



# COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room  
2850 Fairlane Court, Placerville, CA 95667  
<http://www.edcgov.us/planning>  
Phone: (530) 621-5355 Fax: (530) 642-0508

Lou Rain, Chair, District I  
Dave Pratt, First Vice-Chair, District II  
Tom Heflin, Second Vice-Chair, District III  
Walter Mathews, District IV  
Alan Tolhurst, District V

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

---

## MINUTES

**Regular Meeting  
May 27, 2010 – 8:30 A.M.**

### 1. CALL TO ORDER

Meeting was called to order at 8:36 a.m. Present: Commissioners Rain, Pratt, Heflin, and Mathews\*; Paula Frantz-County Counsel\*\*; and Char Tim-Clerk of the Planning Commission.

*[\*Arrived at 9:29 a.m. and took his seat on the Commission.]*

*\*\*Arrived at 8:45 a.m. and was in attendance at the start of the public hearing portion.]*

### 2. ADOPTION OF AGENDA AND ADDENDUM

**Motion: Commissioner Heflin moved, seconded by Commissioner Pratt, and carried (3-0), to adopt the agenda and addendum as presented.**

**AYES: Pratt, Heflin, Rain**

**NOES: None**

**ABSENT: Mathews, Tohurst**

### 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: May 13, 2010

**Motion: Commissioner Pratt moved, seconded by Commissioner Heflin, and carried (3-0), to approve the Minutes as presented.**

**AYES: Heflin, Pratt, Rain**

**NOES: None**

**ABSENT: Mathews, Tohurst**

b. **Finding of General Plan Consistency: SPR10-0001/Riparian Setback Reduction** submitted by KEN DILULLO (Agent: Joe Donald) for a Finding of Consistency with General Plan Policy 7.3.3.4 for reduction of the perennial stream setback from 100 feet to no less than 9 feet from the high water mark to allow the construction of a two-story 1,632 square foot addition to an existing single-family dwelling. The property, identified by Assessor's Parcel Number 105-110-27, consisting of 5.14 acres, is located on the west side of No Easy Road, approximately 500 feet north of the intersection with Clark Mountain Road, in the Lotus area, Supervisorial District IV. *[Project Planner: Mike Baron]*

Staff Recommendation: Find request consistent with the General Plan

**Motion: Commissioner Pratt moved, seconded by Commissioner Heflin, and carried (3-0), to find the request consistent with the General Plan based on the Findings and subject to the Conditions of Approval as presented.**

**AYES: Heflin, Pratt, Rain**  
**NOES: None**  
**ABSENT: Mathews, Tohurst**

**Findings**

1. There are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the vicinity and the same zone, and have no resulted from any act of the owner or applicant.

The project site is a 5.14 acre residential parcel and there is a perennial stream (Jacobs Creek) onsite that traverses the property from south to north. Very few of the parcels in the vicinity have this same, unique physical feature.

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

The project site is surrounded by similar residential uses. The applicant has followed the process set forth by General Plan Policy 7.3.3.4 and the Interim Interpretive Guidelines for that Policy. Strict application of the provisions would deprive the applicant of the reasonable use of the land for residential development.

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

The applicant's biologist has recommended a minimum setback of 9 feet from the perennial stream to protect the integrity of the riparian habitat. This is the minimum variance that is necessary for the reasonable use of the land as a residential home site.

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

The reduction in setbacks perennial feature on the project site has been designed for sufficient protection of the integrity of the riparian habitat and would not be detrimental to the public health, safety and welfare, or be injurious to the neighborhood.

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

The proposed project has been designed in a manner to ensure that alternative setbacks would not have an adverse effect on the perennial feature. The proposed project, therefore, is consistent with intent of General Plan Policy 7.3.3.4 by providing for an adequate setback for protection of natural and man-made wetlands, vernal pools, wet meadows, and riparian areas from impacts related to development for their importance to wildlife habitat, water purification, scenic values, and unique and sensitive plant life.

### **Conditions of Approval**

1. The project is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits E, and F 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. Given the small scale of the project, its setting within a residential area, and the degraded nature of the onsite drainage, we believe the following mitigation measures and Best Management Practices (BMP's) will be sufficient to protect the biological resources in the project area and prevent indirect impacts on downstream biological resources. Construction could therefore a 9 foot setback would not have adverse effects on biological resources.
2. The project Description is as follows:  
  
A Finding of Consistency with General Plan Policy 7.3.3.4 for reduction of the perennial stream setback from 100 feet to no less than 9 feet commensurate with recommendations made by the applicant's biologist. A Finding of Consistency would allow the construction of a 1,632 square foot addition to a single family dwelling on Assessor's Parcel Number 105-110-27, as depicted on Exhibit E of the Staff Report for project number SPR10-0001.
3. Construction of the 1,632 square foot addition including grading shall be subject to the issuance of a building permit form El Dorado County Building Services.
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, as provided in Section 66474.9(b) of the California Government Code.

5. 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 site plan review, 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.

**c. Findings of Consistency with General Plan and El Dorado Hills Specific Plan:**

**GOV10-0003** submitted by RESCUE UNION SCHOOL DISTRICT (Agent: Bill Wright) for Findings of Consistency with the El Dorado County General Plan and El Dorado Hills Specific Plan for a proposed school site acquisition pursuant to Government Code Section 65402(a). The property, identified by Assessor's Parcel Numbers 123-370-01 and 123-280-10, consisting of 23.68 acres, is located at the northeast corner of Serrano Parkway and Bass Lake Road in the El Dorado Hills area, Supervisorial District I. [*Project Planner: Mel Pabalinas*]

Staff Recommendation: Find request consistent with the General Plan and the El Dorado Hills Specific Plan

**Motion: Commissioner Pratt moved, seconded by Commissioner Heflin, and carried (3-0), to find the request consistent with the General Plan and the El Dorado Hills Specific Plan.**

**AYES: Heflin, Pratt, Rain**

**NOES: None**

**ABSENT: Mathews, Tohurst**

**GENERAL PLAN AMENDMENT/REZONE**

**d. A09-0006/Z09-0012/Pierce Trust** submitted by ELIZABETH ANN WILLIAMS/Trustee (Agent: Gene E. Thorne & Associates, Inc.) to allow the following: (1) General Plan amendment amending the land use designation from Medium Density Residential (MDR) to Commercial (C); and (2) Rezone from One-Acre Residential (R1A) to Commercial-Planned Development (C-PD). The property, identified by Assessor's Parcel Number 327-140-07, consisting of 4.77 acres, is located on the east side of Greenleaf Drive, approximately 300 feet south of the intersection with Missouri Flat Road, in the Placerville periphery area, Supervisorial District III. [*Project Planner: Jason Hade*] (Negative declaration prepared) [*continued from 5/13/10 meeting*]

Item was conceptually denied by the Commission on May 13, 2010, and continued to May 27, 2010 Consent Calendar for Findings for Denial to be provided.

Staff Recommendation: Staff recommends the Planning Commission take the following actions:

1. Find that the project is Statutorily Exempt pursuant to CEQA Guidelines Section 15270(a);
2. Deny General Plan amendment application A09-0006 based on the findings in Revised Attachment 1; and
3. Deny Rezone application Z09-0012 based on the findings in Revised Attachment 1.

Commissioner Pratt pulled this item from the Consent Calendar for discussion. He indicated that he wanted to revisit the reasoning for the Commission recommending denial when staff's recommendation at the May 13, 2010, meeting was for approval.

Pierre Rivas stated that there are currently no submittal requirements for a specific development to be identified. He also said that this particular project would have a Planned Development overlay which meant that no development could occur unless the Development Plan was submitted for review at which point the Commission would have broad discretion over it.

Commissioner Pratt stated that at the last meeting his position on this item spoke on the following:

- Properties are in a transitional area;
- It made sense to have parcel zoned Commercial; and
- If this zoning is not allowed, it renders the parcel unusable and lowers the land value.

He also indicated that he could not cite General Plan Policy 2.2.5.21 as a finding for denial, as proposed by staff.

Commissioner Heflin had given significant thought to the Commission's previous action on this item and felt it would set a precedent if the project was denied, and he was not willing to do that. He further stated that the General Plan allows changes to occur without a project being submitted.

Chair Rain felt that the previous action was a little hasty due to the high emotion at the last meeting. He reiterated Mr. Rivas' reminder that the Commission would have broad discretion on development occurring on this property since there was a Planned Development overlay with the project.

Discussion ensued among the Commission and County Counsel regarding the following:

- Today's agenda indicated the item was conceptually denied at the last meeting with today's hearing to have final action of denial, yet present Commissioners were interested in re-considering that action;
- Only three Commissioners were present and would like a full Commission, if possible, for further discussion on both recommendations; and
- Interested in having the item re-noticed for the public.

**Motion: Commissioner Heflin moved, seconded by Commissioner Pratt, and carried (3-0), to continue the item to the June 24, 2010, meeting and directed staff to re-notice the item and provide both recommendations for consideration.**

**AYES:** Pratt, Heflin, Rain  
**NOES:** None  
**ABSENT:** Mathews, Tohurst

**END OF CONSENT CALENDAR**

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

*[Clerk's Note: The discussion regarding the General Plan update was trailed to the end of the agenda to allow the 9:00 am public hearing items to be heard on time.]*

County Counsel Paula Frantz announced that the Board of Supervisors chose not to acquire the property for the El Dorado County animal shelter facility after hearing comments from the public and the current tenant of the building in question.

Peter Maurer provided an overview, and had discussion with the Commission on the five-year review of the General Plan that had occurred with the Board of Supervisors on May 10, 2010. Topics that were discussed included:

- Working with EDAC on:
  - Policy direction from the Board of Supervisors;
  - Outreach program; and
  - Draft project descriptions;
- INRMP;
- Housing Element Implementation Plan;
- TRPA Regional Plan Update;
- Mitigation and Implementation Monitoring Program;
- General Plan Issues Matrix;
- Community Regions; and
- Possible solar subsidization program.

Kathye Russell provided an update on the Regulatory Reform Committee. She encouraged the Commissioners to attend their weekly Friday meetings.

**6. COMMISSIONERS' REPORTS**

Commissioner Pratt commented that the multiple signs at the Diamond Springs gas station have not significantly improved yet. He indicated that the "For Lease" sign, which he identified at a previous meeting, was still there.

Chair Rain announced that the El Dorado Hills CSD and the County would be hosting a Veteran's Memorial event on May 30, 2010, at the Promontory Park.

9:00 A.M.

7. PUBLIC FORUM/PUBLIC COMMENT – None

8. SPECIAL USE PERMIT

a. **S10-0001/Enchanted April Farm Bed and Breakfast** submitted by ELKE SCHLOSSER to allow a bed and breakfast inn, retreat/event venue with a maximum of 30 events for up to 20 persons, equestrian center, and a 24 square-foot lighted sign. The inn consists of a 3,177 square-foot structure, swimming pool and outdoor barbeque area. The equestrian facility includes a 2,160 square-foot barn, arena, storage and tack sheds, three stables and paddock area. The property, identified by Assessor's Parcel Number 104-080-49, consisting of 10.00 acres, is located on the west side of Salmon Falls Road, approximately 660 feet north of the intersection with Equestrian Way, in the Pilot Hill area, Supervisorial District IV. [*Project Planner: Tom Dougherty*] (Categorical Exemption pursuant to Sections 15301 and 15303 of the CEQA Guidelines)\*\*

Tom Dougherty presented the item to the Commission with a recommendation of approval. He informed the Commission that there were two corrections to the Staff Report. In the project description, it should state that the swimming pool is not available to the public and will be segregated by a fence as it currently does not meet commercial standards. In addition, on page 9 of the Staff Report, the Noise Impacts section referencing Policy 6.5.1.2 was erroneously put in and should be deleted. Mr. Dougherty indicated that staff had received several letters of support for the project.

Elke Schlosser/applicant stated she approved of the conditions submitted by staff and was requesting the larger sign due to the traffic speed on Salmon Falls Road. Ms. Schlosser explained in further detail the situation with the swimming pool and why it was not feasible at this time to bring it up to commercial standards. She also informed the Commission that the Health Department has approved of the precautions she is utilizing in segregating the pool area from her guests.

Jerry Scribner, President of the El Dorado Equestrian Trails Foundation and member of the Divide Horsemen's Association, stated support of the project and agreed that a larger entrance sign was needed.

Suzanne L., adjacent neighbor, stated that the applicant has done everything 1<sup>st</sup> rate and this type of business is needed in the area.

Thiaa Besan, adjacent neighbor, said that she has seen a beautiful reincarnation of the property and that the area is becoming a central location for endurance riders and this would be an ideal and unique way to provide for both the riders and the horses.

Marty Brookman, real estate broker, stated that the applicant took a distressed state of property and transformed it. She felt that it will be well-used by endurance riders and supports the project.

Daryl Sullivan, President of the Bed and Breakfast Inns of El Dorado County, indicated they strongly support the project as it will bring additional revenue to the County. He voiced concern, from an industry's viewpoint, as to why Condition #1.c regarding Owner's Private Events was even in the Conditions of Approval. Mr. Dougherty stated that the applicant had volunteered it and it had not been a staff recommendation. Significant discussion ensued between Mr. Sullivan, staff, County Counsel and the Commission regarding the reasoning for this type of condition. Pierre Rivas indicated that this condition clarifies the Special Use Permit and will assist staff when responding to any future complaints.

Commissioner Pratt felt that this was a good project and accepted Mr. Sullivan's viewpoint. He stated they would need to review future projects for any restrictions to a private owner's personal rights.

Significant discussion ensued between staff, County Counsel and the Commission on the best way to clarify in the Conditions of Approval that the swimming pool did not currently meet commercial standards and would not be available for public use until that requirement was met. The concern was that since the Special Use Permit ran with the land, it was necessary that this issue be very clear in the conditions for any future owners.

No further discussion was presented.

**Motion: Commissioner Heflin moved, seconded by Commissioner Pratt, and carried (3-0), to take the following actions: 1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Sections 15301 and 15303; and 2. Conditionally approve Special Use Permit S10-0001 based on the Findings and subject to the Conditions as modified: (a) Amend Condition #1, as discussed, to address the issue of the swimming pool.**

**AYES: Pratt, Heflin, Rain**  
**NOES: None**  
**ABSTAIN: Mathews**  
**ABSENT: Tohurst**

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

**Findings**

**1.0 CEQA FINDING**

**1.1** This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 and 15303 of the CEQA Guidelines. As conditioned the project is consistent with the residential development standards of the RE-10 Zone



District for the existing structures, facilities and infrastructure. The use as a Bed and Breakfast Inn is by ordinance an expanded home occupation.

- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services Department, Planning Services Division at 2850 Fairlane Court, Placerville, CA.

**2.0 SPECIAL USE PERMIT FINDINGS**

**2.1 The issuance of the permit is consistent with the General Plan;**

The proposed project has been analyzed for consistency with General Plan Policies 2.2.5.20 (General Plan Consistency Compliance), 2.8.1.1 Lighting Impacts, 6.5.1.2 (Noise Impacts), 7.3.3.4 (Conservation of Water Resources), and 10.1.7.4 (Home Occupations) because the project seeks to use existing structures, 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 lighting or noise impacts nor significantly affect biological resources. The proposed project, as conditioned, is consistent with these policies and consistent with the General Plan Land Use Designation of Rural Residential which allows for Bed and Breakfast Inns with a Special Use Permit.

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

The proposed Bed and Breakfast Inn will comply, as conditioned, with the Development Standards of the RE-10 zone district. The proposed Special Use Permit, as conditioned, has been found to comply with the requirements of Chapter 17.22, Special Use Permits, and 17.14.220, Bed and Breakfast Inns, and the proposed use is not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, based on the conclusions contained in the staff report.

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

The proposed use, as conditioned, is specifically permitted by special use permit in a residential zone district pursuant to 17.14.220, Bed and Breakfast Inns, of the El Dorado County Code.

**3.0 ADMINISTRATIVE FINDINGS**

- 3.1 The proposed use, as conditioned, conforms to the Zoning Ordinance because the project meets all development standards for a Bed and Breakfast Inn in the RE-10 Zone District (17.70.110).

**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 M, 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 this Special Use Permit allows a Bed and Breakfast Inn with four guest rooms as follows.

- a. Four guest rooms and one bedroom for the owner/operator are to be contained within the 3,177 square foot primary residence. Only registered guests shall have access to the kitchen facilities with meal service provided for breakfast and light snacks which will be included in the overall room rate.
- b. The following structures ancillary activities are approved for use under this current approval are lettered A thru M as listed in the table below and located as shown in Exhibit G:

Building Letter	Use (as labeled in Exhibit G)	Size
A	Existing Home and Garage (attached) Covered porch	3,177 square ft. 607 square ft. 357 square ft.
B	Existing Barn Covered RV or Hay Storage	40 ft. by 60 ft. 15 feet by 60 ft.
C	Existing Horse Arena	100 ft. by 200 ft.
D	Existing Storage Shed	15 ft. by 25 ft.
E	Existing Tack Sheds	8 ft. by 12 ft. (3)
F	Existing Horse Paddock	12 ft. by 84 ft.
G	Existing Pagoda	12 ft. by 30 ft.
H	Existing Trash/Recycling Shed	Two at 5 ft. by 10 ft. (2)
I	<del>Existing Pool and Hot Tub</del>	<del>25 ft. by 35 ft.</del>
J	Existing Pond, Solar Aerated	80 ft. by 130 ft.
K	Existing Storage Canopy	15 ft. by 60 ft.
L	Existing Horse Gazebos	10 ft. by 10 ft. (3)
M	Proposed Sign	4 foot high by 6 foot wide (24 square feet) sign, mounted on two posts, not to exceed 8-ft. tall.

- c. A total of 30 events/activities, attended by non-registered guests of the bed and breakfast, with a maximum of 20 participants, are permitted per year as described below:

**Ancillary Events:** Retreats, classes, meetings, seminars & workshops limited to 20 participants including but not limited to those residing as guests at the Inn. Outdoor events shall be limited to the hours between 9 am and 9 pm. No amplified music shall be allowed. Food service, if required, would be arranged through a licensed catering company or restaurant, and the kitchen inside the Inn shall not be utilized for food preparation purposes. All parking shall be limited to the premises. A maximum of 24 ancillary events shall be allowed per year.

**Equestrian Events:** Horse related clinics with up to 8 participating horses and riders shall be held between the hours of 9 and 9 pm with a maximum of 6 clinics permitted per year. Participants and their friends and families will be permitted to utilize the picnic area and BBQ for the purpose of a “pot-luck” or BBQ following the clinic. All parking shall be limited to the premises.

The following guest and private events are approved as follows:

**Guest Events:** Retreats, classes, meetings, seminars & workshops shall be limited to 8 participants residing as guests at the Inn plus the instructor(s). Organized outdoor events shall be limited to the hours between 9 am and 9 pm. No amplified music shall be allowed. Food service other than breakfast and light snacks, if required, shall be arranged through a licensed catering company or restaurant, and the kitchen inside the Inn shall not be utilized for food preparation purposes.

**Owner's Private Events:** The owner may have private gatherings of family and friends and these private gatherings shall not be included in the limitations imposed under the categories above. The owner's private events shall not be open to the public and will not be subject to the terms of this Special Use Permit. The applicant is permitted to serve home cooked food to family and friends and there shall be no limitation on number of gatherings per year or size of these events.

- d. One 4-foot by 6-foot non-internally illuminated sign is permitted and shall be located as shown in Exhibit G and shall comply with Exhibits I-1 and I-2.
- e. The swimming pool and hot tub shall be for personal use only and would be available for public only if replaced or modified to meet State public pool standards.

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

- 2. All site improvements shall conform to Exhibits G thru J. All structures authorized shall be consistent with the developments standards of the RE-10 zone district, Chapter 17.70. Changes in the uses and in the structures/facilities as approved and as shown and located in Exhibits G thru J shall require review by Planning Services to determine if the changes can be approved administratively or are substantial enough to require the submittal of a Special Use Permit revision application with review by the Planning Commission.
- 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 by phase and in accordance with county, State, and Federal law. The applicant shall also schedule an inspection by Planning Services prior to commencement of any use authorized by this Special Use Permit for verification of compliance with applicable conditions of approval.
- 4. No amplified outdoor sound systems shall be used at the project site without a revision to this Special Use Permit or a Temporary Use Permit is obtained. Noise levels during any

of activities/events and uses shall not exceed the levels specified in Table 6-2 of the General Plan.

5. The applicant shall obtain a business license prior to initiation of the use.
6. All outdoor lighting shall conform to §17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. In addition, the following apply:
  - a. The external solar lights used to illuminate the two-foot by three-foot sign shall be shielded to prevent the light from shining off of the surface intended to be illuminated.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

7. The applicant shall install the plants shown in the Streamside Planting Plan attached as Exhibit J. Proof of substantial compliance with said plans shall be received by Planning Services prior to January 1, 2011. Should the planting not be completed and approved by Planning Services prior to January 1, 2011, all uses authorized by this permit shall cease until this condition has been satisfied.
8. Parking shall be provided as follows:

<b>PARKING REQUIREMENTS</b>		
<b>Parking Stall Standard</b>	<b>No. of Spaces Required</b>	<b>No. of Spaces Provided</b>
Standard Space	4 reserved for guests 2 reserved for owner <u>7 for activities/events</u> <b>13 total spaces required</b>	40
Accessible Spaces	1 (with van accessibility)	1 (with van accessibility)

Additional parking area for horse trailer parking shall occur in the *Existing Gravel Drive/Turnaround* as shown on Exhibit G.

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

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or processing 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, which action is brought within the time period provided for in Section 66499.37 of the California Government Code.

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

**El Dorado County Department of Transportation**

10. Encroachment Permit: The applicant shall obtain an encroachment permit from DOT and shall construct the driveway encroachment from the existing private driveway onto Salmon Falls Road to the provisions of County Design Std 103C or approved DOT equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to initiation of any use permitted by the approval of the Special Use Permit.

**El Dorado County Department of Environmental Health**

11. Bed and Breakfast establishments under the California Retail Food Code, Section 113893, Restricted Food Service Facility, require that you obtain and maintain an Annual Food Facility Operating Permit issued by Environmental Health. When approval from Planning Services is obtained, please submit a completed service request form and application for a Food Facility Permit to this office for review. In addition, because your water source is a private well, a Food Facility Water System Operating Permit is required. Water quality testing and monitoring are requirements of the permit.
12. Public pools must comply with the California Health and Safety Code, California Code of Regulations, California Building Code, and the California Electrical Code. The existing pool on the property does not meet the public pool standards and cannot be included as part of the Bed and Breakfast Special Use Permit. Fencing and signage to exclude the pool shall be approved by Environmental Health prior to the operation of the Bed and Breakfast. The fencing shall not have gates in close proximity to the pool. Signs at each gate shall be durable with contrasting lettering no smaller than 4 inches high and shall say the following: *PRIVATE – NOT FOR PUBLIC USE. The swimming pool does not meet safe public pool standards and is not available for use by the public.*

**El Dorado County Fire Protection District**

13. The applicant shall submit a site review plan fee to El Dorado County Fire of \$150.00 prior to initiation of any use authorized by the approval of this Special Use Permit.
14. The applicant shall provide a minimum 5,000 gallons water storage tank with fire district access prior to initiation of any use authorized by the approval of this Special Use Permit.

15. The applicant shall provide a site plan, for review and approval, showing the location of the water storage tank and the fire district connection prior to initiation of any use authorized by the approval of this Special Use Permit for review and approval.
16. In lieu of Conditions 14 and 15, provide a 4-inch drafting station out of the pond. The pick up station in the pond must be engineered and located in an area that will not pick up debris out of the pond. The other end shall meet the requirements of Water supplies Residential without a Purveyor Section 4 Piping and Hydrant Outlet Requirements prior to initiation of any use authorized by the approval of this Special Use Permit.
17. The applicant shall provide calculations that the pond holds a minimum 5,000 gallons of water suitable for drafting prior to initiation of any use authorized by the approval of this Special Use Permit.
18. The applicant shall submit plans with and engineers stamp for Conditions of Approval 18 and 5 prior to initiation of any use authorized by the approval of this Special Use Permit.
19. The applicant shall provide one minimum rated 2A10:BC fire extinguisher within 75 feet of travel distance to all areas of the facility. It shall be mounted in a location that is readily visible and easily accessible. The top of the box shall be no higher than 5 feet from the ground prior to initiation of any use authorized by the approval of this Special Use Permit.

**b. S09-0014/Greenwood Kingdom Hall** submitted by CONGREGATION OF JEHOVAH'S WITNESSES (Agent: Sean Bondar) to allow a 4,540 square foot religious facility with a 600 square foot covered drop-off area. Parking would be provided for up to 66 vehicles. Outdoor lighting and landscaping to be provided within the parking areas. The facility would be utilized on Thursday evenings from 7:00PM to 9:00PM and Sunday from 10:00AM to 12:00PM. Additional meetings would be held during the weekdays Monday through Saturday beginning at 9:00AM. All meetings and gatherings of large groups at the religious facility would conclude prior to 10:00PM in order for all vehicles to vacate premises prior to 10:00PM. Nighttime use by small groups (up to 6 vehicles) may occur between the hours of 10:00PM and 7:00AM. The project includes a request for a 40 square foot monument sign identifying the Kingdom Hall facility. The sign would be approximately 5 feet in height and 8 feet in width. The property, identified by Assessor's Parcel Numbers 074-173-03, 074-173-06, and 074-173-12, consisting of 2.44 acres, is located on the west side of Greenwood Road, approximately 500 feet northwest of the intersection with Ricci Road, in the Greenwood area, Supervisorial District IV. *[Project Planner: Gina Paolini]* (Mitigated negative declaration prepared)\*

Gina Paolini presented the item to the Commission with a recommendation of approval. She indicated that two public comment letters had been received.

Sean Bondar/agent indicated that this project was very important to them as their current hall had very limited parking.

Prior to opening up the item for public comment, Chair Rain reminded the audience that this was a land use hearing and cautioned that anyone who made inappropriate comments similar to the Dateline transcript attached to the submitted Petition to Deny would be removed from the room.

Anthony Bender, adjacent neighbor, stated he was also representing another neighbor, Ms. Laurence, as she could not be in attendance. Their primary concern was the proposed road location as it would impact them significantly and therefore, strongly opposed that aspect of the project. Mr. Bender stated that due to the close proximity of his house, he would be subjected to noise, pollution and privacy issues. He inquired as to whether the applicant would be allowed to use Hwy 193 as an alternative access point.

Eileen Crawford/DOT explained that during the preliminary application process, CalTrans was contacted regarding access from Hwy 193. Due to the type of improvements that would be required, it was not a preferred access point and CalTrans suggested that although Hwy 193 would be do-able, that County roads would be a better alternative.

Ben Cal, adjacent neighbor, stated that he had not been aware of this project until last week. He voiced concern on septic and water run-off issues regarding his property and would like to have a buffer between the two properties.

Susanne Zahrobsky submitted a petition opposing the high increase of traffic onto Main Street. She indicated that if an alternate access route, such as from Hwy 193, was used, then they would remove their opposition.

Mr. Bondar responded to the inquiries of using Hwy193 as an access point and stated that when researching this alternative, it was discovered that significant off-site improvements would be required and a cost estimate could not be provided at that time. He also referred to page 23 of Exhibit N, which stated that the reason Hwy 193 was not chosen was due to safety issues. Discussion ensued between Mr. Bondar and Commissioner Mathews regarding using Hwy 193 as an access point.

Mr. Bondar also addressed the concern on the close proximity of the proposed road and Mr. Bender's house, by stating that a retaining wall/privacy fence would be placed on both sides of the road. He indicated that the proposed road meets all of DOT's standards and that they were going beyond what was required for landscaping. Mr. Bondar also said that they have been approached by Parks and Rec on using their road for events at the Greenwood School. He also responded to concerns on meeting times, proposed sign, community impact, septic issues, and whether this project was an appropriate use for that area.

Ms. Paolini informed the Commission that the sign exhibit submitted was for the sign on Hwy 193 and did not identify the Greenwood Road sign that the public is voicing safety concerns on. She stated that if two signs were approved, then the Conditions of Approval would need to be modified. Mr. Bondar stated that they would like two 40 square foot signs for both locations.

Commissioner Mathews said he had a problem with the proposed access road location as Greenwood Road has narrow spots and is in a 25mph zone. He said that the area has a sense of



community which is why the petitions for denial were submitted. His biggest issue with the project is that the main access is not coming from Hwy 193. Commissioner Mathews felt that if this issue was mitigated it would be a win-win situation. He also felt that a more conservative sign would be needed for the Hwy 193 location.

Commissioner Heflin stated that he would not support the project if access did not come off of Hwy 193.

Commissioner Pratt made the following comments:

- Inquired why two access points were not required, particularly for emergency access;
- Retaining wall/privacy fence would create a barrier and goes against the openness of the community;
- Disagrees that this is a transitional project and feels it is more of an insertion; and
- Biggest issue is the access point and feels that there are alternatives.

Discussion ensued between Mr. Bondar and the Commission regarding issues with the other alternative access points.

No further discussion was presented.

**Motion: Commissioner Pratt moved, seconded by Commissioner Mathews, and carried (4-0), to continue the item off-calendar and directed the applicant to return with a revised access plan.**

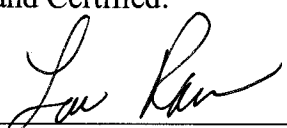
**AYES: Heflin, Mathews, Pratt, Rain**  
**NOES: None**  
**ABSENT: Tohurst**

**9. ADJOURNMENT**

Meeting adjourned at 12:00 p.m.

**APPROVED BY THE COMMISSION**

Authenticated and Certified:

  
\_\_\_\_\_  
Lou Rain, Chair