



# COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room  
2850 Fairlane Court, Placerville, CA 95667  
<http://www.edcgov.us/planning>  
Phone: (530) 621-5355 Fax: (530) 642-0508

Walter Mathews, Chair, District 4  
Rich Stewart, First Vice-Chair, District 1  
Lewis Ridgeway, District 2  
Tom Heflin, District 3  
Brian Shinault, District 5

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

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## MINUTES

**Regular Meeting  
October 9, 2014 – 8:30 A.M.**

### CALL TO ORDER

Meeting was called to order at 8:33 a.m. Present: Commissioners Stewart, Ridgeway, Heflin, Mathews, and Shinault; David Livingston-County Counsel; and Char Tim-Clerk of the Planning Commission.

### ADOPTION OF AGENDA

**Motion: Commissioner Heflin moved, seconded by Commissioner Stewart, and carried (5-0), to approve the agenda as presented.**

**AYES: Ridgeway, Shinault, Stewart, Heflin, Mathews**  
**NOES: None**

### PLEDGE OF ALLEGIANCE

**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.)

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

**AYES: Heflin, Shinault, Stewart, Mathews**  
**NOES: None**  
**ABSTAIN: Ridgeway**

1. (14-1326) Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of September 25, 2014.

**This was Approved on Consent Calendar with Commissioner Ridgeway abstaining.**

**END OF CONSENT CALENDAR**

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

Roger Trout welcomed Lewis Ridgeway as the new Planning Commissioner for District 2.

**COMMISSIONERS' REPORTS**

Commissioner Shinault stated that he had been approached by the Meyers Area Plan Committee for advice on how to help the Commission better understand the Meyers area. He also announced that he would need to leave at noon due to his heavy workload from the upcoming October 15<sup>th</sup> deadline.

**PUBLIC FORUM/PUBLIC COMMENT** – None

**AGENDA ITEMS**

2. (14-1327) Hearing to consider a request for a design review revision of the existing Food 4 Less to include the addition of an outdoor seating area, an exterior propane BBQ, two corrugated metal awnings, signage, and replacing signage from Food 4 Less to Fork Lift by Nugget and repainting yellow tie rods and brackets to a silver-blue color [Design Review Revision DR01-0014-R-3/Food 4 Less]\*\* on property identified by Assessor's Parcel Number 109-201-09, consisting of 4.331 acres, in the Cameron Park area, submitted by DeKleer and Associates; and staff recommending the Planning Commission take the following actions:
- 1) Certify that the project is exempt from CEQA pursuant to Section 15311 of the CEQA Guidelines; and
  - 2) Approve Design Review Revision DR01-0014-R-3 based on the Findings and subject to the Conditions of Approval as presented.
- (Supervisory District 2)

Lillian MacLeod presented the item to the Commission with a recommendation for approval. She distributed a modified Landscaping Plan. Mrs. MacLeod stated that the Cameron Park Design Review Committee had concerns on the existing landscape, so Condition #2 was revised to require full or standard size trees. She also recommended changes to Finding 2.2 by deleting the last sentence and replacing it with new language which she read into the record.

Tom DeKleer, applicant's agent, spoke on the landscaping.

Jeff Albright/Nugget Market, applicant, made the following comments:

- Decision was to rebrand for this specific community in order to meet the community needs;
- Their other two Food 4 Less stores will remain the same; and
- Community has been very supportive.

Bill Glasser made the following comments:

- Family owns Burke's Junction, which is located across the street;
- Great idea on the rebranding;
- Spoke on the struggle of the small businesses, particularly the restaurants, located in Burke's Junction; and
- Has issue with the outdoor grill as it adds an undue burden to the existing restaurants who are trying to attract the lunch crowd.

Chair Mathews closed public comment.

Mr. DeKleer clarified that the intent for the outdoor grill was to provide grilled food for the store's deli to further process the cooked food.

Commissioner Stewart made the following comments:

- Inquired on the cart storage location and if there would be a hood on the outdoor grill to prevent smoke from going inside the store;
- Questioned any air quality emissions regarding the outdoor grill;
- Confirmed that all the strikeouts were due to compliance; and
- Questioned first underline section in Condition 9.

In response to Commissioner Ridgeway's inquiry on if this was a new business venture, Mr. Albright stated that they were just expanding on what they have already been offering, which included providing prepared foods.

There was no further discussion.

**Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (5-0), to take the following actions: 1) Certify that the project is exempt from CEQA pursuant to Section 15311 of the CEQA Guidelines; and 2) Approve Design Review Revision DR01-0014-R-3 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Finding 2.2 as identified during the hearing; and (b) Amend Condition #9 by striking out the 1<sup>st</sup> underline section.**

**AYES: Stewart, Ridgeway, Shinault, Heflin, Mathews**  
**NOES: None**

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

## Findings

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

### **1.0 CEQA FINDINGS**

- 1.1 This project is Categorical Exempt from the requirements of CEQA pursuant to Section 15311 of the CEQA Guidelines. Class 11 exemptions include the construction, or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities including but not limited to on-premise signs. The proposal is for minor modifications to the exterior of the building and would not generate any additional traffic or create any visually incompatible elements.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

### **2.0 GENERAL PLAN FINDINGS**

#### **2.1 The project is consistent with General Plan Policy 2.2.1.2.**

As proposed, the project is consistent with the Commercial (C) land use designation as defined within General Plan Policy 2.2.1.2 because the land use designation provides for areas for service uses to serve the residents, businesses and visitors of the County. The restaurant provides a service to the community and would be consistent with the General Plan land use.

#### **2.2 The project is consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires development projects to be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. ~~The proposed re-imaging of the existing restaurant including the new signage and colors would not create a visual incompatibility with other similar restaurants or retail uses within the vicinity or along U.S. Highway 50. The proposed re-branding of the existing grocery store including the new outdoor seating area, signage, and colors would not create a visual incompatibility with other similar retail uses within the vicinity or along U.S. Highway 50.~~

### **3.0 ZONING ORDINANCE FINDINGS**

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

The proposed revisions to include an outdoor eating area and new signage are permitted by right in the Planned Commercial zone in compliance with Section 17.32.140.B.

3.2 The proposed signage is consistent with Title 17.

The property fronts U.S. Highway 50 therefore Design Review is required in accordance with Chapter 17.74 and Section 17.14.130. The proposed changes will be consistent with the surrounding area and the existing shopping center. Approval of the Design Review would authorize the re-imaging of the store in keeping with the current standard for the brand across the United States.

**Conditions of Approval**

1. This Design Review revision is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

- Exhibit E .....Site Plan (Sheets A1.1, A1.2, A3.1)
- Exhibit F.....Signage Plan (Sheets 1, 2, 3)

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.

As approved, this project consists of a remodel of the existing grocery store allowing the following uses/improvements:

- a. Addition of an 11x45 foot outdoor seating area at the front entrance, to be partially enclosed with operable bi-fold doors with steel frames and glass panels. The doors can be raised similar to a garage door to allow for open air seating at the exterior tables and chairs;
- b. Cladding of existing arc-glazed “space frame” sign band with cedar siding and replacing signage from “Food 4 Less” to “Fork Lift by Nugget”. Adding one approximately 5 foot x 18 foot wall sign to north elevation to include “Fork Lift” logo, and one approximately 4 foot x 20 foot wall sign to south elevation to include “Fork Lift” logo. Replacing monument signage facing U.S. Highway 50 and Coach Lane from “Food 4 Less” to “Fork Lift” logo;
- c. Addition of an exterior propane BBQ at the front entrance with safety fence;
- d. Addition of two corrugated metal awnings over the two main sliding doors and underneath the main canopy; and
- e. Repaint existing yellow tie rods and brackets to “Covered in Platinum” (silver-blue color).

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.

### **MITIGATION MEASURES**

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

2. The applicant shall provide a minimum 5-foot-wide landscaping strip along the U.S. Highway 50 frontage containing shrub ~~or~~ and full or standard-sized tree species, which will grow vertically in order to provide visual screening of the site from U.S. Highway 50. The applicant shall provide a minimum of one 5-gallon or equivalent shrub and one 15-gallon or equivalent tree ~~alternating~~ every 5 feet along the U.S. Highway 50 frontage. The size and species of the shrubs and trees shall be approved by the ~~Planning Director~~ Development Services Director prior to final occupancy of the building permit any of the proposed structures. If required, a Water Conserving Landscape Plan shall be submitted along with the final landscape plan prior to issuance of the building permit.
- ~~3.2.~~ The proposed project shall comply with any applicable requirements of the El Dorado County Air Pollution Control District Rule 502: General Conformity Rule, which requires compliance with the State and National Ambient Air Quality Standards.
- ~~3.~~ ~~The project shall adhere to the provisions of District Rule 223, and the applicant shall submit a Fugitive Dust Prevention and Control Plan to the APCD prior to any grading activities on the site.~~
- ~~4.~~ ~~The project shall adhere to the provisions contained in El Dorado County Ordinance No. 4548. No grading or excavation activities may take place on site until an Asbestos Hazard Dust Mitigation Plan has been submitted to and approved by the El Dorado County Air Pollution Control District.~~
- ~~4.5.~~ Asphalt surfacing of site access and parking areas shall conform with El Dorado Air Pollution Control Rule 224: Cutback and Emulsified Paving Materials, which prohibits the atmospheric discharge of volatile organic compounds caused by the use, manufacture, mixing, storage, and/or application of cutback or emulsified asphalt.
- ~~5.6.~~ Pursuant to El Dorado County Air Pollution Control District Rule 501.3(A): Authority to Construct, the applicant shall receive authorization for construction (Authority to

- Construct) from the Air Pollution Control District prior to commencement of grading and construction activities on the site.
- ~~6.7.~~ Pursuant to El Dorado County Air Pollution Control District Rule 501.3(B): Permit to Operate, the project proponent shall obtain a written permit from the Air Pollution Control Officer prior to the issuance of a building permit.
- ~~7.8.~~ In no case shall daily emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> exceed 82 lbs/day during any construction and grading activities on the site.
- ~~8.9.~~ The applicant shall comply with the State of California Title 24 Regulations for Energy Efficient Design to reduce secondary impact emissions.
- ~~10.~~ The applicant shall construct a left turn lane for eastbound traffic on Country Club Drive at the intersection with Cameron Park Drive. The improvements shall be constructed to the specifications of the El Dorado County Department of Transportation and shall be completed prior to issuance of a Certificate of Occupancy on any of the buildings. The design of improvements, including signal modification, shoulder widening, and right-of-way acquisition shall be reviewed and approved by the Department of Transportation.
- ~~11.~~ The access driveway located across and offset from Strolling Hills Road shall be constructed to allow right in access only. The driveway shall be signed as right in access only and that left turn movements are prohibited. The El Dorado County Department of Transportation may require the installation of a raised median to prevent left turns in and out of this driveway.

## CONDITIONS

- ~~9.12.~~ ~~The following structures were previously approved by DR01-0014-R:~~ The project, as approved, shall substantially conform to Exhibits ~~H F and G E and F~~ and shall allow the development of six (6) proposed commercial buildings on seven (7) parcels as follows: (1) 53,165 square foot retail grocery/food market on a 4.33 acre parcel; (2) 5,600 square foot square foot commercial retail building on a 0.60 acre parcel; (3) 10,3600 square foot commercial retail building on two parcels totaling 1.57 acres; (4) a 6,000 square foot commercial/restaurant building on a .906 acre parcel; (5) 5,664 square foot commercial/restaurant building on a 1.02 acre parcel; and (6) a 10,500 square foot commercial retail building on a 1.543 acre parcel. Minor modifications to the site plan and building design may be approved by the Planning Director Development Services Director. Major modifications to the site plan or building design will require an amendment to the Design Review application.
- ~~10.13.~~ All proposed buildings shall be subject to the issuance of a building permit from the El Dorado County Building Department.
- ~~11.14.~~ The applicant shall comply with all requirements of the Cameron Park Fire District, including, but not limited to fire flow requirements, building accessibility, sprinkler

requirements, and building materials. The Cameron Park Fire District shall review and approve all building permits.

- ~~15. The applicant / developer shall provide a minimum of 457 on-site parking spaces. No more than 35 percent of the total parking may be identified as "compact" spaces, and a minimum of 18 spaces must be designated as "handicap" only parking. All on-site parking shall meet the parking lot design standards contained in Section 17.18.030 of County Code.~~
- ~~16. The applicant shall include provisions for bicycle parking on the site by providing a minimum of 10 bicycle spaces/racks adjacent to the major tenant. In addition, a minimum of two enclosed bicycle storage lockers shall be provided for employees and/or patrons. An additional minimum of 5 bicycle spaces/racks shall be provided adjacent to the 10,360 square foot commercial retail building.~~
- ~~12.17. CMU blocks shall remain in their natural state and texture whenever possible. Minor variations in materials and colors may be approved by the Deputy Development Services Division Director of Planning. Major variations will require an amendment to the approved design review and approval by the Planning Commission.~~
- ~~13.18. All building and parking lot lighting shall be designed so as to direct light downwards (top and side shielded) pursuant to Section 17.14.170 of County Code. Lights shall be placed so that no glare or light spills over onto an adjoining property or established road right-of-way. Light standards shall not exceed 30 feet in height.~~
- ~~19. The following Parking and Landscaping Standards shall be incorporated into the site plan and landscape plan and be approved by the Planning Development Services Director prior to issuance of a building permit:
  - ~~a. One tree having at least a minimum size of 15 gallons shall be planted for each 6 interior parking spaces exclusive of trees planted around the perimeter of the parking areas. The tree species utilized shall be of a species type that provides the greatest amount of canopy and shade as possible for the species (a minimum area of 50 percent of the parking lot shall be shaded within 15 years of securing the building permit). The final landscape plan shall be modified to reflect this requirement.~~
  - ~~b. Planters shall utilize live landscape materials, which will ultimately achieve 100% coverage of the planter area. Cobbles, gravel, bark, or other mulches are not acceptable substitutes for living plant materials. Landscape treatments and shrub plantings shall be located and planted so as to not impair the visibility of pedestrians or motorists.~~
  - ~~c. The project applicant shall provide a minimum of two pedestrian walkways in the parking lot area to allow unimpeded circulation through the parking lot as required in General Plan Policies 3.9.1.6 and 3.11.2.3 prior to issuance of a~~~~



~~building permit. In addition, a minimum of 2 painted cross walks, or paver stone walkways, shall be provided from the parking lot to the front entrance areas of proposed supermarket and major retail pads. The plans submitted with the building permit application shall be revised to include the provision for the above pedestrian walkways.~~

- ~~d. A Water Conserving Landscape Plan shall be submitted along with the final landscape plan prior to issuance of building permit as per the standards established under Resolution 69-93.~~
- ~~e. All storage, loading, and utility areas as wells as meters, transformers, backflow prevention devices and other equipment shall be screened from view from all public rights of way. Acceptable screening shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Acceptable screening may include plant materials, landscape berms, or walls which complement the site's architecture at heights which in no way obstruct the vision of pedestrians or motorists. Chain link fencing with or without slats is not an acceptable screening method.~~

~~14.10. Prior to issuance of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description to Planning Services, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.~~

~~11. Modifications to the approved project shall be subject to review and approval by the Development Services Director. Should the Director find that additional modifications of the use or facilities would significantly change what was approved, the Director shall decide if the changes can be approved administratively or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit. This review shall always occur prior to any approved project modifications.~~

~~15.12. The property owners are responsible for complying with all conditions of approval contained in this Design Review. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the property owners.~~

~~16.13. A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Development Services immediately following the hearing project approval.~~

~~17.14. 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 developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Special Use Permit.

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

- 3. (14-1329)** Hearing to consider a request for a revision to a special use permit allowing the continued operation of a meat cutting and processing facility [Special Use Permit Revision S85-0046-R-2/Castle Meats]\*\* on property identified by Assessor's Parcel Number 091-070-52, consisting of 5 acres, in the Shingle Springs area, submitted by Russ Brett; and staff recommending the Planning Commission take the following actions:
- 1) Certify the project to be Categorically Exempt under Section 15301 (Existing Facilities) of the CEQA Guidelines; and
  - 2) Approve Special Use Permit S85-0046-R-2 based on the Findings and subject to the revised Conditions of Approval as presented.
- (Supervisory District 2)

Mel Pabalinas presented the item to the Commission with a recommendation for approval. He notified the Commission that staff's recommendation had a typo in it as it had the project number as R-3 when it should be R-2.

Russ Brett stated that he was actually the applicant's agent and introduced Kevin Castle as the applicant.

Kevin Castle made the following comments:

- Has been in the business for over 30 years;
- Supports local community groups;
- This revision would allow the sale of the property but not require the owners to be the ones to run the business; and
- Provided a summary of the existing business.

Valerie Zentner, El Dorado County Farm Bureau, supported the revision as it was an appropriate change. She stated that an important part in keeping us rural was by supporting kids, which is what this business does.

There was discussion between Commissioner Stewart and staff on the wording in the County Ordinance on changing the nature of a product (i.e., marinating meat).

Commissioner Heflin stated that this is a great business for the County and people need this service. He said that it was essential in keeping us rural.

There was no further discussion.

**Motion: Commissioner Heflin moved, seconded by Commissioner Stewart, and carried (5-0), to take the following actions: 1) Certify the project to be Categorically Exempt under Section 15301 (Existing Facilities) of the CEQA Guidelines; and 2) Approve Special Use Permit S85-0046-R-2 based on the Findings and subject to the revised Conditions of Approval as presented.**

**AYES: Ridgeway, Shinault, Stewart, Heflin, Mathews**  
**NOES: None**

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

**Findings**

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

**FINDINGS FOR APPROVAL**

**1.0 CEQA FINDINGS**

- 1.1 The revised special use permit is determined to be Categorically Exempt under CEQA Section 15301 (Class 1-Existing Facilities). The revision involves changing the basis on which the existing operation would continue to operate under the RE-10 zoning regulations. There will be no change to the actual operation of the existing facility.
- 1.2 The documents and other materials, which constitute the record of proceedings upon which this decision is based, are in the custody of the Development Services Department-Planning Services 2850 Fairlane Court Placerville, CA 95667.

**2.0 SEPCIAL USE PERMIT FINDINGS**

**2.1 The issuance of the permit is consistent with the general plan;**

The issuance of the revised use permit for the continued operation of this meat cutting and packing facility, which is an agricultural support service, is consistent with the applicable policies of the General Plan.

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

The existing facility has been and will continue to operate within the confines of permit and applicable provisions of the Zoning Ordinance, and would not be a detriment to public health, safety and welfare.

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

The meat cutting and processing facility is an agricultural support service, which is a use that requires a special use permit under Section 17.70.100.A (Packing and Processing of Agricultural Products). This application is a revision to the special use permit that has been issued for this facility.

**Conditions of Approval**

1. This revision to the Special Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked E, F and H 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.

These conditions supersede all previous conditions of approval.

2. Meat cutting and packaging shall be performed only inside the approved structure shown on the site plan.
3. The existing approved structure shall not be expanded in relation to this operation.
4. The hours of operation shall be limited to 8:00 A.M. to 6:00 P.M., Monday through Friday, and 8:00 A.M. to 12:00 P.M. on Saturday.
- ~~5. The El Dorado County Fire Protection District requirements shall be met and a letter of compliance shall be submitted to the Planning Department. (Previously Complied)~~
65. The meat cutting and processing operation shall only be considered a service and shall not involve retail sales of products produced through this operation (except as defined by Environmental Health to allow the intent of this service).
76. One permitted on-site sign shall be allowed which advertises uses authorized by the permit and as permitted by the RE-10 Zoning Ordinance.
7. The meat cutting and packaging facility is authorized by Section 17.70.100.A (Packing and Processing of Agricultural Products). The property owner is not required to live on-site.
8. The facility shall maintain a maximum of four on-site employees under Special Use Permit S85-0046-R approved in March 15, 1995 by the Planning Commission

4. (14-1331) Hearing to consider a request to rezone from One-Acre Residential (R1A) to One-Acre Residential-Planned Development (R1A-PD) and Open Space-Planned Development (OS-PD); create 28 single-family lots and one interior private road lot, two lettered lots, and one "new connection" road lot; and Design Waivers for reduction in Lot R right-of-way, cul-de-sac right-of-way, roadway width, and cul-de-sac Lot R-1 [Rezone Z14-0002/Planned Development PD14-0001/Tentative Map TM14-1515/Wilson Estates]\* on property identified by Assessor's Parcel Numbers 126-070-22, 126-070-23, and 126-070-30, consisting of 28.18 acres, in the El Dorado Hills area, submitted by Lisa Vogelsang, Catherine Ryan, and Julie Ryan; and staff recommending the Planning Commission recommend the Board of Supervisors take the following actions:

- 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
  - 2) Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measures in the Conditions of Approval as presented;
  - 3) Approve Rezone Z14-0002 based on the Findings as presented;
  - 4) Conditionally approve Planned Development PD14-0001, approving the Development Plan as the official Development Plan, based on the Findings and subject to the Conditions of Approval as presented;
  - 5) Conditionally approve Tentative Map TM14-1515 based on the Findings and subject to the Conditions of Approval as presented; and
  - 6) Approve the following Design Waivers to:
    - (a) Reduce Lot R right-of-way widths from 50 feet to 30 feet;
    - (b) Reduce cul-de-sac right-of-way radii from 60 to 50 feet;
    - (c) Reduce roadway width from 28-foot 101B width to a modified 101C 22-foot CF/CF asphalt paved with Type E AC Dike and three-foot shoulder as shown; and
    - (d) Reduce cul-de-sac Lot R-1 from 60 feet to 50 feet top back of mountable dike at 47 feet, 50 feet to hinge point; 3-foot shoulder designed to support a 40,000 lb. load. The new connector may be installed with an AC Dike in lieu of Type 2 Curb and Gutter with Transportation approval pursuant to note 10 on design plate 101B.
- (Supervisory District 1)

Tom Dougherty presented the item to the Commission with a recommendation for approval to the Board of Supervisors. He referenced the Staff Memo dated September 24, 2014 which recommended a revision to Condition #27. Mr. Dougherty indicated that staff had received 25 public comment emails on this project.

In response to Commissioner Stewart's inquiry if an individual lot owner could remove oak trees without approval, Mr. Dougherty spoke on the General Plan policy. County Counsel David Livingston added that part of the project included building envelopes to avoid the trees and that the County does not get into private regulations regarding preventing owners from removing oak tree. Roger Trout indicated that Condition #20 (HOA and CC&Rs) could be amended to address Commissioner Stewart's concern.

In response to Commissioner Ridgeway's inquiry on zoning and land use, Mr. Trout spoke on the General Plan policies, zoning and what staff reviews when evaluating a project request.

Mr. Trout also responded to Commissioner Ridgeway's question on what protected property owners against large subdivisions and if this would open up a flood gate. He spoke on various County regulations in implementing the General Plan and the Planning Commission's role. He stated that this particular project is in a Community Region, so there would be no "opening of flood gates."

Dave Crosariol/CTA Engineering, applicant's agent, made the following comments:

- Doesn't have any issues with the Staff Report or the Findings and Conditions of Approval;
- No objection to adding a clause to HOA to protect the oak trees;
- Prevailing theme in the public comment letters is compatibility, which is subjective.
- Distributed a compatibility exhibit to the Commission and audience;
- The acoustical report indicated that the sound wall could be a solid wood fence, but the Fire Department was concerned on using that type of material and preferred a masonry wall;
- Distributed a wall exhibit to help visualize the proposed sound wall;
- Traffic is an over-riding concern for public and in order to address those concerns, changes to project were made to have access off of Green Valley Road; and
- Spoke on the access gate, which would be a right-out only.

Cheryl McDougal made the following comments:

- Found it interesting that the compatibility exhibit distributed by Mr. Crosariol didn't show the north side, which is where the public comments are coming from;
- People moved from the Bay Area and Southern California for the rural feel and they want to keep it rural;
- Discouraged by Roger Trout's comments at a recent meeting;
- Staff should be unbiased; and
- Disagreed that this project won't open up the flood gates because they will follow the money.

John Garcia made the following comments:

- Spoke on the history of the project regarding the rezone;
- Cramming 28 homes on 16 acres will not make it look like the surrounding neighborhoods;
- Compatibility exhibit shows a High Density Residential island, which is a violation;
- Disagreed that the project is compatible as it is throwing more compact housing, which will then bring in High Density Residential; and
- Community asked for 1 house/1 acre to make it compatible.

Kelly Garcia/Green Valley Alliance made the following comments:

- Number of homes decreased but that is the only thing that changed;
- Board made this project subjective;
- Need to look at the totality, not in isolation;
- This is the last northeast quadrant that remains rural;

- In 1996, the Wilson family requested, and got, High Density Residential without an EIR due to nepotism;
- Staff has refused to design a R1A plan;
- Sterlingshire is not compatible;
- Access onto Malcolm-Dixon Road has been a deal breaker;
- Her parcel and Diamante Estates are not allowed to access Malcolm Dixon Road;
- There will be horse property directly across from a subdivision;
- Opposed to the rezone request;
- Cumulative effect of all projects in the area has not been considered.

Art Marinaccio made the following comments:

- Not involved with project, but was involved in the 1996 General Plan process and spoke on the history of it;
- There was no plan for this area due to the water issues;
- El Dorado Hills area plan was a 5-year plan; and
- Project is the lowest density that makes sense for the area.

Shan Nejatian made the following comments:

- Original developer for Alta Vista;
- Wished he would have been able to do a Planned Development;
- Quality of El Dorado Hills is due to the Planned Developments and PUDs;
- Can't understand the logic of R1A zoning;
- Alternative option would be a parcel map similar to Alta Vista; and
- There appears to be a lot of frustration which is why the public comments are not logical (i.e., 28 separate septic tanks).

Chair Mathews closed public comment.

Roger Trout read in to the record proposed language for Condition #20, section A, to address the protection and maintenance of oak trees.

In response to Commissioner Stewart's inquiry as to why 28 Planned Development lots instead of 28 one-acre lots, Mr. Crosariol made the following comments:

- Had quite a few options on how to return with 28 parcels, which was directed by the Board of Supervisors;
- Spoke on lost acreage due to the road dedications, which caused 28 lots at 0.9 acre;
- Had informed the Board of Supervisors that he would have to do a Planned Development;
- R1A portion was very important and with a Planned Development overlay, a 30% open space is required; and
- By creating this design, only 2 oak trees would be removed.

Commissioner Shinault made the following comments:

- Has reviewed this project twice and the first one was more dense;
- Should look at it as High Density Residential;

- Excellent design;
- Nice work on the west side;
- Most of the cluster is in the middle of the subdivision;
- Doesn't like the block fence because of all of the open space, so he would prefer no wall; and
- Vast improvement from the first submittal.

Commissioner Heflin made the following comments:

- Commended Mr. Crosariol on this patience and perseverance of the process;
- Acknowledged the applicant has conformed to every policy;
- Thanked them for not suing the County when the 1<sup>st</sup> request was denied.
- Agreed with Commissioner Shinault on the sound wall; and
- Good project and supports it.

Chair Mathews made the following comments:

- The challenge is to set personal feelings aside and apply the General Plan policies to the project;
- Decisions are based on the rules;
- Staff's primary role is to review a project request;
- Confirmed with his Board of Supervisor that he had stated that the project was to be 28 lots;
- Is a fan of Planned Developments;
- Voted for this project last time when it was 49 lots; and
- Has no problem with the project.

Commissioner Ridgeway made the following comments:

- Feels he is on the hot seat and still considers himself a resident; and
- Supports residential zoning and will vote against the project.

Commissioner Stewart made the following comments:

- Preference is to stay with zoning;
- His opinion is that R1A is too dense;
- Plenty of inventory for projected growth;
- This zone change would only provide 1-3 more lots so it is not that big of a change;
- There are significant improvements and benefits by having a Planned Development;
- Reduces traffic onto Malcolm-Dixon Road;
- Commended Mr. Crosariol on moving the access point;
- Prefers no sound wall;
- Less water will be used for landscaping;
- Open space will help the rural feel; and
- Will support the project.

There was no further discussion.



**Motion: Commissioner Mathews moved, seconded by Commissioner Shinault, and carried (4-1), to recommend the Board of Supervisors take the following actions: 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; 2) Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measures in the Conditions of Approval; 3) Approve Rezone Z14-0002 based on the Findings as presented; 4) Conditionally approve Planned Development PD14-0001, approving the Development Plan as the official Development Plan, based on the Findings and subject to the Conditions of Approval; 5) Conditionally approve Tentative Map TM14-1515 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition #20 by adding “protection and maintenance of oak trees”; and (b) Amend Condition 27 as identified in Staff Memo dated 09/24/14; and 6) Approve the following Design Waivers to: (a) Reduce Lot R right-of-way widths from 50 feet to 30 feet; (b) Reduce cul-de-sac right-of-way radii from 60 to 50 feet; (c) Reduce roadway width from 28-foot 101B width to a modified 101C 22-foot CF/CF asphalt paved with Type E AC Dike and three-foot shoulder as shown; and (d) Reduce cul-de-sac Lot R-1 from 60 feet to 50 feet top back of mountable dike at 47 feet, 50 feet to hinge point; 3-foot shoulder designed to support a 40,000 lb. load. The new connector may be installed with an AC Dike in lieu of Type 2 Curb and Gutter with Transportation approval pursuant to note 10 on design plate 101B.**

**AYES:           Stewart, Heflin, Shinault, Mathews**  
**NOES:           Ridgeway**

### **Findings**

#### **1.0    CEQA FINDINGS**

- 1.1    El Dorado County has considered the Mitigated 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 Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2    The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3    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 the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

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

**2.0 GENERAL PLAN FINDINGS**

- 2.1 The project is consistent with the High Density Residential (HDR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project consists of a zone change to R1A-PD, which is consistent with General Plan Table 2.4 and a tentative map creating 28 single-family residential lots for 28.18 acres, with a gross density of 1 unit per acre, which is consistent with the five units per acre standard for HDR.

- 2.2 The project is consistent with all applicable Policies of the General Plan. As conditioned, the proposal is consistent with the intent of the following Policies:

- 2.2.1 Policy 2.2.1.2 (HDR definition) because it meets density standards. The project proposes 28 single-family residential lots ranging in size from 20,004 to 43,572 square feet. Those 28 lots for the 28.18 total acres, a gross density of 1 unit per acre which conforms to the General Plan land use designation;

- 2.2.2 2.2.5.3 (rezone criteria) because the project was analyzed for water and wastewater capacity, critical flora and fauna areas, wetland impacts, transportation, existing land use pattern and historical and archeological resources;

- 2.2.3 2.2.5.21 (compatibility with surroundings) because the project provides larger sized parcels and setbacks designed to provide a more efficient transition from the MDR designated lots to the west and the LDR designated lots to the east;

- 2.2.4 5.1.2.1 (adequate utilities and public services), 5.2.1.2 (water for emergency), 5.2.1.4 (available domestic water), 5.7.1.1 (adequate emergency water and related facilities), because review of the El Dorado Irrigation District Facility Improvement Letter, Preliminary Onsite/Offsite Sewer Exhibit, and El Dorado Hills Fire Department recommended conditions of approval have demonstrated there are adequate water and sewer facilities to support the project;

- 2.2.5 6.2.3.2 (adequate emergency vehicle ingress/egress) because the project must adhere to the approved Wildland Fire Safe Plan, and conditions have been added as recommended by the El Dorado Hills Fire Department to assure adequate emergency vehicle ingress/egress;

- 2.2.6 Policy 6.5.1.3 and 6.5.1.8 (noise barriers to achieve acceptable noise levels) because the submitted Environmental Noise Assessment determined that the required masonry wall sound barrier will reduce noise impacts to levels consistent with these policies;

- 2.2.7 7.3.3.4 (impacts to wetlands) because an open space lot and 50-foot setback have been included to reduce impacts to Dutch Ravine;

- 2.2.8 7.4.1.5 (rare, threatened, endangered species) because the Special Status Plant Surveys have demonstrated there were no rare, threatened, endangered species found within the project site and a mitigation measure has been included to protect migratory bird and nesting raptor species;
- 2.2.9 7.4.4.4 (impacts to oak canopy) because the project has demonstrated it can meet the requirements of Option A onsite by replanting within Lot B and as conditioned that planting will be compliant with the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4 (Option A).

As conditioned and mitigated, the project provides adequate access and site design that ensure compatibility with surrounding land uses, and is consistent with the General Plan policies identified above.

### **3.0 ZONING FINDINGS**

- 3.1 The project is consistent with the El Dorado County Zoning Ordinance Development Standards. With an approved rezone to R1A-PD, and an approved Development Plan approving the Modified R1A, R-20,000 and “Unless Otherwise Noted” setbacks as shown on the Tentative Map, the 28 lots substantially conform to zoning and development standards required of the R1A and R20,000 Zone Districts, Chapters 17.02 and 17.04, Planned Developments, as well having the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

### **4.0 ADMINISTRATIVE FINDINGS**

#### **4.1 Tentative Subdivision Map Findings**

- 4.1.1 The proposed Tentative Subdivision Map, including design and improvements, is consistent with the General Plan policies and land use map because as proposed, and modified by the Mitigations and Conditions of Approval, the map conforms to the High Density Residential General Plan land use designation and applicable General Plan policies including land use compatibility, lot size, fire safe access and emergency water supply, noise, and mitigation for indigenous oak tree canopy, and threatened species, as set forth in the General Plan Findings, Section 2.0.
- 4.1.2 The site is physically suitable for the type and density of development proposed because the site contains sufficient developable areas to accommodate the proposed residential use and proposed gross density of approximately 1 unit per acre.
- 4.1.3 The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat because potential environmental impacts for the subdivision have been minimized by the lot designs and inclusion of open space lots. The loss of indigenous oak tree canopy will be mitigated by

replanting in compliance with the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4 (Option A). The wetlands will be further protected from impacts by a permanent setback line. The potential for erosion during grading activities will be minimized by adherence to Best Management Practices required during grading.

- 4.1.4 The subdivision will have adequate access to accommodate the proposed density because the project has been conditioned to comply with El Dorado Transportation Division and El Dorado Hills Fire Department requirements to assure adequate access.
- 4.1.5 The subdivision will not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties because the map will adhere to Fire Safe and Fire Code standards and the approved Fire Safe Plan which will ensure that the project does not create serious public health and safety problems or unacceptable fire risk to current and future occupants of adjoining properties.

## **5.0 DESIGN WAIVER APPROVAL FINDINGS**

- 5.1 Reduce Lot R right-of-way widths from 50 feet to 30 feet. The support for the design waiver is based on the following findings:
  - 5.1.1 There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. The "Lot R" roads are not proposed to be available for through traffic. The reduction allows the project to meet the Planned Development requirement for 30 percent open space, preserve all but two existing oak trees, while still being adequate to contain the necessary infrastructure improvements.
  - 5.1.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property. The 50-foot right-of-way widths are an unnecessary hardship because the 30-foot width has been determined by the El Dorado County Transportation Division (Transportation) and El Dorado Hills Fire Department (Fire Department) to be adequate. The reduction would result in larger lots with the ability to preserve the majority of the existing oak trees.
  - 5.1.3 The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public. The proposed right-of-way width meets the requirements of the Fire Department and Transportation.
  - 5.1.4 This waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division because the project has been conditioned to meet all applicable County Codes.
- 5.2 Reduce cul-de-sac right-of-way radii from 60 to 50 feet. The support for the design waiver is based on the following findings:

- 
- 5.2.1 There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. The reduction allows the project to meet the Planned Development requirement for 30 percent open space, preserve all but two existing oak trees, while still being adequate to contain the necessary infrastructure improvements.
- 5.2.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property. The 60-foot cul-de-sac right-of-way radii are an unnecessary hardship because the reduced width has been determined by Transportation and the Fire Department to be adequate.
- 5.2.3 The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public. The proposed reduction in radii width meets the requirements of the Fire Department and Transportation.
- 5.2.4 This waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division because the project has been conditioned to meet all applicable County Codes.
- 5.3 Reduce roadway width from 28-foot 101B width to a modified 101C 22-foot CF/CF asphalt paved with Type E AC Dike and three-foot shoulder as shown. The support for the design waiver is based on the following findings:
- 5.3.1 There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. The project site is surrounded by existing roadways of a similar width that were built with A.C. Dikes and over-side drains and the Design Improvement Standards Manual (DISM) 101B Standard Plan, Note 10 makes allowances if the project is connecting to existing A.C. facilities.
- 5.3.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property. The larger lot sizes were found to be adequate to support the proposal and to require interior road widths of 28 feet and dikes that do not match the existing surrounding ones is an unnecessary hardship and is out of character with the surroundings. The Fire Department has conditioned the project for no parking on the interior roads and there is no proposed thru-traffic circulation, nor required sidewalks for this gated subdivision.
- 5.3.3 The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public. The proposed road widths, as conditioned, meet the requirements of the Fire Department and Transportation.
- 5.3.4 This waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division because the project has been conditioned to meet all applicable County Codes.

- 5.4 Reduce cul-de-sac Lot R from 60 feet to 50 feet top back of mountable dike at 47 feet, 50 feet to hinge point; 3-foot shoulder designed to support a 40,000 lb. load. The new connector may be installed with an AC Dike in lieu of Type 2 Curb and Gutter with Transportation approval pursuant to Note 10 on Design Plate 101B. The support for the design waiver is based on the following findings:
  - 5.4.1 There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. The project site is surrounded by existing roadways that were built with A.C. Dikes and over-side drains and the Design Improvement Standards Manual (DISM) 101B Standard Plan, Note 10 makes allowances if the project is connecting to existing A.C. facilities.
  - 5.4.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property. The larger lot sizes were found to be adequate to support the proposal and to require dikes that do not match the existing surrounding ones is an unnecessary hardship and is out of character with the surroundings.
  - 5.4.3 The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public. The proposed cul-de-sac radii and A.C. dikes meet the requirements of the Fire Department and Transportation.
  - 5.4.4 This waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division because the project has been conditioned to meet all applicable County Codes.

**Conditions of Approval**

- 1. This Rezone, and Tentative Subdivision Map is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the following Exhibits:

- Exhibit E .....Tentative Map; August 2014
- Exhibit F.....Preliminary Grading and Drainage Plan, and Tree Preservation Plan; July 2014
- Exhibit G.....Fence Exhibit; August 2014
- Exhibit H.....Zoning Map (rezone); August 2014

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 approval shall include the following and applies to the parcels identified by Assessor’s Parcel Numbers 126-070-22, -23, -30:

- a. Rezone to change from One-Acre Residential (R1A) to One-Acre Residential-Planned Development (R1A-PD) and Open Space-Planned Development (OS-PD); and
- b. Tentative Subdivision Map and Development Plan to create 28 single-family lots ranging in size from 20,004 to 43,572 square feet in size and the following, as shown on the Tentative Map dated August 2014:
  1. One interior private road lot (Lot R) to provide primary access to one exterior road “Lot A, New Connector” road to Green Valley Road;
  2. Installation of the “Lot A,” the “New Connector” with a fully constructed intersection to Green Valley Road up to and including the interior roadway;
  3. A fire access road built to an interim roadway grade of less than 20 between the private access connection and Malcolm Dixon Road with a controlled access that consists of a locked gate at each end with a Knox lock for the Fire Department;
  4. A secondary right out only access to Malcolm Dixon Road from the “Lot R” interior roadway with an emergency only right in for the benefit of the Fire Department;
  5. Two lettered lots (B and C) for open space, drainage and waterlines;
  6. Two twenty-foot wide utility easements located; and
  7. Lots with Modified R1A (designated with an “A”), R-20,000 (designated with a “B”), and “Unless Otherwise Noted” setbacks as shown on the Tentative Map.
- c. Approval of the following Design Waivers:
  1. Reduce Lot R right-of-way widths from 50 feet to 30 feet;
  2. Reduce cul-de-sac right-of-way radii from 60 to 50 feet;
  3. Reduce roadway width from 28-foot 101B width to a modified 101C 22-foot CF/CF asphalt paved with Type E AC Dike and three-foot shoulder as shown; and
  4. Reduce cul-de-sac Lot R-1 from 60 feet to 50 feet top back of mountable dike at 47 feet, 50 feet to hinge point; 3-foot shoulder designed to support a 40,000 lb. load.

All lots will be served by public water and sewer. The map may be recorded in phases, subject to Development Services Director review.

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.

**Conditions from the Mitigated Negative Declaration**

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

2. **Air Quality 1:** In order to reduce long-term operational impacts to air quality, the follow shall be required of all future residences:
  - a. **Wood-burning devices:** The installation of open hearth wood-burning fireplaces or woodstoves shall be prohibited in favor of more energy-efficient and less polluting heating devices using cleaner burning fuels such as natural gas, propane or electricity. If fireplaces are desired, “natural-gas or propane only” fireplaces with flues/chimneys designed to only accommodate natural gas /propane burning shall be permitted.
  - b. **Electric Vehicle Charging:** All private garages or parking stalls reserved for residents shall include at a minimum a Level 1 (110V AC) electrical outlet near the vehicle for charging of plug-in electric vehicles (PEV). These outlets shall be on their own separate circuit to facilitate the future installation of Level 2 PEV charging infrastructure.
  - c. **Exterior Electrical Outlets:** Electrical outlets shall be provided along the front and rear exterior walls of residential homes to allow for the use of electric landscape maintenance tools.

**Monitoring Responsibility:** Planning Services and El Dorado County Air Quality Management District (AQMD).

**Monitoring Requirement:** The applicant shall record a Notice of Restriction (NOR) requiring that each new parcel owner shall include the provisions of a-c above in the building plans for their building permit. Planning Services shall review each building permit for the inclusion of those provisions. The AQMD shall review and approve the language of the NOR prior to recordation, and recordation shall occur with the recording of each final map.

3. **BIO-1:** If construction begins outside the 1 February to 31 August breeding season, there will be no need to conduct a preconstruction survey for active nests. If construction is scheduled to begin between 1 February and 31 August then a qualified biologist shall conduct a preconstruction survey for active nests at the construction site. In order to avoid take (FGC § 86) of protected birds and raptors (FGC § 3503, 3503.5, 3511, and 3513), a pre-construction bird and raptor nest survey shall be conducted within 10 days prior to the beginning of construction activities by a California Department of Fish and Wildlife (CDFW) approved biologist in order to identify active nests in the project site vicinity. The results of the survey shall be submitted to CDFW. If active raptor nests are found, a quarter-mile (1320 feet) initial temporary nest disturbance buffer shall be established. If



active passerine nests are found, a two hundred foot (500 feet for special status species) initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an on-site biologist/monitor experienced with the species' behavior shall be retained by the project proponent to monitor the nest, and shall along with the project proponent, consult with the CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if birds/raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated on-site biologist/monitor shall be on-site daily if necessary while construction related activities are taking place and shall have the authority to stop work if birds/raptors are exhibiting agitated behavior. In consultation with the CDFW and depending on the behavior of the birds/raptors, over time it may be determined that the on-site biologist/monitor may no longer be necessary due to the birds/raptors' acclimation to construction related activities.

**Monitoring Responsibility:** Planning Services.

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

4. **Bio-2: No Disturbance Buffer:** A 50-foot setback line shall be shown on the Final Map that begins at all high-water marks or the outer boundary of any adjacent wetlands identified in the Jurisdictional Delineation, dated January 2009, and as determined by the Corps of Engineer's verified wetland delineation of waters of the United States. No development shall occur within the setback area. The setback shall be shown on the Final Map.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** Prior to filing of the Final Map, Development Services shall verify that the setback is shown on the Final Map. The setback lines shall be shown on any development plan submitted to Development Services Department. The Department shall verify that no development occurs within the setback prior to issuance of any development permit.

5. **Cultural Resources 1:** During the course of grading activities within the perimeter of the Charles Dixon Farm Site as defined by Figure 1 of the Phase 1 Archeological Study of the Wilson Estates Project, dated January 2011, archeological monitoring shall occur. If previously unidentified or subsurface archeological sites or features are discovered, work shall stop at that location and the discovery shall be examined for its potential significance and removed if deemed of scientific value, after which work can proceed once again.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** A note shall be placed on the grading plans for this particular area of the project. Planning Services shall confirm that the mitigation has been included on the plans prior to issuance of any grading permit for this particular area of the project.

6. **Cultural Resources 2:** An interpretive sign shall be designed in consultation with the El Dorado County Historical Museum to commemorate the location of the Charles Dixon Farm and the Live Oak School. The sign shall be located in an appropriate location near the site and along Malcolm Dixon Road.

**Monitoring Responsibility:** Planning Services and Applicant

**Monitoring Requirement:** The applicant shall provide Planning Services with proof this has been completed prior to approval and recordation of the final map.

7. **Noise 1:** A six-foot masonry block sound wall shall be constructed and located as shown in the Fence Exhibit G, dated August 2014, and shall not result in the removal of oak trees.

**Monitoring Responsibility:** Planning Services and Applicant

**Monitoring Requirement:** Planning Services shall review the final development plan for the construction of the wall prior to issuance of the building and/or grading permit. Planning Services shall confirm that the wall has been constructed in compliance with this mitigation measure prior to building permit final, which shall occur prior to approval and recordation of the final map.

**El Dorado County Planning Services**

8. **Notice of Restriction:** A Notice of Restriction shall be recorded with, and noted on, the final map that states that Lots B and C are for open space, landscaping, drainage, and retaining walls and that they shall not be utilized for residential development.
9. **Fencing/Walls:** The project shall construct the following fencing, as shown on the Fence Exhibit; August 2014 (Exhibit G):
  - a. A six-foot tall solid wood screening fence around the Tentative Map perimeter of Lots 1 and 25-28;
  - b. A six-foot tall solid wood or ornamental iron fence around the Tentative Map perimeter along the "New Connector" road and Malcolm Dixon Road right-of-ways adjoining Lots 1-14.

10. **Oak Woodland:** The project shall mitigate for the loss of 0.06 acre of oak tree canopy as shown on Tentative Map dated August 2014, and the Preliminary Grading, Drainage, and Tree Preservation Plan map dated July 2014, provided as Exhibits E and F at a 1 to 1 ratio within Lot B, in compliance with the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4 (Option A). The final oak tree planting plan shall be substantially consistent with the Tentative Map, and shall be reviewed and approved by Planning Services prior to issuance of any grading or building permit for the masonry wall/Lot B area. Said final oak tree planting plan shall indicate that all on-site replacement oak trees be of 15-gallon size.

Prior to recording any final map, building envelopes shall be designated for each parcel as shown on the Tentative Map dated August 2014. The building envelopes shall be designed to avoid disturbance of any tree not shown on the Tentative Map as being removed as part of the subdivision grading improvements. The envelopes shall be recorded with the Final Map.

11. **Map Time Limits:** The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. The required application fees shall be paid to process the time extension.
12. **Compliance with Conditions:** At the same time of a filing of a Final Map, and at submittal of any grading permit 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 that applies at each said stage. Planning Services shall verify compliance prior to issuance of the road improvement grading permit and concurrent with the filing of a Final Map.
13. **Processing Fees:** Prior to filing of the Final Map, Development Services shall verify that all Development Services Department fees have been paid.
14. **California Fish and Wildlife Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,181.25 Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.
15. **Water Meter Award Letter:** A water meter award letter from El Dorado Irrigation District or similar assurance from the water purveyor, guaranteeing water service upon demand to each of the lots created, shall be submitted to Development Services at the time of Final Map filing.
16. **Park In-lieu Fees:** Pursuant to Section 16.12.090, the project is responsible for parkland dedication which shall be satisfied by park in lieu fees. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor. Upon completion of appraisal, the applicant

shall pay the park fee, to the El Dorado Hills Community Services District, and shall submit the receipt to El Dorado County Development Services with the Final Map.

17. **Liens for Assessment or Bonds:** 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).

18. **Archeological Resources:** 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 archeological resource”, contingency funding and a time allotment sufficient to allow recovering an archeological 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 archeological 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 “nonunique archeological resource”.

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

19. **Human Remains:** 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.

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

20. **HOA and CC&RS:** A Homeowner's Association (HOA) shall be formed that shall be responsible for enforcement of the Covenants, Conditions, and Restrictions (CC&Rs) which shall be recorded for each parcel. Said CC&Rs shall, at a minimum, include the following provisions:
- a. Responsibility for the protection and maintenance of oak trees, ongoing maintenance and monitoring of the shared private road easement area, as well as Open Space Lots B and C, that are entirely within the subdivision boundary as shown on TM14-1515, Exhibit E, as well as the associated drainage facilities, and fire safety management of those areas in accordance with the approved Fire Safe Plan dated September 2, 2011 as updated by the Wilson Estates Amendment A Fire Safe Plan addendum dated May 28, 2014. The ongoing maintenance and monitoring Lots B and C may become the responsibility of a future Landscaping and Lighting Assessment District, if one is established. The ownership deeds to the Open Space Lots B and C shall be held by the HOA and shall remain commonly-held open space for their mutual use, not to be utilized for residential uses.
  - b. Responsibility for the ongoing maintenance, and access rights for, any fences and walls constructed on the subdivision's perimeter property lines, as well as the six-foot tall masonry sound wall within Lot B, and the other fences described above in Condition 9, and shown in Exhibit H.
  - c. Ensuring that no construction or grading of any kind shall occur within the non-building setback areas shown on the Final Map 50-feet on both sides of Dutch Ravine.

- d. Providing to El Dorado Hills Community Services District (EDHCSD) a copy of any landscape and streetscape designs for any HOA projects, for EDHCSD records.
- e. Development of accommodations to store a minimum of three waste and recycle material containers in an area not visible from the street, on each residential lot in consideration of the EDHCSD mandatory waste management services requirements.
- f. Development, implementation, and maintenance of the Wildland Fire Safe Plan, William Draper, Registered Professional Forester #898, dated September 2, 2011, as updated by the Wilson Estates Amendment A Fire Safe Plan addendum dated May 28, 2014, that is approved according to State Fire Safe Regulations and shall address the homes that back up to the open wildland areas that surround this project.
- g. Language that restricts any future modifications by the HOA of County required provisions without prior County approval.

The Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to Development Services for review, and County approval, prior to filing of the Final Map.

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

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

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

**El Dorado County Transportation Division (TD)**

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

Table 1				
ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH* / SHOULDER WIDTH	RIGHT OF WAY**	EXCEPTIONS/ NOTES
Lot "R" – Interior Roads	Std Plan 101C (Modified)  Structural section to be determined by Geotech Report	22 ft / 3 ft	30 ft	Two 11 foot wide lanes, Type "E" HMA dike plus 3' shoulders. No Curb, gutter or sidewalk. 25 MPH Design Speed.

\* Road widths are measured from curb face to curb face or edge of pavement to edge of pavement if no curb (traveled way). Curb face for rolled curb and gutter is 6" from the back of the curb.

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

23. **Offer of Dedication, Interior Roads:** Developer shall irrevocably offer to dedicate in fee, a 30 foot wide road and public utilities easement as determined by TD, and for all other onsite roadways, prior to the filing of the map. Slope easements shall be included as necessary. This offer will be rejected by the County.
  
24. **Area of Benefit Improvements:** The Subdivider shall construct the following improvements necessary to serve the project, consistent with the Malcolm Dixon Area Traffic Circulation Plan, to the satisfaction of the County prior to filing of the final map:
  - a. New Connector Road from Station 10+00 to Station 13+32;
  - b. Left Turn Pocket on Green Valley Road at the New Connector Road intersection;
  - c. Temporary 20-foot wide emergency access roadway along the alignment of the New Connector Road from Station 13+32 to Station 15+44.
  
25. **Multi-Project Area of Benefit:** In the event that the Malcolm Dixon Road Area of Benefit financing district is formed, and the Improvements are constructed by another interest prior to the final map being recorded for this project, the subdivider shall participate in the Area of Benefit and pay their fair share towards the financing district costs based on the pro-rata share of residential lots or equivalent share basis.
  
26. **Offer of Dedication, New Connector Road between Malcom Dixon Road and Green Valley Road:** The applicant shall irrevocably offer to dedicate, in fee, 60 feet of right of way for the on-site portion of the New Connector Road, and any slope easements necessary to accommodate construction of the New Connector Road prior to or concurrent with filing the final map. This offer will be accepted by the County upon construction of the improvements.
  
27. **Offer of Dedication, Malcom Dixon Road:** The applicant shall irrevocably offer to dedicate, in fee, ~~the necessary right of way to measure 30 feet from the center line south~~ for the on-site portion of Malcom Dixon Road ~~along the entire property frontage~~ as shown on the tentative map concurrent with or prior to filing the final map. In addition,

the applicant shall irrevocably offer to dedicate Slope easements (where necessary) to contain cut / fill slopes, plus 2 feet beyond tops / toes, for Area of Benefit improvements to Malcolm Dixon Road. These offers will be accepted by the County.

28. **Offer of Dedication, Green Valley Road:** The applicant shall irrevocably offer to dedicate, in fee, the necessary right of way to measure 50 feet from the center line north for the on-site portion of Green Valley Road along the entire property frontage as shown on the tentative map, prior to filing the map. In addition, the applicant shall irrevocably offer to dedicate Slope easements (where necessary) to contain cut / fill slopes, plus 5' beyond tops / toes, for area of Benefit improvements to Green Valley Road. These offers will be accepted by the County.
29. **New Connector Road Profile:** The profile of the New Connector Road shall be designed to accommodate the future widening of Green Valley Road in accordance with the County's General Plan Exhibit TC-1. If Exhibit TC-1 is amended by County, prior to construction of the New Connector Road, the profile shall be set to accommodate the amended configuration of Green Valley Road.
30. **Project Site Grading:** The project site grading will be designed to accommodate the construction of the Area of Benefit Roadway Improvements without retaining walls or slope easements in excess of those previously anticipated by the preliminary designs for the Area of Benefit Roadway Improvements.
31. **Gates, Location:** Pursuant to Article 2, Section 1273.11 of the SRA Fire Safe Regulations, all gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. Gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving that gate.
32. **Gates, Turnarounds:** All Gates shall be designed and constructed with turnarounds acceptable to the County and Fire Department.
33. **Encroachment Permit(s):** The applicant shall obtain an encroachment permit from County and shall construct the roadway encroachment access onto Malcom-Dixon Road to the provisions of County Design Standard Plan 103C modified as shown on the tentative map. The access improvements connection to Malcolm Dixon Road and the New Connector Road shall be the responsibility of the Homeowners Association to Maintain.
34. **Road Improvement Agreement:** The applicant shall obtain a road improvement agreement for construction of the left turn pocket on Green Valley Road.
35. **Turnaround:** The applicant shall provide a turnaround to the provisions of County Design Standard 114 as modified by any Design Waivers approved with the project, or as otherwise required by local fire district.



36. **Off-site Easements:** Applicant shall provide all necessary recorded easements for the drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.
37. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. County shall review the document forming the entity to ensure the provisions are adequate prior to filing of the map.
38. **Subdivision Improvement Agreement & Security:** The developer shall enter into a Subdivision Improvement Agreement (SIA) with the Transportation Division for all onsite roadway, drainage infrastructure, grading, etc. The developer shall complete the improvements to the satisfaction of County or provide security to guarantee performance of the SIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the final map.
39. **Improvement Surety:** For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmens surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County.

#### Transportation Standard Conditions

40. **Improvement Plans and Cost Estimate:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Transportation Division, and pay all applicable fees prior to filing of the final map.
41. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
42. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Transportation Division prior to the filing of the map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
43. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).

44. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
45. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
46. **DISM Consistency:** The developer shall obtain approval (as modified by these conditions herein) of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (dated May 1986, revised May 1990), from the County Transportation Division, and pay all applicable fees prior to filing of the final map.
47. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
48. **Grading Permit / Plan:** If more than 250 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Transportation Division for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off-Street Parking and Loading Ordinance", and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of County prior to occupancy clearance.
49. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Transportation Division. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Transportation Division shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
50. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to

the RCD for review and recommendation to the Transportation Division. The Transportation Division shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.

51. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Transportation Division. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
52. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Transportation Division.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.
- The ultimate drainage outfall of the project.

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

53. **Drainage (Cross-Lot):** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer.

This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the final map

54. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the final map.
55. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
56. **Storm Water Drainage BMPs:** Storm drainage from on-and off-site impervious surfaces (including roads) shall be collected and routed through specially designed water quality treatment facilities (BMPs) for removal of pollutants of concern (e.g. sediment, oil/grease, etc.), as approved by EDCDT. This project is located within the area covered by El Dorado County's municipal storm water quality permit, pursuant to the National Pollutant Discharge Eliminated System (NPDES) Phase II program. Project related storm water discharges are subject to all applicable requirements of said permit. BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) storm water runoff in accordance with Section E.12 of El Dorado County's NPDES Municipal Storm water Permit (State Water Resources Control Board NPDES General Permit No. CAS000004).

With the Improvement Plans, the applicant shall verify that the proposed BMPs are appropriate to treat the pollutants of concern from this project. A maintenance entity of these facilities shall be provided by the project applicant. EDCDT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the final map.

57. **Off-site Improvements (Security):** Prior to the filing of a final map or parcel map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.

58. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map, the applicant shall submit the following to the Transportation Division Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
  - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
  - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

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

59. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to TD with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
60. **TIM Fees:** Prior to issuance of building permits for the lots created by the project, the building permit applicant shall pay the traffic impact mitigation fees in effect at the time the building permit application is deemed complete.

#### **El Dorado County Air Quality Management District**

61. **Fugitive Dust:** The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM<sub>10</sub>) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction. (Rules 223 and 223.1)
62. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).

63. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
64. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
65. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. An applicability flow chart can be found here: [http://www.arb.ca.gov/msprog/ordiesel/faq/applicability\\_flow\\_chart.pdf](http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf). Questions on applicability should be directed to ARB at [1-866-634-3735](tel:1-866-634-3735). ARB is responsible for enforcement of this regulation.
66. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be under permit from the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

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

67. The potable water system with the purpose of fire protection for this residential development shall provide a minimum fire flow of 1,000 gallons per minute with a minimum residual pressure of 20 psi for a two-hour duration. This requirement is based on a single family dwelling 6,200 square feet or less in size. All homes shall be fire sprinklered in accordance with NFPA 13D and Fire Department requirements. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department for review and approval.
68. This development shall install Mueller Dry Barrel fire hydrants or any hydrant approved by the El Dorado Irrigation District for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 500 feet. The exact location of each hydrant shall be determined by the Fire Department.
69. In order to enhance nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and State Fire Safe Regulations.

70. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to combustibles being brought onto the site as specified by the Fire Department, Standard B-003.
71. This development shall adhere to the Wildland Fire Safe Plan dated 11/2/11, as updated by the Wilson Estates Amendment A Fire Safe Plan addendum dated May 28, 2014 to reflect the 28 lot subdivision layout.
72. Lots that back up to wildland open space shall be required to use non-combustible type fencing. Non-combustible type fencing is required.
73. This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway.
74. Driveways shall be 12 feet wide. The maximum grade of a driveway shall not exceed 20 percent when paved, 16 percent if unpaved.
75. Any gate shall meet the El Dorado Hills Fire Department Gate Standard B-002.
  - a. The gate at the Malcom Dixon will be constructed so that both sides of the gate open when triggered by fire apparatus opticom, remote or Knox key.
  - b. The gates on the 20' wide temporary fire access shall be equipped with Knox padlocks.
76. No parking will be allowed on any street. All streets will be signed or marked every 25 feet "no parking fire lane" this shall be white letters on a red background.
77. This project may be phased so long as dead end roads do not exceed 800 feet or 24 parcels; whichever comes first.

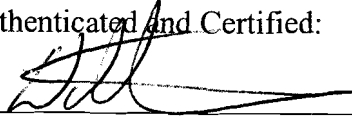
**El Dorado County Surveyor**

78. All survey monuments must be set prior to the filing the Final Map or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office prior to the filing of the Final Map.
79. The roads serving the development shall be named by submitting a completed Road Name Petition, with the County Surveyors Office, prior to filing the Final Map with the Board of Supervisors. Proof of any signage required by the Surveyor's Office must also be provided prior to filing the Final Map. All associated fees will be the responsibility of the applicant.

**ADJOURNMENT**

Meeting adjourned at 11:00 a.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:



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Walter Mathews, Chair