



## 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

Rich Stewart, Chair, District 1  
Gary Miller, First Vice-Chair, District 2  
Brian Shinault, Second Vice-Chair, District 5  
Jeff Hansen, District 3  
James Williams, District 4

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

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### **DRAFT MINUTES**

**Regular Meeting  
May 26, 2016 – 8:30 A.M.**

#### **CALL TO ORDER**

Meeting was called to order at 8:30 a.m. Present: Commissioners Stewart, Miller, Hansen, and Shinault; David Livingston-County Counsel; and Char Tim-Clerk of the Planning Commission.

#### **ADOPTION OF AGENDA**

Chair Stewart announced that staff was requesting Item #3 to be pulled from the Consent Calendar.

**Motion: Commissioner Shinault moved, seconded by Commissioner Hansen, and carried (4-0), to approve the agenda as amended: (a) Pull Item #3 from the Consent Calendar.**

**AYES: Miller, Hansen, Shinault, Stewart**  
**NOES: None**  
**ABSENT: Williams**

#### **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 Miller moved, seconded by Commissioner Hansen, and carried (4-0), to approve Items #1 and #2 of the Consent Calendar.**

**AYES: Shinault, Hansen, Miller, Stewart**  
**NOES: None**  
**ABSENT: Williams**

**1. 16-0526** Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of May 12, 2016.

**This was Approved on Consent Calendar.**

2. **16-0527** Chief Administrative Office, Parks Division, submitting request to consider the transfer of 14 weekend user days and 10 weekday user days from River Use Permit #58 to River Use Permit #05; and staff recommending the Planning Commission take the following actions:

1) Approve the transfer of 14 weekend user days and 10 weekday user days from River Use Permit #58, held by George Wendt, president of O.A.R.S. West, Inc. to River Use Permit #05, held by John Kosakowsky, president, and Sara Vardaro, vice-president, of River Runners, Inc.

**This was Approved on Consent Calendar.**

3. **16-0529** Hearing to consider a request for a five-year review of an existing cellular telecommunications facility [Five-Year Review-Special Use Permit S01-0006-R/Blue Ravine Monopine]\*\* on property identified by Assessor's Parcel Number 124-301-34, consisting of 0.46 acre, in the El Dorado Hills area, submitted by Crown Castle; and staff recommending the Planning Commission take the following actions:

1) Find Special Use Permit S01-0006-R to be exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines;

2) Find that based on this five-year review period, the approved telecommunication facility substantially conforms to the Conditions of Approval for S01-0006;

3) Modify Condition of Approval number 6 as follows:

6. Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the El Dorado County ~~Planning Department~~ Development Services Division every five years. At the time of this review, the permit holder shall provide the ~~Planning Department~~ Development Services Division with a status report on the then current use of the subject site and related equipment. The ~~Planning Department~~ Development Services Division shall review the status report and based upon an assessment of the information provided, current wireless technology, and possible local and cumulative impacts, determine whether to ~~recommend the Planning Commission take action to:~~ (A) Allow the facility to continue to operate under all applicable conditions; or (B) Modify the conditions of approval in order to reduce any identified new adverse impacts; and or initiate proceedings to modify the special use permit, and/or require the removal of identified obsolete equipment if no longer an integral part of the facility. The intent of these provisions is to enable the Planning Commission to reserve the right to modify existing or add new conditions, consistent with the above-mentioned language. The failure of the ~~Planning Department~~ Development Services Division to conduct or complete the five-year review as required shall not result in the expiration of this special use permit. The applicant shall pay a fee as determined by the ~~Planning~~ Development Services Division Director to cover the cost of the five-year review process.

4) Add a new Condition of Approval:

**Planning Services**

8. Generator maintenance: 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 3 p.m. Monday through Friday.

(Supervisory District 4)

Jennifer Franich presented the item to the Commission with a recommendation for approval. She stated that the applicant had requested to change the review time period from every 5 years to every 10 years. She distributed a Staff Memo dated May 23, 2016 showing the requested change to Condition #6.

Chair Stewart closed public comment.

There was no further discussion.

**Motion: Commissioner Miller moved, seconded by Commissioner Shinault, and carried (4-0), to take the following actions: 1) Find Special Use Permit S01-0006-R to be exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines; 2) Find that based on this five-year review period, the approved telecommunication facility substantially conforms to the Conditions of Approval for S01-0006; 3) Modify Condition of Approval number 6 as follows: 6. Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the El Dorado County Planning Department Development Services Division every ~~five~~ ten years, and/or at the time of application for any building permit. At the time of this review, the permit holder shall provide the Planning Department Development Services Division with a status report on the then current use of the subject site and related equipment. The Planning Department Development Services Division shall review the status report and based upon an assessment of the information provided, current wireless technology, and possible local and cumulative impacts, determine whether to ~~recommend the Planning Commission take action to:~~ (A) Allow the facility to continue to operate under all applicable conditions; or (B) Modify the conditions of approval in order to reduce any identified new adverse impacts; and or initiate proceedings to modify the special use permit, and/or require the removal of identified obsolete equipment if no longer an integral part of the facility. The intent of these provisions is to enable the Planning Commission to reserve the right to modify existing or add new conditions, consistent with the above-mentioned language. The failure of the ~~Planning Department~~ Development Services Division to conduct or complete the ~~five-year~~ review as required shall not result in the expiration of this special use permit. The applicant shall pay a fee as determined by the Planning Development Services Division Director to cover the cost of the ~~five-year~~ review process.; and 4) Add a new Condition of Approval: Planning Services, 8. Generator maintenance: 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 3 p.m. Monday through Friday.**

AYES: Hansen, Shinault, Miller, Stewart  
NOES: None  
ABSENT: Williams

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

END OF CONSENT CALENDAR

**DEPARTMENTAL REPORTS AND COMMUNICATIONS** – None  
(Development Services, Transportation, County Counsel)

**COMMISSIONERS' REPORTS** – None

**PUBLIC FORUM/PUBLIC COMMENT** – None

**AGENDA ITEMS**

**4. 09-0052** Hearing to consider a request for the Indian Creek project [Tentative Map Extension TM08-1472-E] for five one-year time extensions to the approved tentative map creating 74 residential lots, resulting in a new expiration date of February 3, 2021 on property identified by Assessor's Parcel Numbers 327-060-03, 327-060-04, 327-060-08, 327-060-10, 327-060-11, 327-060-12, 327-080-04, and 327-020-010, consisting of 182 acres, in the Placerville area, submitted by Echo Lane Investors, LLC; and staff recommending the Planning Commission take the following actions:

- 1) Determine that pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 there is no substantial evidence requiring the preparation of a Subsequent Mitigated Negative Declaration or an Addendum to the existing Mitigated Negative Declaration, adopted by the Board of Supervisors on February 3, 2009, as described in the CEQA Findings; and
- 2) Approve TM08-1472-E extending the expiration of the approved tentative map for a total of five years to February 3, 2021, based on the Findings and subject to the Conditions of Approval as presented.  
(Supervisory District 3)

Mel Pabalinas presented the item to the Commission with a recommendation for approval. He stated that no public comments had been received.

Cindy Schaffer, applicant, provided a brief history of the project and the reason for the time extension request.

Chair Stewart inquired on the traffic as it related to the Mitigated Negative Declaration. County Counsel Livingston reminded the Commission that once a project is originally approved, it becomes part of the "state of affairs" for future travel models.

Dave Spiegelberg, Transportation, stated that this request was for a time extension and the area has not substantially changed in the last 10 years.

Tom Marshall, representing the Sayoma Lane Homeowners Association, made the following comments:

- They are the most impacted by this development and they embrace the project and hope it moves forward; and
- Applicant has been a great neighbor.

Chair Stewart closed public comment.

Ms. Schaffer stated that once a project is in the system, it becomes part of the County's baseline assumptions.

Commissioner Hansen felt the applicant had been very diligent and the map deserves to be extended as requested.

Chair Stewart clarified that his concern on the traffic was on the CEQA requirement for the County.

There was no further discussion.

**Motion: Commissioner Hansen moved, seconded by Commissioner Miller, and carried (4-0), to take the following actions: 1) Determine that pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 there is no substantial evidence requiring the preparation of a Subsequent Mitigated Negative Declaration or an Addendum to the existing Mitigated Negative Declaration, adopted by the Board of Supervisors on February 3, 2009, as described in the CEQA Findings; and 2) Approve TM08-1472-E extending the expiration of the approved tentative map for a total of five years to February 3, 2021, based on the Findings and subject to the Conditions of Approval as presented.**

**AYES: Shinault, Miller, Hansen, Stewart**  
**NOES: None**  
**ABSENT: Williams**

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

## **Findings**

### **1.0 CEQA FINDINGS**

- 1.1 Pursuant to CEQA Section 15162(b), it has been determined that no subsequent mitigated negative declaration is required because there is no substantial evidence that the conditions described in Section 15162(a) have occurred, including: (1) substantial changes to the project which would require major revisions to the previous mitigated negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occurred with respect to the circumstances under which the project

has been undertaken which would require major revisions of the previous mitigated negative declaration due to the involvement of new significant environmental effects; or (3) a substantial increase in the severity of previously identified significant effects; or new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the previous mitigated negative declaration was adopted, shows the project will (a) have one or more significant effects not discussed in the previous mitigated negative declaration.

- 1.2 Pursuant to CEQA Section 15164(b) it has been determined that there is no substantial evidence requiring an addendum to the adopted mitigated negative declaration because no minor technical changes or additions are necessary and none of the conditions described in Section 15162 calling for the preparation of a subsequent mitigated negative declaration have occurred.
- 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 Division - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

## **2.0 TENTATIVE SUBDIVISION MAP TIME EXTENSION FINDINGS**

### **2.1 The request for extension of the approved tentative subdivision map complies with County Subdivision Ordinance Section 120.74.030.A.**

Section 120.74.030.A allows the subdivider to request up to six one-year extensions from the expiration date of an approved or conditionally approved tentative map, as allowed by Government Code Sections 66452.6(e) and 66463.5, by timely written application to the Development Services Division of the Community Development Agency. The subdivider may request more than one time extension at a time, up to the maximum allowed by this subsection or a development agreement applicable to the map for which the extension request is filed, but in no event shall the total time extension requested exceed six years. Each application shall be filed before the approved or conditionally approved tentative map expires and shall state the reasons for requesting the extension.

Rationale: The applicant submitted a request for five one-year time extensions and appropriate processing fees on January 7, 2016, prior to the expiration date of the tentative subdivision map of February 3, 2016. The five one-year time extension request complies with Section 120.74.030.B. One, one-year discretionary time extension would be available for this Tentative Subdivision Map.

The applicant states that the recent economic downturn and collapse of the land and financing markets impacted the feasibility of completing the project. Approval of the extension request would allow the applicant the time needed to facilitate project financing, continue pursuing the necessary permits outlined in the mitigation measures, construct the necessary on- and off-site infrastructure improvements, and comply will all other applicable conditions of approval.

2.2 **The request for extension of the approved tentative subdivision map complies with County Subdivision Ordinance Section 120.74.030.B.**

Section 120.74.030.B. requires that the Development Services Division review the request and submit the application for the extension, together with a report, to the approving authority for approval, conditional approval, or denial. In approving, conditionally approving, or denying the request for extension, the approving authority shall make findings supporting its decision.

Rationale: The Development Services Division has reviewed the time extension request for Tentative Subdivision Map TM08-1472/Indian Creek Ranch, along with all submitted materials, and has submitted this staff report with recommendations for approval based on the Findings provided in compliance with Section 120.74.030.B.

**Conditions of Approval**

**MITIGATION MEASURES**

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

1. **MM AQ-1:** A Fugitive Dust Plan (FDP) Application with appropriate fees shall be submitted to and approved by the El Dorado County Air Pollution Control District (APCD) with appropriate fees and approved by the APCD prior to start of project construction.

*Timing/Implementation: Prior to issuance of grading and building permits*

*Enforcement/Monitoring: El Dorado County Planning Services*

2. **MM BIO-1:** If construction activities (for either road development or lot development) are scheduled to commence within the typical breeding season for a bird of prey or Migratory Bird Treaty Act (MBTA) bird (March 1 through August 31), on-site pre-construction surveys for raptors and their nests shall be conducted by a qualified biologist. The biologist shall adhere to the following protocol:

- The biologist shall survey for active nests in the construction footprint and in accessible areas within 250 feet of the construction footprint within 30 days prior to construction. If no active nest of a bird of prey or MBTA bird is found, then no further mitigation is necessary.
- If an active nest of a bird of prey or MBTA bird is found, then the biologist shall flag a minimum 250-foot Environmentally Sensitive

Area (ESA) around the nest if the nest is of a bird of prey, and a minimum 100-foot ESA around the nest if the nest is of an MBTA bird other than a bird of prey.

- No construction activity shall be allowed in the buffer until the biologist determines that the nest is no longer active, or unless monitoring determines that a smaller buffer will protect the active nest. The buffer may be reduced if the biologist monitors the construction activities and determines that no disturbance to the active nest is occurring. The size of suitable buffers depends upon the species of the bird, the location of the nest relative to the project, project activities during the time the nest is active, and other project specific conditions.
- If a nest becomes active after construction has started, then the bird is considered to be acclimated to construction activity, and no further mitigation is required.

*Timing/Implementation: Prior to issuance of grading and building permits the applicant shall include this measure as a note on all building plans and grading plans.*

*Enforcement/Monitoring: El Dorado County Planning Services shall verify that the above measure has been incorporated on the plans prior to issuance of a grading permit. The Division shall coordinate with the applicant and/or biologist, assess the pertinent surveys/studies, and conduct on-site verification for conformance with this measure.*

3. **MM LU-1:** All areas designated on the tentative map as an “Open Space Lot” shall be zoned as Open Space as part of the rezone application. Minor deviations from approved exhibits shall be allowed as needed to accommodate roads and grading adjustments that may occur during development of final improvement plans and the final map.

*Plan Requirements/Timing: Prior to final approval, the applicant shall amend the project description to request that all areas designated on the recorded final map as Open Space Lots be rezoned to an Open Space zoning district.*

*Compliance: El Dorado County Planning Services shall incorporate the revised project description into all planning documents forwarded to the Planning Commission and Board of Supervisors. Prior to the issuance of any development permits (building or grading permits), the County shall amend zoning maps consistent with the tentative map submitted for recordation as the final map. Planning Services shall review submitted maps to ensure consistency with the intent of this condition of approval, which is that all areas designated as an open space lot be zoned as such. The applicant shall be responsible for coordinating with El Dorado County Planning Services to ensure zoning maps have been updated consistent with the proposed final map.*

4. **MM NOI-1:** The applicant shall construct property line noise barriers measuring 6-7 feet high above the existing ground elevations for Lots 65, 66 and 71



consistent with the Bollard Acoustical Consultants, Inc. Environmental Noise Assessment prepared for the Indian Creek Ranch Single-Family Residential Development dated March 5, 2008. Alternatively, the applicant may provide El Dorado County Planning Services with updated acoustical analyses for these lots which provide for alternative methods of noise attenuation, including, but not limited to, siting of building envelopes on the final map outside areas of exposure in exceedance of General Plan Noise Element criteria (60 dB L<sub>dn</sub> for residential uses).

*Timing/Implementation: Prior to issuance of grading and building permits for individual lots 65, 66, and 71, El Dorado County Planning Services shall verify that building plans include noise barriers consistent with the requirements of the above-referenced noise study. Alternatively, updated analyses may be presented to Planning Services for review and approval that describe alternative methods of noise attenuation which shall be implemented as part of project development on identified lots.*

*Enforcement/Monitoring: El Dorado County Planning Services*

## **CONDITIONS OF APPROVAL**

### **Planning Services**

5. The project, as approved, consists of the following:

This rezone, planned development and tentative subdivision map are based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibits F-L & P (Rezone/Planned Development/Tentative Map) dated December 11, 2008, 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.

**Project Description:** The project includes a request for a zone change from Single-Family Three-Acre Residential (R3A) and Agriculture (A) to Estate Residential 5-acre planned development (RE-5-PD) and Single-Family Three-Acre Residential Planned Development (R3A-PD), a Phased Tentative Subdivision Map to create 75 residential lots ranging in size from 1.0 to 2.5 acres (with the exception of Lot 75 which comprises 5.02 acres and would be held to the development standards of the RE-5 zone district) and eleven lettered open space lots (to be combined and zoned open space) totaling 76.61 acres, and a Development Plan to allow clustering of lots and a reduction in the minimum parcel size of five acres in the RE-5 zone district and the minimum parcel size of three acres in the R3A zone district, to allow for a density bonus, to apply the development standards of the R1A zone district, and allow for a reduction in side yard setbacks to 10 feet, but maintain a total side yard setback of 30 feet per lot. Multiple or “phased” Final Maps are proposed to be filed pursuant to Government Code Section 66456.1. Access to

the project would be provided by two road connections on Echo Lane. Emergency access would be provided by a road connection on Sundance Trail. The project proposes to use the Density Bonus provision for thirty (30) additional residential lots. Design waivers have been requested for modifications to DOT road standards. DOT supports the three requested design waivers.

The gross and net lot area shall comply with Table 1 below:

<b>TABLE 1. Gross and Net Lot Areas</b>					
<b>Lot No.</b>	<b>Gross area (S.F.)</b>	<b>Net Area (S.F.)</b>	<b>Lot No.</b>	<b>Gross Area (S.F.)</b>	<b>Net Area (S.F.)</b>
1	54,605	28,537	45	57,379	32,786
2	43,862	24,820	46	55,169	33,967
3	45,842	24,763	47	54,128	25,600
4	46,398	27,724	48	69,593	34,684
5	43,480	25,307	49	64,618	41,995
6	45,328	26,343	50	54,577	29,774
7	43,908	25,341	51	61,019	37,389
8	45,328	23,239	52	52,224	29,165
9	53,047	24,052	53	60,502	37,396
10	45,988	22,802	54	55,787	30,150
11	48,638	25,787	55	63,345	33,327
12	50,025	30,792	56	77,685	31,695
13	45,775	27,127	57	110,407	65,465
14	49,829	30,158	58	65,020	35,657
15	51,167	31,324	59	50,157	28,194
16	52,229	31,233	60	48,101	28,432
17	67,328	31,146	61	47,474	28,375
18	60,685	31,206	62	46,963	28,282
19	57,964	30,867	63	49,294	28,243
20	46,155	27,505	64	46,089	27,472
21	50,224	27,303	65	46,563	26,238
22	47,079	24,376	66	84,817	50,756
23	53,944	22,254	67	48,546	24,445
24	55,560	33,301	68	46,407	24,843
25	49,146	27,295	69	46,893	24,765
26	52,366	22,499	70	50,002	19,251
27	46,464	27,648	71	52,072	24,562
28	53,340	22,959	72	50,951	30,202
29	59,068	26,087	73	46,656	22,188
30	50,011	30,126	74	53,639	22,645
31	52,915	29,918	75*	218,671	N/A
32	72,182	41,911	Open Space "A"	32.69 ac.	31.47 ac.
33	75,945	32,761	Open Space "B"	11.81 ac.	11.77 ac.
34	49,384	29,790	Open Space "C"	8.99 ac.	8.77 ac.
35	47,380	28,154	Open Space "D"	6.0 ac.	6.0 ac.

36	48,646	28,062	Open Space "E"	4.89 ac.	4.71 ac.
37	48,967	28,035	Open Space "F"	4.81 ac.	4.39 ac.
38	47,980	28,183	Open Space "G"	0.37 ac.	0.14 ac.
39	47,652	28,455	Open Space "H"	0.5 ac.	0.31 ac.
40	56,210	28,353	Open Space "I"	5.01 ac.	5.01 ac.
41	48,967	29,730	Open Space "J"	2.24 ac.	2.24 ac.
42	60,210	38,955	Open Space "K"	1.28 ac.	1.03 ac.
43	60,478	31,906	Remainder Parcel	7.13 ac.	7.13 ac.
44	53,936	31,840	*Lot 75 is not to be developed with this map and shall be required to adhere to the development standards of the RE-5 Zone District.		

The oak removal as part of construction of the on-site access road and future residential development of the site shall comply with Table 3 below:

<b>TABLE 3: Oak Canopy Removal Summary</b>		
Total Oak Canopy to be Removed (Acres)	Canopy Removed for Road Improvements (Acres)	Proposed Canopy Removed for Residential Development Envelopes (Acres)
11.93	5.78	6.15

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.

6. All site improvements shall conform to Exhibits F-L.
7. The developer shall pay the mitigation in-lieu fee or provide a replacement plan for all oak canopy removed as part of road and infrastructure improvements (Total 5.78 acres). The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee or replacement plan, prepared by a licensed arborist, prior to issuance of a grading permit or removal of any oak trees.
8. The Final Subdivision Map shall include the following notes:

- a. Oak tree removal required for lot development shall adhere to allocated estimates contained in Exhibit L (Oak Tree Removal Allocation). Individual property owners shall pay the mitigation fee or provide a replacement plan. Lot owners/developers shall demonstrate, consistent with guidelines contained in the Oak Woodland Conservation Ordinance, that proposed removals are consistent with the estimated allocation. Replacement plans shall be prepared by a licensed arborist at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors.
  - b. Any oak canopy removal beyond that allocated in Exhibit L (Oak Tree Removal Allocation) for any individual lot within the subdivision, or allocated to the road or infrastructure improvements, shall pay the applicable mitigation fee or provide a replacement plan. Replacement plans shall be prepared by a licensed arborist at a 2:1 ratio as required by the Oak Woodland Management Plan and shall be based on the fee established by the Board of Supervisors.
9. All fees associated with the Tentative Subdivision Map shall be paid prior to filing the Final Subdivision Map.
  10. 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 weekends and on federally-recognized 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.
  11. Prior to issuance of a grading 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 if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.
  12. 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.
  13. 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).

14. Prior to approval of the final map by the Board of Supervisors, the subdivider shall be required to form a County Service Area Zone of Benefit, or other entity to fund the maintenance of drainage facilities and improvement services. The funding mechanism for these services must be established prior to approval of the final map and shall include a provision for future increased funding requirements.
15. At time of final map filing, CC&R's shall be submitted and reviewed by Planning Services and the Department of Transportation.
16. At the time of map filing, all open space lots shall be dedicated to a Homeowner's Association or similar entity as open space with an appropriate maintenance program.
17. This Tentative Subdivision Map shall expire on February 3, 2021 ~~in 36 months from date of approval~~ unless a the final one-year discretionary time extension has been requested filed.
18. The final map shall show all drainage easements consistent with the County of El Dorado Drainage Manual, the project final drainage plan, and the project improvement plans.
19. The location of fire hydrants and systems for fire flows are to meet the requirements of the Diamond Springs - El Dorado Fire Protection District. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the fire protection district. If fire flows cannot be met, all habitable structures shall be sprinklered in accordance with Fire District requirements. This condition shall be included in the CC&Rs for the project.
20. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
21. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the final map.
22. The subdivider shall be subject to a \$150.<sup>00</sup> appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
23. Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to the Planning Director for approval:
  - a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements.

- b. Improvement plans prepared by a civil engineer of the required off-site improvements.
- c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Prior to the filing of the final map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required off-site improvements including the full costs of acquiring any real property interests necessary to complete the required 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.

- 24. The developer shall pay all applicable school fees prior to the issuance of any building permits for individual lots.

**Diamond Springs - El Dorado Fire Protection District**

- 25. Minimum fire flow required is 1,500 gpm @ 20 psi for 2 hours for residential units larger than 3,600 square feet. If the square footage is below 3,600 square feet, the minimum fire flow will be 1,000 gpm @ 20 psi for 2 hours.
- 26. The applicant shall provide documentation from EID and the Fire District to show that the system will meet required fire flow for this project.
- 27. Hydrant locations shall be approved by the Fire District on the Civil Drawings.
- 28. All driveways shall provide a minimum 12 foot traffic lane, with unobstructed horizontal clearance of 14 feet and unobstructed vertical clearance of 15 feet along its entire length, and be capable of supporting a minimum 40,000 pound load.
- 29. Driveway grades exceeding 16 percent shall be of an all weather surface (pavement or asphalt).
- 30. Driveways grades exceeding 20 percent shall be approved by the Diamond Springs-El Dorado Fire District. Approval may include a deed restriction for a NFPA 13D residential sprinkler system with 3,000 gallons of dedicated onsite water storage for each parcel for fire protection.
- 31. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.

32. All roadways will be all weather surfaces, to El Dorado County Standards. If there will be parking on one side of the road, the road shall be 30 feet minimum width. Parking on both sides of the road will require 40 feet minimum road width; appropriate, associated signage and road markings shall apply and be provided.
33. A turnaround shall be provided to all building sites with driveways over 300 feet in length. Turnarounds shall be within 50 feet of the building with a minimum turning radius of 40 feet from the center line of the road. Applicant may use a hammerhead “T,” a modified “T” or a modified “Y” in lieu of a circular type turnaround, per El Dorado County DOT Standards 101C.
34. Entry Gates: The two main entries on Echo Lane and the secondary access road from Road “A” and Sundance Trail will be gated in accordance with the following:

Echo Lane Access: The two entries on Echo Lane will have divided access, with separate gates for ingress and egress to the development. The gates will be constructed of decorative wrought iron or similar material, and will open to provide unobstructed ingress or egress. Each entry or exit lane will have a minimum unobstructed width of fifteen (15) feet. The gates will be equipped with a telephone entry system to allow visitors to obtain access.

Sundance Trail Emergency Access: The secondary access between Road “A” and Sundance Trail will be an undivided access road, with a single gate for both travel lanes. This road will be used for emergency access only. The access road will have a minimum unobstructed width of twenty (20) feet. The gate will be constructed of decorative wrought iron or similar material, and will open to provide unobstructed access for emergency vehicles and the evacuation of civilians.

Emergency Access: To permit unobstructed access for emergency vehicles and provide for evacuation of residents within the development and in surrounding neighborhoods, an emergency access system shall be developed in consultation with the Diamond Springs-El Dorado Fire Protection District. The system, which shall be reviewed and approved by the Fire District prior to issuance of a building permit for the 25th lot, will provide for all automatic gates to be equipped with one or more of the following emergency access devices:

1. A “Knox” emergency access device consisting of a key activated switch acceptable to the Fire District.
2. A 3M Opticom Control device and a linear receiver device to allow remote activation by emergency vehicles.
3. Designed to automatically open and remain in a fully opened position during a power failure.
4. A mechanical release.
5. A telephone entry access system that will permit the Fire District or other emergency dispatch center to open the gate from a remote location.

A loop system will be located on the inside portion of the access roadway or lane at the intersection of Road "A"/Echo Lane and Road "B"/Echo Lane to permit vehicular traffic within the gated area to open the gate and exit. The loop system will keep the gate open as long as vehicular traffic is passing through.

All gates and access roads will be maintained by the Homeowners Association or other entity formed for this purpose.

35. All roadways and driveways shall adhere to El Dorado County Department of Transportation (DOT) requirements.
36. A Fire Safe Plan shall be designed for this subdivision by a Registered Professional Forester or a Fire District approved Fire Safe Planner, per California Department of Forestry State Responsibility Area (SRA) Fire Safe Regulations. The purpose is to reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic setting of fuel modification and greenbelt shall provide:
  - a. Increased safety for emergency fire equipment, personnel and the evacuation of civilians.
  - b. A point of attack or defense from a wildfire.
  - c. CAL FIRE requires a Wildland Fire Safe Plan be developed by a qualified consultant to address mitigations that need to be developed to ensure that the safety of the public and firefighters who may be called upon to respond to wildland fires and other emergencies within the project area.
37. Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.
38. Subdivision and other developments, which propose greenbelt as a part of the development plan, shall locate said greenbelt strategically, as a separation between wildland fuels and structures. The locations shall be approved by the inspection.
39. Approval of subject project is conditioned on meeting the public safety and fire protection requirements of the County of El Dorado General Plan, which shall include provision of a financing mechanism for said services<sup>1</sup>. The financing mechanism shall include inclusion within, or annexation into, a Community Facilities District (CFD) established under the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311 et seq.), established by the Diamond Springs / El Dorado Fire Protection District (District) for the provision of public services permitted under Government Code § 53313, including fire suppression services, emergency medical services, fire prevention activities and other services (collectively Public Services), for which proceedings are under consideration, and as such, shall be subject to the special tax approved with the formation of such CFD with the Tract's inclusion or annexation into the CFD.



40. All parcels one acre and larger shall provide a minimum 30-foot setback for buildings and accessory buildings from all property lines and/or the center of the road (Article 5. Fuel Modification Standards, Section 1276.01(a) of the Fire Safe Regulations).

**Cal Fire**

41. Total roadway width in the project area should meet DOT standards.
42. Roads shall be constructed with an approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (2007 California Fire Code, Appendix D).
43. Secondary Access: The Design Improvements Standards Manual (DISM) Section 3.A.9 requires at least two connections with an existing, improved public street, or with a future street connection approved by the Planning Commission or the Board. Both the primary and secondary accesses must be to through roads (i.e., they cannot both tie into the same dead end road) and they must meet County standards.
44. The two points of acceptable access and egress in this case would be off of Sundance Trail and Echo Lane.

**El Dorado County Department of Transportation**

**PROJECT SPECIFIC CONDITIONS:**

45. **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 Department of Transportation (DOT) 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)

<b>Table 1</b>					
<b>ROAD NAME</b>	<b>DESIGN STANDARD PLAN</b>	<b>ROAD WIDTH* / SHOULDER WIDTH</b>	<b>RIGHT OF WAY**</b>	<b>DESIGN SPEED</b>	<b>EXCEPTIONS/ NOTES</b>
Road A	Modified Std Plan 101B (3"AC over 8"AB Min.)	24 ft – 20 ft at dam crossing /2)	50ft	25 mph	No curb, gutter, or sidewalk, road width is measured EP to EP. Modified width due to existing constraints. No parking permitted.
Road B, C,	Modified Std	24ft/2	40ft	25 mph	No curb, gutter, or

D, E, F, G	Plan 101B (3"AC over 8"AB Min.)				sidewalk, road width is measured EP to EP. No parking permitted.
Echo Lane Offsite (onsite)	Modified Std Plan 101B (3"AC over 8"AB Min.)	28ft	60ft	25 mph	No curb, gutter, or sidewalk, road width is measured EP to EP. Improvements shall be from Road "A" to El Dorado Road

\* 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

46. **Road & Public Utility Easements:** The applicant shall provide a 50-foot wide non-exclusive road and public utility easement for the on-site access roadways Road A, Road B, Road C, Road D, Road E, Road F, and Road G prior to the filing of the final map. Slope easements shall be included as necessary.
47. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment(s) from the Road A onto Sundance Trail and Echo Lane to the provisions of County Design Std **103D**, or as required by the approved traffic study. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map
48. **Dead End Roads:** Pursuant to Article 2, Section 1273.09 of the SRA Fire Safe Regulations, the maximum length of a dead-end road, including all dead-end roads accessed from the dead-end road, shall not exceed the following cumulative lengths, regardless of the numbers of parcels served:
  - parcels zoned for less than one acre-----800 feet
  - parcels zoned for 1 acre to 4.99 acres-----1,320 feet
  - parcels zoned for 5 acres to 19.99 acres -----2,640 feet
  - parcels zoned for 20 acres or larger -----5,280 feet

All lengths shall be measured from the edge of the roadway surface at the intersection beginning the road to the end of the road at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply. The lengths of all dead-end roads shall be graphically depicted and identified on the site and improvements plans prior to the filing of the map.

49. **Turnaround:** The applicant shall provide a turn around at the end of the roadways to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
50. **Tangents:** Pursuant to DISM Sec 3.B.6, a minimum 100-ft tangent shall be introduced between reversed curves. The County Engineer may approve a tangent of less than 100-ft on local roads provided the adjacent curves have a minimum radius of 200-ft or an acceptable alternative approved by the County Engineer. The tangent and radius lengths shall be graphically depicted on the site plans or included in a Line & Curve Table on the site plans prior to filing of the final map.
51. **Minimum Radius:** Pursuant to Section 3.B.7. of the DISM, the minimum centerline curve radius length of subdivision streets shall be 100 feet for local streets and 300 feet for minor collecting streets. 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 of the final map.
52. **Cut Slopes:** Per the El Dorado County Grading Design Manual Sec B.6, the top of cut slopes shall not be made nearer a permit area boundary line than one fifth the vertical height of cut with a minimum of two (2) feet and a maximum of ten (10) feet. 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 of the final map.
53. **Fill Slopes:** Per the El Dorado County Grading Design Manual Sec B.6, the toe of the fill slope shall not be made nearer to the permit area boundary line than one half the height of the slope with a minimum of two (2) feet and a maximum of twenty (20) feet. Where a fill slope is to be located near the permit area boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the building official deems necessary to protect the adjoining property from damage as a result of such grading. 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 of the final map.
54. **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.
55. **Off-site Access Easements:** The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall be provided by and through a "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the map.

56. **Driveway Cuts:** Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. Attention should be given to the minimum required sight distance at all driveway encroachments. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.

#### **DOT STANDARD CONDITIONS**

57. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
58. **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 Department of Transportation 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.
59. **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. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the final map.
60. **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).
61. **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.
62. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the final map.
63. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of

- the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the final map.
64. **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.
  65. **Grading Permit / Plan:** The applicant shall submit a improvement/grading plan for onsite and offsite improvements prepared by a professional civil engineer to the Department of Transportation 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 the DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
  66. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation 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.
  67. **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 Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
  68. **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 Department of Transportation. 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.

69. **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 Department of Transportation.

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

70. **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.
71. **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 the final map.
72. **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.

73. **Off-site Improvements (Security):** Prior to the filing of a final map, the applicant shall complete or 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.
74. **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 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 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.
75. **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 DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
76. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

**El Dorado County Surveyor's Office**

77. 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 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.
78. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office prior to filing the Final Map.

**El Dorado County Environmental Management**

**Air Quality Management**

79. The applicant shall adhere to all District rules and conditions during project construction, as specified by the District in their letter dated September 2, 2008 prior to issuance of any permits associated with this project.

**Hazardous Materials**

80. If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.

**5. 16-0530** Hearing to consider the Dieu Nhan Buddhist Convent and Meditation Center project [Special Use Permit S13-0007]\* to allow a convent and meditation center on property identified by Assessor's Parcel Number 069-150-14, consisting of 10.05 acres, in the Rescue area, submitted by Dieu Nhan Buddhist Meditation Association; and staff recommending the Planning Commission 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), as incorporated in the Conditions of Approval and mitigation measures; and
  - 3) Approve Special Use Permit S13-0007, based on the Findings and subject to the Conditions of Approval as presented.
- (Supervisory District 4)

Aaron Mount presented the item to the Commission with a recommendation for approval. He spoke on public comment concerns on traffic circulation and noise. Mr. Mount identified a



typographical error in Condition #14 and recommended replacing the word “driveway” with “access roadway”.

James Wilson, applicant’s agent, made the following comments:

- Project has gone through several revisions in order to accommodate Fish and Wildlife’s concerns;
- Spoke on the different phases; and
- Has worked with the Fire Department on the fire flow access.

Jin Ngo, member of the Temple and a retired Registered Civil Engineer, acknowledged that members have parked on the roads and, as a result, during the design phase their intent was to eliminate that from happening in the future. He spoke on access and circulation.

Ken Humphreys made the following comments:

- Most neighbors had been surprised by the zoning change;
- Penny Lane and Duncan Hill Road have been blocked in the past by members of the Temple using a shuttle bus;
- Concerned on delays during emergencies if road is blocked by parked cars or during the construction phase;
- Onsite parking at Temple must be made available during the construction phase;
- Spoke on various water concerns, including meeting Fire Department requirements;
- Spoke on right of way for Penny Lane and how it related to Duncan Hill Road; and
- Spoke on the volunteer maintenance of the two roads.

Bill Teie made the following comments:

- Lives adjacent to the project;
- Monks are very quiet and nice neighbors;
- Concerned about the area’s wells and the potential for contamination from the leach fields;
- Main concern is on the size of the project for the area; and
- Project is not consistent with the Rescue area.

Jeffrey Rinek, 25 year Duncan Hill Road resident, made the following comments:

- Concurred with Mr. Humphreys’ and Mr. Teie’s comments on water issues;
- Applicants are wonderful people but main concern is that the proposal is for bringing large numbers of people to the property;
- Spoke on past experience of buses blocking the road and other drivers unwilling to share the road with other vehicles;
- Spoke on Buddhist visitors who have caused damage to his property;
- Suggested that Center’s visitors have no access to the site from Penny Lane and Duncan Hill Road; and
- Voiced concern on emergency vehicles having access.

Ron Duncan made the following comments:

- Spoke on the history of property;

- Nuns have been good neighbors;
- Spoke on the definition of “retreats:
- Had no issues except for the parking;
- Plan seems to be robust, but understood that a Special Use Permit application typically covered all desired activities in order to avoid coming back for revisions and that the intention was to not build out all at once; and
- Spoke on wells.

Dennis Crane spoke on his pleasant experience living next to a different Buddhist monastery in a rural setting outside this area and is located on a two-lane road.

Gail Hesselgesser made the following comments:

- Participant of the convent over many years;
- Retreats are silent, with noise being very unusual;
- Appreciated the availability of the convent and it is considered a highly valued resource; and
- All the practical problems have been resolved.

Dr. Phe Bach, Mira Loma High School teacher, made the following comments:

- Spoke on mindfulness practice;
- Ethical and moral obligation to have this;
- Can’t change the past but we can learn from it and transform it; and
- Supported the project.

True Lin (?), registered nurse, made the following comments:

- Spoke on the mindfulness practice that she learned from the convent and how she used it with her patients; and
- Apologized for past mistakes and requested that they be given a chance.

Danh Tuyen (?), psychotherapist and professor, made the following comments:

- Spoke of the need of having another meditation center in the area;
- This was a pride for the area; and
- This was a spiritual issue.

Moira Magneson made the following comments:

- Echoed support heard today;
- Participant of convent for the past 10 years;
- Wonderful community and pulls people from other diverse areas;
- Nuns have been working long and hard to work on this and have made accommodations to resolve the neighbors’ concerns;
- There is a growing and expanding Buddhist community in Placerville; and
- This is a vibrant, strong and gentle community.

Douglas Pham, Modesto resident, has been attending the Temple for the past 11 years. He spoke on the benefits received from the practices he has learned. He wanted the Center to continue to grow and distributed handouts to the Commission.

Gary Garcia made the following comments:

- Had attended two retreats and it is a wonderful place for him and his family;
- Spoke on the benefits; and
- Gave regrets to the neighbors and stated that in the future he would not park on the two roads.

Charles Yan, San Jose resident and member, spoke on the benefits.

Marshall Cox, El Dorado Hills Fire Marshall, clarified Condition #29 and provided additional language for Condition #35.

The following comments were made during public testimony by individuals whose names were not clearly identifiable:

- Positive impact to youth organizations in the Sacramento area;
- Significant benefits to the practice of mindfulness;
- On behalf of the nuns, apologized to the neighbors for all of the problems they had caused;
- Spoke on the benefits of having a refuge like the convent;
- Although a San Jose resident, comes to the Center for the atmosphere and environment when practicing the mindfulness meditation;
- Can work on the differences with the neighbors;
- Crucial to have the mediation center;
- A nun from Escondido spoke on the benefits to others from what is learned at the Center and that everyone is welcome to restore their happiness and peacefulness; and
- Forgiveness was asked from the neighbors on issues that they didn't mean to cause.

Chair Stewart closed public comment.

Mr. Mount spoke on the requirements and process for LAFCO annexation as it related to the CEQA analysis.

Mr. Ngo made the following rebuttal comments:

- Once the project is completed, traffic would enter from Deer Valley Road;
- Handicapped and emergency vehicles would be the only ones allowed to use Penny Lane;
- Apologized to the neighbors;
- Proposed "No Parking" signs on the two roads;
- Would educate the members that they were not allowed to park on the roads; and
- Buses would be parking by the Deer Valley Road entrance.

Lillian MacLeod clarified that the existing access from the two roads would be "emergency only".

Head Nun of the convent made the following comments:

- Expressed heartfelt gratitude for welcoming them;
- Spoke on benefits of meditation;
- Addressed the deteriorating condition of existing structures and spoke on the need to expand the facilities in an urgent fashion;
- Grateful to the neighbors and expressed regret for the issues that had been caused by them; and
- Once project is complete, would like to invite everyone to the Center.

Commissioner Miller made the following comments during the hearing:

- Questioned what the plan was in addressing issues regarding Penny Lane, specifically blocking access and parking on others' property;
- Inquired on buses; and
- Voiced concern on the use of Penny Lane although it would be deemed as emergency access only.

Commissioner Shinault questioned when Deer Valley Road would be used for the primary access.

Chair Stewart made the following comments during the hearing:

- Inquired on a septic analysis report;
- Questioned if in a rural center;
- Requested clarification on access regarding Penny Lane;
- Great project for site;
- Appreciated the non-piecemeal approach;
- Concerned with the zoning;
- Project is huge for a RE-5 property and questioned why not a rezone;
- Special Use Permit runs with the land and inquired what extreme change could happen if the Buddhist center left; and
- Concerned on the intensity of the site due to the number of people that would be living there.

Mrs. MacLeod stated that the convent is considered a church, which typically are located in residential areas. She stated that this was part of the comprehensive Zoning Ordinance Update, is not over-built, and RE-5 zoning allows certain lodging facilities.

In response to discussion on requiring "No Parking" signs, Dave Spiegelberg, Transportation, stated that Penny Lane and Duncan Hill Road are not County-maintained roads. County Counsel Dave Livingston stated that if the Commission felt it would be a benefit to the project, they could condition it to require the applicant to work with the neighbors to place "No Parking" signs on those two roads. Commissioner Miller suggested that the Commission leave that up to the neighbors and applicant and not condition the project on that.

Mrs. MacLeod read into the record proposed language for Condition #35.

There was no further discussion.

**Motion: Commissioner Miller moved, seconded by Commissioner Shinault, and carried (3-0), to 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), as incorporated in the Conditions of Approval and mitigation measures; and 3) Approve Special Use Permit S13-0007, based on the Findings and subject to the Conditions of Approval as amended: (a) Amend Condition #14 to fix identified typographical error; and (b) Amend Condition #35 as read into the record.**

**AYES: Hansen, Shinault, Miller**  
**NOES: None**  
**ABSTAIN: Stewart**  
**ABSENT: Williams**

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

### **Findings**

#### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 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 Division - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

#### **2.0 GENERAL PLAN FINDINGS**

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

The Medium Density Residential (MDR) land use designation establishes areas suitable for detached single-family residences with larger lot sizes which will enable limited agricultural land management activities. This designation shall be applied where the character of an area is single-family residences; where the absence or reduced level of infrastructure including roads, water lines, and sewer lines does not justify higher densities; where the topography poses a constraint to higher densities; and as a transitional land use between the more highly developed and the more rural areas of the County. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.

The El Dorado County General Plan designates the subject site Medium Density Residential (MDR) and as being within the Rescue Rural Center. The overall density allowed under MDR is one dwelling unit per acre. The 10-acre site could allow up to 10 dwellings units for a residential development or 60 inhabitants by right, calculated as six per dwelling under state definition of a “family”. By their nature, church facilities and convents especially require the housing of their religious/pastoral community on site. Therefore, the request to house 28 nuns and two visiting monks would fall within the conceptual residential density allowed in the MDR land use designation. The addition of 50 temporary residents twice per year would also be allowed through the conditional use permit process. The proposed use is consistent with the intent of the MDR land use designation and the defined Rescue Rural Center, as the Zoning Ordinance allows a church with a conditional use permit.

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

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Churches are generally regarded as compatible uses in residential areas, providing gathering spaces and contributing benefits to public health, safety, and welfare. The nuns have resided at the site since 2002 and are members of a quiet contemplative religion. Conditions of approval limiting the use of the facility to church-related activities and requiring the conversion of the buildings to a school or daycare subject to a revision to the Conditional Use Permit will maintain the compatibility of the use with the surroundings. Churches are a use consistent with uses anticipated to be in a Rural Center.

**2.3 The project is consistent with General Plan Policy 5.1.2.1.**

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

The project was reviewed by the County Transportation Division, El Dorado Hills Fire District (on behalf of the Rescue Fire Department), El Dorado Irrigation District, and PG&E for adequate public services capacity. The new construction will utilize existing electrical facilities and public services. The proposed church facilities will necessitate additional septic system capacity and a septic capability study has been reviewed by the

Environmental Health Division. In order to access public water infrastructure currently adjacent to the site, the project parcel will be required to annex into the El Dorado Irrigation District. The project would not generate a substantial increase in solid waste, however, the project would be required to comply with construction and demolition debris recycling standards during the construction phase and follow CalGreen requirements during operation.

**2.4 The project is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

The proposed project is within a moderate fire hazard area. Standards for construction and vegetation maintenance will apply during the construction and operation phases of the project. Additional water storage will be provided at the site as required by the Fire District. The project will connect to a public water system.

**2.5 The project is consistent with General Plan Policy 6.2.3.2.**

Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

The Transportation Division and El Dorado Hills Fire District (on behalf of the Rescue Fire Department) reviewed the application materials and do not require significant site access or improvement to the existing roads. Development plans for emergency ingress and egress capabilities will be reviewed by the El Dorado Hills Fire District for compliance with County and fire codes and will be constructed consistent with conditions of approval. A new encroachment onto Deer Valley Road will give the site two points of access. Therefore, the project is in compliance with the General Plan Policy.

**2.6 The project is consistent with General Plan Policy 6.5.1.7.**

Policy 6.5.1.7, Noise Standards, require that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses.

Noise levels are not expected to substantially increase as a result of the project. The project is conditioned to not allow the use of outdoor amplified speech or music and although the Conditional Use Permit will allow groups up to 100 attendees, it is not anticipated to exceed noise levels as the site will be a meditation center. The facility would be open to the public from 8 A.M. to 5 P.M. daily and attendees of events are required to exit the premises before 10 P.M. ensuring consistency with night time noise levels. Noise generated during construction and operation is exempted consistent with General Plan Policy and Zoning Ordinance Section 130.37.020.I.

**2.7 The project is consistent with General Plan Policy 7.4.4.4.**

According to policy 7.4.4.4 of the General Plan, all new development projects that would result in soil disturbance on parcels that are over an acre and have at least 1 percent total canopy cover shall adhere to the tree canopy retention and replacement standards.

The site contains some trees, but no trees are within the proposed area of construction. No oaks or other trees are proposed for removal. With the implementation of the conditions of approval, the project is consistent with policy 7.4.4.4 of the General Plan.

**2.8 The project is consistent with General Plan Policy 7.4.1.6.**

Policy 7.4.1.6 requires all development projects involving discretionary review shall be designed to avoid disturbance or fragmentation of important habitats to the extent reasonably feasible. Where avoidance is not possible, the development shall be required to fully mitigate the effects of important habitat loss and fragmentation.

The site contains Pine Hill endemic plants and their associated habitat. The project has been analyzed and fully mitigated under the Mitigated Negative Declaration (Exhibit Z) to the satisfaction of the California Department of Fish and Wildlife and consistency with County policies for conservation of biological resources. Mitigation Measures BIO-1, 2, and 3 have been agreed to by the applicant and added as a condition of approval (Condition 2.a-c). With compliance, the impacts to rare plants and their habitat have been found to be less than significant.

**3.0 ZONING FINDINGS**

**3.1 The project is consistent with Title 130.**

The project has been analyzed in accordance with Zoning Ordinance Section 130.70.110 (Development Standards) for dimensions, buffers, and building setbacks. The project, as proposed, is consistent with the Zoning Ordinance because the project will comply with building setbacks and other applicable design standards.

The parcel is zoned Estate Residential Five-Acre (RE-5). No maximum building coverage is specified for the RE-5 zone. The maximum building height is 45 feet for this zone. The minimum property line setback is 30 feet on all sides. As shown on the site plan, all structures would meet the 30 foot setback and all elevations show the structures being less than 45 feet in height.

**3.2 The project is consistent with Chapter 130.35: Off-Street Parking and Loading.**

Table 130.35.030.1 of the Zoning Ordinance establishes off-street parking requirements by use. Churches are required to have one parking space per four seats, plus one space for each Sunday school classroom. As a retreat and meditation center, Sunday school is not within the project description, so that parking requirement would not be applicable. The greatest use of the property would be for the two organized retreats per year with up to 100 attendees, which would require 25 spaces under the ordinance. In addition, the most



similar use to the convent would be "sorority housing" that requires one space per bedroom plus one space per bed. With eight bedrooms proposed in each of two convent buildings and 28 beds total, 20 additional spaces to accommodate the resident nuns would be required. Therefore, a total number of 45 spaces would be required for the proposed project. Of these, two spaces must be ADA compliant pursuant to the California Building Code.

The project proposes 54 parking spaces, including two ADA compliant spaces, which would exceed the requirements under the Zoning Ordinance.

**3.3 The project is consistent with Chapter 130.33.**

Section 130.33.020 requires all ministerial and discretionary development for industrial, research and development, commercial, multi-unit residential, civic, or utility uses shall provide landscaping for the areas of a lot that do not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or impervious hardscapes, and other non-irrigated areas designated for non-development.

Churches are considered civic uses under the Zoning Ordinance. As the site is sensitive habitat for rare plants, the project is proposing to use natural habitat as landscaping as much as possible. This would reduce the impact to rare plants and would naturally be drought resistant. Landscape plans have been submitted that meet County standards and will be further reviewed at the building permit stage.

**3.4 The project is consistent with Title 130.16.**

Section 130.16.070.2a specifies the standards for permanent on-site signs within rural areas.

The project proposes a freestanding sign at the entrance to the meditation center with a sign size of 15 square feet and a height of 7.33 feet. The sign is conditioned to be reduced in sign size to 12 square feet in order to be consistent with the Sign Ordinance. The sign design is consistent with the architecture of the proposed buildings and would be consistent with other signs in the Rescue Rural Center.

**4.0 SPECIAL USE PERMIT FINDINGS**

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

As discussed above in Section 2.0 General Plan Findings, the special use permit is consistent with the applicable policies and requirements in the El Dorado County General Plan.

**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 surrounding uses. The proposed church will comply with the Development Standards of the RE-5 zone district. The proposed use is consistent with the surrounding neighborhood which includes large-lot single-family residences. Churches are generally regarded as compatible uses in residential areas, providing gathering spaces and contributing benefits to public health, safety, and welfare. As conditioned and mitigated, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding residents.

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

The subject property is located in the RE-5 zone district (Estate Residential 5-acre minimum). Section 130.24.020 of the Zoning Ordinance establishes the uses requiring approval by a Conditional Use Permit in the RE-5 zone which includes "churches and community assembly."

**Conditions of Approval**

**Development Services Division - Planning Services**

1. The Special Use Permit 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; August 2014
Exhibit F.....	Applicant's Project Description
Exhibit G.....	Proposed Sign Detail
Exhibit H.....	Proposed Sign Photograph
Exhibit I .....	Main Hall Front Elevation
Exhibit J .....	Main Hall Left Elevation
Exhibit K.....	Main Hall Right Elevation
Exhibit L .....	Nuns Residence Elevations
Exhibit M .....	Retreat Cottages Elevations
Exhibit N.....	Kitchen Attached to Nun's Residence Floor Plan
Exhibit O.....	Guest Cottage Floor Plan
Exhibit P.....	Kitchen and Restroom Floor Plan
Exhibit Q.....	Main Hall Basement Floor Plan
Exhibit R .....	Main Hall Upper Floor Plan
Exhibit S.....	Monk Residence Floor Plan
Exhibit T .....	Nuns Residence Floor Plan
Exhibit U.....	Retreat Cottage 4 Unit Floor Plan
Exhibit V.....	Retreat Cottage 2 Unit Floor Plan
Exhibits W-1 - W-4.....	Preliminary Grading Plans; August 2014 and May 2014
Exhibit X.....	Preliminary Landscape Plan; August 2014
Exhibit Y.....	Final Biological Resources Report Update; May 2015
Exhibit Z .....	Proposed Mitigated Negative Declaration and Initial Study
Exhibit AA.....	Mitigation Monitoring and Reporting Program

Exhibit BB .....Mitigation Measures Agreement

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 request to allow a church and convent (Zen Buddhist Meditation Center) with the following uses:

1. Housing for 28 nuns.
2. Sunday service for 30 people.
3. Three special events celebrating the Vietnamese Lunar New Year around late January or early February, Buddha's birthday in May, and Buddhist Mother's Day in August with up to 50 attendees.
4. Two organized retreats, one in May and another in October, with up to 100 attendees with half staying on the site.
5. The facility would be open to the public from 8 A.M. to 5 P.M. daily.
6. Housing for two visiting monks once or twice a year.
7. Retreat housing for up to 56 overnight guests.

The following existing and proposed structures are included in the request as labeled on Exhibit E:

- A. Existing Meditation Hall/office/library (existing mobile home): 1,536 square feet to be removed in Phase 1.
- B. Existing Nuns' Residence (existing mobile home): 1,696 square feet to be removed in Phase 1 after completion of Main Meditation Hall C.
- C. Proposed Main Meditation Hall with a total occupancy of 100 people: Main floor: 3,866 square feet; Basement: 2,939 square feet.
- D. Proposed Nun Residence #1 to house 14 nuns: Main floor: 1,480 square feet; 2nd floor: 1,172 square feet.
- E. Proposed Common Kitchen & Restroom to prepare meals for visitors: Kitchen: 640 square feet; Restroom: 320 square feet.
- F. Proposed Guest Cottage #1 to house nuns until residence completed, then to house 14 visitors: Main floor: 1,480 square feet; 2nd floor: 1,172 square feet.
- G. Proposed Retreat Cottages for use by resident nuns only: #1 at: 320 square feet; #2 at: 620 square feet.
- H. Proposed Nun Residence #2 to house 14 nuns: Main floor: 1,480 square feet; 2nd floor: 1,172 square feet.
- I. Proposed Guest Cottage #2-4 to house 14 visitors each: Main floor: 1,480 square feet; 2nd floor: 1,172 square feet.
- J. Proposed Public Restroom Facility: 320 square feet.
- K. Proposed Monk Residence Cottage for visiting monks: 320 square feet.

- L. Proposed Tea Pavilion: 510 square feet.
- M. Existing Public Restroom to be converted to storage: 280 square feet.
- N. Existing Gazebo: 260 square feet.
- O. Proposed Private Caretaker Residence: 1,800+ square feet.
- P. Proposed Buddha Pavilion: 260 square feet.

Phasing as shown on the site plan Exhibit E and detailed in Exhibit F. Phase 1 will consist of the construction of the meditation hall, one nun's residence, kitchen and restroom facility, and one guest cottage. The two existing mobile homes would be removed at completion of the meditation hall and one of the nun's residences.

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.

2. The following mitigation measures are required as conditions of approval to reduce potential significant environmental effects. The project shall be required to obtain an Incidental Take Permit (ITP) from California Department of Fish and Wildlife (CDFW). Mitigation measures, BIO-1, BIO-2, and BIO-3 provide performance measures for on-site mitigation that reduces the impact to Less Than Significant. Alternative mitigation measures, including payment of in-lieu fees, off-site mitigation, or other mitigation, subject to review and approval by CDFW by means of the ITP, will be acceptable as alternative mitigation pursuant to 15126.4(a)(1)(B) of the CEQA Guidelines. The mitigation measures shall be completed as identified in the adopted Mitigation Monitoring and Reporting Program (MMRP) (Exhibit AA).

**A. BIO-1: Special Status Plant Species:**

- 1) Location and Size of Proposed Conservation Easements.  
A conservation easement, encompassing most of the state- and federal-listed plants on the site, shall be established over 58,935 square feet (1.35 acres) on the west side of Deer Valley Road, and an additional area of 23,460 square feet (0.53 acres) is proposed on the east side of Deer Valley Road (Figure 7). The total proposed conservation easement area is 82,395 square feet, 1.6 times larger than the area that would be permanently impacted upon project build-out (Table 3 of Exhibit Y).
- 2) Management Plan for Proposed Conservation Easements.  
The Dieu Nhan Buddhist group will comply with a management plan to be decided during "take" permit negotiations with State and Federal agencies. It is recommended that soil disturbance, livestock grazing, and irrigation be prohibited within the easements. Removal of common chaparral shrubs, especially chamise

(*Adenostoma fasciculatum*), white-leaf manzanita (*Arctostaphylos viscida*), and buck brush (*Ceanothus cuneatus*), should be required to aid the proliferation of the listed species, which tend to decline in number and distribution when the chaparral canopy closes.

- 3) Signage.  
Signs will be placed along pathways to encourage visitors to stay on pathways to avoid damage to rare plants and their habitat.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** Planning Services shall verify the inclusion of this requirement on the grading, building, and landscape plans, prior to issuance of those permits. There shall be no final approval of the grading permit until Planning has verified the conservation easement has been established, a maintenance plan has been established, and the area has been developed as stated above. If an off-site mitigation program is approved by the applicable agencies that oversee the Pine Hill preserves, the program shall be evaluated for an alternative to on-site easements. If the applicable agencies determine that off-site mitigation can have the same effect as on-site easements, it may be utilized as an alternative mitigation to the requirements within this mitigation.

- B. BIO-2 Preconstruction Surveys:** A special-status plant survey of the construction zone shall be conducted before Incidental Take Permits are obtained, in order to assure that the number and species of plants to be “taken” are correct. The plant survey must be done between March 15 and August 15, to assure that the plants are both evident and identifiable.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** Planning Services shall verify the inclusion of this requirement on the grading plans, prior to issuance of the grading permit.

- C. BIO-3 Construction Restrictions:** All construction activities can be accessed from existing roadways; thus, plants outside of the actual construction site will not be disturbed. Mitigation measures to assure protection of plants outside of the actual construction zone require the following:

- 1) Education.  
Prior to construction activities, an education program will be conducted for all persons employed or otherwise working on the project site. The program will include information about the distribution and habitat needs of special status species found on-site, legal protections for those species, and protective measures for the species. Interpretation will be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing work on-site.

- 2) Protective Fencing.  
Prior to construction activities, protective fencing will be placed to protect special-status species to be preserved (Figure 6). The fencing shall be maintained throughout construction activities. All construction and material storage will be outside the protective fencing.
- 3) Excavation and Grading.
  - a) Equipment  
Small to medium excavation equipment will be used, such as an excavator, backhoe, bulldozer, dump truck, and compactor. Careful pathways avoiding fenced and designated areas of protection will be used to excavate and move spoils to surveyed sites designated for fill. All laws and ordinances relating to excavation and transport of soils will be observed. More delicate areas closer to fenced protected plant zones will use smaller equipment. Great care will be made in particular with placement of backhoe outriggers so as not to endanger any protected plant species.
  - b) Utilities  
The main water lines will be placed within existing and proposed roadways. Service lines from the water meter to proposed structures will be maintained either adjacent to roadways or within proposed pathways. Sewer lines will also be placed within existing and proposed roads and paths to the parking area, then distributed into leach fields shown on the site plan. Power and telephone are currently being served through an existing overhead powerline along the south property boundary to the top of the hill, near the southwest property corner. The project site can be served from this location alongside existing and proposed roadways and pathways.
- 4) Seed-bank Preservation.  
To preserve the existing rare plant seed-bank, topsoil will be removed from proposed construction areas and spread on-site, in areas currently without rare plants.
- 5) Landscaping.  
Landscaping will be limited to areas immediately surrounding proposed building and parking areas. No landscaping is planned for areas within the protective fencing. The landscaping plan will not knowingly introduce invasive exotic plant species, including those identified in the California Exotic Pest Plant Council's database, which is accessible at <http://www.cal-ipc.org/paf>.

**Monitoring Responsibility:** Planning Services

- Monitoring Requirement:** Planning Services shall verify the inclusion of this requirement on the grading, building, and landscape plans, prior to issuance of those permits.
3. No activity authorized by this special use permit may commence until all of the conditions of approval have been complied with in full, except as applied to phasing of buildings. Additionally, this special use authorizes only those activities typically associated with a church. Day care or a school operating during week days will require a revision to the conditional use permit.
  4. No outside amplification of voice or music is allowed without approval of a Temporary Use Permit and submittal of a noise study. If outside amplification of voice or music is to become a regular use at the site, revision to this conditional use permit shall be required.
  5. All attendees of events at the site that are not overnight guests shall exit the project parcel by 9 P.M.
  6. The proposed free standing sign shall have a reduced sign face size of 12 square feet. This will be verified at the building permit stage.
  7. Any proposed changes to the approved site plan shall be submitted to the Development Services Director for review and approval. Minor changes may be approved by the Development Services Director.
  8. In order to obtain a connection to public water, the project will require annexation into the El Dorado Irrigation District. This shall be completed prior to issuance of any building permits.
  9. In Compliance with County Code Section 130.22.250, 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.
  10. The applicant shall meet all parking lot construction standards as outlined in Resolution 202-2015. The improvement/ grading plan provided to the Community Development Agency shall contain information showing compliance with the above standards. All proposed signs and structures must be kept out of the County right-of-way.
  11. Any proposed building or parking lot lighting fixtures shall be designed and located so that no light and glare shall spill over property lines and adversely impact adjoining properties and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of the Development

Services Division. A lighting plan shall be submitted for review and approval by the Development Services Division.

12. 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.

### **Transportation Division**

13. The applicant shall obtain an encroachment permit from El Dorado County Transportation Division and shall construct the roadway encroachments from the driveway onto Deer Valley Road to the provisions of County Design Standard 103C. The improvements shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved improvement agreement with security, prior to the issuance of the grading permit.
14. The applicant shall obtain an encroachment permit from El Dorado County Transportation Division and shall construct the roadway encroachments from the ~~driveway~~ access roadway onto Deer Valley Road to the provisions of County Design Standard 103C if Penny Lane is required to meet Fire Safe regulations. The improvements shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved improvement agreement with security, prior to the issuance of the grading permit.
15. If road way improvements are required for Duncan Hill Road and Penny Lane to meet Fire Safe regulations then the roads shall be constructed consistent with the El Dorado County Design and Improvements Manual (DISM) 101C prior to initiation of use.
16. 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.
17. The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to the commencement of any work performed. The parking area gradient shall not exceed 6 percent in any direction, and the handicap parking gradient shall not exceed 2 percent grade in any direction.



18. The new grading and construction shall comply with the Phase II Small Project MS4 General Permit to the satisfaction of the Transportation Division. A drainage Study may be required at the time of building permit application. The onsite 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.

#### **Environmental Health Division**

19. All food service must comply with the California Retail Food Code. A Health Permit to operate is required when food is served to the residents and guests. Plans must be submitted for review and approval and a yearly permit to operate must be obtained from Environmental Health.

#### **County Surveyor**

20. Situs addressing for the project site shall be coordinated with the Rescue Fire District and the County Surveyor's Office prior to issuance of building permits.

#### **Air Quality Management District**

21. 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 (PM10) 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 if a Grading Permit is required from the Building Department. (Rules 223 and 223.1)
22. Paving: Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
23. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
24. 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).
25. 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. ARB is responsible for enforcement of this regulation.

26. New Point Source: Prior to construction/installation of any new point source emissions units (i.e., gasoline dispensing facility, emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501 and 523)
27. 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 (on behalf of the Rescue Fire Department)**

28. The potable water system with the purpose of fire protection for this mixed commercial and residential development shall provide a minimum fire flow of 1,500 gallons per minute with a minimum residual pressure of 20 psi for a two-hour duration. This requirement is based on a commercial building 13,400 square feet or less in size, Type V-B construction. The Meditation Center shall be fire sprinklered in accordance with NFPA 13 and Fire Department requirements. All residential structures on this site 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.
29. Per EID, the current water system will not supply the required fire flow of 1500 gpm. To achieve the required fire flow, the following shall occur (unless a Fire Department approved alternative is developed):
  - A. Replacement of the Deer Valley Road water main from a 6 inch to an 8 inch main that services this project site is required.
  - B. Installation of a water tank, pump system, with backup to supplement upon demand the needed fire flow of 1500 gpm is required.
    - 1) The size of the water tank will be approximately 84,000 gallons. The exact size will be determined by a hydraulic engineer with the intent of achieving a fire flow of 1500 gpm.
30. This development shall install Mueller Dry Barrel fire hydrants. This conforms to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants for this development shall not exceed 500 feet.

- One hydrant will be required near the Meditation Hall. Two hydrants will be located on the main entrance road. The exact location of each hydrant shall be determined by the Fire Department.
31. In order to enhance nighttime visibility, each hydrant shall be painted with red enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and State Fire Safe Regulations.
  32. 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.
  33. If any fencing is used that backs up to wildland open space, it shall be required to use non-combustible type fencing.
  34. All fire apparatus access roads shall be an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 40,000 pounds.
  35. No parking is allowed on the roadways. Parking shall be restricted to designated on-site parking spots. Construction vehicles will be restricted to on-site parking areas.
  36. This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway.
  37. Any Fire Department Connection (FDC) to the sprinkler/standpipe system shall be positioned so as not to be obstructed by a parked vehicle.
  38. This development shall be conditioned to develop and implement a Wildland Fire Safe Plan that has been approved by the Fire Department.
  39. The landscaping plan will be reviewed to ensure that no tree will impede fire apparatus access when fully grown.
  40. Fire Protection Systems
    - A. Installation of all onsite fire protection systems shall be in accordance with NFPA 24 and Fire Department Standards.
    - B. All onsite fire protection systems shall be tested in accordance with the requirements of NFPA 24 and shall be witnessed by the Fire Department.
    - C. The installing contractor, or sub-contractor, for all onsite fire protection systems shall notify the Fire Department at least 24 hours in advance of requesting a date and time for inspections.
    - D. If plastic pipe is installed for fire protection systems, the pipe used shall be C-900 Class 200.

- E. After installation, rods, nuts, bolts, washers, clamps, and other restraining devices, except truss blocks, used onsite fire protection systems shall be cleaned and thoroughly coated with an acceptable corrosion retarding material.
  - F. The section of private fire service piping within five feet of the building foundation and the fire sprinkler riser shall be ductile iron piping.
- 41. A fire alarm is required in the Meditation Hall and Nun's Residence D (which will be a temporary Meditation Hall).
  - 42. A Knox Box will be required for nighttime and afterhours access to the alarmed buildings.
  - 43. The following phasing plan is approved:
    - A. Stage 1 – construct entrance road to 20 feet wide, associated parking, water and sewer lines with associated hydrant(s), Guest Cottage F, and partial construction of the Nun's Residence D, which will serve as a temporary Meditation Hall.
    - B. Stage 2 – widening of Penny Lane and Duncan Hill Road to 20 feet wide, the full construction of the access road to the new Meditation Hall 'C' and extending water and sewer lines with associated hydrant(s) must occur prior to any additional building on this site.
  - 44. Building plans will be required to be reviewed by the fire department for all structures on this site.
  - 45. A PDF electronic copy of all plans shall be provided to the fire department for electronic storage and use for engine company pre-fire planning.

**11:00 A.M.**

**6. 16-0533** Community Development Agency, Development Services Division providing an information-only workshop on the Saratoga Estates project (Tentative Map TM14-1520/Rezone Z14-0007/Planned Development PD14-0006) to discuss the project description with the Planning Commission prior to public hearing on the applications and Final Environmental Impact Report (FEIR). Any public comments are welcome and will be received and filed. No action by the Planning Commission will be taken.  
(Supervisory District 1)

*Public Comment: B. Habersack, P. Kriz, J. Hidal, B. Ritchie*

**No Action Taken.**

**ADJOURNMENT**

Meeting adjourned at 11:56 p.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:

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Rich Stewart, Chair

DRAFT