



COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room
2850 Fairlane Court, Placerville, CA 95667
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Walter Mathews, Chair, District 4
Rich Stewart, First Vice-Chair, District 1
Dave Pratt, Second Vice-Chair, District 2
Tom Heflin, District 3
Brian Shinault, District 5

Char Tim Clerk of the Planning Commission

DRAFT MINUTES

**Regular Meeting
September 25, 2014 – 8:30 A.M.**

CALL TO ORDER

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

*[Clerk's Note: At 8:39 a.m., Commissioner Heflin arrived and took his seat on the Commission.]

ADOPTION OF AGENDA

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

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

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.)

1. (14-1257) Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of September 11, 2014.

Item was pulled from Consent Calendar by Commissioner Stewart in order to make minor changes to the discussion points listed under his comments for Item #4 – El Dorado Hills Apartments. He read into the record his requested edits.

There was no further discussion.

Motion: Commissioner Stewart moved, seconded by Commissioner Shinault, and carried (3-0), to approve the September 11, 2014 minutes as corrected.

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

END OF CONSENT CALENDAR

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

Roger Trout, Development Services, provided summaries of recent actions taken by the Board of Supervisors on the Green Valley Convenience Center, Oak Woodland Conservation Fund, and Resolution of Intention to amend the public notification process. He announced the recent hiring of Tiffany Schmid as Principal Planner, and the recent promotion of Lillian MacLeod to Principal Planner. Mr. Trout stated that the Division currently has numerous vacancies.

Dave Spiegelberg, Transportation Division, provided a summary on recent CalTrans projects. He stated that the Long Range Planning workshop held at Pleasant Grove Middle School last week did not have a lot of controversy or discussion.

Brendan Ferry, Long Range Planning Division, stated that staff was interested in the Planning Commission having a Special Meeting in South Lake Tahoe on October 16, 2014 to have a workshop and provide direction on the draft Meyers Area Plan. The Planning Commissioners were available on the suggested date and had a preference for the morning (i.e., 9:00 am to 12:00 pm).

COMMISSIONERS' REPORTS

Commissioner Stewart hoped that all interested parties had submitted their comments on the Green Valley Corridor Study.

Commissioner Pratt spoke on recent events surrounding the King Fire and two ag businesses (wineries) that had their harvesting impacted by the evacuation orders. In both cases, everyone was complimentary to authorities in allowing them access, with supervision, to allow them to finish harvesting which would help keep their businesses functioning the rest of the year.

Chair Mathews commented that Facebook regularly purchases Barsotti juice and gives away over 4,000 pints every week.

Commissioner Heflin stated that the only news he had from his area was the King Fire.

Commissioner Shinault said that the October 15th date was fast approaching and the pace was feverish in the Tahoe Basin as a result.

PUBLIC FORUM/PUBLIC COMMENT – None

AGENDA ITEMS

2. (14-1262) Hearing to consider a request for a conversion of a monopine to a monopole (to include removal of existing branches, addition of 12 antennas, an equipment shelter, a standby generator, and relief from requirement to pave access road), and a request for a five-year review of the existing cellular telecommunications facility [Special Use Permit Revision S02-0001-R-2/American Tower Little Norway Site]** on property identified by Assessor's Parcel Number 036-141-43, consisting of 6.89 acres, in the Little Norway area, submitted by American Tower; and staff recommending the Planning Commission take the following actions:

- 1) Find the project is Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities);
- 2) Approve Special Use Permit Revision S02-0001-R2, based on the Findings and subject to the revised Conditions of Approval as presented; and
- 3) Find that for this five-year review period, the Project has complied with the Conditions of Approval for S02-0001 and S02-0001-R1 as presented.
(Supervisory District 5)

Joe Prutch presented the item to the Commission with a recommendation of approval. He stated that public comment had been received requesting the road be paved.

Gordon Bell, applicant's agent, distributed photos and made the following comments:

- Spoke on the project;

- Project will be made to be more maintenance-free;
- Completed previous Conditions of Approval prior to submitting this application and discovered a crushed culvert that has since been fixed;
- Fire Department and Transportation are fine with the road being graveled;
- Paving would not be beneficial;
- Staff does not go up there in the winter; and
- Monthly testing is manual.

Dave Spiegelberg, Transportation Division, stated that the referenced road services other parcels and that the project was meeting current requirements. Mr. Bell disagreed with Mr. Spiegelberg's comment on the road by stating that it is a private road serving only the project parcel.

Bonnie Belair, applicant, stated that the generator is set to automatically test every month.

Commissioner Stewart indicated that he would like to have the standard language for testing times be added to the Conditions of Approval.

Stuart Pierce made the following comments:

- Family owns neighboring parcel;
- Road is driveway to one cabin and is a private road; and
- Past erosion problems included the washout of road and he is advocating for the road to be paved.

Polly LaPorte made the following comments:

- Owns cabin closest to site;
- Generator currently operates at all times of the night;
- Road is 20%+ grade and people get stuck on it, thereby causing ruts;
- Branches have never been replaced on the monopole; and
- If more units are added, raises health concerns for her.

Mr. Bell and Ms. Belair responded by stating that the driveway portion is now chained, three years ago the branches were replaced, and the generator is set to run Wednesday mornings and other carriers would be asked to switch to that testing day/time.

Ernest LaPorte said that the driveway was existing for his cabin and it is not chained.

Betty Pierce stated that even if that section of the road was chained, there is still access through her driveway.

Chair Mathews closed public comment.

There was discussion between the Commission and Mr. Spiegelberg regarding the road surface.

In response to Commissioner Shinault's inquiry as to why it took 10 years for the applicant to comply with the Conditions of Approval, Ms. Belair stated that she could only speak for the last 4 years in which she has been trying to bring everything into compliance and there had been issues which had drawn out the process. She was unclear why the conditions were not originally completed, but many of them have since been done. Ms. Belair also stated that AT&T would be coming onto the site.

Commissioner Shinault had no problem with a gravel road and would like to include Mr. Spiegelberg's proposed language for a new condition as identified in his email presented at the hearing.

Chair Mathews indicated that he did not want to require the driveway to meet today's standards.

Commissioner Pratt stated that the Fire Department and Transportation Division both signed off on project. He felt it was necessary to ensure the drainage plan was verified and Transportation had a resolution for it, but it should be under review for a short time.

Commissioner Stewart suggested having socks on the antennas to better camouflage the tower. However, Commissioners Pratt and Mathews both felt that due to the high winds in the area, the socks would not stay on and would not be effective. Ms. Belair responded that the equipment would be painted the same color as the branches.

There was no further discussion.

Motion: Commissioner Shinault moved, seconded by Commissioner Pratt, and carried (5-0), to take the following actions: 1) Find the project is Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities); 2) Approve Special Use Permit Revision S02-0001-R2, based on the Findings and subject to the revised Conditions of Approval as modified: (a) Add new condition using language provided in an email excerpt from Transportation Division dated 09/25/14; and (b) Add new condition with standard language on generator testing times; and 3) Find that for this five-year review period, the Project has complied with the Conditions of Approval for S02-0001 and S02-0001-R1.

AYES: Stewart, Heflin, Pratt, Shinault, 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:

1.0 CEQA FINDINGS

- 1.1 The project has been found to be Categorical Exempt from CEQA pursuant to Section 15301 (Existing facilities), which states “that the operation or minor alteration of existing structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination is categorically exempt”. The key consideration is whether the project involves negligible or no expansion of an existing use. The removal of branches and addition of new antennas and new ground equipment within an existing cell tower compound is considered a negligible expansion. Based on the conclusions and conditions of approval contained in the staff report, there is no substantial evidence that the proposed project will have a significant effect on the environment.
- 1.2 This is also a five-year review as required by the conditions of approval for the existing telecommunications tower facility authorized under the special use permit and revision #1 to that special use permit. The review of compliance with the conditions of approval for the special use permit, remedial measures to be taken, including modifications to the conditions, ensure compliance of the telecommunications facility with the special use permit. There are no changes in circumstances and no new information that identifies new or changed environmental affects or mitigations which would require new CEQA review.
- 1.3 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, at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 The project is consistent with the Low Density Residential (LDR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2.
- 2.2 As conditioned, and with adherence to County Code, the project is consistent with all applicable policies of the General Plan, including:
 - 2.2.1 Policy 2.2.5.21 (compatibility with surroundings) because as conditioned, it would be compatible with surrounding uses, have minimal impacts on visual resources, existing utilities, existing emergency response access and times, and will not create noise at significant levels. The project provides improved cellular service for phone, as well as internet and emergency communications to the Little Norway, Lake Tahoe area;
 - 2.2.2 Policy 5.1.2.1 (adequate utilities and public services) because the project will connect to existing electrical and telecommunication facilities currently existing within the parcel;
 - 2.2.3 Policy 6.2.3.2 (adequate access) because the project will utilize an existing aggregate base driveway from Johnson Pass Road for access; and
 - 2.2.4 Policy 6.5.1.7 (noise exposure) because the air conditioner and generator specification sheets demonstrate that the project will have noise levels anticipated to comply with the

County's standards listed in Table 6-2 in the General Plan that limit acoustical noise emission levels.

3.0 ZONING FINDINGS

- 3.1 The project site is zoned Estate Residential Five-Acre District (RE-5) and One-Family Residential (R1), which allow wireless communication facilities with an approved Special Use Permit, provided they follow standards and permitting requirements defined in Section 17.14.210 of the Zoning Ordinance. These standards include screening, compliance with setbacks, and proper maintenance. As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because sufficient screening, setbacks, and maintenance have been provided.

4.0 SPECIAL USE PERMIT FINDINGS

4.1 The issuance of the permit is consistent with the General Plan.

The proposed use is consistent with the policies and requirements in the El Dorado County General Plan, as discussed in the General Plan and Special Use Permit sections of this Staff Report. The proposed use is consistent with all applicable policies set forth in Finding 2.1.

4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

The use will not significantly conflict with the adjacent uses as the ground-support equipment will be buffered from view by a 6 foot tall chain link fence enclosure, and the exposed antennas (branches removed) will be painted to match the existing monopole. The view of the pole and equipment enclosure will be buffered by existing pine trees. As conditioned, the project will not create significant environmental, visual, and noise impacts to surrounding residents. The proposed use is not anticipated to create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. At less than 9.7 percent of the public safety standard established by the FCC, the risk of Radio Frequency ("RF") emissions to the public is remote.

4.3 The proposed use is specifically permitted by Special Use Permit.

The proposed use complies with the requirements under Section 17.14.210.E through J (facility requirements/analysis) and Sections 17.28.210 and 17.28.040 (minimum yard setbacks for RE-5 and R1 Zone Districts) of the Zoning Ordinance.

Conditions of Approval

Mitigation Measures

1. The project shall adhere to the provisions of *El Dorado County Air Pollution Control District Rule 223: Fugitive Dust* to prevent impacts associated with fugitive dust. To ensure compliance with the rule, the project proponent shall submit a Fugitive Dust Prevention and Control Plan to the El Dorado County Air Pollution Control District for review and approval prior to any grading activities on the site.
2. During construction water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. As a minimum, this shall include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency shall be required whenever the wind speed exceeds 15 mph.
3. The recommendations provided in the Laurence Taylor arborist report, dated July 16, 2002, shall be incorporated into the design of the project.
4. All required fencing shall be inspected by a qualified arborist or plant ecologist. A letter from the qualified arborist or plant ecologist verifying that the required fencing has been installed appropriately shall be submitted to County Planning Services prior to issuance of a grading permit.
5. During all grading and construction activities in the project area, an archaeologist or Historian approved by the Planning Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.
6. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
7. The recommendations provided in the *Earthtec Ltd. Geotechnical Report*, dated May 20, 2002, shall be incorporated into the design of the project.

Conditions of Approval

El Dorado County Planning Services

8. The authorization for the cellular communication facilities allowed by this permit is based upon and limited to compliance with the project descriptions and conditions of approval set forth below. Further, any deviations from the project(s) descriptions, 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 described approval will constitute a violation of the permit approval and may subject the authorized activities to revocation hearings.

The project (S02-0001), as approved, consists of the following: A 120-foot monopole and a 160 square foot equipment shelter. The equipment pad has been designed to accommodate three (3) additional equipment shelters ranging in size from 240 square feet to 336 square feet. The facility is to be enclosed by a 6-foot-tall chain-link fence, with 3 strands of barbed wire at the top of the fence. The equipment shelter is to be constructed with concrete exposed aggregate and will have a standing seam metal roof. The monopole has been designed as a pine tree to blend with the surrounding forested area. The tree has been designed to accommodate four (4) antennas.

Revision No. 1 (S02-0001-R-1) shall consist of the collocation of a cell antenna facility consisting of 3 arrays holding up to 12 antennas at the 104-foot level on the existing 120-foot monopole tower, and a 12 by 20 foot equipment shelter to be placed within the existing fenced facilities yard.

Revision No. 2 (S02-0001-R-2) shall consist of the conversion of the monopole to a monopole by removing the existing tree branches, adding 12 antennas, 15 RRUs and 4 surge protectors at the 88 foot centerline, installing a 12 by 11.5 foot equipment shelter, and installing a 50kW standby generator on a 5 by 10 foot concrete slab.

9. All site improvements related to the original tower and cell site (S02-0001) shall conform to Exhibit D as found in the staff report for S02-0001. All site improvements related to Revision No. 1 shall be substantially compliant to Exhibits E-1, E-2, E-3, F, G, and H as found in the staff report for S02-0001-R-1. All site improvements related to Revision No. 2 shall be substantially compliant to Exhibits F & G, as found in the staff report for S02-0001-R-2.
10. All equipment shelters within the leased area shall be constructed of concrete exposed aggregate exterior with a standing seam metal roof.
11. All equipment shelters, cabinets or other auxiliary structures shall be painted to match one another.
12. All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of the tower and other improvements, including any improvements resulting from revisions, shall be maintained to ensure the appearance remains consistent.

13. All obsolete or unused communication facilities shall be removed within six (6) months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.
14. Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Division every five years. At each five-year review, the permit holder shall provide the Development Services Division with a status report on the then current use of the subject site and related equipment. Development Services shall review the status and determine whether to:
 - a. Allow the facility to continue to operate under all applicable conditions; or
 - b. Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.

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

~~Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to:~~

- ~~(1) Modify the conditions of approval in order to reduce identified adverse impacts; and~~
- ~~(2) Initiate proceedings to revoke the special use permit, requiring the facility's removal, if it is no longer an integral part of the wireless communication system.~~

~~By operation of this condition, it is the intent of the Planning Commission to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Planning Commission to conduct or complete a five year review in a timely fashion shall not invalidate this special use permit. The applicant shall pay a fee as determined by the Planning Director to cover the cost of processing a five-year review.~~

- ~~15. The building permits required by Condition 17 for the construction of any collocations shall not be issued until the building permits for the tower's and the first cell site's construction have been finalized.~~
15. Prior to final occupancy being issued and the finaling of the building permits, an on-site inspection by Planning Services staff confirming compliance with conditions of approval shall be required. Notification of the timeliness of this inspection shall be the responsibility of the applicants. At no time prior to this event shall the Nextel facilities authorized by these revised Conditions of Approval provide service to the Nextel or any other telecommunications system.
- ~~16. The operator (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.~~
- ~~17. 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.

- ~~18. The applicant shall consent to the co-location of other wireless telecommunication communication users on this tower when feasible and without an increase in the height of the tower, and/or antennas. All new collocations, and/or addition of any new piece of equipment that creates noise, shall be subject to the submittal of equipment noise specification report, and/or a full site acoustical analysis, as determined by Planning Services, for review and approval by the Division Manager of the Development Services Division if generators, air conditioners or any other noise making piece of equipment are included in the project proposal. Should the Division Manager find that additional noise may create a significant impact; the Division Manager shall decide if the changes can be approved administratively through the building permit process or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit.~~

El Dorado County Building Services

- 47.19 Project facilities shall be subject to a building permit from El Dorado County Building Services.

Lake Valley Fire Protection District

- 18.20 The project shall comply with all requirements of the Lake Valley Fire Protection District. Documentation of this compliance shall be presented to Planning Services prior to or concurrent with the requirements of Condition 46 15.

El Dorado County Department of Environmental Management

- 19.21 The project shall comply with all requirements of the El Dorado County Air Pollution Control District.
22. Under the CUPA programs, if the operation will involve the storage of reportable quantities of hazardous materials (55 gallons, 500 lbs., 200 cubic feet) for backup power generation, a hazardous material business plan for the site must be submitted to the Community Development Agency / Environmental Management Division and applicable fees paid.

El Dorado County Department of Transportation (EDCTD)

20. ~~The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the department for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual* the *Grading, Erosion, and Sediment Control Ordinance*, the *Drainage Manual*, the *Off-Street Parking and Loading Ordinance*, and the *State of California Handicapped Accessibility Standards*. A commercial grading permit shall be required.~~
21. ~~The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed.~~
23. The applicant shall obtain an encroachment permit from EDCTD and shall construct the roadway encroachments from the access roadway onto Johnson Pass Road to the provisions of County Design Std 103 B-1. The improvements shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved improvement agreement with security.
- 22.24 ~~The applicant shall place a minimum of 3 6 inches of class 2 aggregate base along the 12-foot-wide access roadway from Johnson Pass Road to the leased area site. Any damage to said access road shall be repaired prior to the finaling of the building permits required for the construction of Revision No. 1. Further, the access road is to be maintained as required at all times.~~
23. ~~The applicant shall provide adequate area at the leased site for a vehicle to exit the site in a forward direction.~~

24. ~~The applicant shall be subject to an encroachment permit to improve the existing encroachment to a minimum of a 103 B-1 standard.~~
- 25.25 The applicant shall obtain a letter of approval from the Lake Valley Fire District, South Lake Tahoe, for the proposed access surfacing and gradient.

Planning Commission

26. The applicant shall monitor the site annually to identify any erosion problems that develop. If excessive erosion is identified, the applicant shall retain the services of a California Professional Engineer, familiar with erosion control practices in the Tahoe Basin or equivalent soil types to review the erosion problem and devise a solution through implementation of Best Management Practices (BMP's) for Stormwater management and erosion control. Prior to implementation of such BMP's, the applicant shall submit improvement plans to the Transportation Division for review and approval, and obtain a commercial grading permit for any identified work.
27. Any routine maintenance that requires running the generator or automatic cycling of the generator shall be performed between the hours of 9 a.m. and 5 p.m. Monday through Friday.

3. (14-1263) Hearing to consider a request to allow a micro-winery [Special Use Permit S14-0005/D'Artagnan Vineyards Micro-Winery]** on property identified by Assessor's Parcel Number 126-130-65, consisting of 5 acres, in the El Dorado Hills area, submitted by Robert and Bonnie Reitz; and staff recommending the Planning Commission take the following actions:
- 1) Find the project is Categorical Exempt pursuant to Section 15303(c) of the CEQA Guidelines; and
 - 2) Approve Special Use Permit S14-0005, based on the Findings and subject to the Conditions of Approval as presented.
- (Supervisory District 1)

Lillian MacLeod presented the item to the Commission with a recommendation of approval. She stated that the applicant and Fire Department have been in discussion on the Conditions of Approval regarding the road.

Bob Reitz, applicant, made the following comments:

- Spoke on the vineyard;
- Stated that this was his retirement business;
- Currently producing wines in other counties and wants to bring it home to El Dorado County;
- Wants Staff Report to reflect 525 cases;
- Ag Commission approved 40 foot setback and requesting staff correct documents to reflect this;
- Private road that he does not own any property on it and has no control over it;

- Surprised the Fire Department is requiring him to make the road meet current County standards;
- Had requested an exemption from road requirements and although granted, was informed that the Fire Marshall felt personally liable and therefore was asking for extra requirements;
- Referenced letter dated September 23, 2014 to Commissioner Stewart and Supervisor Mikulaco; and
- All steel building yet sprinklers are being required and questioned if there were similar wineries having the same requirement.

Mike Lilienthal, El Dorado Hills Fire Marshall, made the following comments:

- Distributed handout to Commission;
- Looks at projects from a safety perspective on all aspects for all types of emergencies and for everyone in the area, not just the applicant;
- He has the authority to change some items but others he can't because they are law;
- Ag barn is exempt from the rules but once its use changes, it is subjected to the regulations;
- If proposed use is less hazardous than current use, there is some "wobble" room;
- Road is approximately one mile long, 9-10 feet wide and the fire engine truck almost scrapes the bridge when crossing it;
- Bridge is crumbling where it connects to the road and there appears to be no road maintenance agreement in place;
- Road doesn't even meet today's standards for a driveway;
- No hydrants in the area;
- Since applicant was very upset with the proposed Fire Department conditions which were based on law, he hired a third party consultant to review the project to determine if there was any flexibility;
- It was determined that he could offer an alternative mitigation by requiring sprinklers in order to waive the road requirements;
- Felt the quote for sprinklers received by the applicant was unreasonable based on his conversation with his contractor;
- Since the public will not be allowed at the site, they are able to work with the conditions;
- Dixon Ranch is an adjoining lot and eventually will be developed; and
- Would like to meet with the applicant to resolve these issues.

Commissioner Pratt made the following comments:

- Fire Code treats wine as a combustible;
- Appreciates change of use as quasi-commercial;
- Understands the trade-off;
- Only difference between an ag building and a winery is electricity and water;
- Building already exists;
- Understands Fire Department's need to adhere to Fire Codes but they are written by city folks for city folks; and

- Metal building with concrete floors and drywall walls should be able to have a sprinkler plan designed appropriately.

In response to Commissioner Shinault's inquiry if the Fire Department would approve the building as a 13R, Fire Marshall Lilienthal stated he would possibly go even lower and that's why he wants to meet with the applicant. He also stated that it had been a big step to come off the road requirement and have sprinklers as an alternative. He is attempting to help out the applicant and put flexibility in the Conditions of Approval.

County Counsel David Livingston commented that the Commission is recognizing the difficulty in crafting these Conditions of Approval. A general reference to a Code is the best way to allow flexibility. County Counsel Livingston stated there is some ability to work within the framework and it is best to allow the experts in that field to work with the applicants on a resolution.

Commissioner Shinault stated that they were here to consider a Special Use Permit, not fire regulations. Applicant would need to get the proper sign-offs and permits if the Commission determines to approve the Special Use Permit. Commissioner Shinault went on to say that the Fire Marshall appears to be creative and negotiations on this subject should not be conducted at this hearing.

County Counsel Livingston said that the way the Conditions were presented to the Commission, it allows the Commission to approve the project with the Fire Department still working with the applicant to comply with the Conditions of Approval. He recommended that the Commission defer to the Fire Department in regards to complying with the Fire Codes as they are the authority on it and the enforcement official.

Debbie Roberts, neighbor, made the following comments:

- Road is scary to drive on but is manageable;
- Had fire at her house 7 years ago;
- Fire trucks used to drive down the road to check defensible space and they were able to turn around; and
- Bridge is scheduled to be fixed along with a hairpin turn.

Chair Mathews closed public comment.

Bonnie Reitz, applicant, made the following comments:

- Lived there for 30 years;
- Fire trucks already come on road;
- If not granted the Special Use Permit, the fire trucks will still drive on the road;
- Had to pay \$2,000 fee to Fire Department when they pulled the permit for the metal building;
- Trailers are routinely driven on that road;
- Building is steel inside and out;
- If building is sprinklered, why would there still be a hydrant requirement;
- Fire danger is a concern;

- Combustible items will not be in the building;
- Fire Department is concerned about the future;
- Chance of fire is small;
- Need to be practical;
- On well water, not EID; and
- Are being required to pay for the installation and use of a fire hydrant that would be for the entire neighborhood.

Mr. Reitz added that the September 23, 2014 letter was written in complete frustration as he couldn't get any resolution or return calls from the Fire Department. He needs help from the Commission to mitigate these conditions and is concerned if it is left up to the Fire Department.

Many of the Commissioners stated that the quote on the sprinklers appeared to be out of line. Commissioner Stewart suggested the applicant be provided exactly what was needed in order to get a more appropriate quote.

Significant discussion ensued between the Commission and staff on the need for the applicant and Fire Department to resolve the issues and come to a resolution. There was discussion on whether to take action today or have the item continued, with both options allowing negotiations between the two parties to continue. Ms. MacLeod stated that Conditions 7 and 13 have language that allows the Fire Department flexibility with the applicant.

Mr. Reitz stated that he would like action to be taken soon as there are licenses that need to be transferred, with the ABC license being a long process. He commented that he does not have high hopes in resolving the issues with the Fire Department.

Fire Marshall Lilienthal commented that he has spent a significant amount of time and effort to mitigate the conditions and wants this to work. He understands that this is a very emotional issue and there has been some communication breakdown.

There was no further discussion.

Motion: Commissioner Pratt moved, seconded by Commissioner Heflin, and carried (5-0), to take the following actions: 1) Find the project is Categorically Exempt pursuant to Section 15303(c) of the CEQA Guidelines; and 2) Approve Special Use Permit S14-0005, based on the Findings and subject to the Conditions of Approval with the modification to 2.1 acres and 525 cases annually.

AYES: Stewart, Shinault, Heflin, Pratt, 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:

1.0 CEQA FINDINGS

- 1.1 The project has been found to be Categorical Exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Section 15303(c) Conversion of Small Structures that allows a structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. The proposed micro-winery does not use significant amounts of hazardous substances and the 1,800 square foot accessory structure complies with this exemption.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Community Development Agency-Planning Division at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 In compliance with Policy 8.1.4.1, the Agricultural Commission reviewed the application and found that “the project will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities.”

3.0 ZONING FINDINGS

- 3.1 The project, as proposed and conditioned, complies with Sections 17.22.500 and 17.14.200 of the Zoning Ordinance that regulate special use permits and design standards for micro-winery facilities, respectively, as described in the Analysis section of the staff report.
- 3.2 Pursuant to County Code Section 17.22.250, implementation of the project must occur within 24 months of approval of this Special Use Permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.

Conditions of Approval

1. This Special Use Permit is based upon and limited to compliance with the project description, the Site Plan (Exhibit E), and the Conditions of Approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

A special use permit to operate a Micro-Winery consisting of:

- a. Two-and one tenth acres of planted grapes;
- b. The produce and storage of ~~500~~525 cases of wine;
- c. Wine production and storage to occur within the existing 1,800 square foot accessory building;
- d. No on-site sales, wine tasting, special events, or public access; and
- e. All wine sales and wine tasting to occur on-line or off-site at the D'Artagnan Vineyards tasting room located on Sutter Street in historic Folsom, or at another off-site location that would permit such use.

Community Development Agency –

Development Services Division-Planning

2. Pursuant to County Code Section 17.22.250, implementation of the project must occur within 24 months of approval of this Special Use Permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
3. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

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

4. Any signage for the micro-winery shall meet the requirements of County Code Section 17.14.200.D.10.g.

El Dorado County Department of Agriculture Weights and Measures

5. The applicant shall meet the requirements of the El Dorado County Department of Agriculture Weights and Measures prior to issuance of their business license. Any expansion of the micro-winery requires approval and acreage verification by the Community Development Agency Development Services Division Director, and the Agriculture Department Weights and Measures, as allowed under Paragraph 17.14.200.D.10.f. of the Micro-Winery Ordinance.

Environmental Management Division

6. The waste water from the production of wine must be disposed of properly under a waiver from the Water Quality Control Board, Central Valley Region.

El Dorado Hills Fire Department

7. The potable water system with the purpose of fire protection for this development shall be accomplished by use of a Storage Tank. The size of the tank shall be determined by using NFPA 1142 “Water Supplies for Suburban and Rural Firefighting” and El Dorado County Fire Prevention Standard “Rural Water Supply Without a Purveyor”. The Fire Department will assist the applicant with the design of the system.
8. A fire hydrant from the tank water supply shall be required. The exact location of each hydrant shall be determined by the Fire Department.
9. 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.
10. The driveways serving this project shall be designed to a maximum of 16 percent grade and can be increased to 20 percent if paved. In addition, driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. A turnaround shall be provided at all building sites on driveways over 300 feet in length, and shall be within 50 feet of the building. All driveways shall be 12 feet wide.
11. Any gate shall meet the El Dorado Hills Fire Department Gate Standard B-002. This includes retrofitting the existing entry gate with a Knox opening device.
12. An approved fire alarm/detection system shall be required on the 1,800 square foot existing building that will be used for wine production.
13. The applicant shall install a Fire Sprinkler System in the micro-winery facility subject to review and approval by the El Dorado Hills Fire Department.

[Clerk's Note: At 11:10 a.m., Commission Heflin left the meeting.]

4. **(14-1264)** Hearing to consider a request for a revision to an approved Tentative Subdivision Map to reduce road pavement width from 36 feet to 22 feet, omit requirement for curb and gutter and replace with AC dike, and remove requirement of the construction of a 6-foot tall soundwall [Tentative Map Revision TM07-1440-R/Summer Brook] on property identified by Assessor's Parcel Numbers 102-210-12 and 102-220-13, consisting of 90 acres, in the Rescue area, submitted by Holloway Land Company; and staff recommending the Planning Commission take the following actions:

- 1) Find the previously adopted Mitigated Negative Declaration to be an adequate environmental review for the proposed revision to the approved Summer Brook Tentative Subdivision Map; and
 - 2) Approve proposed revision to Summer Brook Tentative Subdivision Map filed under TM07-1440-R based on the Findings and subject to the Conditions of Approval as presented.
- (Supervisory District 4)

Mel Pabalinas presented the item to the Commission with a recommendation of approval. He distributed a Staff Memo dated September 24, 2014 recommending additional Findings. Mr. Pabalinas identified a minor edit in the new proposed Finding 2.5. He also stated that staff received an advisory comment letter from the El Dorado Hills APAC recommending approval.

Olga Sciorelli, applicant's agent, made the following comments:

- Spoke on project; and
- Has been working on complying with the Conditions of Approval and has a Fire Safe Plan.

Commissioner Pratt stated that based on the size of the parcels, it is not an area that would have sidewalks and there would be no parking on the streets. His concern was road width being compatible for walk-ability/ride-ability due to the close proximity to the school. He suggested 24 feet wide instead of 22 feet. Ms. Sciorelli was agreeable to changing the width to 24 feet.

Matt Gugin, adjacent parcel owner, made the following comments:

- Had gone to the Board opposed to the original project due to the density;
- Has animals and a seasonal pond;
- Project may affect the use of his land regarding water run-off;
- No issues with road being narrow;
- Unsure how applicant can comply with conditions and not destroy the stacked rock walls; and
- Wants to ensure that noise and light pollution are mitigated as stated in the original application.

Chair Mathews closed public comment.

Mr. Pabalinas referenced Conditions 7 and 36 in response to Mr. Gugin's comments.

Dave Spiegelberg/Transportation stated that initially they were unable to locate Attachment A, which is referenced in the original Conditions of Approval. However, he just found it during the hearing and summarized its contents for the Commission and stated that it was very standard language.

Commissioner Pratt requested that staff ensure that Attachment A is attached to the project documents.

There was no further discussion.

Motion: Commissioner Pratt moved, seconded by Commissioner Stewart, and carried (4-0), to take the following actions: 1) Find the previously adopted Mitigated Negative Declaration to be an adequate environmental review for the proposed revision to the approved Summer Brook Tentative Subdivision Map; and 2) Approve proposed revision to Summer Brook Tentative Subdivision Map filed under TM07-1440-R based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition 22 to change from 22 feet to 24 feet; (b) Amend Findings as identified in Staff Memo dated September 24, 2014 with the edits stated at hearing.

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

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*:

1.0 CEQA FINDINGS

- 1.1 Based on the original Initial Study, a Mitigated Negative Declaration was adopted for the original Summer Brook tentative map. The environmental document analyzed impacts to resources including Biological Resources, Transportation/Traffic, and Cultural Resources with application specific mitigation measures incorporated as project conditions of approval. In accordance with California Environmental Quality Act (CEQA) Section 21166 (Limitation: subsequent or supplemental environmental impact report), the revised tentative map is substantially consistent with the original tentative map, but would reduce development impacts, and decrease previously identified environmental effects. Therefore, the previously adopted Mitigated Negative Declaration is an adequate environmental analysis for this revised tentative map. No further environmental analysis is necessary.
- 1.2 The documents and other materials, which constitute the record of proceedings upon which this decision is based, are in the custody of the Development Services Department-Planning Services 2850 Fairlane Court Placerville, CA 95667.
- 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 project description and conditions of approval, which include the original mitigation measures, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 TENTATIVE MAP FINDINGS

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

The proposed 29-lot subdivision remains consistent with the Low Density Residential (LDR) land use designation and with General Plan policies relating to public utilities, traffic, noise, air quality, riparian impacts, and oak woodland habitat. The Mitigation Measures included as part of the project would minimize environmental impacts associated with the project.

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

The subdivision includes the Planned Development planning concept which is designed to minimize impacts to the natural resources on the project site. The proposed clustered development would avoid additional impacts to the oak woodland habitat, and wetlands onsite and provide buffering from the adjacent agriculture-zoned parcel to the south.

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

The revised map is substantially consistent with the approved tentative map. Slopes exceeding 30 percent have been avoided and the project will minimize the impacts to the existing wetlands. All oak woodland habitat impacts will be consistent with the General Plan and Interim Interpretative Guidelines. Any natural resources that will not be impacted will be included in the required 30 percent open space areas.

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

The project includes a Planned Development application which will allow the units to be clustered on the project site. The project has been designed to minimize the impacts to the natural resources on the site. Any environmental impacts will be minimized through the project design and implementation of Mitigation Measures.

2.5 That the design of the division or the type of improvements is likely to cause serious public health hazards.

The subdivision design is not likely to not cause serious public health hazards. The proposed subdivision and its required improvements have been designed in conformance with and shall adhere to applicable agency standards including County Design and Improvement Standards (DISM) regulating road and site construction, El Dorado Irrigation District (EID) standards regulating construction of necessary public water and

sewer infrastructures, and Rescue Fire Protection District regulating on-site fire protection and fuel modification.

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

~~Adequate fire protection measures have been included as conditions of approval for the project. Adequate emergency access is available and additional fire hydrants will be required for the residential units. The public water system serving the project will provide adequate fire flow for the project.~~

The subdivision and its improvements have been designed to accommodate fire protection and safety measures. As conditioned, the project shall implement the approved Wild Fire Safe Plan including maintenance of project on-site vegetation (fuels), provision for adequate building setbacks and defensible space, and construction of private driveway with sufficient turnout and length.

2.6 2.7 The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed division.

The required road improvements will be consistent with the County Design and Improvement Manual Standards. The required signalization of Deer Valley Road and Green Valley Road will be consistent with the approved Capital Improvements Plan. All existing easements across the property for utilities and infrastructure would remain or be relocated in a manner acceptable to the affected agency.

Conditions of Approval

I. PROJECT DESCRIPTION

1. This revised ~~Planned Development and Tentative Subdivision Map~~ is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked F and G dated February 14, 2008 and revised 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.

~~PD07-0007/~~ TM07-1440R consist of a revised Tentative Subdivision Map to create 29 residential lots ranging in size from 58,591 to 97,184 square feet. The Planned Development, as originally approved, shall remain applicable allowing for flexibility in the Development Standards of the RE-5 Zone District. The proposed lots will not meet the minimum parcel size, and setbacks of the zone district. The project will use the

Density Bonus Planning Provision to allow for the increased density. Four open space lots would be created totaling 35.2-acres. Access shall be provided via a common access roadway providing two points of access onto Green Valley Road. The project shall connect to EID public water and private onsite septic systems.

One Design Waiver is approved to reduce the right-of-way width requirement for A Street, B Street, C and D Courts from 60 feet to 50 feet.

The lots shall conform to the table listed below:

Lot Number	Gross Area (S.F.)	Net Area (S.F.)
1	76,934	51,646
2	88,872	60,871
3	76,126	53,831
4	75,109	53,221
5	77,107	55,374
6	75,665	53,217
7	59,947	40,737
8	65,119	45,245
9	72,860	51,324
10	73,559	51,875
11	68,425	47,618
12	71,492	49,314
13	87,828	58,614
14	66,605	45,983
15	65,076	44,053
16	64,296	43,315
17	69,338	46,722
18	65,294	44,058
19	69,631	44,231
20	84,794	60,053
21	97,184	56,799
22	74,113	46,876
23	67,442	44,745
24	72,277	51,315
25	91,113	67,809
26	76,837	52,584
27	58,591	39,367
28	63,214	41,096
E	74,379	52,642
A	826,816	Open Space
B	455,334	Open Space
C	190,580	Open Space

Lot Number	Gross Area (S.F.)	Net Area (S.F.)
D	65,144	Open Space
R	270,072	Right-Of-Way

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

II. CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION:

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

2. Prior to onsite construction activities during the nesting season (February 1- August 31), a pre-construction survey shall be required to determine if active nests are present onsite. The survey shall be completed no more than 30 days prior to the commencement of construction activities. If nests are found and considered active, construction activities shall not occur within 500 feet of the active nest until the young have fledged or a biologist until determines that the nests are no longer active. The survey results shall be submitted to the California Department of Fish and Game and Planning Services prior to issuance of a grading permit.

MONITORING: Planning Services shall verify that the above measure has been incorporated on the project grading plans prior to issuance of a grading permit. Planning Services shall coordinate with the applicant and/or biologist to verify conformance with this measure.

3. The applicant shall obtain a Streambed Alteration Agreement from the California Department of Fish and Game for each crossing or any activities affecting the onsite riparian vegetation. The agreement shall be submitted to Planning Services for review prior to issuance of a grading permit.

MONITORING: Planning Services shall verify the agreement has been obtained and necessary mitigation measures incorporated on the plans prior to issuance of a grading permit.

4. Prior to issuance of a grading permit, the applicant shall obtain a 404 Permit from the U.S. Army Corps of Engineers and a Water Quality Certification from the Central Valley RWQCB. The project shall incorporate all conditions attached to the permit and certification into the project.

MONITORING: Planning Services shall verify the required permit and certification has been obtained prior to issuance of a grading permit.

5. All healthy oak canopy removed from the site shall be replaced as specified in General Plan Policy 7.4.4.4 and the Interim Interpretative Guidelines for General Plan Policy 7.4.4.4. Replacement of the removed canopy shall be at a density of 200 tree saplings per acre, or 600 acorns per acre. A tree planting and preservation plan shall be required prior to issuance of a grading permit. A maintenance and monitoring plan shall be required for a minimum of 15 years after replanting to ensure a survival rate of at least 90%. The arborist report, planting and maintenance plan and all necessary documents to demonstrate compliance shall be provided to Planning Services prior to issuance of a grading permit.

MONITORING: Planning Services staff shall review the arborist report, tree planting and replacement plan prior to issuance of a grading permit.

6. The applicant shall document the dry-laid fieldstone rock wall to the satisfaction of the California Department of Parks and Recreation and Planning Services. Planning Services shall review and approve the documentation of the resource prior to issuance of grading permit.

MONITORING: Planning Services shall receive proof of documentation of the resource with the California Department of Parks and Recreation prior to issuance of a grading permit.

7. The applicant shall preserve all portions of the dry-laid fieldstone rock wall not removed as part of road construction. The rock wall shall be located within designated Conservation Easements and shall remain in perpetuity. Planning Services shall verify the placement of the Conservation Easements prior to filing the final map.

MONITORING: Planning Services shall review and approve the Conservation Easements prior to filing the final map.

- ~~8. The applicant shall construct a six foot high sound wall along the rear yards of lot 6. The sound wall shall be constructed to the satisfaction of an Acoustical Consultant or appropriately certified professional prior to final building inspection of Lot 6. Planning Services shall verify location of sound wall on improvement plans prior to issuance of a permit.~~

~~MONITORING: Planning Services shall verify that the sound wall meets the requirements established by the Noise Assessment prepared for the project. The applicant shall show the sound wall on the improvement plans. Planning Services shall verify the construction of the sound wall prior to issuance of a building permit for this Lot 6.~~

III. PROJECT CONDITIONS OF APPROVAL

Planning Services

98. The applicant shall provide a meter award letter or similar document by the water purveyor to Planning Services. Planning Services shall review the letter prior to filing the final map.

109. The subdivider shall be subject to a \$150.⁰⁰ appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.

The subdivision shall be subject to parkland dedication in-lieu fees based on values supplied by the County Assessor and calculated in accordance with Section 16.12.090 of the County Code. The applicant shall provide proof of payment of parkland dedication in-lieu fees to Planning Services prior to filing the final map.

110. All open space lots shall be dedicated to a Homeowner's Association or similar entity with an appropriate maintenance program. Planning Services shall review and approve the program prior to filing the final map.

121. All open space lots shall be dedicated prior to filing of a final map for any phase. Planning Services shall review and approve the open space lots prior to filing the final map.

132. CC & R's shall be subject to review and approval by County Counsel. The applicant shall submit the CC & R's to Planning Services prior to filing the final map.

143. The final map shall include a 100-foot non-building setback from all ponds and a 50-foot non-building setback from all wetlands at the subject site as delineated on Exhibit F. Planning Services shall review and approve the setbacks prior to filing the final map.

154. The final map shall include a 200-foot setback for all residential structures adjacent to agriculture-zoned lands. Planning Services shall verify the placement of the setback prior to filing the final map.

165. Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on Saturday, Sunday, and federal holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards. Planning Services shall verify this requirement is placed on the Grading Plans prior to issuance of a grading permit.

176. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation

of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.

- ~~1817.~~ In accordance with CEQA § 15064.5, should previously unidentified paleontological resources be discovered during construction, the project sponsor is required to cease work in the immediate area until a qualified paleontologist can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall ensure that all construction personnel understand the need for proper and timely reporting of such finds and the consequences of any failure to report them.
- ~~1918.~~ If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
- ~~2019.~~ 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.
- ~~2120.~~ All fees associated with the tentative subdivision map shall be paid prior to filing the final subdivision map.
- ~~2221.~~ Prior to issuance of a grading permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.

Department of Transportation

2322. The applicant shall construct or re-construct the following roadways. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing the final map:

DRAFT

Table 1. Summer Brook Road Improvements		
ROAD NAME	ROAD WIDTH	EXCEPTIONS/NOTES
Green Valley Road(on-site)	Overall 40 ft. roadway (60 ft. ROW), per Std. Plan 101B	12 foot through lanes, 8 foot shoulders, Type 2 vertical curb & gutter and 6 foot sidewalk, per DISM Std. Plan 104 & 110. <u>Required turn pocket channelization and acceleration/deceleration lanes will necessitate additional roadway improvements and right of way.</u>
A & B Street	22 24 ft. roadway (50 ft. ROW) per Std Plan 101C* 36 ft roadway (50 ft ROW) per Std Plan 101B	Type E AC dike. Std Plan Type 2 vertical curb & gutter shall extend from Green Valley Road to the gate structures. Std Plan Type 1 rolled curb and gutter (no sidewalk). Std Plan Type 2 vertical curb & gutter shall extend from Green Valley Road to the gate structures.
A Circle	22 24 ft. roadway, (28 ft. ROW) per Std Plan 101C 101B	Type E AC dike. One way road. 40 ft minimum radius returns required @ roadway intersections Std Plan Type 2 vertical curb and gutter (no sidewalk) and Std Plan Type 3 barrier curb on the interior radius. One way road. 40 ft minimum radius returns required @ roadway intersections
C & D Court	22 24 ft. roadway, 2 1 foot shoulder(s) (50 ft. ROW) per Std Plan 101C 36 ft roadway (50 ft ROW) per Std Plan 101B	AC dike (no sidewalk) Std 114 Std Plan Type 1 rolled curb and gutter (no sidewalk)

Notes for Condition 1 table:

Road widths in the preceding table are measured from curb face to curb face.

Curb face for rolled curb and gutter is 6" from the back of the curb.

*With approved waiver.

2423. The applicant shall improve the existing signalized intersection on Green Valley to accommodate the primary access to this site (B Street) as the fourth leg of this signalized intersection consistent with Table 1. The applicant shall make all necessary modifications to this signalized intersection to meet current El Dorado County Standards. In addition, these signal modifications shall include signal timing coordination and or the placement of conduit to the proposed signal at the Green Valley/ Silver Springs Parkway intersection. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing the final map.

2524. The applicant shall design and construct a right in/right out at the intersection of A Street and Green Valley Road. This design shall include providing a raised traffic island, curbing, and/or striping to prevent left turn movements at this intersection according to

the provisions of the Caltrans Highway Design Manual. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing the final map.

2625. The applicant shall signalize the Green Valley/ Deer Valley Road intersection to meet current El Dorado County Standards, as required in the approved traffic study. These required improvements shall include the geometric improvements to Green valley Road consistent with the approved improvements plans for CIP Project No. 66114 which includes the intersection widening to provide for right and left turn channelization and acceleration/deceleration lanes and shall adhere to the latest version of the Manual Uniform Traffic Control Devices (MUTCD), the California Supplement, and the Caltrans Highway Design Manual. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing the final map.
2726. The signal controller and controller cabinet(s) shall be approved the Department of Transportation Operations and Maintenance prior to purchase of said items.
2827. The applicant shall sign and strip a Class 2 bike lane along both sides of Green Valley Road, from the signalized intersection at B Street to the intersection of Deer Valley Road. The Class 2 bike lane shall be provided as required and in accordance with the provisions of the El Dorado County Bicycle Transportation Plan. The striping and signing shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing the final map.
2928. Funding and a bid-ready package for improvements to Green Valley Road/Deer Valley signal, including all necessary turn pocket channelization and acceleration/deceleration lanes associated with CIP No. 6614, signing and striping of the Class 2 bike lane along Green Valley Road, from 'B' Street to Deer Valley Road, together with a road improvement agreement, shall be submitted to the County Department of Transportation at a time sufficient to allow award of public construction contract prior to issuance of the first grading permit.

If the Director of the Department of Transportation determines that it would be in the best interest of the County for the developer to oversee the bidding and construction of the required improvement, an appropriate agreement will be submitted to the Board of Supervisors for consideration.

A complete bid-ready package shall include plans, specifications, right-of-way acquisition (if necessary), utility agreements executed with all impacted utility, relocation work completed/scheduled, environmental clearance for both on-site and off-site work complete, all necessary regulatory/encroachment permits secured, and all documents for bidding the contract signed and sealed by a registered civil engineer. If the funding and the complete bid-ready package for the improvements are provided to the County by the

applicant prior to final map processing, the final maps can record without need for additional security for these improvements. The County will award and administer public contract(s) for this work.

The road improvement agreement or subdivision improvement agreement shall include provisions that the applicant provides supplemental funds to the County as necessary to pay for any change orders generated through the construction phase, that the developer's engineer be available to provide engineering services in support of the project during construction, and that said designer will indemnify the County per the County's standard indemnification language.

The applicant may enter into a reimbursement agreement with the County for providing for reimbursement of the funds provided by the applicant and used for the construction, or for construction related activities, of the improvements to the extent they are included as eligible in the applicable County and Specific Plan fee programs. Reimbursement shall be consistent with the *El Dorado County Department of Transportation Guidelines for Traffic Fee Program Reimbursement Projects*, including the requirement that the project is bid consistent with the State of California Public Contract Code.

- ~~3029.~~ The applicant shall obtain an encroachment permit from DOT and shall construct the encroachments of the on-site access roadways onto Green Valley Road to the provisions of County Standard Plan 103D or as specified in the approved traffic study for this project.
- ~~3430.~~ As authorized in Table TC-1, note 2 of the General Plan, the applicant shall verify or irrevocably offer to dedicate (IOD), in fee, 30 feet of right of way plus additional right of way as noted in Table 1, for the on-site portion of Green Valley Road and the appropriate slope easements along the entire property frontage, prior to filing the final map. This offer will be accepted by the County.
- ~~3231.~~ A vehicular access restriction shall be established along the entire frontage of Green Valley Road, except for the proposed intersections of A & B Street and A Circle, except for the proposed intersections of A & B Street and C & D Court, prior to or concurrently to filing the final map.
- ~~3332.~~ A vehicular access restriction shall be established along A Circle except for the proposed intersections of A & B Streets and C & D Courts, prior to or concurrently to filing the final map.
- ~~3433.~~ The applicant shall join and/or form, prior to filing the final map, an entity satisfactory to DOT, to maintain all on-site roads and/or drainage facilities not maintained by the County, which is required for access to Green Valley Road.
- ~~3534.~~ All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are

not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.

3635. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider 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 subdivider'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 or parcel map, the subdivider shall submit the following to the Department of Transportation 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 percent 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 subdivider 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.

3736. The applicant shall adhere to all Department of Transportation standard conditions as specified on Attachment A that were provided to the applicant at the TAC on July 2, 2007.

Air Quality Management District

3837. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
3938. Burning of vegetative wastes that result from "Land Development Clearing" shall be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
4039. The applicant shall adhere to all District rules during project construction.

Rescue Fire Protection District:

4140. The potable water system for the purpose of fire protection for this project shall provide a minimum fire flow of ~~2,000~~ 1,000 gallons per minute. The fire flow must have a duration of two hours with no less than 20 psi residual pressure. 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. The District shall verify that adequate fire flow is available prior to filing the final map.
4241. The applicant shall install Mueller Dr Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants shall not exceed 500 feet. The District shall review and approve the location of fire hydrants prior to filing the final map.
4342. Fire hydrants shall be painted with safety red enamel and marked in the roadway with a blue reflective marker as specified by the Fire District and Fire Safe Regulations. The District shall review and approve these improvements prior to filing the final map.
4443. 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 framing of any combustible members as specified by the California Fire Code. The District shall review and approve these improvements prior to filing the final map.
44. Turnouts shall be required adjacent to fire hydrants in accordance with the El Dorado County DISM.
45. The applicant shall prepare a Fuel Modification and Wildland Fire Safety Plan. The Plan shall be prepared by a Registered Forester. The District shall review and approve the Plan prior to filing the final map.
46. Lots that back up to wildland open space shall be required to use non-combustible type fencing.
47. This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway.
48. This project may be phased so long as dead end roads do not exceed 800' or 24 parcels; whichever comes first.
- 46:49. The minimum turning radius within cul-de-sac roads shall be designed to a 40-foot inside and 60-foot outside radius. The District shall review and approve the design of all cul-de-sac roads prior to filing the final map.

- 47.50. "A" Circle shall provide a minimum 20 foot roadway surface with a six foot truck apron. The District shall review and approve the design of "A" circle prior to filing the final map.
- ~~48. Roads 32 feet wide may allow parking on one side. The District shall review and approve all road widths prior to filing of the final map.~~
51. No parking will be allowed on any street. Parking bays may be utilized for off street parking.
- 49.52. All gates shall meet the Rescue Fire Protection District standards. The District shall review and approve the gates prior to filing of the final map.
- 50.53. All houses shall be setback a minimum of 15 feet from all property lines. The 2007 IBC Chapter 7A requirements shall apply for the materials and construction methods for exterior wildlife exposure. The District shall review and approve the location of all houses prior to issuance of a building permit.
- 51.54. The construction of this project shall comply with all codes and regulations as required by the California Building Code, Fire Code, and Fire Department Requirements. The District shall review and approve plans prior to issuance of any permit for this project.

Surveyor's Office

- 52.55. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval; or the developer shall have the surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit shall be coordinated with the County Surveyor's Office.
- 53.56. The roads serving the development shall be named by filing a completed road name petition with the County Surveyor's Office prior to filing the final map.

ADJOURNMENT

Meeting adjourned at 11:57 a.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

Walter Mathews, Chair