



EL DORADO COUNTY PLANNING SERVICES

John Knight..... District I
John MacCready..... District II
Dave Machado..... District III
Walter Mathews..... District IV
Alan Tolhurst..... District V
Jo Ann Brillisour..... Clerk of the Commission

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MINUTES

Regular Meeting of the Planning Commission

June 28, 2007 – 8:30 A.M.

BUILDING C HEARING ROOM

2850 Fairlane Court, Placerville, CA

1. CALL TO ORDER

Meeting called to order at 8:35 a.m. Present: Commissioners Mac Cready, Machado, Mathews, Tolhurst, and Knight; Paula F. Frantz, County Counsel; and Jo Ann Brillisour, Clerk to the Planning Commission.

2. ADOPTION OF AGENDA

MOTION: COMMISSIONER MACHADO, SECONDED BY COMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE AGENDA, WITH ADDENDUM.

3. PLEDGE OF ALLEGIANCE

A Pledge of Allegiance was given by the Commission and those persons in the audience.

4. CONSENT CALENDAR (All items on the Consent Calendar were approved by one motion unless a Commission member requested separate action on a specific item.)

a. Minutes: June 14, 2007

ADDENDUM

Considered under Consent Calendar.

Site Plan Review SPR07-0011 submitted by Steve and Nancy Costa for a General Plan Consistency finding with Policies 7.3.3.4 and 7.4.2.9 for reduction of building setbacks for a second residential dwelling from a pond from 100 to 70 feet. The property, identified by Assessor's Parcel Number 071-291-04, consisting of 10.03 acres, is located on the north side of Orchard Court, approximately 1,500 feet northwest of the intersection with Oak View Drive and Rattlesnake Bar Road, in the Pilot Hill area, Supervisorial District V.

Staff: Pierre Rivas recommended approval.

MOTION: COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE THE CONSENT CALENDAR (Commissioner Machado abstained on approval of the Minutes as he was not present at the meeting of June 14, 2007).

Site Plan Review SPR07-0011

Findings

1. *There are exceptional or extraordinary circumstances or conditions applying to the land. Building. Or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant;*

The property is bounded on the north and the west by lands zoned Exclusive Agriculture which severely restricts the location of uses sensitive to agricultural nuisances. The second residential dwelling is subject to providing for a 200-foot setback from the north and west property boundaries limiting the feasible locations for the dwelling and septic system. The proposed location is the high spot within this general area of the property. The area to the south towards Orchard Court is within a drainage swale and is a wet area during the winter season. This location also reduces the amount of existing orchard that would need to be removed.

2. *The strict application of the provisions of the ordinance requested to be varied would deprive the applicant of the reasonable use of the land or building, allowed for other land in the vicinity and the same zone;*

Second residential dwelling units are a use allowed by right in the Estate-Residential Zone District (RE-10) and second residential units are encouraged by General Plan policy as a means of providing for affordable housing needs (Housing Element, Measure HO-F).

3. *The variance is the minimum necessary for the reasonable use of the land or building;*

The proposed location meets the minimum special agricultural setbacks, reduces the amount of orchard trees to be removed, avoids a drainage swale, and would maintain a minimum of 70 feet from a man-made irrigation pond.

4. *The variance is in conformity with the intent of this article and not detrimental to the public health, safety and welfare, or injurious to the neighborhood.*

A reduction in the setback from the pond from 100 feet to 70 feet would not be detrimental to the public health, safety and welfare, or be injurious to the neighborhood.

5. *The alternative setback is consistent with the General Plan.*

The alternative setback of 70 feet would not affect the pond which is a man-made water retention feature for irrigation of agricultural uses on the subject property and is therefore consistent with General Plan Policy 7.3.3.4 by providing for an adequate setback for protection of the pond.

The action today can be appealed to the Board of Supervisors within ten working days.

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS

These items were considered during the day as time permitted.

Larry Lohman gave the Commission a short update on the fire at Lake Tahoe and the work the County has been doing. There are 229 homes that were destroyed; 14 with minor to moderate damage. He and Greg Fuz will be going up to the area today to see if the damaged homes are safe to occupy. Commissioner Machado asked about expediting permits. Mr. Fuz commented Larry Lohman met with TRPA on these issues Tuesday. TRPA has offered staff assistance and has been discussing an expedited process. Building permits will be required; no TIM or building permit fees will be required. The building season begins May 1 in Tahoe. It is anticipated many plans will be submitted between November this year and the beginning of the building season.

Report: Home Occupation Ordinance

Pierre Rivas gave a brief report on the Business License process which will be available on line in approximately six months. Louise Grisham from the Tax Collector's Office gave a brief power point presentation on the licensing process.

Commissioner Mac Cready would like to see the County develop an ordinance for home occupations that does not require a special use permit, and once the property changes hands, the use reverts back to the original use of the property, minus the home occupation use. Mr. Rivas explained that the administrative permit would be connected to the business license and not the land.

Mr. Rivas will keep the Commission up to date on the on-line process. Once an ordinance is prepared the Commission will receive a copy.

No action was taken.

Report: General Plan Update: Land use, Transportation, and Housing Elements

Shawna Purvines presented and briefly explained this report. Commissioner Machado asked about a Board appointed housing task force. Mrs. Purvines said the task force issue will go before the Board on August 14. Commissioner Machado asked about LU-F. Has staff asked the Board if that is the route they want to go? Mrs. Purvines comments they are starting with Missouri Flat and then Cameron Park. Commissioner Machado stated we could end up with 25 advisory groups that may slow the process. A Commissioner asked about HO-K, Housing Trust Fund. Mrs. Purvines explained.

No action was taken.

6. COMMISSIONERS' REPORTS

Commissioner Machado spoke about oak communities. The Commission discussed the General Plan amendment initiated by the Board on the oak policies.

PUBLIC FORUM/PUBLIC COMMENT – Art Marinaccio spoke about oak woodlands.

7. ZONE CHANGE/PLANNED DEVELOPMENT/TENTATIVE MAP (Public Hearing)

a. **Z06-0046/PD06-0032/TM06-1429** submitted by MOUNTAINS EDGE DEVELOPMENT (Engineer: Carlton Engineering) to rezone property from Limited Multifamily Residential-Design Control-Airport Safety (R2-DC-AA) to Limited Multifamily Residential-Planned Development-Airport Safety (R2-PD-AA); development plan to convert an existing nine-unit rental apartment complex into nine airspace condominium units with common areas under management of a homeowner's association; and tentative subdivision map proposing to create nine airspace condominium units. The property, identified by Assessor's Parcel Number 116-311-06, consisting of 0.44 acre, is located on the southwest side of Cimmarron Road, north of the intersection with La Canada Way, in the **Cameron Park area**, Supervisorial District I. (Categorically exempt pursuant to Sections 15305 and 15301(k) of the CEQA Guidelines)

This item was continued from the meeting of June 14, 2007.

Gina Hunter presented this item in the absence of Jonathan Fong and recommended the Commission forward a recommendation of approval to the Board of Supervisors. Staff recommended modification of Condition 9. Commissioner Machado asked if the applicant was aware of the new condition. Nancy Hayes, Carlton Engineering, stated they are aware of the proposed revision to Condition 9. The applicant was also present and agreed to the proposed conditions. No further input was received.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTIONS 15305 AND 15301(k) OF THE CEQA GUIDELINES; APPROVE Z06-0046 REZONING ASSESSOR'S PARCEL NUMBER 116-311-06 FROM LIMITED MULTIFAMILY RESIDENTIAL-DESIGN CONTROL-AIRPORT SAFETY (R2-DC-AA) TO LIMITED MULTIFAMILY RESIDENTIAL-PLANNED DEVELOPMENT-AIRPORT SAFETY (R2-PD-AA), BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE PD06-0032/TM06-1429, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1.0 CEQA FINDINGS

- 1.1** This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301(k) that applies to the division of existing multiple family or single-family residences into common-interest ownership...where no physical changes occur which are otherwise exempt.”

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with the General Plan

As proposed, the project is consistent with the Multi-family Residential (MFR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 as the parcel is located within a Community Region, and the proposed use and development density are consistent with the land use designation as well as the planned development combining zone district.

The project is consistent with the Policy 2.2.3.1 as the project provides 38 percent open space.

As proposed and conditioned, the project is consistent with General Plan Policies HO-3g, TC5a, and 2.2.3.1 concerning affordable housing, pedestrian access, and the planned development overlay.

3.0 ZONING FINDINGS

3.1 The project is consistent with the Zoning Ordinance

The project is consistent within the Limited Multifamily Residential (R2) Zone District. The existing structures and the proposed project are allowed uses in R2 Zone.

A planned development application is required to allow the conversion of the existing residential structure to the proposed condominium units and common area. The request includes exceptions to the standard requirements of zone regulations concerning building setbacks and minimum lot sizes. Staff has determined that the requested zero-lot lines and reduced lot sizes to accommodate the condominium conversion proposal are justified by the project design.

Because the project site has already been developed, the planned development would allow modification of the offsite parking requirements to allow a parking area which does not meet the parking requirements of the Zoning Ordinance. The site has been developed, and no additional areas are available for additional parking.

4.0 TENTATIVE MAP FINDINGS

4.1 The proposed map is consistent with the general plan;

The existing multifamily development is consistent within the Multifamily Residential (MFR) land use designation. The proposed conversion of the apartment complexes to condominium would be consistent within the MFR land use designation.

4.2 The design or improvement of the proposed subdivision is consistent with the applicable general plans;

No development would be proposed in conjunction with the application. The existing multifamily development is consistent within the MFR land use designation.

4.3 The site is physically suitable for the type of development;

The project site is developed with an existing multifamily development. The condominium conversion would not involve additional development that would not be suitable for the project site.

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

The project site is developed with a nine-unit multifamily development which is consistent with the density requirements of the Multifamily Residential (MFR) land use designation. The project would not involve development that would exceed the density requirements of the MFR land use designation.

4.5 The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat;

No development is proposed on the project site that would result in significant environmental damage. The project would be required to construct a four foot wide sidewalk across a channelized drainage which would not injure fish wildlife or their habitat.

5.0 PLANNED DEVELOPMENT FINDINGS

5.1 That the planned development request is consistent with the General Plan;

The proposed planned development would allow the conversion of existing multifamily units to individual condominium units which is consistent with General Plan.

5.2 That the proposed development is so designed to provide a desirable environment within its own boundaries;

The project would not create additional development on-site; however, the proposed changes to the site would provide a desirable environment. The project would provide the required minimum 30 percent open space as well as individual yards for each unit. Additionally, the project would be required to provide sidewalks along the frontage to provide pedestrian access in the area.

5.3 That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography;

A planned development application is required to allow the conversion of the existing residential structure to the proposed condominium units and common area. The request includes exceptions to the standard requirements of zone regulations concerning building setbacks and minimum lot sizes. Staff has determined that the requested zero-lot lines and reduced lot sizes to accommodate the condominium conversion proposal are justified by the project design.

Because the project site has already been developed, the planned development would allow modification of the off-site parking requirements to allow a parking area which does not meet the parking requirements of the Zoning Ordinance. The site has been developed, and no additional areas are available for additional parking.

5.3.1 Parking Requirement Modifications

The proposed reduction in the required off-street parking may be approved provided the following findings can be made:

5.3.2 The intent of the parking ordinance is preserved;

5.3.3 The parking provided is sufficient to serve the use for which it is intended;

5.3.4 The modification will not be detrimental to the public health or safety.

The multifamily development was finalized and has been in use since 1985. The deficient parking on-site has not been significant as off-site parking is allowed along the project site frontage on Cimmarron Road. The project would create individual condominium units for each of the units. No development is proposed in conjunction with the project that would result in the requirement of additional parking.

5.4 That the site is physically suited for the proposed uses;

The site is an existing apartment complex that is located within a high density, commercially and residentially developed Community Region.

- 5.5 That adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities;**

The project consists of an existing apartment complex, and as such, all improvements and services exist on site.

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

The development is consistent with the surrounding land use improvements. The project site has been previously developed and does not negatively impact any natural or scenic features of the site.

6.0 DESIGN WAIVER FINDINGS

Design Waiver: To reduce the sidewalk improvement from six feet to four feet.

- 6.1 There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,**

The existing sidewalks in the project vicinity are four feet in width. The proposed design waiver would allow sidewalks which would be consistent with the existing improvements.

- 6.2 Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,**

Construction of a six foot sidewalk would require additional grading and site improvements for the construction over the existing drainage under Cimmarron Road.

- 6.3 The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public,**

The proposed four foot sidewalk would provide pedestrian access within the project site and would not pose any health or safety risks in the project vicinity.

- 6.4.1 The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.**

The proposed four foot sidewalk would be consistent with the Design and Improvement Standards Manual and the El Dorado County Subdivisions Ordinance.

Conditions

Planning Services

1. This parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit D (tentative parcel map) dated December 21, 2006, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

- a. Rezone from Limited Multi-family Residential-Design Control-Airport Safety (R2-DC-AA) to Limited Multi-family Residential-Planned Development-Airport Safety (R2-PD-AA);
- b. Development plan to convert an existing nine unit rental apartment complex into nine airspace condominium units with common areas under management of a homeowners' association (HOA); and
- c. A tentative subdivision map creating nine airspace condominium units and one open space parcel on one parcel consisting of 0.44-acre (Exhibit B).

One design waiver has been proposed for the following: To reduce the sidewalk improvement from six feet to four feet.

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.

2. Concurrently with final map recordation, CC&R's with a homeowners' maintenance agreement, to include but not limited to those requirements under §17.28.121 of the County Code, shall be recorded.
3. The applicant shall be subject to all noticing requirements under the Subdivision Map Act. Prior to final map recordation, proof of legal noticing to all tenants shall be submitted to Planning Services demonstrating compliance.

4. The applicant shall be subject to notification to buyers that the structures pre-date 1994 building code changes in relation to condominium conversions.
5. The applicant shall provide a handicap-accessible space in the onsite parking area. The parking space shall comply with the Zoning Ordinance requirements which require a minimum area of 14 feet in width and 18 feet in depth, with a marked parking stall of 10 feet in width and a loading/unloading area 4 feet in width. The space shall be striped prior to recordation of the final map.
6. The handicap accessible space shall be identified by a permanently affixed reflectorized sign displaying the international symbol of handicap accessibility. The sign shall be installed prior to recordation of the final map.
7. Prior to recordation of the final map all Development Services fees shall be paid.
8. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

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

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

Department of Transportation

Project Specific Conditions

9. The applicant shall construct a Type 2 curb and gutter and a four foot wide sidewalks along ~~Cimmarron Road~~, along the entire project frontage of Cimmarron ~~Count~~ Road, per Standard Plans 104 and 101B. As a result, the applicant shall replace the existing guard rail and extend the inlet of the storm drain crossing under Cimmarron Road. These improvements shall be substantially complete or the applicant shall obtain an approved improvement agreement with security as determined by the Department of Transportation, prior to the recordation of the final map.
10. Upon discretionary approval, the applicant shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to commencement of any improvements on the project facilities.

11. Upon discretionary approval, the developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance, prior to the recordation the final map.
12. The applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads and drainage facilities not maintained by the County prior to the recordation of the final map. If a zone of benefit, home owner association, or informal road maintenance association cannot be formed to maintain non-County maintained roads, the applicant should be aware that Civil Code 845 requires that the owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in good repair, and in the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner.

Standard Conditions

13. 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.
14. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance prior to filing the final map.
15. The construction of all required improvements shall be completed with the presentation of the final map to the Development Services Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
16. The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.

17. A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans to the approval of the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
18. 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.
19. 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.
20. Grading 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. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
21. 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.
22. 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. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of six feet which allows structural driveway access only.
23. Turnarounds shall be constructed at any proposed entry gates within this subdivision and are subject to the review and approval by the Department of Transportation at the improvement plan stage.

24. The Master Covenants, Conditions, and Restrictions (CC&Rs) shall provide that no parking be permitted within cul-de-sac bulbs which have a radius to curb-face which is less than County standards and shall provide for enforcement of such provisions. Additionally, the CC&Rs shall include a provision for off-street parking to compensate for lack of parking normally provided within the cul-de-sac bulb and shall either provide a three-car driveway or provide sufficient depth of driveway (18 feet per parking stall) to accommodate longitudinal and/or lateral parking for three spaces.
25. 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).
26. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the Department of Transportation with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
27. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 5:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on Saturdays; and prohibited on Sundays and holidays.

Surveyor's Office

29. 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 a 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.
 - b. **Z06-0041/PD06-0028/TM06-1427** submitted by DAVID LONG, MARLON LTD (Agent: Carlton Engineering) to rezone property from Limited Multifamily Residential-Design Control-Airport Safety (R2-DC-AA) to Limited Multifamily Residential-Planned Development-Airport Safety (R2-PD-AA); development plan to convert an existing 11 unit rental apartment complex into 11 airspace condominium units with common areas under management of a homeowner's association; and a tentative subdivision map creating 11 airspace condominium units. A design waiver has also been request to allow the reduction of the sidewalk improvement requirement from six to four feet. The property, identified by Assessor's Parcel Number 116-312-05, consisting of 0.64 acre, is located on the north side of Cimmarron Road, west of the intersection with Cimmarron Court, in the **Cameron Park area**, Supervisorial District I. (Categorically exempt pursuant to Sections 15305 and 15301(k) of the CEQA Guidelines)

Gina Hunter presented this item in the absence of Jonathan Fong and recommended approval to the Board of Supervisor. Commissioner Machado asked for further clarification on the additional open space adjacent to each multifamily structure.

Nancy Hayes, Carlton Engineering, represented the applicant and agreed to the proposed conditions.

There was no further input.

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTIONS 15305 AND 15301(k) OF THE CEQA GUIDELINES; APPROVE Z06-0041 REZONING ASSESSOR'S PARCEL NUMBER 116-312-05 FROM LIMITED MULTIFAMILY RESIDENTIAL-DESIGN CONTROL-AIRPORT SAFETY (R2-DC-AA) TO LIMITED MULTIFAMILY RESIDENTIAL-PLANNED DEVELOPMENT-AIRPORT SAFETY (R2-PD-AA), BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE PD06-0028/TM06-1427, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

Findings

1.0 CEQA Findings

1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15305 of the CEQA Guidelines stating that "Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which does not result in any changes in land use or density", and 15301(k) that applies to the Division of existing multiple family or single-family residences into common-interest ownership...where no physical changes occur which are otherwise exempt."

2.0 General Plan Findings

2.1 The project is consistent with the General Plan

As proposed, the project is consistent with the Multi-Family Residential (MFR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 as the parcel is located within a Community Region and the proposed use and development density are consistent with the land use designation as well as the combining zone district.

As proposed and conditioned, the project is consistent with General Plan Policies HO-3g, TC5a, and 2.2.3.1 concerning affordable housing, pedestrian access, and the planned development overlay.

3.0 Zoning Findings

3.1 The project is consistent with the Zoning Ordinance

The subject site is zoned Limited Multifamily Residential (R2) which permits the existing multifamily development. The project would involve the addition of the planned

development zoning overlay which would allow for the creation of airspace units for each of the multifamily units.

As proposed, the project meets all applicable development standards contained within §17.32.040 of the El Dorado County Zoning Ordinance.

4.0 Tentative Map Findings

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

The development is consistent with the density requirements within the Multi-Family Residential (MFR) land use designation.

The project complies with the open space requirements of General Plan Policy 2.2.3.1.

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

The project is consistent with the development standards of the R2 Zone District. The project would create individual parcels for the existing multifamily units which is consistent with the Major Land Division Ordinance.

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

The project would not result in the construction of any additional residential units. The existing multifamily development is consistent with the density requirements of the Multi-Family Residential (MFR) land use designation.

4.4 The proposed subdivision is not likely to cause substantial environmental damage.

The project would not result in any improvements that would cause environmental damage.

5.0 Planned Development Findings

5.1 That the Planned Development request is consistent with the General Plan;

The proposed zone change request to rezone the property from Limited Multifamily Residential-Design Control-Airport Safety (R2-DC-AA) to Limited Multifamily Residential-Planned Development-Airport Safety (R2-PD-AA) is consistent with the land use designation and Policy 2.2.5.3 regarding rezones in general, as the project is an existing development previously approved under discretionary review. Additionally, the General Plan contains several policies pertinent to the project whose consistency is discussed under the General Plan section of these Findings.

5.2 That the proposed development is so designed to provide a desirable environment within its own boundaries;

The project would create individual residential lots for the existing multifamily development. The planned development would also include approximately 50 percent of open space on the project site.

5.3 That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography;

A planned development application is required to facilitate the conversion of the existing residential structure to the proposed condominium units and common area. The request includes exceptions to the standard requirements of zone regulations concerning building setbacks and minimum lot sizes. Staff has determined that the requested zero-lot lines and reduced lot sizes to accommodate the condominium conversion proposal are justified by the project design.

5.4 That the site is physically suited for the proposed uses;

The site is an existing apartment complex that is located within a high density, commercially and residentially developed, Community Region.

5.5 That adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities;

The project consists of an existing apartment complex, and as such, all improvements and services exist on site.

5.6 That the proposed uses do not significantly detract from the natural land and scenic values of the site.

The existing development conforms to the multifamily residential and commercial surroundings. The proposed condominium conversion has been determined to be Categorical Exempt from CEQA pursuant to Section 15301(a) of the CEQA Guidelines.

6.0 Design Waivers Findings

6.1 There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver,

The existing sidewalks in the project vicinity are approximately four feet in width. The reduction of the sidewalk improvements along the frontage would be consistent with the sidewalks in the area.

- 6.2 **Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property,**

The proposed four-foot sidewalk would reduce the environmental impacts in the project vicinity. Cimarron Road crosses a drainage swale which would be impacted by the additional road width necessary to construct the six-foot sidewalk.

- 6.3 **The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public,**

The four-foot sidewalk would provide pedestrian access in the project vicinity and would not be injurious to the health, safety, and welfare of the public.

- 6.4 **The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.**

The four-foot sidewalk is consistent with the Design and Improvement Standards Manual, the Subdivision Ordinance, and the General Plan.

Conditions

Planning Services

1. This rezone, planned development, and subdivision map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit E (Tentative Parcel Map) dated June 28, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project, as approved, shall consist of the following:

- a. Rezone from Limited Multifamily Residential-Design Control-Airport Safety (R2-DC-AA) to Limited Multifamily Residential-Planned Development-Airport Safety (R2-PD-AA).
- b. Development plan to convert an existing 11 unit rental apartment complex into 11 airspace condominium units with common areas under management of a homeowners' association. The plan would include the creation of a common lot to include approximately 14,000 square feet of open space.
- c. A tentative subdivision map creating 11 airspace condominium units on a 0.6-acre parcel.

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.

2. The applicant shall provide a handicap-accessible space in the onsite parking area. The parking space shall comply with the Zoning Ordinance requirements which require a minimum area of 14 feet in width and 18 feet in depth, with a marked parking stall of 10 feet in width and a loading/unloading area 4 feet in width. The space shall be striped prior to recordation of the final map.
3. The handicap accessible space shall be identified by a permanently affixed reflectorized sign displaying the international symbol of handicap accessibility. The sign shall be installed prior to recordation of the final map.
4. Prior to recordation of the final map, all Development Services fees shall be paid.
5. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

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

Department of Transportation

Project Specific Conditions:

6. The applicant shall construct a Type 2 curb and gutter and 4 foot sidewalks along Cimmarron Road, continuing to the project boundary on Cimmarron Court, per Standard Plans 104 and 101B. As a result, the applicant shall replace the existing guard rail and extend the inlet of the storm drain crossing under Cimmarron Road. This work must be substantially complete, as determined by the Department of Transportation, prior to filing the final map.
7. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvements Standards Manual from the

County Department of Transportation and pay all applicable fees prior to commencement of any improvements on the project facilities.

8. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance prior to filing of the final map.
9. Applicant shall join and/or form an entity to the satisfaction of the County, to maintain all roads and drainage facilities not maintained by the County. If a Zone of Benefit, Home Owner Association or informal road maintenance association cannot be formed to maintain non-County maintained roads, the applicant should be aware that Civil Code 845 requires that the owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in repair, and in the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner.

Standard Conditions

10. 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.
11. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance prior to filing the final map.
12. The construction of all required improvements shall be completed with the presentation of the final map to the Director of Development Services or designee before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and material men surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
13. The final map shall show all utility, road, and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.

14. A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans to the approval of the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
15. 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.
16. 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.
17. Grading 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. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
18. 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.
19. 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).
20. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the Department of Transportation with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.

Surveyor's Office

21. 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.

Environmental Management- Solid Waste Division

22. The applicant shall provide an adequate number of mixed solid waste and recycling containers. An adequate number of enclosures to accommodate the containers shall be provided. The enclosures shall be serviceable by the franchisee. Environmental Management shall review and approve the installation of the waste measures prior to filing of the final map.

8. GENERAL PLAN AMENDMENT/REZONE/PLANNED DEVELOPMENT
(Public Hearing)

A07-0006/Z07-0013/PD07-0009 submitted by JIM CHAFFEY to amend the land use designation from Medium Density Residential (MDR) to Commercial (C); zone change from Estate Residential Five-acre (RE-5) and Single-family Two-acre Residential (R2A) to General Commercial-Planned Development (C-PD); and development plan to allow the exterior renovation of three existing 288-foot by 48-foot buildings and one 48-foot by 200-foot building, and allow the use of Building 3 only for warehouse storage of wine produced off-site and the use of the existing 1,700 square foot home for residential/caretaker use. The property, identified by Assessor's Parcel Number 078-050-46, consisting of 8.8 acres, is located on the northeast side of Pleasant Valley road, approximately 0.25 mile southeast of the intersection with Newtown Road, in the **Pleasant Valley area**, Supervisorial District II. (Negative declaration prepared)

Peter Maurer presented this item in the absence of Tom Dougherty and recommended approval to the Board of Supervisors.

Commissioner Mathews asked if there is a reason they did not apply for a special use permit. Mr. Maurer replied the use is not allowed by special use permit.

Commissioner Machado asked for clarification on the site plan (parking) and the request. Mr. Maurer explained. Commissioner Machado asked if there is frontage landscaping planned along Pleasant Valley Road. Mr. Maurer said there is additional landscaping that will screen the part being approved today from the residential area. Commissioner Machado asked about the existing residence. Mr. Maurer said the residence would remain. Commissioner Machado asked about the wine delivery. He does not see a loading zone. Is it being unloaded with a fork lift? Commissioner Mac Cready said the proposed landscaping is inadequate. He would like to see a landscaping plan with renderings. He feels the landscaping should be installed as though all buildings were going to be used.

Jim Chaffey said at this point they are only using Building 3. He does have a landscape plan that shows all the landscaping. There is landscaping in between the parking spaces.

Commissioner Mac Cready wants to see the Pleasant Valley Rural Center grow in a pleasant way. Mr. Chaffey would like to be able to landscape as the project grows.

Commissioner Tolhurst feels if they landscape the front of the first barn it would be help a lot. Commissioner Machado would like to see additional landscaping. He asked about deliveries. Bill Gunn, El Dorado Wine Storage, said there are two roll-up doors. Chair Knight asked that Mr. Gunn explain their operation.

There was no further input.

Commissioner Tolhurst feels the mixed use is an ambiance for the area.

Paula Frantz, County Counsel, said the Commission could recommend approval of the General Plan/Rezone and continue the planned development portion of the application.

The Commission reviewed a more detailed landscaping plan provided by Mr. Chaffey. Commissioner Mac Cready asked if the landscaping plan could be incorporated into the action today with conditions added to address the concerns of the Commission. Mr. Maurer suggested modification of the Condition 2 and the incorporation of the changes in the memo from the Department of Transportation dated June 7, 2007.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED; APPROVE A07-0006 CHANGING THE LAND USE DESIGNATION ON ASSESSOR'S PARCEL NUMBER 078-050-46 FROM MEDIUM DENSITY RESIDENTIAL (MDR) TO COMMERCIAL (C), BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE Z07-0013/PD07-0009 REZONING ASSESSOR'S PARCEL NUMBER 078-050-46 FROM ESTATE RESIDENTIAL FIVE-ACRE (RE-5) AND SINGLE-FAMILY TWO-ACRE RESIDENTIAL (R2A), ADOPTING THE DEVELOPMENT AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

- 2.1 The land use amendment from Medium Density Residential to Commercial is consistent with Objective 2.1.2 and Policy 2.1.2.3 in that the property could be developed to meet the commercial needs of the surrounding rural area. In particular, the planned development being processed along with the General Plan amendment and rezone will allow local vintners a central area to store their cases of wine produced in local wineries. Many of the smaller wineries are limited in production due to storage of the final product. Amending the land use designation to Commercial is found to be in the in the public interest.

3.0 Zoning Findings

- 3.1 A rezone to General Commercial will allow the property to be consistent with the proposed General Plan designation. The proposed use of wine warehousing is consistent with Policies 2.1.2.1 and 2.1.2.2.
- 3.2 The rezone would meet the intentions of Policy 2.2.5.3 because the location in a Rural Center, the current availability of supporting utilities and infrastructure, the easy access for emergency responders, and the potential for surrounding commercial opportunities demonstrate that the site is appropriate for commercial development.
- 3.3 The rezone would meet the intentions of Policy 2.2.5.2 because the establishment of a new zone designation of General Commercial-Planned Development (CG-PD) and the ensuing uses it allows is consistent with the allowed uses intended by the Commercial (C) land use designation.
- 3.4 The proposed project and the existing structures, infrastructure, and uses are consistent with the El Dorado County Zoning Ordinance designation of General Commercial (CG) and Sections 17.32.170 to 17.32.220.

4.0 ADMINISTRATIVE FINDINGS

4.1 Planned Development PD 07-0009 Findings

- 4.1.2 **The planned development zone request is consistent with the General Plan.** The planned development request is consistent with the General Plan, because the application is for a commercial development, being developed to serve the residents, businesses and visitors, consistent with the Commercial land use designation, and is consistent with applicable policies as described in Finding 2.1.
- 4.1.3 **The proposed development is so designed to provide a desirable environment within its own boundaries.** The proposed development provides landscaping to buffer the existing commercial element, minimal lighting, and subdued design features which will enhance the existing environment for the surrounding neighborhood.
- 4.1.4 **Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.** The project is being developed or conditioned to

comply with all County Code requirements. No exceptions to standard requirements are required.

- 4.1.5 **The site is physically suited for the proposed uses.** The site is physically suited for the proposed uses since it is located within a business, commercial environment. Existing Building 3 will be retrofitted for wine storage, so no new construction is proposed.
- 4.1.6 **Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.** All required utilities are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads, and utilities. Minimal services will be required since the use will be wine case storage.
- 4.1.7 **The proposed uses do not significantly detract from the natural land and scenic values of the site.** The proposed uses do not significantly detract from the natural land and scenic values of the site since it contains a minimal number of native trees with no native shrubs. The site has previously been graded and the buildings have already been constructed. The proposal will provide the required landscaping, thus enhancing the natural environment.

Conditions

1. This General Plan amendment, rezone, and planned development is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-L, approved June 28, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

- a. Amendment of the land use designation of the 8.8-acre parcel from Medium Density Residential (MDR) to Commercial (C);
- b. Zone change from Estate Residential Five-acre (RE-5) and Single-family Two-acre Residential (R2A) to General Commercial-Planned Development (CG-PD);
- c. Planned development to allow the exterior renovation of three existing 288-foot by 48-foot buildings and one 48-foot by 200-foot building and the use of Building 3 only for warehouse storage of wine produced off site, and the use of the existing 1,700 square-foot home for residential/caretaker use.

The planned development will allow for the installation of new horizontal lap siding on the three 48 by 288-foot buildings and the one 48 by 200-foot building identified as Buildings (BLDG) 1, 2, 3, and 4 on Exhibits E1 and E2. Building 3 will include

the existing office space and restroom and will have a concrete floor throughout, insulation installed, and be air conditioned for the storage of wine produced off site. Building 3 will have six air conditioning units installed beside each of the side doors. The existing 1,700 square foot single-family dwelling labeled as "Caretaker Residence" is permitted to retain the residential use. Buildings 1, 2, and 4 as shown in Exhibits E1 and E2 are to have their exterior only redone; they are not permitted by this approval to be utilized for commercial uses without a new application that seeks a revision to the approved planned development subject of this application. Landscaping shall shield the buildings around the perimeter of the parcel.

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.

Planning Services

2. Landscaping is required to conform to the preliminary landscape plan ~~attached as Exhibit F~~ submitted at the Planning Commission hearing on June 28, 2007, and the applicant is to install ground cover between the road and Building 1 and the house and Pleasant Valley Road, and General Plan Policies 7.3.5.1, 7.3.5.2 and 7.4.4.4. The final revised landscape plan shall meet the intent of the General Plan Policies for inclusion of native El Dorado County plants indigenous to the project vicinity. A final landscape plan and Water Conservation Landscape Statement, if applicable, shall be submitted to the Development Services Director or designee for review and approval prior to issuance of a building permit. Applicant shall install and maintain landscaping in accordance with the approved final landscaping plan in perpetuity or unless otherwise modified through any future permit.
3. One sconce-type light shall be permitted at the northwest entrance of Building 3, and it shall be designed with motion-sensor activation. The lighting shall conform to §17.14.170 of the County Code 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 Planning Services.
4. Parking shall be improved consistent with Chapter 17.18 of the County Code, including the April 14, 1993, California Accessibility Regulations.

5. All Development Services fees shall be paid prior to submittal of a building permit for improvements to Building 3 as shown on Exhibits E1 and E2.

El Dorado County Fire Protection District

7. The applicant shall submit review fee of \$ 150.00 prior to issuance of the building permit.
8. The two fire hydrants shall be placed as shown in exhibits E1 and E2 and shall meet EID standards and have Fire District approval of locations.
9. The applicant shall develop and implement a Fire District and CDF approved Fire Safe Plan for the project. Said plan shall be reviewed and approved by the District prior to issuance of the building permit.

El Dorado County Department of Transportation

- ~~10. A driveway and driveway connection must be constructed in accordance with the County of El Dorado Design and Improvement Standards Manual (DISM) Standard Plan 103C.~~
11. The applicant shall submit plans and an encroachment permit application for the driveway ~~which shall be reviewed and approved prior to issuance of a grading permit.~~ The driveway connection must be constructed in accordance with Design and Improvement Standards Manual Standard Plan 103C.
12. The applicant shall verify or irrevocably offer to dedicate in fee a total of 30 feet of right of way, for ~~the portion of Pleasant Valley Road, as required by the General Plan. Only the portion of the right-of-way that is on-site needs to be dedicated that is on-site.~~ This offer shall be accepted by the County.
13. The applicant shall submit a grading and drainage plan for construction of the revised driveway in conformance with the Design and Improvement Standards Manual and the Grading Ordinance. ~~which shall be reviewed and approved prior to issuance of a grading permit.~~

El Dorado County Environmental Management-Environmental Health Division

14. If the site improvements include changes to the existing plumbing, a complete septic system evaluation and site/soil evaluation shall be required prior to obtaining a building permit. Because the proposed use is commercial, the septic system evaluation shall define a 300 percent sewage disposal repair area that will be delineated on the site plan.

El Dorado County Environmental Management-Hazardous Materials Division

15. Any use or storage of hazardous materials in excess of reportable quantities for commercial activities conducted in warehouse/storage or other areas must be in accordance with hazardous materials business plan reporting requirements and applicable

fees paid. Facilities will be subject to additional Certified Unified Program Agency (CUPA) Program oversight and regulation as appropriate for any hazardous waste, underground storage tank, above ground storage tank, or onsite hazardous waste treatment activities.

9. CONCEPTUAL REVIEW (Public Hearing)

AZ06-0005/TM07-1438/Saenz Bianchi Subdivision submitted by AUGUSTO and ROSALIE BIACHI. The Commission will discuss potential issues related to development of the subject property which would require a General Plan amendment/rezone/and tentative subdivision map. The General Plan amendment would change the land use designation from Rural Residential (RR) to Low Density Residential (LDR); the rezone could change the existing Estate Residential Ten-acre (RE-10) zoning to Estate Residential Five-acre (RE-5); and the tentative map would create eight lots ranging in size from 5.0 to 6.81 acres. The property, identified by Assessor's Parcel Number 102-200-01, consisting of 42.12 acres, is located on the west side of Deer Valley Road, approximately three-quarters of a mile north of the intersection with Green Valley Road, in the **Rescue area**, Supervisorial District IV. Engineer: Carlton Engineering.

No action was taken as the application has been withdrawn.

10. DETERMINATION OF LEGAL NONCONFORMING USE STATUS
(Public Hearing)

Request submitted by BAKER LOGGING for a legal non-conforming use status determination for a commercial logging business located within a residential zone district. The properties, identified by Assessor's Parcel Numbers 323-050-28, -25, and -01, are located on the south side of Cold Springs Road, opposite Good Shepherd Lane, in the **Placerville area**, Supervisorial District IV.

Michael Baron presented this item. Paula Frantz, County Counsel, explained the definition of a legal non-conforming use.

Carry and Julie Baker, the property owners, explained that Parcel 28 was the first parcel the family purchased. Their father purchased Parcel 25 at a later date. Ms. Baker said a lot of the equipment in the pictures is gone. Mr. Baker commented they are on a time schedule for removal of the debris.

Jessica (?) said the junk is not part of her concern. There has been no testing of the industrial use. This use should be in an industrial area. Hangtown Creek runs through this area. Ms. Frantz said if the Commission finds this is a legal nonconforming use, it is exempt from CEQA review. Any disposal of oil, etc., would have to go through the necessary environmental regulations.

Dave Cook, Sheriff's Department, said there are numerous trailers on the property that must be in a barn or building. There were vehicles that did not have registrations, tires, etc., when they

visited the site. Those are vehicle abatement issues. Deputy Cook was at the site about four months ago with Planning staff.

Stewart Lomax thought this hearing was for a new business. He has seen the cars which have not been moved for quite some time. He has not seen logging trucks in operation. This area is zoned residential. There are industrial areas. There is a stipulation that nothing over three tons can use Coolwater Road. One of the parcels has the wrong number (323-200-01).

William Doren, adjacent property owner, concerns are with the junk. There are many vehicles that can be seen from Cold Springs Road that have not moved for many years. The metal has been cut up but has been there for over three years. They work very late on the property. There are two very large tanks on the property. There was been runoff onto adjacent properties, but that has been changed, so there is no longer runoff.

Norman Allen, resident within one-quarter mile of the subject property, said it seems every piece of metal that has arrived on the property is still there. He has not seen any equipment moved in the three years he has lived on his property. With the surrounding residential area he does not know how the Commission can find the use is not detrimental. He recommends the request be denied. If the request is approved, he does not see how it could not be connected to an abatement action. A logging operation is not compatible with a residential area and would not be allowed today.

Julianne vanLeeuwen, resident in the area, said in the 14 years she has lived on her property she has not seen a logging truck go in or out of the property and asked that the Commission vote in favor of the neighbors.

Margaret Lockwood has lived on her property for approximately two and a half years. This is obviously a junkyard operation. She asked that the Commission not make any decision until everything that needs to be done is completed and that everything that should not be there is removed.

The resident at 2202 Cold Springs Road main issue is safety. Cold Springs Road is heavily traveled. The erosion entering the property is getting worse. There are safety issues. The individual is concerned about noise and dust. Pedestrians cannot walk on this road safely.

Larry Taylor, resident on Good Shepard Lane, commented Cold Springs Road has a one quarter mile long stretch where people accelerate. He objects to the dust. The driveway is dirt and gravel. Access out of the driveway is problematic. He did submit a letter to staff on the use.

Chris Sarnes is concerned about sound. About ten years ago they cut wood every day. He does not want to see that happen again. He would like to see where the oil is going that use to leave the property. Mr. Sarnes is concerned about what is in the runoff.

Mr. Baker said when they leave the property they use men with flags so it can be done safely. There are some trees by their driveway that makes it difficult to leave. This is not a junk yard.

The equipment that is no longer used has been removed. They do not work late at night. Most of their equipment is in the mountains.

Commissioner Mathews asked how the operation works. What is done on this site? Mr. Baker said they do repairs on this property. They get fuel from the property. The tanks have been approved by Environmental Management. Once he moves his equipment out it does not come back until the fall. The trailers were used this spring to move gravel. Commissioner Mathews asked the use of the barn. Mr. Baker replied it was for oil and parts.

Commissioner Mac Cready asked about the concrete truck. Mr. Baker explained and said it is not used like it was in the past.

Commissioner Machado said there are two 10,000 gallon tanks. Mr. Baker clarified there is one 10,000 gallon and one 7,000 gallon tank for clear and red fuel. Environmental Management has approved the tanks. Waste has also been approved by Environmental Management.

Commissioner Tolhurst said testimony received today indicates the business has been done on Parcel 25. The item could be continued in order to allow presentation of evidence showing the operation was on #25. Commissioner Machado asked if the fuel is on Parcel 25. Mr. Baker replied in the affirmative.

The public hearing was closed.

Mr. Maurer gave the Commission some pictures indicating Parcel 25 has been used for the logging operation since 1968. Commissioner Mac Cready said it appears that #25 is the parcel that has been used for the operation and not #28. However, it does not appear that much logging is done on the property. Commissioner Tolhurst commented the logging operation is down in the fall. This is their yard. Commissioner Mac Cready said it appears most of the equipment is junk.

Commissioner Machado commented the property owner stated there is electricity and water to the barn, so that could negate the nonconforming use.

Ms. Frantz commented any used allowed under a special use permit would require CEQA review.

Commissioner Tolhurst stated his tendency was to go with staff's recommendation for Parcel 25. Commissioner Mathews states it appears this is a legal nonconforming use.

Mr. Maurer suggested the Commission set a timeframe for removal of all the junk. Commissioner Tolhurst suggested November 1. Commissioner Machado believes the use has expanded. It is a nuisance and injurious to the neighborhood. He feels there is a need for a special use permit. Commissioner Tolhurst stated if it is a logging operation it is subject to Environmental Management regulations.

MOTION: COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS TOLHURST, MATHEWS, AND KNIGHT; NOES – COMMISSIONERS MAC CREADY AND MACHADO, IT WAS MOVED TO FIND THAT THE LOGGING BUSINESS, CONSISTING OF THE PARKING AND STORAGE OF OPERABLE VEHICLES AND EQUIPMENT USED FOR HARVESTING AND TRANSPORT OF TIMBER, ON ASSESSOR’S PARCEL NUMBER 323-050-25 ONLY, IS A LEGAL NONCONFORMING USE. ALL OTHER USES OF THE SITE, OTHER THAN THOSE USES PERMITTED IN THE SINGLE-FAMILY TWO-ACRE RESIDENTIAL (R2A) AND SINGLE-FAMILY THREE-ACRE RESIDENTIAL (R3A) ZONE DISTRICTS (EL DORADO COUNTY CODE SECTION 17.28.320 AND 17.28.420) SHALL BE ABATED INCLUDING THE REMOVAL OF ALL JUNK, INOPERABLE VEHICLES, AND EQUIPMENT BY NOVEMBER 1, 2007, TO THE SATISFACTION OF VEHICLE ABATEMENT AND CODE ENFORCEMENT OFFICIALS. NO LOGGING BUSINESS, STORAGE, OR RELATED ACTIVITIES MAY OCCUR ON ASSESSOR’S PACEL NUMBERS 323-050-01 AND -28.

The action today can be appealed to the Board of Supervisors within ten working days.

11. **GENERAL PLAN UPDATE** - None
12. **ZONING ORDINANCE UPDATE** - None
13. **DEPARTMENT OF TRANSPORTATION** - None
14. **COUNTY COUNSEL’S REPORTS** - None
15. **DIRECTOR’S REPORTS** - None
16. **ADJOURNMENT**

Meeting adjourned at 12:45 p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

John Knight, Chair

