



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

Dave Pratt, Chair, District 2
Walter Mathews, First Vice-Chair, District 4
Tom Heflin, Second Vice-Chair, District 3
Rich Stewart, District 1
Brian Shinault, District 5

Char TimClerk of the Planning Commission

MINUTES

**Regular Meeting
June 27, 2013 – 8:30 A.M.**

1. CALL TO ORDER

Meeting was called to order at 8:35 a.m. Present: Commissioners Stewart, Pratt, Heflin, and Mathews; David Livingston-County Counsel; and Char Tim-Clerk of the Planning Commission.

2. ADOPTION OF AGENDA

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

AYES: Heflin, Stewart, Mathews, Pratt
NOES: None
ABSENT: Shinault

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: June 13, 2013

Staff Recommendation: Approve Meeting Minutes as presented

END OF CONSENT CALENDAR

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

AYES: Mathews, Stewart, Heflin, Pratt
NOES: None
ABSENT: Shinault

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

Pierre Rivas informed the Commission that this was his last week with the County after 24 years. Roger Trout, Development Services Division Director, thanked Pierre for his years of service and stated that he would be missed.

Mr. Trout stated that the recommended budget was recently adopted and spoke on the Long-Range Planning Division that will be created with the new CDA Assistant Director starting on July 15, 2013.

Eileen Crawford/Transportation said that the Travel Demand Model was being used and that various agencies were reviewing it and would be providing feedback. She also stated that her Supervisor, Steve Kooyman, was relocating to Southern California at the end of this week to help fulfill his daughter's dream as an Olympic hopeful in gymnastics.

6. **COMMISSIONERS' REPORTS**

Commissioner Heflin stated that the Camino Community Action Committee had a concern with the recent number of vehicles for sale at the Apple Mill Storage facility. He also stated that the Carson Road area has seen a proliferation of signs, with one business having 4 signs within 10 feet of each other. In response, Pierre Rivas stated that staff would investigate the storage facility issue and, as for the signs, Code Enforcement handles cases using a priority system. He said that health and safety is the first priority and there are currently a total of 1,000 various levels of open Code Enforcement cases. Mr. Rivas also stated that if the signs were located in a Right-of-Way, staff had the authority to immediately remove them.

Chair Pratt informed staff that the Sac Wheelman Bike Event took place a couple of weeks ago and although there was a decrease in cyclists and an increase in support staff, his wine tasting room and several others, saw a significant decrease in customers with his not receiving any during the event. He also announced that he would not be in attendance for the July 11, 2013 meeting and after polling the Commission, stated that there was potential for not having a quorum for that meeting.

9:00 A.M. – TIME ALLOCATION

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

8. **SPECIAL USE PERMIT** (Public Hearing)

S13-0004/Verizon Monopine (Pleasant Valley) submitted by VERIZON WIRELESS/COMPLETE WIRELESS for the installation of a cell tower facility consisting of one 100-foot monopine with nine antennas and the future installation of two microwave dishes, one 250-square foot equipment compound surrounded by slatted and wire-topped chain link

fencing, and one standby diesel generator with a 210 gallon fuel tank. The property, identified by Assessor's Parcel Number 078-060-16, consisting of 19.79 acres, is located on the south side of Rainbow Ridge Road, approximately 0.25 mile east of the intersection with Pleasant Valley Road, in the Pleasant Valley area, Supervisorial District 2. *[Project Planner: Lillian MacLeod]* (Negative Declaration prepared)*

Lillian MacLeod presented the item to the Commission with a recommendation for approval.

David Downs, representing Verizon Wireless, stated they have made a valiant effort to comply with the County's zoning codes. He also informed the Commission that the cell tower was designed to accommodate other carriers in the future.

Chair Pratt closed public comment.

Commissioner Stewart inquired on the oak canopy. He also stated that he would like to see a new standard condition added to cell towers, starting with this one, that if there was to be weekly automatic testing of equipment, it should occur Monday-Friday from 9am-3pm.

Mr. Downs said they had no objections to the new condition as those are already the typical hours utilized for the automatic testing.

There was no further discussion.

Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (4-0), to take the following actions: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and 2. Approve Special Use Permit S13-0004 based on the Findings and subject to the Conditions of Approval as amended: (a) Add new condition requiring weekly automatic testing to occur Monday-Friday from 9am-3pm.

AYES: Heflin, Stewart, Mathews, Pratt
NOES: None
ABSENT: Shinault

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 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Negative Declaration reflects the

the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.

- 1.2 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 is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Community Development Agency-Planning Division at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 In compliance with Policies 2.2.5.21 and 5.6.1.4, the wireless facility has been designed and conditioned in compliance with County regulations addressing incompatible siting and surrounding land uses, aesthetics, environmental issues, and health and safety concerns.
- 2.2 In compliance with Policy 7.4.4.4 and the Interim Guidelines regarding Option A, the project has been conditioned to require one oak tree to be planted as replacement for the oak tree canopy removed.
- 2.3 In compliance with Policy 8.4.2.1, the Agricultural Commission reviewed the application and found that “the project will not negatively impact any existing or future agricultural or timber harvesting pursuits, and according to State law, a communication tower is a compatible use on TPZ zoned land.”

3.0 ZONING FINDINGS

- 3.1 The project, as proposed and conditioned, complies with Sections 17.22.500 and 17.14.210 of the Zoning Ordinance that regulate special use permits and design standards for new wireless communication facilities, respectively, as described in the Analysis section of the staff report.

4.0 ADMINISTRATIVE FINDINGS FOR A SPECIAL USE PERMIT

- 4.1 **The issuance of the permit is consistent with the General Plan, as discussed under Section 2.0.**
- 4.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.**

The proposed use will not create hazards that would be considered detrimental to the public health, safety, and welfare or injurious to the neighborhood, as the projected RF emissions for the facility have been determined to be significantly lower than the thresholds established by the FCC for occupational and general public safety, and visual impacts from the wireless communication facility will be reduced or eliminated by the use of monopine stealthing, screening vegetation, and compatible color requirements.

4.3 **The proposed use is specifically permitted by Special Use Permit pursuant to this Title.**

The proposed new wireless communication facility is specifically permitted by special use permit under Paragraph 17.14.210.D.5 subject to the requirements of Subsections 17.14.210.E through J. The project and associated materials have been reviewed in accordance with these regulations.

Conditions of Approval

1. This Special Use Permit is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the following hearing exhibits:

Exhibits E1 and E2.....	Title Sheets
Exhibit E3.....	Plot Plan and Site Topography
Exhibits E4, E5, and E6	Access Detail Plans
Exhibit E7.....	Overall Site Plan
Exhibit E8.....	Preliminary Access Road Grading Plan
Exhibits E9 and E10.....	Project Elevations
Exhibit F1 to F4.....	Visual Simulations
Exhibit G.....	Initial Study and Negative Declaration

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:

Installation of a cell tower facility consisting of:

- a. one 100-foot monopine with three antennas on each of three sectors for a total of nine antennas;
- b. the future installation of two microwave dishes on the monopine;
- c. one 250-square foot equipment compound surrounded by beige or tan, slatted and wire-topped chain link fencing; and
- d. one standby diesel generator with a 210 gallon fuel tank.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, 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 attached hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Community Development Agency –

Development Services Division-Planning

2. The project shall be subject to a building permit from the El Dorado County Building Division.
3. The applicant shall repair all damage to the access roads caused by installation, repair, and maintenance of the cell tower facility (Rainbow Ridge Road and the access to the cell tower facility site).
4. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching beige color to comply with the screening requirements of Section 17.14.210.F of the County Code. The pole shall have simulated bark, and the RF antennas shall be painted with non-reflective paint and maintained to match the color of the branch needles. All antennas shall be covered with antenna socks that shall match the color and texture of the branch needles. The “branches” shall be installed with random lengths that create an asymmetrical appearance conforming to the shape of a natural pine tree. No antenna shall project out past the “branch” tips. The Planning Division shall verify the painting of all structures prior to final inspection and approval of the facility.
5. All improvements associated with the cell tower facility, including monopine, antennas, equipment, and fencing, shall be properly maintained at all times. Colors of the panels, equipment enclosure, and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
6. Outdoor lighting may be used for night-time maintenance and shall operate by a motion sensor to be set for a maximum 10 minute “on” time; be directed downward; and be designated “full cutoff” in compliance with IESNA standards.
7. The applicant shall plant one blue oak (*Quercus douglasii*) between the cell tower facility and the nearest adjoining parcel to the west, (APN 078-060-17), to replace those removed and to provide additional screening.
8. The operator (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the operator and the property owner.

9. The applicant shall assume full responsibility for resolving television reception interference or other electrical interference caused by the operation of this facility. The applicant shall take corrective action within 30 days of the receipt of any written complaint.
10. Prior to commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall make the actual and full payment of Planning and Building Divisions' processing fees for the Special Use Permit and Building Permits prior to issuance of a Building Permit. The applicant shall also schedule an inspection by the Planning Division prior to Building Permit final for any Building Permit for verification of compliance with applicable Conditions of Approval.
11. Pursuant to County Code Section 17.22.250, implementation of the project must occur within 24 months of approval of this Special Use Permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
12. For co-location purposes, no further review by the Planning Commission shall be required provided that all ground-mounted equipment is located within the proposed leased area and provided that any one of the proposed carriers installs no more than 12 panel antennas per carrier at any one time, and that there shall not be an increase in overall height of the tower and branches.
13. All obsolete or unused communication facilities shall be removed within six months after the use of the facility has ceased or after the facility has been abandoned. The applicant shall notify the Planning Division at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.
14. 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.

15. The following shall be incorporated as a note on the grading/improvement plans:

In the event archeological resources are 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. If the find is determined to be a "unique archaeological resource", contingency funding and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archaeological mitigation takes place.

If the find is determined to be a "unique archeological resource", the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a "non-unique archeological resource".

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

16. The following shall be incorporated as a note on the grading/improvement plans:

In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

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

17. The following shall be incorporated as a note on the grading/improvement plans:

If construction takes place between March 1 to August 15, the applicant will be required to conduct surveys for the presence of three special status plant species (*Horkelia parryi*, *Arctostaphylos nissenana*, *Calochortus clavatus*) and nesting of red-tailed and red-shouldered hawks and if found, take necessary measures to protect the species in coordination with the state Department of Fish and Wildlife or the California Native Plant Society. Grading and construction activities may begin after appropriate measures are taken.

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

18. **Five-Year Review:** Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the Community Development Agency every five years. At each five-year review, the permit holder shall provide the Planning Division with a status report on the then current use of the subject site and related equipment. The Planning Division shall review the status and present that report to the approving authority with a recommendation whether to:

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

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

Transportation Division

19. The applicant shall obtain an approved encroachment permit for access on Starks Grade Road, in accordance with the County of El Dorado *Design and Improvements Standards Manual*, Standard Plan 103C. The improvements shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved improvement agreement with security, prior to issuance of a building permit.

Environmental Management Division

20. **Hazardous Materials:** Under the CUPA programs, because the operation will involve the storage of reportable quantities of hazardous materials (55 gallons, 500 pounds, 200 cubic feet) for backup power generation, a hazardous materials business plan for the site shall be submitted to the Environmental Management Division and applicable fees paid prior to issuance of a Building Permit.

Planning Commission

21. Weekly testing of the back-up generator shall be limited to the hours between 9:00am and 3:00pm on Monday through Friday only.

9. TENTATIVE MAP (Public Hearing)

a. **TM10-1501/West Valley Village Unit 5C** submitted by WEST VALLEY, LLC for a Tentative Subdivision Map creating 12 residential lots ranging in size from 0.70 acre to 1.77 acres. The property, identified by Assessor's Parcel Numbers 118-480-01, 118-480-02, 118-490-01, 118-490-02, and 118-490-03, consisting of 15.21 acres, is located approximately 1,800 feet east of the intersection of Blackstone Parkway and Cornerstone Drive, in the West Valley Village (Blackstone) area of the Valley View Specific Plan, in the El Dorado Hills area, Supervisorial District 2. [*Project Planner: Mel Pabalinas*] (Statutory Exemption pursuant to

Mel Pabalinas presented the item to the Commission with a recommendation for approval. He identified an error in the Staff Report, page 4, 2nd paragraph, the reference of lots should be seven instead of eight. No public comment was received on the item.

Mike McDougall/MJM Properties stated their intent was to make the parcels into estate lots. He acknowledged and thanked Pierre Rivas for his years of service and that he had been an asset to the County and it would be a big loss.

Chair Pratt closed public comment.

Commissioner Mathews stated that it was a good infill project.

There was no further discussion.

Motion: Commissioner Stewart moved, seconded by Commissioner Mathews, and carried (4-0), to take the following actions: 1. Certify the project to be Statutorily Exempt pursuant to Section 15182 of the CEQA Guidelines; and 2. Approve Tentative Map TM10-1501 based on the Findings and subject to the Conditions of Approval as presented.

AYES: Heflin, Mathews, Stewart, Pratt
NOES: None
ABSENT: Shinault

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:

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 The project is a residential subdivision, as contemplated in the adopted Valley View Specific Plan, subject to the certified Environmental Impact Report (EIR) and mitigation measures in the Mitigation Monitoring Reporting Program. Therefore, the project is exempt from the requirements of CEQA pursuant to Section 15182. No further environmental analysis 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 Community Development Agency Planning Services) at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 ADMINISTRATIVE FINDINGS

2.1 El Dorado County General Plan

The El Dorado County General Plan designates the subject site as Adopted Plan (AP), a description in reference to areas where Specific Plans have been designated and adopted within and by the County. The Valley View Specific Plan and the respective land use maps are accepted and incorporated by reference and were adopted as the General Plan Land Use map for the project area. The residential subdivision conforms to the applicable policies of the Valley View Specific Plan and standards under the ER-2 zone district, and subject to the applicable mitigation measures in Environmental Impact Report. Therefore, the project is consistent with the General Plan.

2.2 Valley View Specific Plan and Zoning

The project has been verified for conformance with the specific policies and requirements of the Valley View Specific Plan. The residential subdivision meets the required density, anticipated residential product type, and applicable ER-2 development and design standards. Therefore, the project is found to be consistent with the Valley View Specific Plan and the standards under the Estate Residential (ER-2) Zone District.

2.3 Subdivision Ordinance

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

The proposed project has been verified for conformance with applicable General Plan and Valley View Specific Policies including provisions relating to density, site and layout design, zone development standards, and amenities. The development is subject to conformance with the approved Conditions of Approval and Mitigation Measures. Therefore, the project is consistent with the El Dorado County General Plan and Valley View Specific Plan.

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

The design and improvement of the subdivision has been designed in conformance with the residential land use requirements in the Valley View Specific Plan. Subsequent required improvement plans, grading plans, and other permit application shall be further reviewed in accordance with the applicable County standards and recommended conditions of approval/mitigation measures for this project. Therefore, the project is consistent with the applicable El Dorado County General Plan and Valley View Specific Plan design and improvements.

- 2.3.3 The site is physically suitable for the type of development;

The site is physically suitable to accommodate the proposed type of design, development, and improvements. The site contains sensitive resources (ie. oak trees) which would be avoided. Development of the site would be conducted in accordance with the applicable design and improvement standards subject to permit review and approval by the affected agencies.

- 2.3.4 The site is physically suitable for the proposed density of development;

The site is physically suitable to accommodate the proposed residential density. The additional five lots are within the allowable density in the West Valley Village. Development of the site would be conducted in accordance with the applicable design and improvement standards subject to permit review and approval by the affected agencies.

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

Development of the subdivision would be subject to the applicable provisions of the Valley View Specific Plan, and the required mitigation measures originally established in the certified Environmental Impact Report (EIR) for the Specific Plan. Site improvements associated with the project are not anticipated to have any significant environmental impacts and shall be further verified by the affected agency prior to issuance of construction permits. Therefore, the project would have less than significant

environmental impact, subject to the conditions of approval and mitigation measures imposed on the project.

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

The proposed development has been designed and conditioned to ensure no public hazard would occur. In accordance with the VVSP, the design and improvements would involve pad preparation, utility services and amenities, and adequate vehicular accesses. Development of the project would be subject to improvement plans and permits verifying construction of utilities for water, sewer, power, drainage, and roads in accordance with the El Dorado County Design and Improvement Manual, County Grading Ordinance, VVSP, and the adopted EIR.

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

The development is subject to the applicable VVSP standards involving site design and maintenance of open areas susceptible to brush fires. Further, the subdivision is subject to specific project conditions from the El Dorado Hills Fire Department regulating location of on-site hydrant, construction of non-combustible fencing material, and preparation, submittal, and implementation of a Wildfire Management Plan. Therefore the proposed subdivision conforms to the requirements of Section 4291 of the Public Resource Code;

- 2.3.8 The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

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

Conditions of Approval

PROJECT DESCRIPTION

1. The Tentative Subdivision Map is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits H through J and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval. The project description is as follows:

Tentative Subdivision Map creating 12 residential lots ranging from 0.70 acre to 1.77 acres in size.

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.

DEVELOPMENT SERVICES DIVISION-PLANNING

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

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

3. Outstanding Discretionary Fees: Prior to approval of Final Map, the applicant shall remit payment of any outstanding fees as detailed and required in the *Agreement for Payment of Processing Fees* authorized and executed for this project.
4. Blasting Activities: If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure that such blasting activities are conducted in compliance with state and local regulations. A permit shall be required from the El Dorado County Sheriff's Department prior to blasting.
5. Burning Activities: If burning activities are to occur during the construction of the subdivision improvements, the subdivider shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
6. Liens and Bonds: Prior to filing a Final Map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).

7. **Human Remains:** In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

8. **Native American Remains:** Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

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

9. **Mass Pad Grading:** This project is proposing mass pad grading. Chapter 15.14 of the County of El Dorado Grading, Erosion and Sedimentation Ordinance (Amended Ordinance No. 4719, 3/13/07) states that a final mass pad grading project application shall be transmitted for comment to the supervisor of the district where the project is located, prior to the issuance of grading permit. If the final grading plan substantially differs from the preliminary grading plan reviewed during the tentative map stage, the district supervisor will be allowed 15 calendar days to respond, before the grading permit is issued.

10. **Meter Award Letter:** A meter award letter or similar commitment to provide water and sewer service to each lot by the El Dorado Irrigation District shall be submitted to the Planning Services prior to filing of the Final Map.

TRANSPORTATION DIVISION

Specific Project Conditions

11. Road Improvements: The applicant shall construct the access roads in Lot R1 and Lot R2 in conformance with Condition of Approval #20 (cul-de-sacs) of West Valley Village Tentative Map TM99-1359. The improvements shall be completed to the satisfaction of the Transportation Division (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map
12. Encroachment: The applicant shall construct the roadway encroachment(s) from Lot R1 and Lot R2 onto Aspen Meadows Drive to the provisions of County Design Std 110. The improvements shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
13. Road & Public Utility Easements: The applicant shall irrevocably offer to dedicate a minimum 46-foot wide non-exclusive road and public utility easement for Lot R1 and Lot R2, on the final recorded map. Slope easements shall be included as necessary. This offer will be rejected by the County.
14. Secondary Access: In Accordance to the DISM Section 3.A.9 and 3.A.12, a secondary access shall be provided. The applicant shall construct the following roads in accordance to the mitigation measures and conditions of approval, related to roadway and grading and drainage for TM99-1359:
 - Cobble Rock Way from Cornerstone Drive to Brandywood Way.
 - Sidewalk on west & south
 - Brandywood Way from Cobble Rock Way to Aspen Meadows Drive.
 - Sidewalk on north
 - Aspen Meadows Drive from Brandywood Way to Royal Oaks Drive.
 - Sidewalk on north
 - Extend Royal Oaks Drive to intersection with Aspen Meadows Drive.
 - Sidewalk on east
 - Aspen Meadows Drive from Cobble Rock Way to Brandywood Way.
 - Sidewalk on both sides
15. Improvements: Improvements shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map. If the applicant obtains an improvement agreement, no building permits shall be issued until the construction of all roadways listed above are completed.
16. Encroachment: The applicant shall construct the encroachments from Lot 1 onto Cornerstone Drive and Lot 12 onto Cobble Rock Way as a standard residential driveway. Construction of said driveways shall conform to the Design and Improvements Standards