



# 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

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

Char Tim .....Clerk of the Planning Commission

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## MINUTES

### **Regular Meeting January 26, 2012 – 8:30 A.M.**

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

Meeting was called to order at 8:36 a.m. Present: Commissioners Rain, Pratt, Heflin, Mathews, and Tolhurst\*; Paula Frantz-County Counsel\*\*; and Char Tim-Clerk of the Planning Commission.

*[\*Arrived at 8:47 a.m. and took his seat on the Commission.]*

*[\*\*Arrived at 8:48 a.m. and was in attendance at the start of the public hearing portion.]*

#### **2. ADOPTION OF AGENDA AND ADDENDUM**

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

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

**NOES: None**

**ABSENT: Tolhurst**

#### **3. PLEDGE OF ALLEGIANCE**

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

**a. Minutes:** January 12, 2012

**Staff Recommendation:** Approve Meeting Minutes as presented

#### **END OF CONSENT CALENDAR**

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

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

NOES: None  
ABSENT: Tolhurst

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

Pierre Rivas provided a report on the following items for Current Planning:

- S11-0008/China Hill Road Industrial Building: An appeal on the Commission's approval of this project was heard by the Board of Supervisors on January 24, 2012. The Board denied the appeal.

Peter Maurer provided a report on the following items for Long-range Planning:

- Targeted General Plan Amendment and Zoning Ordinance Update: On January 24, 2012 the Board of Supervisors awarded the contract to ICF International and approved the contract for Kimley Horn for the traffic portion of the EIR and the traffic modeling. A workshop will be conducted in February to discuss the larger issues with this project.
- Oak Woodlands: Spoke on the recent Court ruling but deferred to County Counsel for a more detailed explanation.
- Housing Element Update: On January 24, 2012, the Board of Supervisors approved the Resolution of Intention to amend the General Plan by updating the Housing Element in 2013.

Paula Frantz provided a report on the following items for County Counsel:

- Oak Woodlands Management Plan Litigation: The Court ruled that the County's Negative Declaration was not adequate and ordered the case back to trial court. The ruling takes 30 days to become final and she explained in detail the effects of this ruling on pending and future projects.

6. **COMMISSIONERS' REPORTS**

Commissioner Pratt requested an update on the Buck's Bar Bridge project. Eileen Crawford/DOT stated that they were still in the process of obtaining a consultant. He commended DOT for the new "Stop Ahead" signs in South County.

Chair Heflin inquired on the status of the missing "No Parking" signs on Carson Road. Ms. Crawford indicated that she would do a follow-up on getting a response to his inquiry.

**9:00 A.M. – TIME ALLOCATION**

7. **PUBLIC FORUM/PUBLIC COMMENT** – None

8. DESIGN REVIEW REVISION

**DR00-0004-R/Cool 76 Station Re-imaging** submitted by SIERRA ENERGY (Agent: Sign Development, Inc.) to re-image the price identification sign, canopy and paint the existing building to reflect a change of the existing Valero gasoline station to a 76 station. The property, identified by Assessor's Parcel Number 071-080-11, consisting of 3.72 acres, is located on the west side of State Route 49, approximately 17 feet west of the intersection with State Route 193, in the Cool area, Supervisorial District 4. [*Project Planner: Gina Paolini*] (Categorical Exemption pursuant to Section 15311 of the CEQA Guidelines)\*\*

Gina Paolini presented the item to the Commission with a recommendation for approval.

Commissioner Pratt inquired on any shielding of outside vending machines.

Applicant's agent was available for questions.

No further discussion was presented.

**Motion: Commissioner Mathews moved, seconded by Commissioner Pratt, and carried (5-0), to take the following actions: 1. Certify that the project is exempt from CEQA pursuant to Section 15311 of the CEQA Guidelines; and 2. Approve Design Review Revision DR00-0004-R based on the Findings and subject to the Conditions of Approval as presented.**

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

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

Findings

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

**1.0 CEQA FINDINGS**

- 1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15311 of the CEQA Guidelines. Class 11 exemptions include the construction, or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities including but not limited to on-premise signs.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

**2.0 GENERAL PLAN FINDINGS**

- 2.1 As proposed, the project is consistent with the Commercial (C) land use designation as defined within General Plan Policy 2.2.1.2 because the land use designation provides for areas for service uses to serve the residents, businesses and visitors of the County. The mini mart/gasoline station provides a service to the community and would be consistent with the General Plan land use.
- 2.2 The proposal is consistent with General Plan policies 2.2.5.2 (General Plan consistency) and 2.2.5.21 (land use compatibility). It has been determined that the project is consistent with the General Plan because the re-imaging would not create visual incompatibility with similar commercial projects in the vicinity.

**3.0 ZONING FINDINGS**

- 3.1 *The proposed use is consistent with Title 17.*

The Zoning Ordinance designates the site as Commercial within the Community Design Review District Overlay (C-DC). The proposed design and use of the structure is consistent with the development standards of the Commercial Zone District.

**Conditions of Approval**

**El Dorado County Planning Services:**

- 1. This Design Review revision is based upon and limited to compliance with the project description, the exhibits:

- Exhibit E-1 .....Site Plan
- Exhibit E -2 .....Price ID Sign
- Exhibit E -3 .....Canopy Elevations (north and south)
- Exhibit E -4 .....Canopy Elevations (east and west)
- Exhibit E -5 .....Building Elevations and cabinet sign
- Exhibit E -6 .....Canopy Fascia Detail with logo
- Exhibit E-7 .....Logo Sign Lamp/Cabinet Detail
- Exhibit E-8 .....Logo Sign Face
- Exhibit E-9 .....Pump Detail

and Conditions of Approval set forth below. Further, any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval.

The project, as approved, consists of the following:

Approval of Design Review DR00-0004-R for the re-imaging of the price identification sign, the canopy colors and columns, an update of the building colors and signage and change of pump colors to reflect the 76 corporate image for the gasoline station located at Assessor's Parcel Number 071-080-11. The following re-image shall be permitted:

- a. **Internally illuminated price/identification sign with changeable numbers:** The existing pole structure shall be utilized for the price/identification sign. The maximum height of the sign shall be 12 feet 5 inches. The sign area shall be 6.1 feet by 10.4 feet. The sign would have the 76 corporate logo and changeable pricing. The text, design materials, and colors shall conform to Exhibit E-2.
- b. **Gasoline pump canopy, columns and logo:** The existing 22 foot by 40 foot canopy shall be painted with corporate colors, Oasis silver, Oasis white and Oasis red. A 33 inch 76 corporate logo shall be placed on the north and south sides of the canopy. The columns shall be painted in the corporate colors. The text, design materials, and colors shall conform to Exhibit E-3, E-4, E-6, E-7 and E-8.
- c. **Building colors and signage:** The mini mart building shall be painted Oasis white and shall have an Oasis red trim fascia board. A new 36 inch by 36 inch "Sierra Energy Express" internally illuminated cabinet sign shall be installed on the front of the building. The text, design materials, and colors shall conform to Exhibit E-5.
- d. **Existing gasoline pumps:** The gasoline pumps shall be updated with Oasis red and the 76 logo. The text, design materials, and colors shall conform to Exhibit E-9.

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

2. The project shall be started or diligently pursued within twenty-four (24) months of approval, or the Design Review approval shall become null and void.
3. The canopy lighting shall be retrofitted to conform to Section 17.14.170 design standards of the Zoning Code and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation. Lighting plans shall be submitted for review and approval by Planning Services prior to issuance of a building permit.

4. Prior to issuance of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description to Planning Services, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.
5. All outdoor retail displays, with the exception of the ice machine and the propane cylinder exchange facility shall be removed from the exterior of the building. Planning Services shall verify the removal of the outdoor retail displays prior to final building inspection.
6. No additional advertising sign copy or temporary signs shall be permitted at the project site.
7. The moveable, freestanding fuel price sign shall be removed from the site prior to issuance of a building permit. The applicant shall provide Planning Services with verification that the sign has been removed prior to issuance of the permit.
8. The unenclosed trash recycle containers shall be relocated to the rear of the property and a trash/recycle enclosure shall be constructed in compliance with the MSW & Recyclable Container Enclosure Plan provided by the local waste hauler provider. Planning Services shall review the location of the enclosure and the local service provider shall verify compliance prior to issuance of a building permit.
9. Prior to issuance of any Building Permit, all Development Services fees shall be paid.
10. A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El Dorado County Planning Services prior to the issuance of any development permit being issued on the project parcel.
11. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval by El Dorado County.

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

- ~~1. The project, as approved, shall conform to Exhibits E and Sheets 1 through 5 of Exhibit F.~~

2. ~~No signs are approved on the canopy through this Design Review application.~~

**El Dorado County Department of Environmental Management-Solid Waste & Hazardous Material**

12. The operator shall make the necessary upgrades to the leak prevention system. Because the UST system has 90% overfill audible/visual alarms with direct bury spill buckets, the owner/operator shall install either fill tube flapper valves or secondary containment around the straight drop tubes (fill sumps). The operator shall make the necessary upgrades prior to final building inspection.
13. Under the LOP program, the operator shall continue with the contaminated site remediation and reporting activities. Activities are to include periodic the high vacuum extraction events in accordance with the schedule prescribed in the correspondence from the El Dorado County Environmental Management Department dated April 5, 2011.

**9. REZONE/PLANNED DEVELOPMENT/TENTATIVE MAP**

a. **Z11-0001/PD11-0001/TM11-1502/Treviso II** submitted by RIDGEVIEW HOMES WEST, LLC (Agent: CTA Engineering and Surveying) to request the following: (1) Rezone of property from One-Acre Residential-Planned Development (R1A-PD) to One-Family Residential-Planned Development (R1-PD) and Open Space-Planned Development (OS-PD); (2) Development Plan for the proposed clustered residential subdivision (Treviso II) to include 20 residential lots, one open space lot, and modified One-Family Residential (R1) zone district development standards; (3) Tentative Subdivision Map dividing a 6.98-acre lot into twenty (20) Class I residential lots ranging in size from 5,181 square feet to 62,012 square feet, one private road (Lot R) measuring 0.46 acre, and one Open Space lot measuring 2.27 acres; (4) Design Waivers of the following Design and Improvement Standards Manual (DISM) Standard Plan standards: (a) Reduction of right-of-way from 50 feet to 31 feet for private road (Lot R) Via Treviso; (b) Reduction of sidewalk width from 6 feet to 4 feet and placement of sidewalk on one side of private road Lot R; (c) Reduction of off-site road pavement width (Via Barlogio) from 36 feet to 24 feet wide without standard sidewalk and curb and gutters; and (d) Increase the maximum driveway gradient from 16% to 20% serving Lot 20; and (5) Findings of Consistency with General Plan Policy 7.3.3.4 in accordance with the Interim Interpretive Guidelines to reduce setback from 50 feet to 25 feet from an identified wetland. The property, identified by Assessor's Parcel Number 120-700-07, consisting of 6.98 acres, is located at the terminus of existing Via Treviso, approximately 1,361 feet north of intersection with Crestline Circle, in the El Dorado Hills area, Supervisorial District 1. *[Project Planner: Mel Pabalinas]* (Mitigated negative declaration prepared)\*

Mel Pabalinas presented the item to the Commission with a recommendation of approval to the Board of Supervisors. He referenced a Staff Memo dated 1/25/12 recommending the amendment of Condition #14 to address the oak trees and read it into the record.

Dave Crosariol/applicant's agent responded to Commissioner Rain's inquiry on the second road at the time of build-out and then made the following comments:

- No concerns with Staff Report;
- Responded to recent court ruling on the oak trees by hiring an Arborist, who verified the Plan and endorsed the property as meeting the requirements of Option A; and
- Agreed with staff's recommendation to modify Condition #14.

Tara McCann made the following comments:

- Request that item be continued to provide a better review of project in order to understand how it relates to the Court ruling;
- Cumulative impact to oaks; and
- Requested more clarification on the density of the lots.

Commissioner Mathews stated that the Staff Report contained a list identifying each lot size.

No further discussion was presented.

**Motion: Commissioner Rain moved, seconded by Commissioner Mathews, and carried (5-0), to recommend the Board of Supervisors take the following actions: 1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; 2. Adopt the Mitigation Monitoring Reporting Program in accordance with CEQA Guidelines Section 15074(d); 3. Approve Rezone Z11-0001 based on the Findings as presented; 4. Approve Planned Development PD11-0001, approving the Development Plan as the official Development Plan, based on the Findings and subject to the Conditions of Approval as modified; 5. Approve Tentative Map TM11-1502 based on the Findings and subject to Conditions of Approval modified as follows: (a) Amend Condition #14 as identified in Staff Memo dated 1/25/12; 6. Approve the following Design Waivers based on the Findings as presented: (a) Reduction of right-of-way from 50 feet to 31 feet for private road (Lot R) Via Treviso; (b) Reduction of sidewalk width from 6 feet to 4 feet and placement of sidewalk on one side of private road Lot R; (c) Reduction of off-site road pavement width (Via Barlogio) from 36 feet to 24 feet wide without standard sidewalk and curb and gutters; and (d) Increase the maximum driveway gradient from 16% to 20% serving Lot 20; and 7. Approve a reduction of wetland setback from 50 feet to 25 feet based on the Findings as presented and in accordance with Interim Interpretive Guidelines for General Plan Policy 7.3.3.4 (Wetland Buffers and Setbacks).**

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

**NOES: None**

### **Findings**

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



**1.0 CEQA FINDINGS**

- 1.1 Staff has prepared an Initial Study to determine if the proposed project would have a significant effect on the environment. Supporting studies, which evaluated the entire property, were referenced in this Initial Study. Based on the Initial Study, a Mitigated Negative Declaration has been determined as specific impacts to Biological Resources has been identified, which would be subject mitigation measures minimizing its effects to less than significant.
- 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 2850 Fairlane Court Placerville, CA 95667.

**2.0 GENERAL PLAN FINDINGS**

- 2.1 The project is in conformance with the applicable policies of the General Plan including 2.1.1.2, 2.2.1.3, 2.2.5.3, 2.2.5.21, TC-Xe, TC-Xf , 5.1.2.1.
- 2.2 The reduced wetland setback from 50 feet to 25 feet in deemed consistent with Interim Interpretive Guideline to General Policy 7.3.3.4 based on submitted project information and subject to Best Management Practices (BMP) measures.

**3.0 ZONING FINDINGS**

The project includes a rezone of the site to One-Family Residential-Planned Development (R1-PD). The anticipated residential use conforms to the identified primary use (residential) under the district. As Planned Development, specific development standards would be modified in the accordance with ordinance and policies of the General Plan.

**3.1 Planned Development**

- 3.1.1 That the PD zone is consistent with the General Plan;

The overlay PD zone for Treviso II is consistent with the High Density Residential (HDR) land use designation in terms of use, development concept, and density.

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

Treviso II is designed utilizing current engineering techniques that would adequately accommodate the proposed clustered residential development, preserve an area open space area, and minimize impacts to resources (oak canopy) and wetland seep.

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

As part of the Development Plan, specific R1-zone development standards are modified including lot width and setbacks. These modifications would complement and ensure functionality of the clustered development while maintaining an open space area, preserving existing resources, and reduction in grading.

- 3.1.4 That the site is physically suited for the proposed uses;

The clustered development is designed to utilize the developable areas to the greatest extent possible.

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

The project is required to improve and extend public water and sewer services which currently exist in the immediate area. As conditioned, the required road improvements shall be constructed consistent with County Design and Improvement Standards Manual. Subsequent permits review and approval would be required prior to any start of construction.

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

The residential development would blend with the existing and future residential uses in the immediate area. The planned residential development open space for preservation of oak canopy and a seep wetland.

#### **4.0 TENTATIVE MAP FINDINGS**

- 4.1 The proposed revised tentative map, including design and improvements, is consistent with the General Plan policies and land use map; and

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

The residential subdivision is consistent with the High Density Residential (HDR) land use designation and applicable General Plan policies including allowable density, site and improvement design, and resource preservation.

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

The project site includes areas of varying topography and oak woodland canopy. The residential project is designed utilizing Planned Development concepts that would affect the developable areas of the site in a clustered design and preserve existing resources within open space areas.

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

As the residential subdivision is designed in accordance with the objectives of the Planned Development application and subject to conditions of approval, development impacts to the natural resources on the site shall be minimized. An open space area is created to preserve existing oak woodland habitat and protect wetland area.

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

Adequate fire protection measures based on the approved Fire Safe Plan shall be implemented during construction and operation of the residential development. The approved subdivision will be constructed to accommodate necessary improvements for emergency purposes including secondary access roads, turnaround, and fire hydrants. The public water system servicing the project shall provide adequate fire flow for the project.

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

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

## **5.0 DESIGN WAIVERS FINDINGS**

The Design Waivers requested are subject to specific findings under Section 16.08.020 of the El Dorado County Zoning Ordinance described below.

- A. *There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver.*
- B. *Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property.*
- C. *The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.*

- D. The waiver would not have the effect of nullifying the objectives of this Article or any other law or ordinance applicable to the subdivision.*

The following summarizes each request with supporting justification to the above findings.

Design Waiver Request A: Reduction of right-of-way from 50 feet to 31 feet for private road (Lot R) Via Treviso.

Residential subdivisions within Community Region area of the county is subject to DISM Standard Plan 101 B. Specifically, DISM Plan 101 B requires public road to be contained within 50 foot right-of-way. The road serving the development, Via Treviso, is private with a reduced right-of-way width of 31 feet. Based on the minimal amount of lots and average vehicular trips (9.6 ADT), this right-of-way would adequately accommodate the necessary road improvement to serve the development including road and sidewalk. Application of standard right-of-way could affect the clustered, compact design of the development and could potentially cause unnecessary impacts to resources. Given that the clustered design versus the standard lot sites and isolated location of this planned development in comparison with adjacent residential subdivision, approval of this deviation exclusively serves this development, would not be injurious adjacent properties or general public welfare, and would not have any nullifying effect with the objectives of the Subdivision Ordinance.

Design Waiver Request B: Reduction of sidewalk width from 6 feet to 4 feet one and placement of sidewalk on one side of private road Lot R

DISM Plan 101 B requires a 6-foot wide sidewalk on both sides of the road. The project would construct a reduced 4-foot wide sidewalk on one side of Via Treviso. As designed, this improvement would be adequate to serve the pedestrian circulation needs by the future residents of this private residential development. This sidewalk would also provide connectivity to an existing 4-foot sidewalk in the adjacent residential subdivision to the south and future sidewalks anticipated in the planned development in Village 8 of the Promontory Specific Plan. Application of a standard 6-foot wide sidewalk on both sides of the street would result in unnecessary grading impacts and affect the clustered design of the planned development. As a private residential subdivision, the waiver would not affect adjacent properties or be detrimental to public health, safety, and welfare as the modified improvement would exclusively serve this development and would not nullify the objective of the ordinance.

Design Waiver Request C: Reduction of off-site road pavement width (Via Barlogio) from 36 feet to 24 feet width without standard sidewalk and curb and gutters.

DISM Plan 101 B requires a minimum road width of 36 feet (based on 351-2000 Average Daily Trip rating) supported by standard Type 2 curb and gutter. Given the minimal lot count and anticipated average daily trip, the project will construct a maximum road width of 24 feet without the standard curb and gutter. This interim road improvement will be designed to include the necessary grading to ultimate prism design and drainage ditches.

Full road improvement will be ultimately built in accordance with contemplated standards (Valley Two-Way) in the Promontory Specific Plan with the development of Village 8. As determined and conditioned by the Department of Transportation and El Dorado Hills Fire Department, this proposed interim improvement would sufficiently accommodate the anticipated vehicular traffic and secondary access needs by this residential development. The construction of the road improvement will not be injurious as it will be designed according to applicable County DISM standards, subject to review and approval of Improvement Plan and other permits, and would improve circulation in the existing neighborhood. It will not nullify the objectives of the ordinance as this improvement would be eventually improved to its anticipated road standards required in the Promontory Specific Plan.

Design Waiver Request D: Increase the maximum driveway gradient from 16% to 20% serving Lot 20.

The design of Lot 20 triggers the Hillside Standards of the DISM which include a maximum driveway grade of 16% (Exhibit K). Lot 20 will be served by an asphalted driveway with a grade of 20%. The area of the lot affected by the driveway currently has similar existing gradient. Requirement to meet the standard would result in the re-design of the driveway and could result in excessive cut into the existing terrain and affect the integrity of the slopes in the adjacent lots. As reviewed and conditioned by the El Dorado Hills Fire Department and DOT, this modified driveway would adequately accommodate both common and emergency apparatus vehicles accessing the lot and would not be injurious to adjacent properties or affect public safety. This driveway will serve Lot 20 exclusively, will be designed to other applicable standards in the DISM, be subject to review and approval of construction plans, and, therefore, would not nullify the intent and objectives of the ordinance.

### **Conditions of Approval**

### **PROJECT DESCRIPTION**

1. The proposed rezone, development plan, and tentative subdivision map are based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits I (Rezone Exhibit), J (Tentative Map), K (Development Plan and Preliminary Grading/Drainage Plan) and M (Tree Preservation Map), 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 consists of the following:

- A. Rezone of 6.98 acre property from Estate Residential One Acre-Planned Development (R1A-PD) to 4.71 acres of One-Family Residential-Planned

Development (R1-PD) and 2.27 acres Open Space-Planned Development (OS-PD);

- B. Development Plan for the proposed clustered residential subdivision (Treviso II) to include 20 residential lots, one Open Space lot, and modified One-Family Residential (R1) zone district development standards;
- C. Tentative Subdivision Map dividing a 6.98 acre property creating twenty (20) Class I residential lots ranging from 5,181 square feet to 62,012 square feet in size, one (1) private road (Lot R) measuring 0.46 acre, and one (1) Open Space lot measuring 2.27 acres;
- D. Design Waivers of the following Design and Improvement Standards Manual (DISM) Standard Plan standards:
  - 1. Reduction of right-of-way from 50 feet to 31 feet for private road (Lot R) Via Treviso;
  - 2. Reduction of sidewalk width from 6 feet to 4 feet and placement of sidewalk on one side of private road Lot R;
  - 3. Reduction of off-site road pavement width (Via Barlogio) from 36 feet to 24 feet wide without standard sidewalk and curb and gutters; and
  - 4. Increase the maximum driveway gradient from 16% to 20% serving Lot 20.
- E. Reduction of the 50-foot setback to 25-foot from an identified wetland area (seep) and shall be shown on the map

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

## **PLANNING SERVICES**

### **Mitigation Monitoring Reporting Program (MMRP) Mitigation Measures**

- 2. BIO-1: Pre-construction Survey Required: If vegetation removal is conducted within the nesting period for most migratory bird species and nesting raptor species (between March 1 and August 15), a pre-construction survey for active bird nests shall be conducted by a qualified biologist. If vegetation removal activities are delayed or suspended more than one month after the pre-construction survey, the area shall be re-surveyed. If active bird nests are identified, vegetation removal in these areas shall be postponed until after the

nesting season, or a qualified biologist has determined the young have fledged and are independent of the nest site. No known active nests shall be disturbed without a permit or other authorization from USFWS or CDFG.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and obtain all necessary permits prior to initiation of construction activities. This requirement shall be placed on the grading plans for any and all final maps filed. Planning Services shall review the surveys prior to issuance of a grading permit and/or removal of any trees within the entire project parcel.

3. BIO-2: Reduced Wetland Buffer: No Disturbance Buffer: A 25-foot setback line shall be shown on the Final Map that begins at all high-water marks or the outer boundary of any adjacent wetlands in accordance with requested reduced buffer per the Interim Interpretive General Plan Policy 7.3.3.4. No development shall occur within the setback area. Standard Best Management Practices (BMP) measures, including the installation of protective fencing around the seep, shall be implemented. The identification shall be made on the Final Map, Site Plan Review, grading and building plans where applicable.

Monitoring Responsibility: Planning Services

Monitoring Requirement: Prior to filing of the Final Map, Planning Services shall verify that the identification has been made on the Final Map. Further, the setback lines shall be shown on any subsequent submitted for the grading permit and Development Services shall verify this prior to issuance of any development permit.

4. BIO-3: Streambed Alteration Agreement: A Streambed Alteration Agreement, pursuant to Fish and Game Code 1600 et seq, shall be obtained by the applicants, from the California Department of Fish and Game, if applicable, for the stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. Appropriate mitigation measures shall be developed in coordination with CDFG in the context of the agreement process. Authorization prior to placement of any fill is required from the U.S. Army Corps of Engineers if any impacts are proposed to jurisdictional riparian habitat that were not disclosed during the project review. This authorization may require mitigation as deemed necessary by the Corps of Engineers.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall provide a copy of the Streambed Alteration Agreement to Development Services prior to issuance of the grading permit. If it has been determined by Fish and Game that said permit does not apply after their review of the development plans for the project, the applicant shall provide Planning Services with verification from Fish and Game that no agreement is needed for the project, prior to issuance of a building and/or grading permit for the project area.

5. BIO-4: Water Quality Certification: A Water Quality Certification, Section 401 permit, if applicable, shall be obtained by the applicant from the California Regional Water Quality Control Board for applicable project improvements. Appropriate mitigation measures shall be developed in coordination with in the context of the agreement process.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall provide a copy of the Section 401 permit to Development Services prior to issuance of the grading permit. If it has been determined by the California Regional Water Quality Control Board that said permit does not apply after their review of the development plans for the project, the applicant shall provide Planning Services with confirmation from them of that determination prior to issuance of a building and/or grading permit for the project area.

6. 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.
7. 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).
8. Prior to issuance of building permit, the applicant shall remit payment for impacts to rare plants in accordance with Chapter 17.71 of the El Dorado County Zoning Ordinance and Board of Supervisor's Resolution No. 205-98.
9. This tentative map shall expire 36 months the date of approval unless a timely extension is filed.
10. Prior to final map approval, the applicant shall pay all Development Services Department fees associated with this application.
11. The applicant shall submit to Planning Services a \$50.00 recording fee and a Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No final map shall be map filed until said fees are paid.