as an unbuildable area shall be included on the final map.*

*Compliance: El Dorado Planning Services shall review the final map to ensure that a note is included.*

4. The applicant shall be required to notify property owners of potentially significant noise levels associated with future construction activities associated with home building and road construction as part of subsequent phases. This shall be included as a "Buyer Beware" clause in project CC&Rs. Planning Services shall review CC&Rs to ensure this clause has been included (**MM NOISE-1**).

*Timing/Implementation: Prior to issuance of grading and building permits for lot development the applicant shall prepare CC&Rs for review by Planning Services*

*Enforcement/Monitoring: El Dorado County Planning Services.*

### **Project Conditions of Approval**



**Planning Services**

5. The developer shall pay the mitigation in-lieu fee or provide a replacement plan for all oak canopy removed as part of road and infrastructure improvements (Total 51.8 acres). The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and fee shall be based on the amount established by the Board of Supervisors. The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee or replacement plan, prepared by a licensed arborist, prior to issuance of a grading permit or removal of any oak trees. (Reference PD08-0003)
6. The Final Subdivision Map shall include the following notes:
  1. A total of 0.89 acre or 0.69 percent of oak canopy shall be available to each lot within the subdivision for removal during individual lot development. Individual property owners shall pay the mitigation fee or provide a replacement plan. Replacement plans shall be prepared by a licensed arborist at a 1:1 ratio as required by the Oak woodland Conservation Ordinance and fee shall be based on the amount established by the Board of Supervisors. (Reference PD08-0003)
  2. Any oak canopy removal beyond 0.89 acre or 0.69 percent for any individual lot within the subdivision, shall pay the mitigation fee or provide a replacement plan. Replacement plans shall be prepared by a licensed arborist at a 2:1 ratio as required by the Oak woodland Conservation Ordinance and fee shall be based on the amount established by the Board of Supervisors. (Reference PD08-0003)
7. All fees associated with the Tentative Map shall be paid prior to filing the Final Map.
8. Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on Saturday. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards. Planning Services shall verify this requirement is placed on the Grading Plans prior to issuance of a grading permit.
9. Prior to issuance of a grading permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.
10. The following shall be incorporated as a note on the grading/improvement plans:

*In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling*

*the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.*

*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 in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).*

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

11. Prior to approval of the Final Map by the Board of Supervisors, the subdivider shall be required to form a County Service Area Zone of Benefit, or other entity to fund the maintenance of drainage facilities and improvement services. The funding mechanism for these services must be established prior to approval of the Final Map and shall include a provision for future increased funding requirements. It is recommended that a special tax with an escalator clause be used as the funding mechanism.
12. The Covenants, Conditions, and Restrictions (CC&R's) shall be submitted to Planning Services for review and approval prior to filing the Final Map.
13. At the time of map filing, all open space lots shall be dedicated to a Homeowner's Association or similar entity as open space with an appropriate maintenance program.
14. The map shall be recorded and constructed in phases consistent with the phasing plan included with the Tentative Map, Exhibit E. All Open Space (Lots A, B, C, & D) shall be dedicated at the time of filing of the first phase of the map.
15. This Tentative Map shall expire in 36 months from date of approval unless a time extension has been filed.
16. The Final Map shall show all drainage easements consistent with the County of El Dorado Drainage Manual, the project final drainage plan, and the project improvement plans.
17. The location of fire hydrants and systems for fire flows are to meet the requirements of the El Dorado Hills Fire Department. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the fire protection district. If fire flows cannot be met, all habitable structures shall be sprinklered in accordance with Fire Department requirements. This condition shall be included in the CC&Rs for the project.

18. A fire safe management plan, acceptable to the El Dorado Hills Fire Department and the California Department of Forestry, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the Fire Department to Planning Services prior to filing the Final Map.
19. The applicant shall provide to Planning Services a meter award letter or similar document from the water purveyor prior to filing the Final Map.
20. The applicant shall submit a request for park in-lieu fee appraisal to Planning Services, with a check for \$150 made out to the El Dorado County Assessor; upon completion of appraisal, the applicant shall pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivisions Ordinance, to the El Dorado County Facilities Department, and shall submit the receipt to the El Dorado County Office of the County Surveyor prior to filing of the Tentative Map.
21. Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to the Development Services Director for approval:
  - a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements.
  - b. Improvement plans prepared by a civil engineer of the required off-site improvements.
  - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Prior to the filing of the Final Map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required off-site improvements including the full costs of acquiring any real property interests necessary to complete the required improvements.

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

22. The developer shall enter into an agreement with the School Districts to pay the sum of \$8,288.<sup>00</sup> per residential unit constructed within the boundaries of the subdivision. The agreement shall provide for an annual adjustment in the fee by the increase in the Engineering News Record Construction Cost Index. This annual adjustment is based upon a base amount of \$8,288.<sup>00</sup> as of January 1, 1997. The increase shall be calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The applicant should contact the County Office of Education prior to the issuance of any building permits to verify the applicable fee at the time of building permit issuance. The

fee shall be payable by the owner of record at the time the building permit is issued and the agreement or a notice of restriction shall be recorded on the property to alert subsequent owners of this obligation. (NOTE: Not applicable unless application includes a Zone Change)

**El Dorado Hills Fire Department**

23. The project shall provide a potable water system that is capable of supplying the required fire flow as determined by the Fire Department for the protection of lives and property within this development. Any home not meeting the required fire flow shall have an approved NFPA 13D fire sprinkler installed. The Fire Department shall determine said requirements prior to issuance of a building permit.
24. This development shall install Mueller Dry Barrel fire hydrants conforming to the El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 500 feet spacing. The exact location of each fire hydrant shall be determined by the Fire Department prior to issuance of a building permit.
25. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by the El Dorado Hills Fire Department Standard #103.
26. The driveways serving this project shall be designed to a maximum of 20 percent grade. Any driveway exceeding this requirement shall require installation of fire sprinklers per NFPA 13D within the dwelling unit.
27. The proposed project shall develop and implement a Wildland Fire Safe Plan. The Plan shall be approved by the Fire Department and submitted for review to Planning Services prior to filing the Final Map.
28. The project is prohibited from installing any type of traffic calming device that utilizes a raised bump section of the roadway.
29. Any lots that are greater than one acre shall conform to the 30-foot setback as required by the Fire Safe Regulations.
30. The phasing plan that was submitted is approved with the following conditions:
  - a. Lots 1-3, 26-46 will be approved for initial development. No other lots shall be developed until a secondary means of egress is established. Once the unobstructed secondary means of egress has been established, the balance of lots may be developed.
  - b. A minimum 40 foot radius cul-de-sac shall be installed at either end of the Phase I road. These can be removed upon opening of the unobstructed secondary means of egress.

- 31. Lots 10, 34, and 46 shall be required to have a turnaround due to the driveway being longer than 150 feet. The required turnaround shall be provided on the grading and improvement plans and shall be approved by the Fire Department prior to issuance of a grading permit.
- 32. The driveways of lots 34 and 46 are greater than 400 feet, therefore a turnout shall be installed midway in the driveway. The turnout shall be ten (10) feet wide by thirty (30) feet long with twenty-five (25) foot tapers at each end. The required turnout shall be provided on the grading and improvement plans and shall be approved by the Fire Department prior to issuance of a grading permit.

**El Dorado County Department of Transportation**

**Project Specific DOT Conditions**

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

<b>Table 1</b>				
<b>ROAD NAME</b>	<b>DESIGN STANDARD PLAN</b>	<b>ROAD WIDTH* / SHOULDER WIDTH</b>	<b>RIGHT OF WAY**</b>	<b>EXCEPTIONS/ NOTES</b>
Phase I A & C Drive (onsite)	Modified Std Plan 101B (3"AC over 8"AB Min.)	28ft / 1 ft	50ft	Type "A" AC dike. No sidewalk. Phase I includes all improvements to A Drive and C Drive fronting Lots 1-3 and 26-46. Turnarounds at the two ends consistent with Std Plan 114 are required.
Phase II B Drive (onsite)	Modified Std Plan 101B (3"AC over 8"AB Min.)	28ft / 1 ft	50ft	Type "A" AC dike. No sidewalk. Phase II includes all improvements to B Drive fronting Lots 4-6, 12-26, and 47.
Phase III A Drive (onsite)	Modified Std Plan 101B (3"AC over 8"AB Min.)	28ft / 1 ft widening to 36ft (to comply with dead end road reqs) / 1 ft	50ft	Type "A" AC dike. No sidewalk. Phase III includes all improvements to A

				Drive fronting Lots 7-11. Turnarounds at the end consistent with Std Plan 114 are required.
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\* Road widths are measured from curb face to curb face or edge of pavement to edge of pavement if no curb (traveled way). Curb face for rolled curb and gutter is 6" from the back of the curb.

\*\* Non-exclusive road and public utility easements included

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

35. **Area of Benefit Improvements:** The following Area of Benefit Improvements are required of all projects party to the Area of Benefit. This project's proportional share and financial responsibility for these improvements shall be determined by the Engineer's Report. These improvements shall be completed to the satisfaction of DOT prior to issuance of a building permit for any lot in Phase II (i.e., construction and buildout of Phase I does not trigger the need for completion of the improvements in Table 2. However, all items in Table 2 must be completed prior to issuance of a building permit on any lot in any other Phase).

<b>Table 2</b>			
<b>ROAD NAME</b>		<b>ROAD WIDTH</b>	<b>EXCEPTIONS/NOTES</b>
<b>AREA OF BENEFIT</b>	Std Plan 101B	24ft (50ft R/W)	Two 12 foot wide lanes and 3 foot

Off-Site Malcolm Dixon Road Widening From STA:10+00 to STA:28+20	County Maintained System	EP to EP	wide shoulder per Exhibit L. 2"AC overlay over existing section. No vertical profile change. 3"AC/8"AB section for pavement extension or as recommended in Soils report.
<b>AREA OF BENEFIT</b> Off-Site Malcolm Dixon Road Reconstruction From STA:28+20 to STA: 40+51	Std Plan 101B County Maintained System	24ft (50ft R/W) Including slope easements. EP to EP	Two 12 foot wide lanes, AC dike and 3 foot wide shoulder per Exhibit L. Omit shoulders at (e) Box Culvert location. 3"AC/8"AB or as recommended in Soils report. For design speed see Exhibit L.
<b>AREA OF BENEFIT</b> New Connection Reconstruction portion From STA: 20+20 to STA: 21+70.	Std Plan 101B County Maintained System	24ft (50ft R/W) Including slope easements. EP to EP	Two 12 foot wide lanes, AC dike and 2 foot wide shoulder per Exhibit L. 3"AC/8"AB section or as recommended in Soils report. For design speed see Exhibit L.
<b>AREA OF BENEFIT</b> Off-Site New Connection From STA:10+00 to STA:15+44	Std Plan 101B County Maintained System	36ft (60ft R/W) Including slope easements. FC to FC	36 foot travel way, curb, gutter and 6 foot wide shoulder per Exhibit L. 3"AC/8"AB section or as recommended in Soils report. For design speed see Exhibit L. 36 feet will accommodate two 11-foot travel lanes and a 10-foot striped turn pocket if necessary and 2-foot gutter pans on each side.
Offsite (Alto) 'A' & 'B' Drive to intersection of A & B Drives,	Std Plan 101C  Maintenance Entity	24ft(50ft R/W) EP to EP	Two 12 foot wide lanes and 2 foot wide shoulder per Exhibit L. 3"AC/8"AB section or as recommended in Soils report. 25 MPH Design Speed.
Off-Site (Chartraw) Road Widening From STA: 21+70 (New Connection) to ALTO LLC southern boundary line.	Std Plan 101C	24ft (50ft R/W) Including slope easements. EP to EP	Two 12 foot wide lane and 2 foot wide shoulder per Exhibit L. 3"AC/8"AB section or as recommended in Soils report. Road width is measured EP to EP. 25 MPH Design Speed.

36. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from the proposed C Drive onto Salmon Falls Road to the provisions of County Design Std **103D**. The improvements shall be

- completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
37. **Offer of Dedication (Salmon Falls Road):** The applicant shall irrevocably offer to dedicate in fee, any additional right of way as required along the entire project frontage of Salmon Falls Road, as determined by DOT, prior to the filing of the map. (The existing ROW may already be sufficient.)
  38. **Off-site Access Easements:** The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall guarantee access for this site to use the proposed offsite roadways to the south and east and shall be provided by and through a "Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the map.
  39. **Secondary Access:** The applicant shall provide at least two connections with an existing, improved public street for the project, prior to commencement of construction of Phase II. The accesses shall adhere to the provisions described in Table 1. In the alternative, the second connection with an existing, improved public street may be provided by way of the Malcolm Dixon connector road in accordance with County approved design standards as shown on the Malcolm Dixon Area Traffic Circulation Plan. The improvements shall be substantially completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Final Map.
  40. **Reciprocal Access Agreement:** The applicant shall provide a reciprocal access agreement, signed by the adjoining property owners, guaranteeing access for this site to use the proposed off-site roadways from this project to Malcolm Dixon Road, prior to the filing of the map. This agreement shall also allow the adjoining landowners to use the onsite roads to access Salmon Falls Road.
  41. **Turnaround:** The applicant shall provide a turn around at the end of the onsite roadways to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
  42. **Temporary Turnaround:** If the secondary access roadways are not installed and a temporary exit road has been approved, the applicant shall provide a temporary turnaround at the end of the roadway. Temporary turn around shall also be constructed at the end of phased roads. 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 map.
  43. **Roadway Slopes:** Pursuant to DISM Sec 3.B.9 and Design Std Plan 101B, the gradient of any street shall not exceed 15 percent. Roadway slopes shall be indicated on the improvement plans to show compliance with this requirement.



44. **Driveway Cuts:** Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. Attention should be given to the minimum required sight distance at all driveway encroachments. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
45. **Offsite Easements:** Applicant shall provide all necessary recorded easements for the drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.

*Standard DOT Conditions*

46. **Improvement Plans and Cost Estimate:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the Final Map
47. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
48. **Road & Public Utility Easements:** The applicant shall provide a 50 foot wide non-exclusive road and public utility easement for the on-site access roadways, prior to the filing of the map.
49. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
50. **Vehicular Access Restriction:** Prior to filing of the map, the applicant shall record a vehicular access restriction along the entire frontage of Salmon Falls Road, excluding the locations of the approved access encroachments.
51. **Performance Bond:** The construction of all required improvements shall be completed with the presentation of the Final Map to the Planning Director before presentation of the Final Map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be

determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.

52. **Maintenance Entity:** The proposed project must form an entity for the maintenance of the private roads, and any parking facilities, landscaping, and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the map.
53. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants, Codes and Restrictions (CC&Rs).
54. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map.
55. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
56. **DISM Consistency:** The developer shall obtain approval (as modified by these conditions herein) of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (dated May 1986, revised May 1990), from the County Department of Transportation, and pay all applicable fees prior to filing of the Final Map.
57. **Grading Permit:** A grading permit is required for the project. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "*Design and Improvement Standards Manual*", the "*Grading, Erosion and Sediment Control Ordinance*", the "*Drainage Manual*", the "*Off-Street Parking and Loading Ordinance*", and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
58. **Grading Plan Review/Plan:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the

- Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
59. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
60. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
61. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
62. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
- The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:
- The site can be adequately drained;
  - The development of the site will not cause problems to nearby properties, particularly downstream sites;
  - The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or

- demonstrate that there are no downstream impacts.
- The ultimate drainage outfall of the project.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. A Scoping Meeting for the required drainage study between County staff and the engineer shall occur prior to the first submittal of improvement plans. The engineer shall bring a watershed map and any other existing drainage system information to the Scoping Meeting. The improvements shall be completed to the approval of the Department of Transportation prior to the filing of the Final Map or the applicant shall obtain an approved improvement agreement with security.

63. **Drainage (Cross-Lot):** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the Final Map.
64. **Drainage Easements:** The site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the Final Map.
65. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
66. **Off-site Improvements (Security):** Prior to the filing of a Final Map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements (not including the Area of Benefit improvements as described in Table 2), including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.

67. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required (not including the Area of Benefit improvements as described in Table 2), the County may, at the applicant's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any Final Map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the 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 applicant shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

68. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
69. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

**El Dorado County Surveyor's Office**

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

**El Dorado County Environmental Management**

**Air Quality Management**

72. The applicant shall adhere to all District rules and conditions during project construction, as specified by the District in their letter dated April 3, 2008 prior to issuance of any permits associated with this project.

**Hazardous Materials**

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

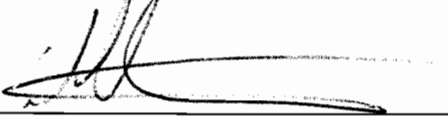
**LAFCO**

74. The applicant shall process a request for annexation into the El Dorado irrigation District for public water, prior to filing the Final Map.
75. The applicant shall process a request for annexation into the El Dorado Hills Fire Department for fire protection services, prior to filing the Final Map.

**13. ADJOURNMENT**

Meeting adjourned at 1:17 p.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:



Walter Mathews, Chair