



COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room
2850 Fairlane Court, Placerville, CA 95667
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Phone: (530) 621-5355 Fax: (530) 642-0508

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 Planning Commission

MINUTES

**Regular Meeting
January 14, 2010 – 8:30 A.M.**

1. CALL TO ORDER

Meeting was called to order at 8:37 a.m. Present: Commissioners Rain, Pratt, Mathews, and Tolhurst; Paula Frantz-County Counsel*; and Char Tim-Clerk of the Planning Commission.
*[*Arrived at 8:56 a.m. and was in attendance at the start of the public hearing portion.]*

2. ADOPTION OF AGENDA

Motion: Commissioner Rain moved, seconded by Commissioner Tolhurst, and carried (4-0), to adopt the agenda as presented.

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

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: December 10, 2009

b. River Use Permit: Transfer of River Use Permit #25 from Don Koolmees/Koolriver Adventure Tours, Inc. to Scott Blankenfeld/California River Adventures, LLC *[Staff: Noah Rucker-Triplett/Environmental Management]*

Staff Recommendation: Approve transfer and one-year provisional permit

c. **River Use Permit:** Transfer of 13 weekend user days from River Use Permit #50 (Nathan Rangel/Adventure Connections, Inc.) to River Use Permit #55 (Craig Lomax/Rock-n-Water) [*Staff: Noah Rucker-Triplett/Environmental Management*]

Staff Recommendation: Approve transfer of 13 weekend user days

d. **Finding of General Plan Consistency:** GOV09-0006 submitted by EL DORADO COUNTY for a Finding of General Plan Consistency pursuant to Government Code Section 65401 for the acquisition of proposed real property for Gabbro Soils Rare Plant Mitigation. The property, identified by Assessor's Parcel Numbers 070-261-77, 070-261-79, 070-261-80, and 070-261-81, consisting of 20.098 acres, is located at the east end of Palmer Drive, at the intersection with Loma Drive, in the Cameron Park area, Supervisorial District IV. [*Project Planner: Peter Maurer*]

Staff Recommendation: Find request consistent with the General Plan

[*Clerk's Note: Item was heard after Agenda Item #6.*]

Item was pulled from the Consent Calendar by William and Joy Pimental. They explained that their property is adjacent to the proposed preserve and they had concerns on the zoning, fire protection and illegal dumping.

Peter Maurer stated that the General Plan land use designation would have no effect on their parcel.

County Counsel Paula Frantz indicated that in the past, their parcel was probably counted in the Housing Element due to the zoning of RE-5. However, with current law, their parcel is no longer counted towards that.

Mr. Maurer stated that there will be a cooperative agreement with CDF and the California Department of BLM, so they will probably see more fire protection measures under public ownership than what they've seen in the past. He also indicated that any illegal dumping would be a code enforcement issue.

County Counsel Frantz also explained that the acquisition will not have any effect to them as their property is already identified as being in a rare plant area.

No further discussion was presented.

Motion: Commissioner Pratt moved, seconded by Commissioner Rain, and carried (4-0), to find GOV09-0006 consistent with the El Dorado County General Plan.

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

END OF CONSENT CALENDAR

Motion: Commissioner Tolhurst moved, seconded by Commissioner Pratt, and carried (4-0), to approve Items 4.a, 4.b, and 4.c of the Consent Calendar.

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

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

Peter Maurer provided a summary of events regarding long-range planning:

- Integrated Natural Resources Management Plan (INRMP): Met with PAWTAC, ISAC, and Consultant to begin defining terms.
- Zoning Ordinance: Draft Articles 1, 2, and 4 are anticipated to be posted on-line next week for public review. In the near future, staff will agendize a detailed discussion item with the Commission on this process.

Pierre Rivas provided a summary of events regarding current planning:

- Z09-0007/Cornell: Board of Supervisors approved this project on January 12, 2010.
- Z09-0005/P09-0007/Lakeview Villas: Board of Supervisors denied this project on January 12, 2010.

6. COMMISSIONERS' REPORTS

Commissioner Tolhurst announced that he would not be in attendance at the January 28, 2010, meeting due to a scheduling conflict with a TRPA meeting.

Commissioner Pratt stated that he had attended the DOT meeting held at Pioneer Park regarding the Buck's Bar Bridge project. He complimented DOT staff on the meeting and felt that the meeting had been well attended. Commissioner Pratt requested that DOT staff post on-line the PowerPoint presentation conducted at the meeting. Eileen Crawford/DOT informed the Commission that the meeting had been a scoping meeting and that construction was several years out.

9:00 A.M.

PUBLIC FORUM/PUBLIC COMMENT – None

7. SPECIAL USE PERMIT

a. S09-0021/Burren Flower Essences Home Occupation submitted by EDWARD MADSEN and ANGELA BURR MADSEN to request an expanded home occupation to allow the production and distribution of flower essence products within a detached accessory building. The property, identified by Assessor's Parcel Numbers 091-150-28 and 091-150-59, consisting of 6 acres, is located on the west side of Holly Drive approximately 1.2 miles south of the intersection with French Creek Road, in the Shingle Springs area, Supervisorial District II. *[Project Planner: Tom Dougherty]* (Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines)

Tom Dougherty presented the item to the Commission with a recommendation of approval.

Edward Madsen/applicant was available for any questions and also stated that there would be no hazardous materials.

No further discussion was presented.

Motion: Commissioner Pratt moved, seconded by Commissioner Mathews, and carried (4-0), to take the following actions: 1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines; and 2. Approve Special Use Permit S09-0021 based on the findings proposed by staff, subject to the conditions as presented.

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

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 determined that the project is exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines which exempts the minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

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 conditioned, the proposal is consistent with the intent of 2.2.5.2 (review for General Plan consistency), 2.2.5.21 (compatibility with surroundings), 6.5.1.2 and 6.5.1.7 (noise impacts), 7.4.2.9 (biological corridor), 10.1.7, 10.1.7.2, and 10.1.7.4 (promotion of home-based occupations), because the project would have minimal impacts on visual resources, existing utilities, and on the existing surrounding residences. There are adequate services to facilitate the site, such as water, power and solid waste. The project would not add excessive noise levels nor affect biological resources. The project provides natural home medicinal remedies to the County residents and provides an opportunity for home-based employment.

3.0 Zoning Findings

3.1 The project is zoned Estate Residential Five-Acre which allows home occupations not listed in subsection C of Section 17.28.190, which require special considerations with an approved Special Use Permit and pursuant to Section 17.28.200.G.

3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because the project would be located entirely within an existing, approved structure.

4.0 Special Use Permit Findings

4.1 **The issuance of the permit is consistent with the General Plan.** The applicant's proposal has been determined to be in compliance with County regulations, addressing environmental issues and health and safety concerns. The proposed use is consistent with the policies in the El Dorado County General Plan, as discussed in the General Plan section of this staff report. The proposed use is consistent with all applicable policies because the project will occupy an existing building with no exterior improvements, will not create excessive noise, waste or additional traffic. The project allows an expanded home occupation within an accessory building, carried out by the owners and their family. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.

4.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood,** based on the conclusions contained in the staff report. The use will not conflict with the adjacent uses as it will occur entirely within an existing building. The project will result in insignificant environmental, visual, noise, and traffic impacts to surrounding residents. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the project, will not have a detrimental affect nor be injurious to the neighborhood. The proposed use would not create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the Staff Report.

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

Section 17.28.190.C of the County Code requires that home occupations be carried out with the residence. Section G of Section 17.28.200 requires a Special Use Permit for proposed use to be carried out within an accessory building. The project must be found to *not change the residential character of the premises or adversely affect the other uses permitted in a residential area.* After review of the submitted information and with consultation from concerned agencies, staff has determined that, as proposed, the project is consistent with these requirements and would not affect the existing area in a significant manner.

Conditions of Approval

Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits A through J2, 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:

Approval of the Special Use Permit allows the production, bottling, labeling, and storage of homeopathic remedies known as flower essences as an expanded home occupation pursuant to section 17.28.200.G of the El Dorado County Zoning Ordinance. There will be no on-site sales or employees and all operations will be carried out by the persons residing on the premises. All sales, except to those clients by appointment only, will be wholesale and to occur off-site via internet, telephone, or mail, and in accordance with applicable licensing requirements. The production facility or any portion of the subject parcels related to the flower essence production will not be open to the public, and access to the accessory building and home-based flower essence operation will be from Holly Drive only.

The flower essence production shall only occur in the first floor of the existing 1,200 square-foot accessory building, as shown on the approved site plan. A total of 140 square feet will be utilized in the production of flower essence products on the premises. Any improvements or modifications to this accessory structure that would increase the size or capacity would require the review of Development Services.

The operational activities shall include manufacturing, labeling and storing flower essences and related support equipment within the first floor existing accessory building labeled as "garage" in Exhibit E.

2. Project improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with Exhibit E. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require review and approval by the Planning Services prior to project modifications.
3. Prior to commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services for verification of compliance with applicable conditions of approval. The operator shall pay Planning Services for the time spent reviewing the site on a time and materials basis. All future development plans shall include this condition on the submitted plans.
4. The applicant shall be responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are ultimately the responsibility of the property owner.
5. The applicant shall make the actual and full payment of Planning Services processing fees for the Special Use Permit application prior to issuance of any County development permit.
6. A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services after the end of the ten working day appeal period of a final project decision.
7. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

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

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

El Dorado County Environmental Management, Environmental Health Division

8. Prior to converting the accessory building to a flower essence bottling, labeling and storage facility, a completed Service Request Form including a description of the proposed operation shall be submitted to Environmental Management for review. The

description shall include a list of the type of ingredients used in the bottling of flower essences, and a plan of how the ingredients will be stored. Upon approval of the Service Request, and fee payment, an annual operating permit will be issued to the applicants. No uses permitted by the approval of the subject Special Use Permit shall be permitted prior to issuance of the Service Request.

9. The applicants shall obtain a wholesale distribution permit from the State of California, Department of Health Services, if applicable, prior to ignition of uses permitted by the approval of the subject Special Use Permit.

El Dorado County Environmental Management, Hazardous Materials/Solid Waste Division

10. The production and packaging of flower essences may involve the use of hazardous materials such as ethanol. If this facility will store reportable quantities of hazardous materials (55 gallons, 500 pounds or 200 cubic feet) or generate hazardous waste, prior to commencing operations the owner/operator must:
 - Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
 - Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
 - Train all employees to properly handle hazardous materials and wastes.
 - Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

Proof of compliance with the above requirements shall be received by the Hazardous Materials/Solid Waste Division prior to initiation of any use permitted by the approval of this Special Use Permit.

- b. **S07-0019/Olde Coloma Theatre** submitted by COLOMA CRESCENT PLAYERS, INC. (Agent: Carol Fallon) to authorize the use of an existing building for live theatre performances with a maximum occupancy of 149 persons. The property, identified by Assessor's Parcel Number 006-290-04, consisting of 19,602 square feet, is located on the south side of Monument Road, approximately 100 feet west of the intersection with Cold Springs Road, in the Coloma area, Supervisorial District IV. [*Project Planner: Jason Hade*] (Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines) [*continued from 11/12/09 meeting; item re-noticed*]

Jason Hade explained that the item had been continued from the last meeting in order to provide a revised Staff Report, address the parking issue, and identify a more appropriate CEQA section. He indicated that significant changes were made to the proposed conditions of approval which included: (1) Limiting building occupancy to 45 people due to parking constraints (15 parking spaces available); (2) Hours of operation ending at 10:00pm to address noise concerns; (3) Requirement of a revision to the Special Use Permit if an off-site parking agreement is obtained; and (4) Fire District requirements. Mr. Hade indicated staff had received various public comment letters on this item.

In response to Commissioner Pratt's inquiry on the occupancy calculation, County Counsel Paula Frantz explained that 45 parking spaces would be needed in order to have a building occupancy of 149 people. However, only 15 parking spaces are available. In the past there had been an informal parking agreement with the owner of an adjacent property, but when the property was sold, there was no longer a parking agreement. She also stated that approximately three years ago, the Board of Supervisors determined that the Olde Coloma Theatre was not a legal, non-conforming use and they were directed to go through the Special Use Permit process. County Counsel Frantz indicated that the Board was allowing them to continue to operate while going through this process.

Significant discussion between the Commission and County Counsel ensued regarding how the definition of legal, non-conforming use applied to this situation and the parking issues (i.e., calculation, illegal parking on highway, off-site parking agreement).

Craig Sandberg/applicant's agent apologized for the lateness of his e-mail on amending certain conditions. He also disagreed with County Counsel's explanation on the Board's determination that they were not a legal, non-conforming use and stated that this Special Use Permit is to amend a non-conforming use to make it conforming. He discussed in detail the items addressed in his e-mail, in addition to the parking plan that had been included with it. His speaking points included: Hwy 49 is smallest highway in California; Creative parking is being utilized to provide more parking spaces; Park administration is reluctant to go into a long-term parking agreement; Bus groups (i.e., school-aged children) are now instructed to park on-site; On-site parking is better than shuttle service because most people will walk instead; Building is not being expanded so building code improvements should be waived; and Can't operate with a building occupancy of 45 people, particularly when it is a school group.

County Counsel Frantz and Chair Mathews stated they had not seen Mr. Sandberg's e-mail. Commissioner Tolhurst was not comfortable proceeding without staff being provided adequate time to review Mr. Sandberg's proposal and would prefer to continue the item. He also voiced serious concern on their request to eliminate the requirements of a fire alarm system and fire hydrant.

Commissioner Tolhurst felt that the proposed parking plan submitted by Mr. Sandberg would be very expensive to complete due to grading, retaining walls, etc. He stated that in the past, Park representatives had shown a willingness to discuss a parking agreement with the applicants and he thinks this would be a more viable solution for them. Commissioner Tolhurst requested the Fire Department to be present to discuss the proposed parking plan as he wants safety assurances from them and he can't vote in favor of the project until then. Commissioner Rain agreed with the need of a sign-off from the Fire Department on the new proposed parking plan.

County Counsel Frantz stated that questions have been raised on if the building is compliant with ADA and fire standards and, therefore, these issues will also need to be addressed. In response to Mr. Sandberg's statement that they are not modifying the building nor increasing the use, County Counsel Frantz stated that the current building has the legal standard of an empty building since there is no permit for a theatre to operate in it. Therefore, operating a theatre out of the existing building would be an increase/change in use.

Commissioner Rain stated that due to County Counsel's statement, the building would have to be brought up to code.

County Counsel Frantz summarized the history of this project and the discussion that had occurred over the years which resulted in today's hearing. She also explained that even if Mr. Sandberg was correct in that this was a legal, non-conforming use, that once the use was extended and expanded, a Special Use Permit was required.

Chair Mathews voiced concern that staff's proposed conditions would shut down the theatre and felt that these rules were based only on conjecture and the desire to be "do-gooders".

Various members of the audience (Roberta Long/El Dorado Forum, Lauren Williams, Dave Bishop, Griffen Toffler, Maria Williams, Alex Gibbs, Dave Williamson, Cheryl Busby, Valerie Stevens, Joel Williams, Paul Gibbs, Lori Gibbs, and Edward Mecula) voiced support for the theatre and made the following comments:

- This is an asset and would be sad to see it closed down, even temporarily, due to permit restrictions;
- Disagreement with parking calculation as usually more than 3 people in a car;
- Provides kids an activity in the community;
- National treasure and County will lose an incredible asset;
- Limiting to 45 people is tying their hands in providing a service to community;
- Have stopped shows when cars illegally parked on highway;
- Staff arrives 2 hours before shows and leaves after the audience with instructions to leave quietly;
- Taking the theatre away would be traumatic;
- Request Commission to find a way to save theatre;
- Commission has shown great sympathy to this cause;
- This theatre is important to the community;
- Suggested Commissioner Tolhurst use his experience with the Tahoe arts community and assist them on how to work through the regulations;
- Unaware of any reports of injuries regarding the theatre and has had a safe experience;
- This is a rural setting and getting public financial support to fund required conditions of approval would be difficult;
- Request flexibility from Commission in order to find a compromise;
- Provides an outlet for home-schooled children;
- Performers aren't charged to act which allows more participation;
- Aisles are always clear and back door is unlocked/open;
- Addressing problems; and
- If grading is allowed, more parking spaces could be made.

Carol Fallon/Old Coloma Theatre Board Member spoke on the permit process that has taken over 2 ½ years. She explained that they are volunteers and do not know the process. Over the years, they have tried to resolve the most important problems with the neighbors (i.e., parking, lighting, noise). Ms. Fallon stated that they have taken the parking issue seriously and have used

creative parking. She also provided a brief history on other parking solutions they have tried or investigated with Parks administration. She felt that the theatre was unfairly being blamed for noises occurring at a nearby Bed & Breakfast Inn (i.e., DJ & live music) and kids having parties at the cemetery. Ms. Fallon stated that they disagreed with the County's requirement of a state-of-the-art fire alarm system being installed as there are fire detectors and they would be willing to have a person identified as a fire monitor to walk around during the shows. She stressed that they have been diligently pursuing those items which they have control over and request that the Commission use discretion and flexibility to work with them.

Jerry Griffin stated that the theatre is a business, even if non-profit, and they need to comply with the rules. He expressed the following concerns/comments: (1) Egress issues (i.e., exit doors do not meet standards); (2) Plans need to be drawn by a licensed professional; (3) Any inspections conducted by staff in regards to seating plan and exit plan?; (4) Proposed parking plan does not show the correct distance from the property line; (5) Letter of support submitted to Commission contained no one with an address in Coloma; and (6) Process has gone on long enough and has cost taxpayers money due to these hearings. He requested the Commission take action so he can go forward by taking it to the Board of Supervisors and then legal action.

Chair Mathews felt that it was a tragedy that this discussion had to take place and that it was unfortunate that they had lost their parking. It had been his intent today to make this a legal, non-conforming use but County Counsel's statements have made it clear that he is not able to do that. He feels that this is a treasure of Coloma and that onerous conditions would kill it.

Commissioner Pratt thought that the accountability aspect was an issue since this group is made up of volunteers. County Counsel Frantz responded that since the Special Use Permit runs with the land, the conditions need to be quantifiable and objective.

Commissioner Pratt stated that nobody is disputing the artistic value and fulfillment of the Old Coloma Theatre but that does not make it exempt from the legal conformances and this has been going on for a long time. He stated that they need to work on sustainability and fundraising. Commissioner Pratt acknowledged that there is an adversarial relationship between the group and a neighbor. He said that there has to be a definitive plan that needs to be done now and no more dodging and weaving.

Commissioner Rain voiced concern on the financial aspect of becoming compliant with ADA and the fire alarm issue.

County Counsel Frantz reminded the Commission that if 149 people are allowed in the building, it needs to be addressed as to where they will be parking.

No further discussion was presented.

Motion #1:

Motion: Commissioner Mathews moved, seconded by Commissioner Pratt (for discussion purposes), and FAILED (1-3), to take the following actions: 1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines; and 2. Approve Special Use Permit S07-0019 based on the findings proposed by staff, subject to the conditions as modified: (a) Amend Condition #1 with the following: Replace “45 persons” with “149 persons”; Delete sentence “Up to 15 employees are authorized for each performance, excluding performers.”; and amend wording in last sentence of second paragraph to make it consistent with Exhibit E provided in Craig Sandberg’s e-mail dated 1/12/10; (b) Amend Condition #8 to replace “15 off-street parking spaces” with “29 off-street parking spaces”; Amend Condition #9 to use wording provided in Craig Sandberg’s e-mail dated 1/12/10; and (c) Delete Conditions #17 and #18.

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

Commissioner Rain indicated his opposition to the motion was primarily due to the parking issue.

Commissioner Tolhurst reluctantly suggested that the item be continued for more analysis on the proposed parking plan, at which point, they can then perhaps increase the building occupancy to 60-70 people to help them in the meanwhile. However, he stated that the ultimate solution for obtaining occupancy for 149 people would be a parking agreement. Since the Commission does want to make this work, he requested Mr. Sandberg’s assistance in taking the initiative to start negotiations. Commissioner Tolhurst confirmed with Mr. Sandberg that six weeks was sufficient time to complete this because if a parking agreement for 149 people is not brought back to the Commission at the next meeting, then it will be approved for 45 people.

Commissioner Pratt felt that what was more important than a fire alarm system was for them to have a documented executable evacuation plan, particularly for the children’s safety.

Chair Mathews encouraged the group to obtain the parking agreement and get this done by the next meeting.

Motion #2:

Motion: Commissioner Tolhurst moved, seconded by Commissioner Pratt, and carried (4-0), to continue the item to the February 25, 2010 meeting to allow time for the following to occur: (a) Analyze the parking plan proposed by the applicant; (b) Applicant’s representative to assist in negotiating a parking agreement; and (c) Request Fire Marshall to attend next meeting to provide comments on applicant’s proposal.

AYES: Rain, Tolhurst, Pratt, Mathews

NOES: None
ABSENT: Heflin

8. REZONE/PLANNED DEVELOPMENT/TENTATIVE MAP

Z08-0033/PD09-0006/TM08-1482/Cameron Woods Unit 9 submitted by DAROL RASMUSSEN to: 1. Rezone the following Assessor's Parcel Numbers (APNs): (A) APN 070-011-45 (54.17 acres) from Estate Residential Five-Acre/One-Acre Residential/Professional Office Commercial-Design Control-Airport Safety (RE-5/R1A/CPO-DC-AA) to One-Family Residential-Planned Development-Airport Safety (R1-PD-AA). Approximately 21 acres of Open Space would be zoned Open Space-Planned Development-Airport Safety (OS-PD-AA); (B) APN 070-011-33 (15.74 acres) from Estate Residential Ten-Acre/One-Acre Residential/Professional Office Commercial-Design Control-Airport Safety (RE-10/R1A/CPO-DC-AA) to One-Family Residential-Planned Development-Airport Safety (R1-PD-AA); and (C) APN 083-020-21 (5.56 acres) from Estate Residential Five-Acre-Airport Safety (RE-5-AA) to Professional Office Commercial-Design Control-Airport Safety (CPO-DC-AA); 2. Development Plan to approve the proposed lotting configuration, circulation plan, and open space lot. No density bonus or modifications to the R1 Development Standards are proposed; and 3. Phased Tentative Map to create 33 residential lots ranging in size from 0.35 acres to 27.03 acres, two commercial lots 0.94 and 3.96 acres in size, and one open space lot. The property, identified by Assessor's Parcel Numbers 070-011-45, 070-011-33, 083-020-21, consisting of 75.47 acres, is located at the end of Cinsant Drive, approximately one-fourth mile northeast of the intersection of Virada and Cameron Park Drive, in the Cameron Park area, Supervisorial District IV. [Project Planner: Pierre Rivas] (Mitigated negative declaration prepared)

Pierre Rivas presented the item to the Commission with a recommendation of approval to the Board of Supervisors.

Eileen Crawford/DOT indicated that she had met with the applicant and as a result was recommending the following amendments to the conditions of approval:

- Condition #17: Modify wording to read "The applicant shall provide their fair share cost (22% of Virada signalization) for the construction of the signal and intersection improvements at Cameron Park Drive and Mira Loma as proposed by the DOT staff report dated 1/11/2010. The applicant shall obtain an approved fair share agreement to the approval of the Department of Transportation, prior to the filing of the final map."
- Condition #47: Add the wording "building permit" before "applicant".

Craig Rasmussen/applicant's representative summarized his father's project and stated that it was not their intent to develop in the near future. He requested that the driveway improvements (i.e., realignment, widening) required by DOT be deferred until the property is developed.

When questioned by Commissioner Pratt on whether the subdivision would be gated, Mr. Rasmussen indicated that it hadn't been considered.

David Williamson inquired on the future use and public access to the proposed open space. He also stated that since a traffic signal at Mira Loma would shuttle traffic to Perlett Drive, would speed bumps be considered?

Mr. Rivas referred to Condition #15 regarding Open Space and said this will be a passive open space as there is no proposal for trails and that he did not see the public being prohibited from it.

Mr. Rasmussen stated that the open space area will still be private property and, as the owners, they would be liable. He also stated that there is an old bomb shelter in the open space area and they have had to take necessary procedures to deter individuals from exploring it.

Joe Collins indicated that his property is adjacent to Lot 33 and due to security concerns, inquired if the existing wire fence would be extended.

Darol Rasmussen/applicant stated that the land has been a grazing area for the last 30 years and the open space designation is to expand the environmental atmosphere. He confirmed that the existing wire fence would be extended for security measures.

Ms. Crawford/DOT stated that they do not recommend speed bumps, but once a project has been established, DOT can review the traffic levels to determine if stop signs or speed limits are needed in that area.

Chair Mathews indicated that he did not have a problem with the applicant's request on deferring the realignment of the driveway.

Ms. Crawford/DOT recommended amending Condition #16 to add the following wording as the second sentence in the condition: "Improvements to the existing driveway to parcels 32 and 33 will be deferred to future development of those parcels."

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Pratt, and carried (4-0), to recommend the Board of Supervisors take the following actions: 1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; 2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines Section 15074 (d), incorporating the Mitigation Measures in the Conditions of Approval as proposed by staff; 3. Approve Zone Change Z08-0033 based on the findings proposed by staff; 4. Approve Planned Development PD09-0006 adopting the development plan as the official development plan based on the findings proposed by staff, subject to the conditions as presented; and 5. Approve Tentative Map TM08-1482 based on the findings proposed by staff, subject to the conditions as amended: (a) Modify Conditions #16, #17, and #47 as indicated.

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

Findings

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County has been completed in compliance with CEQA and is adequate for this project.
- 1.2 The Initial Study identifies that this project proposes a less than significant impact on the environment with specific mitigation outlined within the Biological Resources category. By including mitigation for these categories, the effects on the Mandatory Findings of Significance section are also reduced below a level of significance for the this project.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and Conditions of Approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials, which constitute the record of proceedings upon which this decision is based, are in the custody of the Development Services Department-Planning Services, 2850 Fairlane Court, Placerville, CA 95667.

2.0 Zone Change Findings

2.1 The proposed Zone Change is consistent with the General Plan.

The Zone Change will bring the residential and commercial portions of the project site into conformance with the underlying High Density Residential (HDR) and Commercial (C) land use designations. The proposed Zone Change to One-family Residential (R1) will be consistent within the (HDR) land use designation. The proposed zone change to Professional Office Commercial-Design Control (CPO-DC) will be consistent with in the (C) land use designation. All future development of the proposed lots will be reviewed for consistency with the General Plan either through the building permit process or during the Design Review process for the commercial parcels.

3.0 Tentative Map Findings

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

The proposed Tentative Map will create 33 single family residential lots which will be consistent with the density requirements of the High Density Residential (HDR) land use designation of the General Plan. Lot 33 will be approximately 27 acres in size and could be further subdivided. Any future subdivision of Lot 33 will be evaluated for consistency with the density requirements of the HDR land use designation and applicable General Plan Policies.

The proposed commercial parcels will be consistent within the Commercial land use designation. The project will require road and infrastructure improvements consistent with the requirements of the General Plan.

The project will be consistent with applicable General Plan policies regarding Oak Canopy, Rare Plants, Slope, Riparian Habitat, Access, and Public Utilities. Mitigation Measures have been included which will require pre-construction surveys to ensure impacts to biological resources will be avoided or Mitigation Measures will be implemented to reduce the impact. Riparian areas impacted as part of the off-site road improvements will require state and federal permits to reduce potential impacts during project construction.

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

The project will construct road improvements consistent with the County Design Manual and the Fire Safe Regulations. The project will connect to public water and sewer services in the project area which have adequate capacity to serve the project.

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

The project site is relatively flat and is suitable for residential and commercial development. Potential habitat on-site will require pre-construction surveys to ensure that no biological resources will be impacted during project construction. The proposed subdivision will not impact the existing riparian features on-site.

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

The Biological Resource Assessment prepared for the project site identified potential habitat for protected animal species. Mitigation Measures have been included which will require pre-construction surveys prior to any construction activities on-site. Riparian features are located on Lot 33 but are not to be disturbed as part of the project. Off-site improvements will impact riparian channels and Federal and State permits will be required prior to any construction which will impact the channels. The project includes oak woodland canopy and would be mitigated through the mitigation in-lieu fee as part of Option B of General Plan Policy 7.4.4.4. No rare or endangered plant species will be impacted as part of the project. In accordance with the County Code, the project will be