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A06-0003/Z05-0008/TM05-1400/P05-0014/PD05-0005/S05-0017

As recommended by the Planning Commission on August 24, 2006 and amended by staff on October 12, 2006.

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MITIGATION MEASURES/CONDITIONS

Mitigation Measures

1. Grading and improvement plans shall state: "It is the Contractor's responsibility to comply with all applicable state and federal laws and regulations including the Federal and State Endangered Species Acts and the Clean Water Act. The County Grading Permit does not authorize Contractor to conduct activities not permitted by applicable State and Federal agencies in areas subject to State and Federal jurisdiction."
2. Twenty-four hours prior to construction activities, a qualified biologist shall conduct a preconstruction survey for California horned lizard.
3. All horned lizards found on the project site during the preconstruction survey shall be relocated to the property west of the EID easement by a qualified biologist.
4. A qualified biologist shall be present on-site for all clearing and grubbing activities. All horned lizards found during clearing and grubbing shall be relocated to the property west of the EID easement.
5. A qualified biologist shall conduct a survey within three weeks prior to the start of grading, clearing, or other construction activities for active nests. The survey will be conducted within 200 feet of the project site.
 - a. If no active nests are found, no further avoidance measures will be necessary.
 - b. If an active nest is located within 200 feet of a construction area, the biologist shall record the location(s) on a site map.
 - i. If the species is listed under the federal or state endangered species acts, the appropriate federal or state agency shall be contacted for guidance.
 - ii. If the species is not federal or state listed, but protected under the federal Migratory Bird Treaty Act of 1918, the biologist shall establish a minimum 100 foot buffer (Environmentally Sensitive Area) around the nest tree.
 - iii. The biologist will delimit the buffer zone with yellow caution tape, surveyor's flagging, pin flags, stakes, etc. The buffer zone shall be maintained until young have fledged. No construction activities shall occur within 100 feet of a nest tree while young are in the nest.
 - iv. A biologist shall monitor the nest weekly during construction to evaluate potential disturbance caused by construction activities. The biological monitor shall have the authority to stop construction if the nesting birds appear to be adversely affected by construction activities.

6. The landscaping plan shall show that only plants associated with gabbroic northern mixed chaparral shall be planted on graded slopes surrounding the project site. Additionally, only native riparian vegetation shall be placed within the 50 foot setback area.
7. The applicant shall pay the El Dorado County rare plant mitigation fee for Zone 1.
8. ~~The applicant shall establish an on-site Calystegia Preserve north of the project site, adjacent to the Pine Hill Preserve.~~

The applicant shall establish an approximately 5.96-acre plant preserve on the north and east side of the project area adjacent to the Cameron Park Unit of the Pine Hill Preserve. Included within the 5.96 acre preserve shall be an approximately .385 acre preserve for Calystegia stebbinsii as illustrated in the attachment to the MMRP.

9. The applicant shall transplant the four Calystegia stebbinsii from the project site to the Calystegia Preserve.
10. A qualified biologist shall collect seeds of Calystegia stebbinsii from plants in project study area; treat seeds (scarify and/or heat treatments), and plant some seeds or seedlings in the Calystegia Preserve and germinate others in a nursery. The applicant shall plant seedlings from the nursery in the Calystegia Preserve.
11. The applicant shall remove chaparral shrubs from Calystegia stebbinsii transplant/seedling areas to encourage germination and growth of Calystegia stebbinsii plants.
12. Monitor plants bi-annually for at least five years and submit an annual monitoring report to El Dorado County and DFG. If dead Calystegia stebbinsii plants are found during the five year monitoring and reporting period, the same number of plants shall be planted thus ensuring “no net loss” in the number of individual plants.
13. A qualified biologist shall stake the ordinary high watermark (OHWM) of channels 1 and 2 adjacent to the project site.
14. The contractor will install temporary, high visibility construction fencing five feet from the staked ordinary high watermark (OHWM) prior to clearing and grubbing activities commence.
15. The contractor will remove the temporary fencing after the grading pad is completed and drainage, roads, and utilities are installed.
16. A certified arborist shall prepare a tree replacement plan showing the replacement of every inch diameter at breast height of tree removed from the site by planting the same number of inches of native oak trees on-site. The tree replacement plan shall be submitted and approved by the Planning Division prior to clearing and grubbing.

17. The applicant shall hire a qualified nursery, landscape contractor or consultant to take cuttings from the existing 6,700 Ceanothus roderickii plants in the project area and an additional 2,000 cuttings (for a total of at least 8,700 cuttings) to allow for loss.
18. The cuttings of Ceanothus roderickii shall be propagated in a commercial nursery, plant a minimum of 6,700 cuttings in the 5.96 acre preserve and install an irrigation system.
19. The Ceanothus roderickii plants shall be monitor bi-annually for at least five years by a qualified biologist and submit an annual monitoring report for a period of five years to El Dorado County and DFG. If dead Ceanothus roderickii plants are found during the five year monitoring and reporting period, the same number of plants shall be planted thus ensuring “no net loss” in the number of individual plants.
20. A Boundary Line Adjustment (BLA) between the subject property and Bureau of Land Management shall be recorded to include in the Pine Hill Preserve the approximately 5.96 acre Ceanothus roderickii preserve, including the .385 acre portion dedicated to Calystegia stebbinsii. The applicant shall dedicate the 5.96 acres encompassed by the BLA to the Pine Hill Preserve/BLM in perpetuity.

Conditions

21. The subject General Plan amendment, rezone, parcel map, planned development and special use permit approval is based upon and limited to compliance with the project description 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.
22. The project, as approved, shall consist of the following (Exhibits A-J):
 - a. A General Plan amendment to modify the boundary between Multi-Family Residential (MFR) and Commercial (C) land use designations.
 - b. A rezone of the parcel from Estate Residential Ten-acre/Planned Development (RE-10/PD) to Commercial-Planned Development (C-PD) and Estate-Residential Ten-acre (RE-10) to Commercial-Planned Development (C-PD).
 - c. Tentative map to create 64 duets and three large lots.
 - d. Special use permit for a community care facility.
 - e. Development plan to allow a 35 room (21,000 square feet) Alzheimer’s unit, 140 units of congregate care, and 64 duet cottages along with an 8,000 square foot clubhouse.

PLANNED DEVELOPMENT

23. All site improvements shall conform to the site plan(s), landscape plans, elevations, and color material boards as submitted and approved in Exhibits A-J.

24. The gates to the trash receptacle enclosure shall remain closed at all times when not in use.
25. Lighting for the project shall conform to standards set forth in Section 17.14 of the Zoning Ordinance.
26. Signs shall conform to the standards set forth in Section 17.16 of the County Zoning Ordinance and shall be consistent with the proposed building materials and colors
27. The project shall conform to the County's Water Conserving Landscaping Ordinance.
28. All windows for the project shall be trimmed with a minimum four-inch wide casing. Window trim shall be shown on plans and approved by the Planning Division prior to issuance of building permits.
29. The clubhouse building shall have a tile roof consistent with the roofs of all other buildings on the project site.
30. Landscape plans shall demonstrate compliance with Section 17.18.090 of the County Zoning Ordinance and be submitted and approved by the Planning Services prior to the issuance of building permits.
31. All buildings within the project shall have a stone veneer accent feature. Window trim shall be show on plans and approved by the Planning Services prior to issuance of building permits.
32. The applicable requirements of the Medical Waste Management Act for the handling, storage, treatment and disposal of medical waste generated at the site shall be complied with.
33. The applicable requirements of Chapter 6.5 through 6.95 of the California Health and Safety Code for the handling, storage and disposal of hazardous waste at the site shall be complied with through the submittal and approval of the appropriate medical waste and hazardous materials reporting forms to the Solid Waste/Hazardous Materials Division of the Environmental Management Department.
34. The applicant shall construct and dedicate Gabbert Drive to the northerly curb return of the project entrance driveway using Standard Plan 101B, including curb and gutter, a six foot wide sidewalk, and a barricade at the end. This work must be substantially complete, as determined by the Department of Transportation, prior to occupancy of the site.
35. The applicant shall construct a Standard Plan 110 driveway (with pedestrian ramps and truncated domes per Caltrans Standard Plan A88A) on Gabbert Drive. The driveway shall have a "throat" length of at least 30 feet to the gate kiosk, per Tables 7-8 and 31 of the ITE manual Transportation and Land Planning and the Fire Safe standards, to prevent backup onto Gabbert Drive. This work must be substantially complete, as determined by the Department of Transportation, prior to occupancy of the site.

36. Prior to occupancy or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to occupancy for verification of compliance with the applicable conditions of approval.
37. The subdivision is subject to parkland dedication in-lieu fees based on the values supplied by the County Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the final map.
38. The subdivider shall be subject to a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
39. The Project shall not interfere either directly or indirectly with BLM's ongoing management of the Pine Hill Preserve area or with the 5.96 acres to be dedicated as part of the Project. Specifically, any required fire safety buffer or clearance area(s) shall be maintained on the Project site and shall not interfere with the ongoing management of the adjacent Preserve lands.

PARCEL MAP

County Surveyor

40. All survey monuments must be set prior to filing the parcel map.
41. Prior to filing the parcel map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The letter will state that all conditions placed on the map by that agency have been met.

TENTATIVE MAP

Planning Services

42. Domestic water shall be supplied by a public entity with a minimum six-inch water line to the property being divided, and a water meter award letter or similar assurance from the water purveyor, guaranteeing water service upon demand to each of the parcels created, shall be submitted to the County Surveyor at the time of filing the parcel map.
43. Only native riparian vegetation shall be planted within the wetland's 50 foot setback area.

Department of Transportation

44. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation and pay all applicable fees prior to commencement of any improvements on the project facilities. All improvements shall be consistent with the approved tentative map.

45. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance, prior to filing the final map.
46. The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
47. The applicant shall improve the on-site access road (Lot R) to a minimum roadway width of 24 feet, with curb, gutter, and sidewalk, per Standard Plan 101B (including signage as necessary – stop signs, street name signs, etc.) prior to occupancy.
48. An irrevocable offer of dedication (IOD) of easement for Lot R for road and public utility purposes shall be dedicated for access for this project. A complete submittal for this IOD shall be made to the right-of-way unit of the Department of Transportation or shall be dedicated on the final map for this project. The County will reject this IOD.
49. The applicant shall secure approval of improvement plans and obtain an encroachment permit, for the following and prior to performing any work within the County right of way, including:
 - a. The attachment of the extension of roadway Lot R to Kevin Street (and the extension shall include sidewalk) to the existing Kevin Street, including a sign stating “End of County Maintained Road” at the property line.
 - b. The applicant shall construct a four-foot wide concrete sidewalk along the north side of Palmer Drive, from Kevin Street westerly, to join the existing sidewalk, in order to provide pedestrian access for the project residents. The improvement plans for this work shall be submitted with the application for on-site grading/improvement plans, and construction shall be complete prior to occupancy of the project.
50. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the approved drainage and geotechnical reports (and any other technical reports, such as structural or traffic reports, if applicable) in PDF format and the approved record drawings in TIF format.
51. The applicant shall pay the traffic impact fees in effect at the time a building permit is issued. Until such time as updated traffic impact fees are adopted pursuant to the General Plan, any subdivisions will be required to either (1) execute an agreement agreeing to pay the higher fees, even after building permits have been issued or (2) have a notice of restriction placed on the final map prohibiting the issuance of building permits until the updated traffic impact fees are adopted.
52. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in

conformance with the County of El Dorado Design and Improvement Standards Manual, the Grading, Erosion and Sediment Control Ordinance, the Drainage Manual, the Off-Street Parking and Loading Ordinance, and the State of California Handicapped Accessibility Standards.

53. The applicant shall provide a soils report at time of grading plan submittal addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, and pavement section based on TI and R values. The report shall include recommended design criteria for any retaining walls. Any export to be deposited within El Dorado County shall require an additional grading permit.
54. The applicant shall provide a drainage report at time of grading plan submittal, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
55. If blasting activities are to occur in conjunction with grading or improvements, applicant shall ensure that such blasting activities are conducted in compliance with state and local regulations.
56. If burning activities are to occur during the construction of the project improvements, applicant shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
57. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible Fire Protection District.
58. The emergency vehicle circulation requirements for roads and driveways, and the location of hydrants, shall be shown on the improvement plans, which shall be subject to the approval of the responsible Fire Protection District.
59. If human remains are discovered at any time during the grading or improvement phase, the County Coroner and the Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. If archaeological artifacts are discovered, the developer shall retain an archaeologist to make recommendations for the treatment of the artifacts. Treatment of Native American remains or archaeological artifacts shall be the responsibility of the developer and shall be subject to the review and approval of the County Development Services Director.

County Surveyor

60. All survey monuments must be set prior to presentation of the final map to the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit, are to be coordinated with the County Surveyor's Office.

61. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyor's Office prior to filing the final map.

Environmental Health Department – Air Quality Division

62. District Rules 223, 223.1, and 223.2 which address the regulations and mitigation measures for fugitive dust emissions and asbestos emissions, shall be adhered to during the construction process.
63. The appropriate Fugitive Dust Plan (FDP) application or Asbestos Dust Mitigation Plan (ADMP) application shall be submitted to and approved by the District prior to the start of project construction.
64. Project construction for the road should adhere to District Rule 224, Cutback and Emulsified Asphalt paving materials, and the County Ordinance concerning asbestos dust.
65. Burning of wastes that result from "Land Development Clearing" must be permitted through the District. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
66. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.

El Dorado County Resource Conservation District

67. The project shall comply with the District's Erosion Control Requirements and Specifications.

El Dorado County Counsel's Office

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

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

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

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Findings

1.0 CEQA FINDING

1.1 The proposed project, as conditioned, will not have a significant effect on the environment and a mitigated negative declaration has been filed.

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.

1.3 Through the adoption of feasible conditions and mitigation measures, the proposed project will not reduce the number or restrict the range of rare or endangered plants, or otherwise result in any significant impacts to rare or endangered plants.

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

1.5 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is deemed adequate for identifying and considering the potential effects of the proposed project. The revised and new mitigation measures included in the MMRP are more effective than the replaced measures in mitigating or avoiding the potential effects of the Project and the new measures will not cause any new potentially significant effects on the environment. (See Pub. Resources Code, § 21080, subd. (f); CEQA Guidelines, § 15074.1, subd. (b); see also CEQA Guidelines, § 15073.5, subd.(c)(4).)

1.6 A public hearing has been held and the County finds that the substitute mitigation for Mitigation Measures 6, 9, 10, 11, 12, 17, 18, 19, and 20 (impacts to rare and endangered plant species) is more effective than the originally proposed mitigation. The revised mitigation measures increase the area to be preserved as natural habitat from 0.385 acre to 5.96 acres and include additional protections for the *Ceanothus roderickii*. The proposed new mitigation does not create any

potentially significant effect on the environment, because it reduces the amount of area that may be disturbed and does not authorize or require any construction beyond that which was previously considered. Recirculation of the MND, including the MMRP, is therefore not required for the reasons stated above and because the additional measures merely clarify, amplify, or makes insignificant modifications to the mitigated negative declaration (see CEQA Guidelines, § 15073.5, subd. (c)(4)).

1.7 A de minimis finding on the project's effect on fish and wildlife resources cannot be made for purposes of paying the fees owed to the Department of Fish and Game for CEQA documents. The project is therefore subject to the payment of State Fish and Game fees pursuant to State Legislation (California Fish and Game Code Section 711.4).

2.0 ADMINISTRATIVE FINDINGS

2.1 General Plan/Rezone/Development Plan

2.1.1 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.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,285.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, less \$35.00 processing fee, 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.

2.1.2. The proposed use and design conforms to the General Plan in that the parcel is located within a community region, the proposed use and developmental density are consistent with both the land use designation and zoning district, as amended. The project as conditioned and mitigated fully complies with the General Plan policies governing the protection of natural resources, including rare and endangered plants, including but not limited to Policies 7.4.1.1 to 7.4.16. Specifically, the Project is consistent with 7.4.1.1. because the project is conditioned to pay the El Dorado County rare plant mitigation fee for Zone 1 (MM-5),, thus fully complying with the County Code Chapter 17.71, which was adopted to “ establish an integrated method of protecting certain rare, threatened or endangered plant species and their habitat. . . and at the same time, to make the development process simple for landowners, who by complying with this Ordinance, may be able to minimize or avoid the more complicated process of crafting individualized mitigation measures for the direct or indirect impacts of the development of their property on these plant species and their habitat.” The project has also been conditioned to create a approximately 5.96 acre preserve to be dedicated to the Bureau of Land Management for use as a preservation area in perpetuity (MM-6), and transplant the existing onsite Calystegia plants, plant Ceanothus cuttings, and monitor and report to ensure “no net loss” for the two plant species. (MM-6, MM-9, MM-10 thru 12.),thereby ensuring the permanent protection of the eight sensitive plant species known as the Pine Hill endemics and their habitat consistent with the General Plan, the County Code, and the “Gabbro Soil Plants for the Central Sierra Nevada Foothills Recovery Plan (USFWS 2002)” referenced in General Plan Policy 7.4.1.1. (See also,

letter from John Little, Sycamore Environmental Consultants, to the Board of Supervisors (October 10, 2006).) Furthermore, the project is consistent with Policy 7.4.1.1 because only Federal agencies are mandated to take part in the Recovery Plan (pg. vii) and there is sufficient land available within the Recovery Plan area would not result in federal agencies being unable to acquire the amount of land set forth in the Recovery Plan. The proposed project is consistent with Policies 7.4.1.4 through 7.4.1.5 because the project site is not within an area designated as an Ecological Preserve on the General Plan maps, and the same species that are located on the project site exist, and are currently being protected., on adjacent lands that are publicly held, and were acquired for the purpose of the plant protection. In addition, Policy 7.4.1.2 indicates that any additional private land that is acquired would only be acquired from willing sellers, and the project applicant has indicated no interest in selling this land to be added to a plant preserve. The proposed project is fully consistent with Policy 7.4.1.6 because the project has been designed to avoid the disturbance of plant habitat to the extent reasonably feasible, and because the project has incorporated mitigation measures to fully mitigate the residual impacts to habitat.

2.1.3. The proposed use and development plan conforms to the Zoning Ordinance as follows:

a. *The PD zone request is consistent with the general plan;*

The project parcel consists of a rezone and development plan to make all the parcels consistent the Zoning and General Plan Land Use designations.

b. *The proposed development is so designed to provide a desirable environment within its own boundaries;*

The project is designed to provide a desirable environment within its own boundaries for visitors and residents. The project contains adequate parking and landscaping and has a consistent design throughout the project.

c. *There are no exceptions to the Zoning Ordinance proposed for the project;*

No variances to the Zoning Ordinance have been requested.

d. *The site is physically suited for the proposed uses;*

The site is physically suited for the proposed uses. The project will be built on slopes less than 30 percent slopes and although trees will be removed, a tree replacement plan will be required and adhered to.

e. *Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities;*

The project is located in a Commercial area of Cameron Park where there is existing development, therefore adequate services and improvements are available for the project.

- f. *The proposed uses do not significantly detract from the natural land and scenic values of the site.*

The project is suitable within a commercialized area of Cameron Park. The buildings are compatible with the surrounding development and will provide a consistent appearance to the site.

2.1.4. The proposed use and design will not be detrimental to the public health, safety, and welfare, nor be injurious to the neighborhood.

2.2 Tentative Map/Parcel Map

2.2.1. The proposed tentative map, including design and improvements, is consistent with the General Plan policies and land use map.

2.2.2. The proposed tentative map conforms with the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.

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

2.2.4. The proposed tentative map is not likely to cause substantial environmental damage, as it is a commercial parcel map for an existing development.

2.3 Special Use Permit

2.3.1 The proposed use is consistent with the policies in the El Dorado County General Plan and as discussed in the General Plan section of this staff report.

2.3.2 The use is found to comply with the requirements of Chapter 17.22.500, Special Use Permits, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.

2.3.3. The proposed uses are specifically permitted by a special use permit as required by Chapter 17.32.190.