

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: October 25, 2012

Item No.: 11

Staff: Mel Pabalinas

**GENERAL PLAN AMENDMENT/REZONE/PLANNED
DEVELOPMENT/TENTATIVE PARCEL MAP**

FILE NUMBER: A11-0003/Z11-0004/PD11-0002/P11-0003/Green Valley Center

APPLICANT: Winn Communities, LLC

AGENT: RSC Engineering

REQUEST: The project on the 6.85-acre site consists of the following:

1. General Plan Amendment amending the land use designation from High Density Residential (HDR) to Commercial (C);
2. Rezone from One-Family Residential-Planned Development (R1-PD) to Commercial-Planned Development (C-PD);
3. Preliminary Planned Development Permit for the proposed commercial development consisting of three commercial buildings totaling 28,615 square feet served with on-site parking, landscaping, and signs;
4. Tentative Parcel Map creating a total of three commercial parcels ranging from 1.53 to 3.04 acres in size;
5. Findings of Consistency with Interim Interpretive Guidelines for General Plan Policy 7.3.3.4 (Wetland Buffers and Setbacks) involving proposed reduced wetland setback from 50 feet to 25 feet; and
6. Design Waiver request reducing standard sidewalk width from 8-foot to 6-foot along Francisco Drive and Cambria Way.

LOCATION: The project is located at the southwest corner of Green Valley Road and Francisco Drive in the El Dorado Hills area, Supervisorial District 1 (Exhibit A).

APN: 124-140-33

ACREAGE: 6.85 acres (Exhibit B)

GENERAL PLAN: High Density Residential (HDR) (Exhibit C)

ZONING: One-Family Residential District-Planned Development (R1-PD) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION: Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to 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), incorporated as Conditions of Approval in Attachment 1;
3. Approve General Plan Amendment A11-0003 based on the Finding in Attachment 2;
4. Approve Rezone Z11-0004 based on Findings in Attachment 2;
5. Approve Preliminary Planned Development Permit PD11-0002 subject to the Conditions of Approval in Attachment 1 and based on the Findings in Attachment 2;
6. Approve Tentative Parcel Map P11-0003 subject to Conditions of Approval in Attachment 1 and based on the Findings in Attachment 2;
7. Approve a reduction of wetland setback from 50 feet to 25 feet based on the Findings in Attachment 2 and in accordance with Interim Interpretive Guidelines for General Plan Policy 7.3.3.4 (Wetland Buffers and Setbacks); and
8. Approve Design Waiver request reducing standard sidewalk width from 8-foot to 6-foot along Francisco Drive and Cambria Way.

BACKGROUND

The subject property was originally identified as Lot A of an 82-lot residential tentative map and planned development called Francisco Oaks that was approved in 1989 (Exhibit E). A revision to the tentative map with a reduced lot count 67 was approved in 2002 (Exhibit F). In December 2004, the

property was created with the recordation of the final map for the subdivision. To date, the property remains undeveloped.

The original project applications, which consisted of the General Plan Amendment and Rezone to change the land use designation, were filed on April 5, 2011. Upon advice from staff, the applicant submitted the Tentative Parcel Map and Planned Development (PD) Permit applications were filed on June 3, 2011.

PROJECT DESCRIPTION

The 28,615 square feet planned commercial Green Valley Center consists of three commercial buildings with specific uses that include an office, fast food restaurant, and pharmacy. The development would be accessed along Green Valley Road and Cambria Way. On-site facilities would include parking, landscaping, lighting, and signs. Public water, sewer and recycled water would be provided. Exhibit G includes a summary table of the proposed development.

Given the project's inconsistency issues with General Plan Policy 7.4.4.4, the applicant elected that the Planned Development Permit for the proposed commercial center be considered preliminary. The project has been conditioned that a Final PD be obtained prior to any construction or ground disturbance for the project, subject to review against all applicable policies and standards.

Site Description and Adjacent Lands: The vacant project site is located at the southwest corner of Green Valley Road, a major east-west arterial road, and Francisco Drive, a minor north-south collector road, within the El Dorado Hills area. Cambria Way intersects with Francisco Drive and borders the southern perimeter of the site.

Exhibits C and D graphically show the land use and zone designations of the subject site and adjacent properties. Existing commercial development borders the project site to the north, northeast, west, and east of the site. The Francisco Oaks residential subdivision borders the site to south. This private gated subdivision is also accessed at the northern end via Cambria and Brittany Way at the southern end.

The site is composed of annual grassland mixed with oak canopy. The oak canopy covers 3.42 acres of the 6.85-acre property. Site topography ranges from approximately 575 feet to 625 feet above mean sea level. Eighty seven percent of the site is contained within 0 to 30% slope gradient while the balance of the site within 40% slope range primarily situated within swale areas. A total 0.14 acre of jurisdictional wetland (ephemeral and swale features) exist along the northern and southern portions of the property. A 6-foot sidewalk exists along its frontage on Green Valley Road.

Site Design and Facilities: The proposed buildings are centrally located within the site with the building pads elevation ranging from 612 feet (Building 1) to 614 feet (Building 2). The buildings are visible entirely or partly along all bordering roads. The building pads are slightly higher than the existing grade of Green Valley Road, and lower in comparison with the grade along Francisco and Cambria Way.

Access points would be provided along Green Valley Road (right-in/right-out) and Cambria Way (full access) (Exhibit H). Large delivery trucks would primarily enter off Green Valley Road while Cambria Way would provide limited access other types of delivery. On-site circulation has been designed to meet standard drive aisle, parking, and vehicular turning radii serving the commercial uses. A total of 129 parking stalls are proposed to serve the development in excess of the required 123 stalls required by the ordinance. Buildings 1 (Retail Pharmacy) and 2 (Fast Food Restaurant) would have a drive thru stations. As total of two loading areas is required by the ordinance; however, given the site constraints, only Building 1 would be served by a full loading area located in the rear. This modification is allowed as part of the commercial Planned Development Permit.

Landscaping is proposed within the planter areas of the parking lot and along the perimeter utilizing a variety of type and size of drought tolerant and screening plants (Exhibit I). Proposed site lighting consists of various height and design of light standards distributed throughout the site (Exhibit J).

Subject to the Design Waiver request, 6-foot wide sidewalks would be constructed along site frontage on Cambria Way and Francisco Drive matching the existing sidewalk along the commercial development to the east.

Building Design and Signs: The proposed stucco buildings depict Craftsman-style design consistent with the existing commercial development in the surrounding area (Exhibit K). The buildings present various types of materials and architectural features that are highlighted by primary and accent exterior colors. All buildings are below the maximum height with Building 1 measuring the highest at 36 feet.

Wall and monument signs would be integrated with the building and site design based on the Preliminary Sign Program. A total of two monument signs are proposed (one located along Green Valley Road and another on Francisco Drive) that would have exterior lighting (Exhibit N). Illuminated tenant wall signs would be installed based on the specifications of the program which includes limitations on sign area, height, and quantity. The program also details the prohibited types of signs including painted and window signs.

The program would deviate from sign standards in the ordinance (e.g. proposed 90 square foot of monument sign area in excess of the maximum 50 square feet) which is permitted as part of the Planned Development Permit for the project. As a result of the recent sign moratorium urgency ordinance, the maximum sign area would be limited to 80 square feet. A condition of approval is recommended prohibiting any signs facing the southern perimeter of the project, which would minimize potential visual or lighting effects to the Francisco Oaks subdivision. A Final Sign Program shall be reviewed as part of the Final Planned Development Permit for the project.

Site Improvements: Approximately 3.85 acres of the site would require grading in order to establish the necessary infrastructure to serve the proposed uses (Exhibit L). To balance the site, a total of 14,000 cubic yard cut is estimated which would require approximately 2,500 cubic yard of fill and 11,500 cubic yard of import. Retaining walls with varying heights ranging from 1 to 11 feet tall are proposed at specific locations providing structural support for the level surface necessary for commercial development.

The project would require construction of off-site road improvements in accordance with county road design standards and as means to mitigate identified project traffic impacts. These improvements include a 117-foot deceleration taper lane and additional channelized east bound right-turn and south bound receiving lanes at Francisco Drive and El Dorado Hills Blvd.

Site disturbance would affect existing biological resources on the property including the removal of 2.28 acres of the 3.42 acres existing oak canopy and preserving the balance 1.14 acres (Exhibit M). Implementation of the project would also impact 0.037 acre of total 0.146 acre (approximately 25%) acre of jurisdictional wetlands while the remaining 0.109 acres of wetland would be avoided through buffers and preserved as part of site design.

Utilities: Operation of the development would require connection to public water, sewer, and recycled water services provided by El Dorado Irrigation District (EID) (Exhibit L). According to the Facilities Improvement Letter (FIL) provided by EID to the applicant, an 8-inch water line exists along Cambria Way and Green Valley Road and 16-inch line in Francisco Drive. The applicant shall be required to purchase water meters prior to parcel map filing or issuance of building permit.

On-site storm drainage would be managed through construction of an underground drainage network. Existing offsite drainage inlets along Francisco Drive and Green Valley Road would connect to the proposed on-site storm drains and pipes conveying flow into the open, natural drainage at the southwest corner of the site. The project would also utilize designated landscape planter areas as storm water detention. A culvert would be constructed at the crossing for the proposed driveway access along Green Valley Road conveying drainage along the northern perimeter of the site.

Commercial Tentative Parcel Map: The proposed Tentative Parcel Map would divide the property into three parcels each containing a commercial building (Exhibits G and O). The resulting parcel size exceeds the standard minimum size of 5,000 square feet. Parcels 1 and 3 would include preserved wetland features along the northern and southwest perimeters, respectively. Each parcel would also include portions of the off-street parking stalls, drive aisles, and landscaping. Future users of the proposed commercial buildings would have mutual parking use and access to these on-site improvements.

STAFF ANALYSIS OF PROJECT ISSUES

The following discussion summarizes the specific project issues in relation to consistency with applicable General Policies and standards of the County ordinance and improvement standards. Additional justification is provided in Attachment 2.

1. General Plan Amendment

The applicant is proposing a change of the land use designation from Residential to Commercial. The change to Commercial land use designation would provide a full range of commercial retail, office, and service uses from which the residents, businesses, and visitors of this area of El Dorado Hills, and the County, in general, would benefit (General Plan Policy 2.2.1.2). The commercial development has been designed to meet the policy standards of General Plan Policy 2.5.2.1 and

2.5.2.3 with regards to maximum buildable site, providing on-site parking construction of pedestrian sidewalk for connectivity and other design criteria.

The proposed development would be compatible and blend with the existing development in the area. Its location along the busy roadways, Green Valley Road and Francisco Drive, would provide immediate visibility, accessibility, and shopping convenience for its patrons. Each of the three existing commercial development at the intersection of Green Valley Road and Francisco Drive is immediately bordered by a residential development and provides retail and services to the neighborhood (General Plan Policy 2.2.5.21). The vacant project site is surrounded by and would match adjacent lands with similar designation and uses in the west, north and east, where public utilities and services are readily available.

The project would be bordered by a residential subdivision (Francisco Oaks) to south. Cambria Way would be a shared roadway for both uses, but would serve as a limited delivery access for the commercial development. The residents of the subdivision would have convenient and direct access to the commercial development, would be able to utilize the sidewalks along the project site and connect to existing off-site sidewalks. The identified project effects, including aesthetic, noise and traffic, have been analyzed and would be minimized to less than significant impact with implementation of mitigation measures and proposed project design (General Plan Policy 2.2.5.18).

Though the site has an underlying residential designation, residential development of the site may not be the most suitable best use of the site. A high density or multi-family residential development of the site could potentially expose residents to traffic and safety concerns along the roads, significant noise impacts from the vehicular traffic and surrounding commercial uses, and air quality effects from vehicular emissions. Addressing and mitigating these potential effects could pose site and building challenges in developing the site residentially.

2. Oak Canopy Impacts

The removal of oak trees within El Dorado County is regulated under General Plan Policies 7.4.4.4, 7.4.4.5, and 7.4.5.2. Policy 7.4.4.4 contains two options to mitigate for the loss of oak woodlands: 1) Option A requires conformance to on-site tree canopy retention and replacement standards; and 2) Option B provides for in-lieu payment of mitigation fees in accordance with an Oak Woodland Management Plan (OWMP). With the recent invalidation of the OWMP as a result of the Third District Court of Appeals ruling in the case of *Center for Sierra Nevada Conservation v. County of El Dorado*, mitigation via in-lieu fee payment (Option B) is not available.

As outlined by Table 1 of the Policy 7.4.4.4 (Option A), a site containing 50% of oak canopy requires 80% of the canopy to be retained and leaving 20% allowed for removal. Of the project site's 3.42 acres of existing oak canopy, 2.73 acres must be retained and the maximum allowed for removal at 0.68 acres. The project proposes to remove a total of 2.28 acres of the existing canopy, while retaining only 1.14 acres. Based on this, project impacts to oak canopy do not meet the policy.

Until the County adopts a new mitigation program as an alternative to retention of on-site oaks, development of the site cannot proceed without modifying the plan to conform to the retention standards. Accordingly, Mitigation Measure BIO-7 and Condition No. 13 require review of a Final

Planned Development and Grading Permit, which cannot be approved until such time as the County has adopted a new program that provides for a feasible alternative to retention of on-site oaks. Should the County fail to adopt an alternative to on-site retention of oaks, the project would be required to be redesigned prior to approval of the Final Development Plan and could be subject to additional environmental review.

3. Traffic and Circulation

Traffic and circulation impacts were analyzed in accordance with the standards of General Plan Policies TC-Xd and TC-Xe (Exhibit Q-Attachment 17). The Department of Transportation reviewed the analysis and imposed specific conditions of approval and mitigation measures to lessen the identified impacts via payment of impact fees or construction of necessary improvements in accordance with Policy TC-Xf and TC-Xh. Necessary right-of-way along Green Valley Road would be provided according Policy TC-Xg, affected traffic signals shall be synchronized per Policy TC-3d, and sidewalks shall be constructed in accordance with Policy TC-5b.

The DOT also analyzed traffic safety concerns in the immediate area that could be further affected with the project. The department conducted site visit and speed survey at the intersection of Cambria Way and Francisco Drive and verified adequate stopping site distance in accordance with Traffic Impact Study Policy and Procedures and Caltrans Highway Design Manual (Exhibit Q-Attachment 14).

Attachment 1 contains the specific conditions of approval recommended by DOT and traffic mitigation measure identified in the Initial Study/Checklist (Exhibit Q).

4. Wetlands

Wetland buffers are required under General Plan Policy 7.3.3.4 and the interim interpretive guideline of the policy. The project includes a request for a reduction of the wetland buffer from 50 feet to 25 feet along the southern ordinary high water mark of wetland channel CH-1. This channel feature conveys both on- and off-site drainage from the northeast corner of the site into an existing off-site swale features to the west (Exhibit Q-Attachment 18). As analyzed, this reduced buffer would adequately protect and preserve this wetland feature subject to Mitigation Measure BIO-6 and application of standard construction measures.

5. Planned Development Standards

The project includes two development standards that would be modified as part of the Planned Development for the Green Valley Center. Based on the size of the development, a total of two loading areas are required; however, given the site constraints and in order to minimize unnecessary development impacts, only one loading area (Building 1) would be provided. The project proposes to accommodate loading for Buildings 2 and 3 within the proposed parking area and limit loading and unloading duration during non-peak hours of the operation.

The Commercial zone district limits the maximum sign area of 50 square feet (one display surface) for each of the two monument signs. The project proposes a maximum area of 90 square feet, but

would be limited to 80 square feet with the current sign moratorium. The signs are architecturally integrated with the entire development, small in profile, and would be located within the perimeter landscaping.

6. Design Waiver

The project includes a request to construct a 6-foot wide sidewalk along Francisco Drive and Cambria Way. This width is a reduction from the standard width of 8-foot wide required for commercial development. The proposed reduced sidewalk would match and continue to provide connectivity to the existing sidewalk in the surrounding development and neighborhood. If the standard width is applied, it could result in unnecessary ground disturbance and compromise the engineered perimeter slope adjacent to these proposed sidewalks. Construction of the reduced sidewalk would not be injurious as this modified improvement would adequately and safely accommodate pedestrians.

7. Zoning

Corresponding with the proposed Commercial land use designation, the zoning of the site would be changed to Commercial (C) combined with an overlay zone of Planned Development (-PD). This zone provides a wide range of commercial uses and applicable development standards which implements the policies, objectives, and goals of the Commercial land use designation. This zone would match the existing zones in the adjacent commercial development. The -PD overlay zone would establish additional layer of discretionary review under a Planned Development Permit as the comprehensive development plan for the commercial project.

The proposed rezone is consistent with General Plan Policy 2.2.5.3. The site is within the El Dorado Hills Community Region where public infrastructures and services needed to serve the proposed development currently exists. The development would match the existing development pattern in the area. Development of the site would be subject to county construction and building standards and would impact existing resources on-site subject that would be mitigated less than significant.

8. Agency and Public Comments

The local advisory committee, El Dorado Hills Area Planning Advisory Committee (APAC), originally voted 7 to 0 to not support the project at its July 13, 2011 meeting. This was based on only having a General Plan Amendment and Rezone request at that time. The full project applications, which include the Tentative Parcel Map and Planned Development Permit, had yet to be distributed for agency review.

On November 11, 2011, the full project applications were distributed for review by various agencies. APAC received the updated project information and held follow-up meetings on the project on February 8 and March 14, 2012. APAC's follow-up comments primarily focused on the potential traffic impacts on the project, citing that the Green Valley Center traffic analysis did not contemplate other traffic analysis of other proposed projects in the area and that the Green Valley Center analysis contained flawed information (Exhibit P). DOT evaluated and addressed all of APAC's concerns, which is detailed in the letter attached as Exhibit R. In particular, DOT indicated and confirmed that

the project traffic impact analysis was conducted in accordance with current department protocols. DOT evaluated and determined minimal traffic queuing effects at the Francisco Oaks residential entry gate. The department also reviewed submitted plans and verified sufficient on-site turning ratio necessary to accommodate fire emergency vehicles.

During processing of the project, staff, Planning Commissioners, and Board of Supervisors received comment letters on the project from the general public, predominantly from the residents of Francisco Oaks. The comments includes concerns regarding traffic generated by the project, pedestrian safety, justification for additional commercial in the area, and impacts on noise and air quality.

As discussed above and supporting staff report information, the proposed project would be suitable and compatible with the existing development in this area of El Dorado Hills. Project impacts to traffic, biological resource, and air quality have been analyzed and determined to be less than significant with application of specific mitigation measures and conditions of approval.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study to determine if the proposed project would have a significant effect on the environment (Exhibit Q). Supporting studies were referenced in this Initial Study. Based on the Initial Study, a Mitigated Negative Declaration has been determined as specific impacts to Air Quality, Biological Resource, Transportation/Traffic has been identified, which would be subject to mitigation measures minimizing its effects to less than significant level.

Note: This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.). In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,101.50 after approval, but prior to the County filing the Notice of Determination on the project. This fee plus a \$50.00 administration fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,101.50 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

SUMMARY RECOMMENDATION

Based on the above analysis, staff recommends approval of the preliminary Development Plan for the Green Valley Center. Implementation of the commercial project, which requires a change of the land use designation and zoning, would otherwise conform to other policies of the General Plan, including Transportation and Circulation, Economic Development, and Land Use. The project design would conform to the development standards of the Zoning Ordinance including site design, parking and landscaping. An Initial Study/ Mitigated Negative Declaration has been prepared evaluating the environmental impacts by the project and identified specific mitigation measures minimizing impacts to less than significant level. Conditions of Approval are incorporated addressing the orderly implementation of the project.

The proposed commercial retail center would be developed in a heavily traveled area of El Dorado Hills, surrounded by existing residential and commercial development, and where public utility services are readily available. Project design would conform to the existing architectural theme in the area. Implementation of the project would complement and strengthen the retail commercial base of the community, aid in providing a range of employment opportunities, and retain a greater share of retail dollars within the County.

SUPPORT INFORMATION

Attachments to the Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Original Francisco Oaks Tentative Subdivision Map
Exhibit F	Revised Francisco Oaks Tentative Subdivision Map
Exhibit G	Green Valley Commercial Center Summary
Exhibit H	Preliminary Site Plan/Truck Turn Exhibit
Exhibit I	Preliminary Landscape Plan
Exhibit J	Preliminary Photometric Plan
Exhibit K	Preliminary Building Elevations
Exhibit L	Preliminary Grading Plan/Building Limit Line
Exhibit M	Oak Tree Canopy Analysis
Exhibit N	Preliminary Sign Program
Exhibit O	Tentative Parcel Map
Exhibit P	El Dorado Hills Area Planning Advisory Committee (APAC) Comment Letters
Exhibit Q	Proposed Mitigated Negative Declaration and Initial Study/Checklist
Exhibit R	County Response Letter to El Dorado Hills Area Planning Advisory Committee (APAC); October 2, 2012

ATTACHMENT 1

CONDITIONS OF APPROVAL

**General Plan Amendment A11-0003/Rezone Z11-0004/
Planned Development PD11-0002/Parcel Map P11-0003/Green Valley Center
Planning Commission/October 25, 2012**

PROJECT DESCRIPTION

1. The proposed General Plan Amendment, Rezone, Preliminary Planned Development, and Tentative Parcel Map are based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits G through O, 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. General Plan Amendment amending the land use designation from High Density Residential (HDR) to Commercial (C);
- B. Rezone from One-Family Residential-Planned Development (R1-PD) to Commercial-Planned Development (C-PD);
- C. Preliminary Development Plan for the proposed commercial development consisting of three commercial buildings totaling 28,615 square feet served with on-site parking, landscaping, and signs;
- D. Tentative Parcel Map creating a total of three commercial parcels ranging from 1.53 acres to 3.04 acres in size;
- E. Findings of Consistency with Interim Interpretive Guidelines for General Plan Policy 7.3.3.4 (Wetland Buffers and Setbacks) involving proposed reduced wetland setback from 50 feet to 25 feet; and
- F. Design Waiver request reducing standard sidewalk width from 8-foot to 6-foot along Francisco Drive and Cambria Way.

As conditioned, a Final Development Plan for Green Valley Commercial Center shall be required subject to review and consideration by the Planning Commission. The required application materials and exhibits shall include an oak tree plan, updated site plan, preliminary grading and drainage plan. 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 be consistent with the

formal action taken on this plan, subject to the conditions of approval and mitigation measures approved for the project.

PLANNING SERVICES

Mitigation Monitoring Reporting Program (MMRP): The following conditions of approval are specific mitigation measures identified in the Initial Study/Mitigated Negative Declaration for the project.

2. Prior to Approval of Improvement Plan and Issuance of Grading Permit, the applicant shall implement EDCAQMD's Rule 223-1 regulations. This measure shall be incorporated as Notes on Improvement Plan and Grading Plan

Monitoring Agency: Air Quality Management District (AQMD) and Planning Services
(MM AIR-1)

3. Prior to Approval of Improvement Plan and Issuance of Grading Permit, the applicant shall implement EDCAQMD's Rule 223-2 regulations. This measure shall be incorporated as Notes on Improvement Plan and Grading Plan.

Monitoring Agency: Air Quality Management District (AQMD) and Planning Services
(Mitigation Measure AIR-2)

4. Prior to Approval of Improvement Plan and Issuance of Grading Permit, all contractors using diesel powered construction equipment shall verify that all equipment is 1996 model year or later. With this newer equipment, the threshold of 402 gallons of diesel fuel per day shall not be exceeded. This measure shall be incorporated as Notes on Improvement Plan and Grading Plan.

Monitoring Agency: Air Quality Management District (AQMD) and Planning Services
(Mitigation Measure AIR-3)

5. Prior to Approval of Improvement Plan and Issuance of Grading Permit, a pre-construction survey for active bird nests shall be conducted by a qualified biologist if vegetation removal is conducted within the nesting period for most migratory bird species and nesting raptor species (between March 1 and August 15). 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. A copy of the survey shall be provided to Planning Services Division.

Monitoring Agency: Planning Services
(Mitigation Measure BIO-1)

6. Prior to issuance of Grading Permit, the applicant shall obtain a Nationwide Permit from the U.S. Army Corp of Engineer. A copy of the executed permit shall be submitted to Planning Services Division.

Monitoring Agency: Planning Services
(Mitigation Measure BIO-2)

7. Prior to issuance of Grading Permit, the applicant shall acquire wetland credits at an approved mitigation bank or National Fish and Wildlife Foundation. The wetland credits shall be equivalent to the amount of wetlands impacted. A copy of the executed permit shall be submitted to Planning Services Division.

Monitoring Agency: Planning Services
(Mitigation Measure BIO-3)

8. Prior to Issuance of Grading Permit, a Streambed Alteration Agreement, pursuant to Fish and Game Code Section 1600 et seq, shall be obtained by the applicant from the California Department of Fish and Game 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. A copy of the executed agreement shall be submitted to Planning Services Division.

Monitoring Agency: Planning Services
(Mitigation Measure BIO-4)

9. Prior to Issuance of Grading Permit, the applicant shall obtain a Water Quality Certification, Section 401 permit from the California Regional Water Quality Control Board for applicable project improvements. A copy of the executed agreement shall be submitted to Planning Services Division.

Monitoring Agency: Planning Services
(Mitigation Measure BIO-5)

10. A 25-foot setback line from all high-water marks or the outer boundary of Wetland CH-1 shall be shown and verified on the Parcel Map or Final Site Plan. No development shall occur within the setback area. Standard Best Management Practices (BMP) measures, including the installation of protective fencing around the wetland, shall be implemented.

Monitoring Agency: Planning Services
(Mitigation Measure BIO-6)

11. The applicant shall submit an Oak Tree Plan as part of a Final Planned Development Permit. The plan shall indicate the size and location of all onsite oak trees and will indicate which trees are to be removed and retained. Approval of the Final Planned Development Permit and issuance of grading permits shall not occur unless the County has adopted an offsite oak tree mitigation program and the applicant has submitted a project-specific oak tree mitigation plan which the County finds fully compliant with the adopted offsite oak tree mitigation program. Should the County fail to adopt an offsite oak tree mitigation program, the project shall be redesigned to allow for onsite retention. This redesign shall be subject to subsequent environmental review.

Monitoring Agency: Planning Services
(Mitigation Measure BIO-7)

12. Prior to Issuance of Building Permit, the applicant shall construct an additional eastbound right turn flare at the intersection of Francisco Drive and Embarcadero Drive to provide storage for 1 vehicle.

Monitoring Agency: DOT
(Mitigation Measure MM Trans-1)

Project Specific Conditions

13. A final Planned Development plan, pursuant to Chapter 17.04 of the County Code, shall be submitted for County review and approval by the Planning Commission prior to issuance of building or grading permit. The plans shall be reviewed for consistency with this Preliminary Development Plan approval, adopted mitigation measures as identified in the Mitigation Monitoring Reporting Program, and applicable standards of Title 17, Zoning Code.
14. 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.
15. 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).

16. 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.
17. This tentative map shall expire 36 months the date of approval unless a timely extension is filed.
18. Prior to parcel map filing or issuance of building or grading permit, the applicant shall pay all Development Services Department fees associated with this application.
19. The applicant shall submit to Planning Services a \$50.00 recording fee and the applicable California Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No parcel map shall be filed or building permits issued until said fees are paid.
20. A meter award letter or similar document shall be provided by the water purveyor prior to filing of parcel map or issuance of building permit.
21. The applicant shall submit a Final Sign Program as part of the Final Planned Development. The Sign Program shall include a provision that prohibit installation of any illuminated signs that face the southern perimeter of the project site. The sign area shall be limited to a maximum of 80 square feet.
22. Prior to filing the Final Map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).
23. 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, 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 the above project request 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.