



EL DORADO COUNTY PLANNING COMMISSION

Building C Hearing Room
2850 Fairlane Court, Placerville, CA 95667
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Walter Mathews, Chair, District IV
Alan Tolhurst, First Vice-Chair, District V
Lou Rain, Second Vice-Chair, District I
Dave Pratt, District II
Tom Heflin, District III

Char Tim Clerk of the Commission

MINUTES

**Regular Meeting
April 23, 2009 – 8:30 A.M.**

1. CALL TO ORDER

Meeting was called to order at 8:34 a.m. Present: Commissioners Rain, Pratt, Heflin, Mathews, and Tolhurst; Paula Frantz-County Counsel; and Char Tim-Clerk of the Planning Commission.

2. ADOPTION OF AGENDA

Motion: Commissioner Rain moved, seconded by Commissioner Pratt, and unanimously carried (5-0), to adopt the agenda as presented.

AYES: Heflin, Tolhurst, Pratt, Rain, Mathews

NOES: None

3. PLEDGE OF ALLEGIANCE

4. 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.)

a. Minutes: April 9, 2009

Motion: Commissioner Rain moved, seconded by Commissioner Mathews, and unanimously carried (5-0), to adopt the minutes as presented.

AYES: Pratt, Heflin, Tolhurst, Mathews, Rain

NOES: None

b. **2008 Annual Report on the River Management Plan**

Commissioner Heflin pulled this item from the Consent Calendar and requested clarification on the following sections of the report: (1) Outdoor amplified music in campgrounds; (2) Temporary Use Permits and Special Use Permits; and (3) Financial philosophy.

Noah Rucker-Triplett responded to these inquires to the satisfaction of the Commission.

County Counsel Paula Frantz stated that although the recommendation is for receive and file, according to the Annual Reporting section of the River Management Plan, staff's recommendation should be for approval and to forward a copy to the Board of Supervisors.

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner Tolhurst, and unanimously carried (5-0), to approve the 2008 Annual Report on the River Management Plan and forward an approved copy to the Board of Supervisors.

AYES: Rain, Pratt, Tolhurst, Heflin, Mathews
NOES: None

END OF CONSENT CALENDAR

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

Peter Maurer provided a summary of the Board of Supervisor's actions at the April 21, 2009, hearing:

- A07-0004R/Housing Element: This General Plan amendment was adopted.
- A08-0001/OR08-0001/Mixed Use Development: There was significant discussion on this item and it was continued to a special workshop/hearing on May 11, 2009, at 1:00pm.

Mr. Maurer also informed the Commission that a workshop on Economic Development and Agricultural issues would be conducted with the Board on May 4, 2009. Commissioner Pratt requested, if possible, to have the Ag issues heard early in the day since this is a busy time of the year for the Ag industry and it may be difficult for some to attend if it is held later in the day.

6. COMMISSIONERS' REPORTS – None

9:00 A.M.

PUBLIC FORUM/PUBLIC COMMENT – None

7. SITE PLAN REVIEW

SPR07-0036/The Portico at Carson Crossing submitted by PORTICO EL DORADO HILLS BUSINESS PARK INVESTORS, LLC (Agent: Anthony Scotch) to allow the construction of four buildings totaling 40,115 square feet. The project would allow a range of retail, office, and medical uses within the Carson Creek Specific Plan. Two Design Waivers are requested as part of this request: (1) To allow a reduction in the tree canopy coverage from 75 percent to 52 percent; and (2) To waive the loading space requirement for commercial development. The property, identified by Assessor's Parcel Number 117-490-01, consisting of 4.11 acres, is located on the east side of White Rock Road, north of the intersection with Carson Crossing Drive in the Carson Creek Specific Plan Area, Supervisorial District II. (Negative declaration prepared)

Jonathan Fong presented the item to the Commission with a recommendation for approval. He stated that staff had received a letter from the public and also a letter from the El Dorado Hills CSD. Mr. Fong recommended that the Commission add CSD's requested conditions, identified as #1 and #2 in the letter dated April 22, 2009, as new conditions #50 and #51.

Anthony Scotch, applicant's agent, stated that they've had two separate well-attended meetings with the neighbors. It is in their best interest to be good neighbors to the residents as they are the people that this project will be servicing.

Commissioner Tolhurst addressed the lack of a truck loading zone. Mr. Scotch stated that due to the site constraints and the small building size, which will have approximately 6-7 tenants, it was not likely that there would be regular large truck deliveries. Brian Williams, applicant's agent, concurred that there was not enough room to have a dedicated delivery area and most deliveries will probably be through a UPS-type service as the tenants will most likely be retail and offices.

Chair Mathews said that small delivery trucks have a tendency to park right in front of the building and usually are in and out due to the delivery schedule. However, if a coffee shop or small restaurant was a tenant, then their deliveries are not as quick and occur during the day.

John Raslear, Four Seasons Civic League, indicated that the project is looked upon favorably except for the issue with the truck deliveries and the location of the entrance/exit driveway. There was concern that the headlights of cars exiting would shine directly into the development and suggested either changing it to an entrance only driveway or change the grade. Mr. Raslear also recommended that the stop sign at Windplay Road be changed to a traffic signal.

Kent Malonson/El Dorado Hills CSD, indicated that CSD is the franchise manager for solid waste services and cable television services within El Dorado Hills and it is standard procedure for them to request conditions be added regarding waste management to ensure that if the property changes ownership, the new owners are aware of this exclusivity. Mr. Malonson also stated that the CSD encourages alternative transportation with bike trails and bike stands in commercial areas.

Jon Jakowatz thanked Mr. Scotch for being open with the residents. He stated that the truck deliveries are a concern, however, this site should never have been zoned commercial but since it

was, the applicant is doing the best they can with what they have and the Commission should look upon them favorably.

Aaron Brusatori, applicant's agent, responded to concerns regarding exiting headlights shining into the development. He stated that there is a 10% downslope and any impact should be minimal.

Mr. Scotch stated that he was open to restricting delivery times for tenants if so desired by the Commission. In regards to comments on bike paths, he stated that there are existing curbs and gutters so he did not have plans for creating bike lanes.

Eileen Crawford/DOT, indicated that bike lanes were planned on White Rock Road, Windplay Road and also along the County line but a road does not exist there yet. In regards to the public comment on the stop sign at Windplay Road, Ms. Crawford stated that it was on the Top 5 list for being converted to signalization.

Commissioner Rain stated that the project's architecture was done very well and the project would be very beneficial to the Four Season residents. He did indicate that there could be a possible issue with parking depending on the type of tenants and was in favor of leaving the conditions alone except for adding CSD's conditions #1 and #2 as new conditions #50 and #51.

Chair Mathews indicated that deliveries have a tendency to police themselves due to the impact on other tenants. There is always the possibility of designating an area in the parking lot for large deliveries. Chair Mathews requested staff's comments on CSD's condition #3 listed in their letter. Commissioner Pratt requested more clarification from staff why CSD's conditions #1 and #2 were okay, but #3 had issues. There was detailed discussion with County Counsel Paula Frantz on each CSD condition and any potential impacts of adding these conditions. She stated that since these were standard conditions that were repeatedly requested by CSD, the Commission may want to direct staff to begin adding these to all projects. There was significant discussion between the Commission and Mr. Malonson on the reasoning behind CSD requesting these conditions. It was determined that condition #3 was repetitious of the other conditions, with Commissioner Pratt stating that conditions #1 and #2 were consistent with the design standards.

No further discussion was presented.

Motion: Commissioner Rain moved, seconded by Commissioner Mathews, and carried (4-1), to: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; 2. Approve SPR07-0036 based on the findings proposed by staff, subject to the conditions as modified, to include new conditions #50 & #51 listed in El Dorado Hills CSD letter dated April 22, 2009 as condition #1 (1st two sentences only) and condition #2; and 3. Approve Design Waivers #1 and #2 based on findings proposed by staff.

AYES: Pratt, Heflin, Mathews, Rain
NOES: Tolhurst

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

Findings

1.0 CEQA Findings

- 1.1 El Dorado County has considered the negative declaration together with the comments received 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 project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 Administrative Findings

2.1 That the proposed project is consistent with the Carson Creek Specific Plan.

The project would construct four buildings totaling 40,115 square feet of retail, office, and medical space. The proposed improvements would be consistent within the Local Convenience Commercial land use designation established by the Carson Creek Specific Plan. The proposed buildings will be consistent with the development standards of the CC-CC designation.

2.2 That all applicable provisions of the County Code are complied with.

The project is subject to the Development Standards of the Carson Creek Specific Plan and the County Code. The project is required to comply with County Code requirements with respect to outdoor lighting, parking and signage. The proposed outdoor lighting conforms to Section 17.14.170 requiring all outdoor lighting to be shielded and designed to reduce glare. The proposed off-street parking complies with the parking requirements of the County Code. Upon approval of the Design Waivers to waive the loading space requirements and to reduce the shade requirements, the project complies with the parking requirements. The proposed signage is limited to wall signage which is exempt from the signage requirements of the County Code. The proposed identity sign complies with the sign area requirements of the County Code.

3.0 The Planning Commission has reviewed each of the following elements of the proposed project and all area consistent with the County Code and the Carson Creek Specific Plan.

(a) Facilities, improvements, and utilities

The project will be served by EID public water and wastewater services and all other utilities are located in the project area. The project will not exceed the service abilities of the facilities and utilities in the area.

(b) Vehicular ingress, egress and internal circulation

The project will be accessed via Carson Crossing through two encroachments. The proposed access meets the requirements of the Department of Transportation and the Fire Department. The internal circulation is consistent with the requirements of the County Code.

(c) Setbacks

The project meets the setback requirements of the Carson Creek Specific Plan.

(d) Location of service use areas

The project location is consistent with the Land Use Map adopted as part of the Carson Creek Specific Plan.

(e) Walls

The project utilizes retaining walls throughout the project due to the existing topography of the site. The proposed retaining walls have been designed with decorative stone veneers and other architectural treatments to enhance the design of the walls. Wall signage is proposed along the walls to minimize unused wall space to vary the signage location throughout the site.

(f) Landscaping

The project includes extensive landscaping along the project boundaries and within the internal parking areas. Upon approval of the Design Waiver, the project meets the shade parking requirements of the Carson Creek Specific Plan.

(g) Signs

The project includes a Master Sign Program which allows for wall signage for tenants on the face of buildings, retaining walls, and on the decorative towers. The sign criteria have been designed to establish uniform design criteria to establish consistent signage throughout the site. One identity sign is approved which will be the main signage for the project. All signs will be reviewed for consistency with the sign program during construction of site.

4.0 That proposed lighting is arranged so as deflect the light away from adjoining properties and will not cause a traffic hazard.

The photometric plan submitted with the project has demonstrated that the proposed lighting will be directed away from the adjacent properties. The exterior lighting will be limited to the parking areas only. The parking areas will be centrally located and will be buffered from existing and future residential properties through locating the buildings along the periphery of the site between the parking areas and the residential land uses.

5.0 Design Waiver Findings of Approval

5.1 Design Waiver 1: To reduce the parking lot tree canopy shade requirement from 75 percent to 52 percent.

- a. There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver,**

The property is uniquely shaped and does not meet the minimum parcel size requirement of the CC-CC designation of the Carson Creek Specific Plan.

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

Strict application of the standard will require either a substantial reduction in the development size or deficient parking as required by the County Code.

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

The project parking is proposed within parking areas which are central to the site. The reduction in shade requirements will not result in aesthetic impacts or other detrimental impacts to the surrounding area.

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

The project landscaping has been designed to meet the maximum shade percentage possible while meeting the minimum parking requirements of the County Code.

5.2 Design Waiver 2: To waive the loading space requirement for commercial development.

- a. There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver,**

The parcel is uniquely shaped and does not meet the minimum parcel size requirements of the Carson Creek Specific Plan. The Design Waiver is necessary to allow reasonable development of the site.

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

The project is proposed as medical, office, and light retail uses. The proposed project will not likely result in uses which require loading zones. The inclusion of loading zones will require a reduction in parking below the minimum requirements of the County Code.

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

The Design Waiver will not result in service vehicles impairing surrounding roadways or creating other vehicular hazards in the area. Any loading activities will occur on-site and will not be injurious to health, safety or welfare of the public.

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

The project will be consistent with the County Code by providing adequate off-street parking. Any loading activities will generally be after hours and will not create conflict with the off-street parking of the site.

Conditions of Approval

Planning Services

1. This Site Plan Review is based upon and limited compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E-I dated April 29, 2009 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:

The parcel sizes and improvement square footages shall correspond to the table included below:

	Building Number	Proposed Use	Building Size (sf)
	A Northwest	Retail	11,611
	A Northeast	Retail	7,501
	B	Medical	6,050
	C	Office	8,030
	D	Office	6,923
Totals	-	-	40,115

Building Setbacks: The proposed buildings setbacks shall correspond to the table below:

Building	Front Required	Front Proposed	Front Proposed	Side Required	Side Proposed	Rear Required	Rear Proposed
A NE	15'	15'	15'	5'	5'	5'	25'
A NW	15'	15'	15'	5'	51'	5'	280'
B	15'	16'	16'	5'	16'	5'	280'
C	15'	15'	15'	5'	15'	5'	145'
D	15'	15'	15'	5'	15'	5'	65'

Building Materials/ Colors: The proposed buildings shall adhere to the colors listed below and shall utilize the materials listed below:

Color Item	Color Type	Manufacturer Code/ Color
P1	Base Color	ICI A0766 Ivory Sampler
P2	Accent	ICI A0733 Grand Canyon
P3	Accent	ICI A0609 Copper Penny
P4	Accent	ICI A1722 Cottage Chocolate
P5	Accent	ICI A0525 Chippendale
P6	Accent	ICI A1874 Courtyard Stone

Materials	Color/ Type
Decorative Stone Veneer	Cultured Stone/ Drystack Ledgestone
Doors/Windows (retail)	Clear Glass
Doors/Windows (office)	Visteon Green Tint
Awnings	Sunbrella Style 4640 Black Cherry
Retaining Walls	Basalite D113 Split-Face Block
Roof Tiles	Monier Lifetile. Slate, Charcoal Blend Concrete. Class A Roof Tiles

Signage: All signage shall be consistent with Sign Package approved as part of this Site Plan Review and the table listed below:

Building	Sign Type	Text Size	Sign Area
-	Identity Sign	22"/ 15"	64sf
A	Wall Sign	2'/ 4' stacked	1 ½ per 100 lineal foot of frontage
B,C,D	Wall Plaque	P3	18 square inches
C,D	Retaining Wall	24"	varies
B	Tower	2'/ 4' stacked	1 ½ per 100 lineal foot of frontage

Parking Requirements: The project shall provide the following off-street parking spaces:

	Proposed Use	Square footage (sf)	Parking Ratio Required	Parking Required	Parking Proposed
	Retail	19,112	1:150	40	-
	Medical	6,050	1:250	60	-
	Office	14,953	1:250	196	-
Totals	-	40,115	-	196	196

Parking Setbacks: The proposed off-street parking setbacks shall correspond to the table below:

Front to Parking Required	Front to Parking Proposed (min-max)	Rear to Parking Required	Rear to Parking Proposed (min-max)
15'	65'-80'	5'	20'-250'

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.

Minor modifications may be administratively approved by the Development Services Director or designee. Major modifications shall constitute a revision to this Site Plan Review and shall be approved by the Planning Commission.

2. The project shall connect to EID services for water and waste water services. The applicant shall submit an EID Water Meter Award Letter or similar document to Planning Services prior to building permit issuance.
3. All signage shall comply with the Master Sign Program approved as part of this Site Plan Review. Planning Services shall review and approve all signage prior to issuance of a building permit.
4. Prior to issuance of a building permit, all Development Services fees shall be paid.
5. This Site Plan Review shall be valid for one year from the date of approval. If project construction does not commence within one year, the Planning Commission may grant a two year extension. The applicant shall be required to make appropriate applications and pay applicable fees for the extension request.
6. The applicant shall submit to Planning Services the required Department of Fish and Game fee and filing fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.
7. Prior to issuance of a grading permit, the applicant shall prepare a biological survey for the presence of Bogg's hedge-hyssop. If the survey identifies significant populations, a mitigation plan shall be prepared to the satisfaction of the US Fish and Wildlife Service. Planning Services shall review the survey prior to issuance of a grading permit.
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.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, or employees from any claim, action, or proceedings against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County.

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

9. Prior to issuance of a building permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.

El Dorado County Department of Transportation

Project Specific Conditions

10. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachments from the project onto White Rock Road to the provisions of County Design Standard 103G. The improvements shall be completed to the satisfaction of the Department of Transportation or Development Services (whichever is applicable) or the applicant shall obtain an approved improvement agreement with security, prior to issuance of a building permit.
11. **Vehicular Access Restriction:** Prior to issuance of a building permit, the applicant shall record a vehicular access restriction along the entire frontage of White Rock Road, excluding the locations of the approved access encroachments.
12. **Sight Distance:** (At proposed driveway encroachments). The sight distance from a vehicle parked at the edge of traveled way of Carson Crossing Drive with the driver's eye no more than 15-ft from the edge of pavement, shall be a minimum of 10 times the operational speed of traffic (measured in feet) ft in either direction, consistent with CalTrans AASHTO standards. Sight distance easements, if necessary, shall be obtained by the applicant and included on the improvement plans issuance of a building permit.

Standard Conditions

13. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
14. **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 issuance of a building permit. The signing and striping for this encroachment shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
15. **Sidewalks:** Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the Department of Transportation prior to issuance of building permits. Pedestrian easements shall be provided where necessary. Final lane configurations, including the need for additional rights-of-way, shall be subject to review and approval of the Department of Transportation prior to improvement plan approval.
16. **Curb Returns:** All curb returns, at pedestrian crossing, will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.
17. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any private roads, parking facilities, landscaping, 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 and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to issuance of a building permit.
18. **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).
 19. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
 20. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
 21. **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 issuance of a building permit.
 22. **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 issuance of a building permit.
 23. **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.
 24. **Grading Permit / Plan:** A commercial grading permit is required for the project. The applicant shall submit a site improvement/grading plan 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 DOT and/or Development Services (whichever is applicable) prior to occupancy clearance.

25. **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 or Development Services (whichever is applicable). 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.
26. **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 or Development Services (whichever is applicable) shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
27. **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 or Development Services (whichever is applicable). 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.
28. **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 or Development Services (whichever is applicable).

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.

The improvements shall be completed to the approval of the Department of Transportation or Development Services (whichever is applicable), prior to the issuance of a building permit or the applicant shall obtain an approved improvement agreement with security.

29. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When cross lot drainage does occur, 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 issuance of a building permit.
30. **Drainage Easements:** The site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans.
31. **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.
32. **CEQA Review:** All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA. Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.

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

35. **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.
36. **TIM Fees:** The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

El Dorado Hills Fire Department

37. The proposed project shall have and maintain two points of egress. The Department shall review and approve all points of egress prior to issuance of a building permit.
38. This development shall install Mueller Dry Barrel Fire hydrants conforming to the El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 300 feet. The exact location of each hydrant and all fire protection system devices shall be determined by the Fire Department. The Department shall review and approve all hydrants prior to issuance of a building permit.
39. To enhance the nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and the Fire Safe Regulations. The Department shall verify
40. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by the El Dorado Hills Fire Department Standard 103.
41. This development shall be prohibited from installing any type of traffic calming devices that utilize a raised bump or a lower dip section of roadway.
42. Each building shall be addressed in accordance with the Fire Department requirements.
43. The applicant shall provide the Fire Department with a CD that contains all the CAD files for the project.
44. The fire access roadways servicing all buildings shall be designed to accommodate a 40-foot inside and a 56-foot outside turn radius.
45. All buildings shall be fire sprinklered in accordance with NFPA-13, 2007 edition, and the Fire Department requirements.
46. This development shall provide a minimum of two unobstructed access roadways during the construction of any building.
47. All trash enclosures shall be located a minimum of 5 feet from a building wall.
48. The minimum ingress and egress width for emergency response vehicles shall be 20 feet.
49. A KNOX box shall be installed on each building to contain the master key to open all exterior doors.

El Dorado Hills Community Services District

50. All waste collection containers to be stored within enclosures so the containers are not visible from the street. Space should be provided for recycling collection containers.
51. All construction debris resulting from the development of the project should be disposed of in a manner consistent with the solid waste diversion plan practiced by El Dorado Hills CSD and as mandated by AB939, and in compliance with El Dorado County Construction and Demolition Debris Recycling Ordinance, Section 1, Chapter 8.43 of Title 8 of the El Dorado County Ordinance Code. Construction debris to be disposed of by current waste collection franchise.

8. SPECIAL USE PERMIT

- a. **S08-0026/Chateau Davell Winery** submitted by ERIC HAYS to allow the use of an existing 432 square foot wine cellar and adjacent 280 square foot concrete crush pad for a micro-winery. Wine production would be limited to a maximum of 250 cases a year which would be sold through wholesale by internet, mail order, telephone, facsimile (and similar means), or off-site only. The property, identified by Assessor's Parcel Number 091-170-21, consisting of 12.54 acres, is located on the west side of Big Canyon Road, approximately one-half of a mile south of the intersection with French Creek Road in the Shingle Springs area, Supervisorial District II. (Categorical Exemption pursuant to Section 15303(e) of the CEQA Guidelines)

Pat Kelly presented the item to the Commission with a recommendation for approval.

Commissioner Pratt disclosed that he had heard this item as a member of the Agricultural Commission and had made the motion to recommend approval. County Counsel Paula Frantz stated that Commissioners Pratt and Heflin could still act on items that they heard while serving on the Agricultural Commission because it has different duties than the Planning Commission.

Eric Hays, applicant, was available for questions. Commissioner Pratt inquired on the accuracy of the project description that stated wine production would be limited to a maximum of 250 cases per year. It was determined that was a typo and it should be 250 cases per acre with a maximum of 1,250 cases a year. It was recommended to modify condition #1 to reflect this.

No further discussion was presented.

Motion: Commissioner Pratt moved, seconded by Commissioner Heflin, and unanimously carried (5-0), to: 1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15303(e) of the CEQA Guidelines; and 2. Approve S08-0026 based on the findings proposed by staff and subject to the conditions as modified, to include amending condition #1.

AYES: Rain, Tolhurst, Heflin, Pratt, Mathews
NOES: None

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

Findings

1.0 CEQA Findings

- 1.1 This project has been found to Categorically Exempt from the requirements of CEQA pursuant to *Section 15303(e)* of the *CEQA Guidelines*. This guideline states that the installation of small new equipment and facilities in small structures including garages, carports, and patios; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure are exempt. No major improvements have been proposed for this project.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

2.0 General Plan Findings

- 2.1 The proposed use is consistent with applicable policies in the 2004 El Dorado County General Plan, as discussed in the General Plan Section of this staff report, specifically **Policy 2.2.1.2** which provides for an appropriate range of land use types and densities within the County; **Policy 2.2.5.2** which necessitates this review for consistency, **Policy 2.2.5.21** which provides that development projects shall avoid incompatibility with adjoining land uses, **Objective 10.1.7**, which seeks to promote home-based business, **Policy 8.1.3.5** requires that the County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority; **Policy 8.1.4.1** assures these home-based business will be compatible with adjacent or surrounding properties, and **Policy 10.1.7.2** which directs the County to assist small businesses.

3.0 Special Use Permit Findings

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

The proposed micro-winery, as conditioned, is consistent with the applicable general plan policies as it will promote a home-based business and will be compatible with surrounding properties since there are no public uses allowed on the project site.

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

With the specific limitation placed on an approval for a micro-winery as discussed in the Zoning Section of this staff report, the proposed Special Use Permit will not be

detrimental to the public health, safety and welfare. Furthermore, the processing and storage of wine within the existing 432 square foot wine cellar and adjacent 280 square foot concrete crush pad will not be detrimental to the neighborhood as the nearest residence is several hundred feet away.

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

The proposed use is allowed by Special Use Permit pursuant to **Section 17.14.200 (D) (10)** which states that micro-wineries shall be permitted by a condition use permit in the RE Zone Districts subject to the provisions provided in **Section 17.14.200 (D) (10) (a-h)** as discussed in Zoning Section of this staff report.

Conditions of Approval

El Dorado County Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit D through L, dated April 23, 2009 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, consists of the following:

The Special Use Permit request will be to allow the use of 12.54-acres, consisting of two single-family residences, tool shed, horse shed, orchard, one acre of existing vineyards and an existing 432 square foot wine cellar and adjacent 280 square foot concrete crush pad for a micro winery. The wine would be made available through wholesale sales and for personal consumption. There would be no on-site sales, public tasting room or public access with the facility.

All operational activities including grape crushing, fermentation, and bottling will occur in and around the existing 432 square foot wine cellar and adjacent 280 square foot concrete crush pad. The wine cellar and crush pad building will house the necessary wine making equipment including barrels, tanks, and bottling equipment. All operations, including harvesting, will be carried out by individuals residing on the premises only. The wine produced at the facility will consist of 250 cases per acre planted not to exceed 1,250 cases per year produced entirely with grapes grown on the premises. No wine grapes will be imported.

Solid waste will be stored and disposed of in accordance with Chapter 8.42 of the County Code.

2. No public events, such as wine tasting, weddings, concerts, winemaker dinners and festivals shall be permitted under this Special Use Permit.
3. Pursuant to County Code **Section 17.22.250**, implementation of the project shall occur within twenty-four (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.
4. 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.

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

5. Prior to issuance of any permits, the applicant shall pay all Development Services fees.
6. One unlighted sign, with a maximum of six square feet in area, six feet in height, advertising the name of the winery and owner including the words “not open to the public” shall be permitted by right, in compliance with **Section 17.14.200 (D) (10) (g)** of the Zoning Code.
7. The capacity of the micro winery may exceed 250 cases (595 gallons) provided the appropriate number of additional grape vines are in production on the project site with the capacity not to exceed 1,250 cases (2,972 gallons), and upon recommendation of the County Agricultural Department, and in compliance with **Section 17.14.200 (D) (10) (f)** of the Zoning Code.
8. Prior to commencement of any use authorized by this permit, the applicant shall provide a copy of the Winegrower License obtained from the Alcoholic Beverage Control to Planning Services.
9. Prior to commencement of any use authorized by this permit, the applicant shall provide proof to Planning Services that the facility has been bonded through the Alcohol, Tobacco Tax and Trade Bureau.

Environmental Health

10. Prior to initiating all operational activities including grape crushing, fermentation, and bottling the applicant shall apply for and obtain a waiver of Waste Discharge Requirements for small wineries in accordance with Regional Water Quality Control Board Central Valley Region Resolution No. R5-2003-0106. The applicant shall comply with the conditions of the waiver and the associated monitoring and reporting program. A copy of the application of the Waiver of Waste Discharge shall be received by Environmental Health Division prior to initiating the use.
11. Prior to commencement of any use authorized by this permit, the applicant shall be responsible for meeting all appropriate fire and building codes and shall obtain sign offs from appropriate agencies.

b. **S09-0001/Diamond Springs Retail Center Monument Sign** submitted by GRADO EQUITIES II, LLC (Agent: Mike Rathbun/Superior Electrical Advertising) to authorize construction of one nine-foot tall three-sided internally illuminated monument sign with 150 square feet of display area for the Diamond Springs retail center. The property, identified by Assessor's Parcel Number 054-342-35, consisting of 1.1 acres, is located on the north side of Pleasant Valley Road at the intersection with State Route 49 in the Diamond Springs area, Supervisorial District III. (Categorical Exemption pursuant to Section 15303(c) of the CEQA Guidelines)

Jason Hade presented the item to the Commission with a recommendation for approval. He informed the Commission that the applicant had a revision to the request which was on the location of the sign. A revised Exhibit E was distributed to the Commission for their review. Mr. Hade also stated that staff was recommending the Commission delete condition #4, which is already addressed in conditions #9 & #10, and delete condition #5, as there is no other lighting and the outside lighting has already been addressed. He informed the Commission that no public comments were received on this item. However, Mr. Hade did state that staff was alerted that a permit was pulled from a sign company for this site for two more signs.

Bill Rankin, applicant's agent, was available for questions.

Dr. Richard Boylan said that the large illuminated sign was out of character with the historic Diamond Springs area and will be an eyesore. He requested that the Commission reject this proposal and direct the applicant to return with a different design.

Commissioner Pratt inquired on the California Weights & Measures' size requirements since this was a sign listing gas prices.

At the request of the Commission, Commissioner Tolhurst provided historical background in regards to the Commission and signs.

Pierre Rivas stated that the site has an approved Design Review and that the area is not in the historical district.

Commissioner Tolhurst expressed concern regarding staff's announcement that there are now three signs being proposed for this site. Mr. Hade summarized the following in regards to the three signs: (1) One is permitted under the approved Design Review; (2) One, being reviewed today, is before the Commission because it exceeds the maximum allowable sign area; and (3) One is not permitted and will need to be brought before the Commission for review.

Commissioner Pratt felt that this proposed sign was more traditional and tasteful than pole signs. He was curious about the cumulative effects of all the signs for that site.

County Counsel Paula Frantz stated that the entire site was granted a Master Sign Plan. The proposed sign is before the Commission today only because it is larger than what is allowed. If the other businesses on the site stay within the guidelines, then the Commission will not see them.

Mr. Rivas stated that it had been an oversight to not include the Master Sign Plan in today's agenda packet.

Mr. Rankin indicated that the intent of this sign was to ensure it was visible from all three directions at the intersection.

There was significant discussion regarding the sign height staying the same even though the applicant was now requesting to move the sign location out of the swale.

No further discussion was presented.

Motion: Commissioner Pratt moved, seconded by Commissioner Tolhurst, and unanimously carried (5-0), to continue item to the May 14, 2009, meeting to allow staff/applicant to return with the following: (a) California Weights and Measures requirements; (b) Master sign plan; (c) Size clarification with the new sign location; and (d) Photo simulation from street level

AYES: Rain, Heflin, Tolhurst, Pratt, Mathews
NOES: None

c. **S07-0020/Pacific House Auto Repair** submitted by MARION E. LONG to authorize an automotive service and repair facility, one single wide trailer, two duplexes (each with two units), six storage buildings, four cargo containers, café/bar, and a 12-foot tall sign with 32 square feet of display area advertising automotive service and repair facility. The property, identified by Assessor's Parcel Number 009-140-19, consisting of 4.19 acres, is located on the north side of Peavine Ridge Road, approximately 1,584 feet east of the intersection with U.S. Highway 50, in the Pacific House area, Supervisorial District II. (Categorical Exemption

pursuant to Section 15301(d) of the CEQA Guidelines) [continued from 1/8/09 and 3/12/09 meetings]

[Clerk's Note: Prior to this item being heard, applicant informed staff that his letter dated March 8, 2009, which had been submitted to the Commission under separate cover at the March 12, 2009, hearing, had not been copied in its entirety in today's agenda packet (April 23, 2009, hearing). Clerk re-copied and re-distributed the letter in question to the Commission prior to the start of the item.]

Jason Hade presented this item to the Commission with a recommendation for approval. He stated that at the March 12, 2009, hearing, staff was directed to conduct further analysis, and based on that direction, as well as the letter received from the applicant, staff has submitted a revised Attachment 1-Conditions of Approval under separate memo dated March 19, 2009 (included in agenda packet). Mr. Hade also informed the Commission that one letter from the public had been received opposing the tear-down of the service station as it has historical value. As a result, staff is recommending that reference to the service station be removed from condition #9 and be added to the project description in condition #1. Staff also suggested that the Commission may want to consider a new condition adding screening for the service station.

Marion Long, applicant, distributed photos of the site to the Commission. He requested the following changes to the proposed conditions: (1) Allow all 4 storage containers; (2) Allow parking "as-is" instead of "improved"; (3) Remove condition for a Fire Safe Plan since it is not required by the Fire Department; and (4) Allow the service station hoist equipment to be located in front. He further requested that a timeline, instead of number of days, be identified for when items are to be completed. Otherwise, he requested that this permit application be tabled until all items are completed and then he will return to the Commission for review and approval.

Chair Mathews explained that it is necessary to place deadlines on items in order to get them completed. He also reminded Mr. Long that the Commission did direct staff to extend the deadlines from 60 days to 120 days. The County just wants to see that things are getting taken care of.

Chair Mathews questioned staff on the following items: (1) Storage containers: Staff stated that these sea/land containers were placed on the site without building permits and from Planning's perspective these are not an allowed use for this site; (2) Fire Safe Plan: Mr. Hade had spoke with Gary Baldock (Fire Department), who stated that condition #22 is a requirement and a standard condition; and (3) Hoist equipment: Staff stated that this must be in an enclosed building as it is by a scenic highway and there is no servicing outside.

Commissioner Pratt went into further discussion regarding the Fire Safe Plan and the storage containers.

County Counsel Paula Frantz stated that in Commercial-zoned districts, storage is allowed only as an incidental use to the primary use. The issues at hand are: (1) Is the amount of storage (10 buildings/units) currently on site considered an incidental use for the primary use; and (2) Are the types of storage buildings permissible. Ms. Frantz said that staff has answered "no" to both of those questions. She also went on to summarize the chain of events leading up to today's request for a Special Use Permit, which included Mr. Long's statement that this was a legal non-

conforming use as the buildings were there when he purchased the property. Ms. Frantz explained that when this was heard by the Board, they disagreed with Mr. Long and staff was now required to view this site as if it was vacant. She stated that Mr. Long's comments are really directed at his disagreement with the Board's determination that this is an illegal use and that the Board determined that the best way to clean-up the site was for one permit identifying what was allowed.

Mr. Long's grand-nephew spoke and indicated that he will eventually be running the automotive shop and is currently attending automotive school. In regards to the storage containers, he indicated that the automotive shop alone would need 2-3 containers for storage of tires, parts, equipment, etc. He based this assessment on his current experience at the school and how they utilize storage for the shop.

Commissioner Tolhurst indicated that he was in favor of approving the Special Use Permit with the two storage containers based on today's testimony. He would like to give an opportunity for the applicant to move forward.

Chair Mathews concurred with the two storage containers but stated that he did not want them to be viewed from the highway.

Mr. Rivas informed the Commission that the current use of the site would be storage as there is other use being done right now. Staff also recommended a new condition to add screening for the service station which would provide security and also improve the visual impact to Highway 50.

After discussion between staff and the Commission and with the aid of a photo provided by the applicant, it was determined that the only area of concern to be addressed with the new condition would be security.

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner Tolhurst, and unanimously carried (5-0), to: 1. Certify that the project is Categorical Exempt from CEQA pursuant to Section 15301(d) of the CEQA Guidelines; and 2. Approve S07-0020 based on the findings proposed by staff and subject to the conditions as modified, which include: (a) using revised conditions submitted under staff memo dated March 19, 2009; (b) modify condition #1 to add reference to service station and to allow 2 cargo containers; (c) modify condition #9 removing reference to service station; and (d) add new condition stating service station needs to be secured.

AYES: Rain, Pratt, Tolhurst, Heflin, Mathews
NOES: None

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

Findings

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 The Planning Commission has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to 15301(d) of the CEQA Guidelines.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Commercial (C) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the C land use designation permits a full range of commercial, retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County, including the proposed automotive service and repair facility.
- 2.2 As conditioned, the proposal is consistent with General Plan Policies 2.2.5.21, land use compatibility, 2.7.1.1, signage, 5.2.1.2, water quality, 5.3.1.1, wastewater collection, 5.7.1.1, fire protection, 6.2.2.1, fire hazards, and 6.2.3.2, emergency access. Because of the project's compatibility with surrounding land uses, appropriate signage, provision of sufficient water and wastewater collection facilities, and fire protection, it is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The proposed use is permitted by special use permit in the Commercial (C) zone district, pursuant to Section 17.32.030.A provided that the administrative findings outlined below can be made by the Planning Commission.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because sufficient landscaping and parking is provided.

4.0 ADMINISTRATIVE FINDINGS (SPECIAL USE PERMIT)

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

As discussed above, the proposal is consistent with the following applicable General Plan Policies 2.2.5.21, land use compatibility, 2.7.1.1, signage, 5.2.1.2, water quality, 5.3.1.1,

wastewater collection, 5.7.1.1, fire protection, 6.2.2.1, fire hazards, and 6.2.3.2, emergency access.

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

The proposed use would not be detrimental to the public health, safety and welfare or injurious to the neighborhood as it will fit within the context of the surrounding mix of residential, forestry, transportation, and commercial land uses adjacent to Peavine Ridge Road and result in insignificant environmental, visual, noise, and traffic impacts to surrounding residents and businesses. The closest residence is approximately 400 feet from the western side of the property. Commercial uses on site would not be detrimental to these residences.

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

The proposed use is specifically permitted by special use permit pursuant to Section 17.32.030.A of the El Dorado County Zoning Ordinance as the required findings detailed above may be made by the Planning Commission.

Conditions of Approval

I. PROJECT DESCRIPTION

1. This special use permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits E and F, dated ~~January 8~~ April 23, 2009, 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:

Special use permit (SUP) to authorize an automotive service and repair facility, one single wide trailer, two duplexes (each with two units), six storage buildings, ~~four~~ one two cargo containers, existing vacant café/bar, existing vacant service station, and a 12-foot tall sign with 32 square feet of display area advertising automotive service and repair facility. No grading or construction is proposed for the project. Domestic water will be supplied by an existing well and sewage disposal will be provided by existing septic facilities.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above

and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. PROJECT CONDITIONS OF APPROVAL

Planning Services

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

The 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 the project, which action is brought within the time period provided for in Section 66499.37.

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

3. Within ~~60~~ 120 days from the date of SUP approval, the applicant shall provide a written description, together with appropriate documentation, demonstrating conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services staff within ~~60~~ 120 days from the date of SUP approval for verification of compliance with applicable conditions of approval.
4. Within ~~60~~ 120 days from the date of SUP approval, an additional ~~24~~ 12 parking spaces shall be developed in compliance with Exhibit E. A total of ~~29~~ 20 off-street parking spaces shall be provided at all times while the automotive service and repair facility is in operation pursuant to 17.18.060 of the Zoning Ordinance. All on-site parking shall meet the parking lot design standards contained in Chapter 17.18 of the County Code. Prior to occupancy of the existing vacant café/bar or conversion of such use to another permitted use within the Commercial zone district, a Special Use Permit revision application shall be submitted to allow for further analysis of site parking requirements. If the applicant elects to utilize only one service bay and 547 square feet of the automotive building, a total of 13 off-street parking spaces shall be provided requiring the provision of an additional five parking spaces.

<u>Uses</u>	<u>Required Parking</u>
<ul style="list-style-type: none"> • Two duplexes (each with two units) • 547 square foot automotive service and repair facility (one service bay) • 2,750 square foot existing vacant Café/bar (approximately 25 fixed seats) 	<p>Eight unpaved spaces near the duplex units 5 spaces</p> <p>Parking requirements to be determined upon submittal of SUP revision application prior to occupancy as commercial use</p>

5. The Parking Lot Landscaping and Buffering Standards (Section 17.18.090, El Dorado County Zoning Ordinance) shall be incorporated into the site plan and final landscape plan and be approved by Planning Services within ~~60~~ 120 days from the date of SUP approval. The applicant shall submit a final landscape plan within ~~60~~ 120 days from the date of SUP approval which will be reviewed by planning staff at that time. Additionally, staff will make an on-site inspection to verify that the landscaping has been planted in compliance with the final landscape plan. Landscaping shall be planted within four months of final approval. All landscaping shall be maintained for the life of the project.
6. Trash containers for both residential and commercial uses are to be kept within the garage except for pick-up days or fully screened from public view by fencing and/or landscaping. The outside storage yard area is considered to be an appropriate location for a trash enclosure.
7. Within ~~60~~ 120 days from the date of SUP approval, all outdoor lighting shall conform to Section 17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation, as determined by Planning Services.
8. Within ~~60~~ 120 days from the date of SUP approval, the two lift pads shown on the site plan shall be fully enclosed within a building or removed. Construction of an additional structure to enclose the lift pads may be approved by staff provided that the proposed structure(s) matches the existing automotive service building. All storage yards, water storage tanks, and automotive equipment shall be fully screened with fencing (wooden or chain link with brown slats) within ~~60~~ 120 days from the date of SUP approval as well. Within ~~60~~ 120 days from SUP approval, an updated site plan shall be submitted to Planning Services indicating the revised location of the water storage tank.
9. All unauthorized uses, ~~such as the former service station, four~~ three ~~two~~ cargo containers and trash shall be removed within ~~60~~ 120 days from the date of SUP approval.
10. The Pollock Pines Design Review Committee shall review and comment on the finalized sign design within ~~60~~ 120 days from the date of SUP approval.
11. Within ~~60~~ 120 days from the date of SUP approval, the applicant shall pay all Development Services fees.

12. All building code violations shall be addressed to the satisfaction of Code Enforcement no later than ~~60~~ 120 days from the date of S07-0020 final approval. Occupancy as an automotive service and repair facility is prohibited until this condition has been satisfied.
13. All abandoned vehicles at the site shall be abated to the satisfaction of the Sheriff's Department no later than ~~60~~ 120 days from the date of S07-0020 final approval. Occupancy as an automotive service and repair facility is prohibited until this condition has been satisfied.
14. The service station shall be secured from all unauthorized entry no later than 120 days from the date of S07-0020 final approval.

Department of Transportation

- ~~1415.~~ The applicant shall not store vehicles or any other equipment associated with this special use permit within the County right-of-way.

El Dorado County Fire Protection District

- ~~14516.~~ A site inspection/review fee of \$150.00 shall be submitted to the El Dorado County Fire Protection District (EDCFPD) within ~~60~~ 120 days from the date of SUP approval.
- ~~14617.~~ Within ~~60~~ 120 days from the date of SUP approval, plans for the installation of an NFPA 72 fire alarm system for all floors and attic of the auto repair building shall be submitted to EDCFPD for review and approval.
- ~~14718.~~ Within ~~60~~ 120 days from the date of SUP approval, a 5,000 gallon water storage tank shall be installed to the satisfaction of the EDCFPD.
- ~~14819.~~ Within ~~60~~ 120 days from the date of SUP approval, the applicant shall submit building floor plans addressing all exiting and occupancy separation building code issues to the EDCFPD for review and approval.
- ~~14920.~~ Within ~~60~~ 120 days from the date of SUP approval, all fire extinguishers shall be replaced or serviced.
- ~~2021.~~ All stored batteries shall be removed within 60 days from the date of SUP approval. All waste batteries shall be disposed of in accordance with Fire District regulations. No waste batteries shall be stored on site.
- ~~2122.~~ A knox box for the garage shall be installed to the satisfaction of the EDCFPD within ~~60~~ 120 days from the date of SUP approval.
- ~~2223.~~ A fire safe management plan, acceptable to the EDC FPD and CAL Fire, shall be prepared and implemented. A letter of compliance with this condition shall be submitted

by the EDCFPD and CAL Fire to Planning Services within ~~60~~ 120 days from the date of SUP approval.

9. REZONE/PLANNED DEVELOPMENT/TENTATIVE SUBDIVISION MAP

Z07-0033/PD07-0020/TM07-1448/McCann Subdivision submitted by MICHAEL, ROBYNN, and JOSHUA MCCANN to rezone from Planned Agricultural 20-Acre (PA-20) to One-Family Residential-Planned Development (R1-PD) and Open Space-Planned Development (OS-PD); Development Plan and Tentative Subdivision Map to subdivide parcel into 72 single-family residential parcels ranging in size from 6,002 to 16,809 square feet and one 7.5 acre open space lot; and design waivers have been requested for the following: (a) Allow Lots 17, 18, 20, 21, 48, 50, 51, and 52 to have less than the required lot widths; (b) Allow flag-shaped lots on Lots 17, 18, and 51; and (c) Allow sidewalks to be reduced from six feet to four feet in width. The property, identified by Assessor's Parcel Number 331-420-12, consisting of 24.3 acres, is located approximately 1,600 feet east of the intersection of Truscott Lane and Union Mine Road, in the El Dorado area, Supervisorial District III. (Mitigated negative declaration prepared) *[continued from 3/12/09 meeting]*

Staff received an e-mail dated April 22, 2009, from the applicant requesting the item be continued to the May 28, 2009, meeting.

Dr. Richard Boylan supported the Agricultural Commission's recommendation to deny the project.

County Counsel Paula Frantz stated that the current question at hand is whether or not the Commission is opposed to the applicant's request for a continuance to the May 28, 2009, meeting.

Dr. Boylan indicated that he would table his comments to the item until the May 28, 2009, meeting.

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner Tolhurst, and unanimously carried (5-0), to continue the item to the May 28, 2009, meeting.

AYES: Rain, Pratt, Tolhurst, Heflin, Mathews
NOES: None

10. ADJOURNMENT

Meeting adjourned at 11:55 a.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

Walter Mathews, Chair