



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
September 9, 2010 – 8:30 A.M.

1. CALL TO ORDER

Meeting was called to order at 8:47 a.m. Present: Commissioners Rain, Pratt, Heflin, and Mathews; Paula Frantz-County Counsel; and Char Tim-Clerk of the Planning Commission.

2. ADOPTION OF AGENDA AND ADDENDUM

Pierre Rivas requested that the Addendum item (#11/V10-0001) be heard immediately following Item #9.

Motion: Commissioner Heflin moved, seconded by Commissioner Mathews, and carried (4-0), to adopt the agenda and addendum as modified.

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

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: August 12, 2010

Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (4-0), to approve the Minutes of August 12, 2010, as presented.

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

b. Finding of General Plan Consistency: GOV10-0002 submitted by the LAKE VALLEY FIRE PROTECTION DISTRICT for a Finding of General Plan Consistency on the Capital Improvement Plan pursuant to Government Code Section 65401. [*Project Planner: Mel Pabalinas*]

Staff Recommendation: Find request consistent with the General Plan

Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (4-0), to find that the request (GOV10-0002) is consistent with the General Plan.

AYES: Pratt, Heflin, Mathews, Rain

NOES: None

ABSENT: Tolhurst

c. Finding of General Plan Consistency: GOV10-0006 submitted by the MOSQUITO FIRE PROTECTION DISTRICT for a Finding of General Plan Consistency on the Development Fee Capital Improvement Plan 2009-2014 pursuant to Government Code Section 65401. [*Project Planner: Mel Pabalinas*]

Staff Recommendation: Find request consistent with the General Plan

Commissioner Mathews pulled Item 4.c for discussion. He commented on the cost per square foot not changing and voiced concerned on the methodology and discussion/analysis, as shown on page 11 of the Capital Improvement Plan, regarding the growth rate increasing in the next 5 years.

Bob Davis/Mosquito Fire Protection District stated that the referenced wording was initially written during the building boom and was inadvertently carried over during the preparation of this document. He stated that the numbers were not going up.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (4-0), to find that the request (GOV10-0006) is consistent with the General Plan.

AYES: Pratt, Heflin, Mathews, Rain

NOES: None

ABSENT: Tolhurst

d. Finding of General Plan Consistency: GOV10-0007 submitted by the PIONEER FIRE PROTECTION DISTRICT for a Finding of General Plan Consistency on the Capital Improvement Plan pursuant to Government Code Section 65401. [*Project Planner: Mel Pabalinas*]

Staff Recommendation: Find request consistent with the General Plan

Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (4-0), to find that the request (GOV10-0007) is consistent with the General Plan.

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

e. **Finding of General Plan Consistency:** GOV10-0008 submitted by the DIAMOND SPRINGS-EL DORADO FIRE PROTECTION DISTRICT for a Finding of General Plan Consistency on the Capital Improvement Plan (Fire Facilities Impact Fee Study) pursuant to Government Code Section 65401. [*Project Planner: Mel Pabalinas*]

Staff Recommendation: Find request consistent with the General Plan

Commissioner Mathews pulled Item 4.e for discussion due to the significant fee increase.

Assistant Chief Rob Combs/Diamond Springs-El Dorado Fire Protection District stated that in 2005 they had imposed a “fee holiday” and they were now re-implementing the fees based on their 2005 Nexus Study. During that time, they had implemented a Facilities Improvement District that would provide revenue for on-going General Fund obligations. He stated that what has impacted them now is the recession and they still need to replace a station due to the Missouri Flat Road re-alignment, in addition to an aging infrastructure in their truck. Assistant Chief Combs stated that while they are trying to be as conservative as possible, they still need to prepare for the future. He also acknowledged the good relationship they have with the Firefighters Association, which is delineated in the Impact Study, but they still need to anticipate needs outside of that relationship that will have to be addressed in the future. Assistant Chief Combs indicated that their area of service is slated for the majority of commercial and light industrial business in the County.

Commissioner Mathews stated that he didn’t necessarily disagree with the fee, but the doubling of the amount is what caught his attention.

Chair Rain commended all of the County’s Fire Protection Districts on exceeding the General Plan’s expectation on response time.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (4-0), to find that the request (GOV10-0008) is consistent with the General Plan.

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

END OF CONSENT CALENDAR

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

Pierre Rivas provided a follow-up on items brought to staff's attention at the last meeting during Commissioner's Reports:

- **Panda Express**: Staff reviewed the approved Planned Development and determined that the approved color palette and river rock matches with what was used on the building. Mr. Rivas indicated that in the future, staff can canvass a proposed location in more detail to assist in having a proposed building's elements match more appropriately to the existing surrounding buildings.
- **Apple Café**: Staff has determined that there is no building permit or Special Use Permit for the existing roof-mounted sign. This matter is being forwarded to Code Enforcement.

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

- **Zoning Ordinance**: The Ag Commission discussed this at their meeting the previous night. Staff is anticipating on agendizing this for the Commission in the next 1-2 months prior to going to the Board.

6. **COMMISSIONERS' REPORTS**

Commissioner Heflin voiced concern on the following locations where there may be sign violations:

- **Valero gas station in Camino Heights**. On weekends, a temporary price sign is being tied to a Hwy 50 marker, which is in the CalTrans Right-of-Way.
- **Off-site winery signs in the Apple Hill area**. Examples of some of these signs are: Crystal Basin Cellars, Fenton Herriott Vineyards, and ParaVi Vineyards. They are possibly in DOT's Right-of-Way and may not have Special Use Permits.

Peter Maurer and Pierre Rivas both indicated that the Valero sign issue was CalTrans' jurisdiction and that they would be notified of the situation. Mr. Rivas stated that staff would follow-up on the off-site winery signs to determine if there are any violations occurring.

Commissioner Heflin voiced concern that more of these off-site signs will be placed the closer Apple Hill season approaches.

Commissioner Pratt felt that part of the problem with the off-site signs is that not all of the local agricultural associations have a sign program which is thereby causing the individual owners to find options on advertising their businesses. He suggested that the organizations be made aware of this situation so that they can self-police themselves.

9:00 A.M.

7. **PUBLIC FORUM/PUBLIC COMMENT** – None

8. SPECIAL USE PERMIT

a. S09-0024/Petra Winery submitted by MARK ANNIS to allow a wine production facility with no on-site sales. The property, identified by Assessor's Parcel Number 102-210-16, consisting of 10.01 acres, is located on the east side of Deer Valley Road, approximately 0.5 mile northeast of the intersection with Green Valley Road, in the Rescue area, Supervisorial District IV. [*Project Planner: Aaron Mount*] (Categorical Exemption pursuant to Section 15303(e) of the CEQA Guidelines)**

Aaron Mount presented the item to the Commission with a recommendation of approval.

Mark Annis/applicant was available for questions.

Michael Menard/neighbor stated that the applicant has been gracious in regards to his hours of agricultural operations and he is in support of the project.

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 15303(e) of the CEQA Guidelines; and 2. Approve Special Use Permit S09-0024 based on the Findings and subject to the Conditions of Approval as presented.

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

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

Findings

1.0 CEQA FINDINGS

1.1 The wine production facility is found to be Categorically Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines which exempts construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure from further environmental review.

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 Rural Residential (RR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the RR land use designation is intended to provide areas for agriculture, such as the proposed winery.

2.2 As conditioned, the proposal is consistent with General Plan Policies 2.2.5.21, land use compatibility, 6.2.3.2, emergency access, 8.1.4.1, agricultural lands protection, and 10.1.6.1, tourism promotion. Because of the project's compatibility with surrounding land uses, emergency access, compatibility with agricultural lands, and tourism promotion, 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 Estate Residential Ten-Acre (RE-10) zone district, pursuant to Section 17.70.100.A and the Winery Ordinance, Section 17.14.200. The proposed wine production use is authorized under Section 17.14.200.B.2.h of the Winery Ordinance 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 adequate setbacks are proposed. The reduced setbacks were determined sufficient due to exclusion of tasting room and special events.

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, 5.2.1.2, water quality, 6.2.3.2, emergency access, 8.1.4.1, agricultural lands protection, and 10.1.6.1, tourism promotion.

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 will not be detrimental to the public health, safety and welfare or injurious to the neighborhood as it is found to be a compatible use within the context of the surrounding mix of residential and agricultural uses adjacent to the subject site. Potential land compatibility issues such as access and noise will be addressed through compliance with the conditions of approval in Attachment 1.

The Agricultural Commission recommended setback reductions as follows with limitations in wine production to reduce land use conflicts: The setback reductions for wine production in the single family residence: 50 feet from the southwest property line, 100 feet from the northwest property line, and 140 feet from the north property line. A

maximum limit of 2,500 cases of wine produced would be applied to this location. The applicant has the option to relocate the wine production to a barn on the eastern portion of the subject parcel with no limitation on case production. A setback reduction to 130 feet from the north property line was recommended by the Agricultural Commission for this structure.

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 17.14.200.B.2.h of the El Dorado County Zoning Ordinance as the required findings detailed above may be made by the Planning Commission.

Conditions of Approval

El Dorado County Planning Services

I. PROJECT DESCRIPTION

1. This Special Use Permit is based upon and limited to compliance with the project description, hearing exhibits marked Exhibit E through H, 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 authorizes the use of a 1,496 square foot single family residence for production of wine. Wine production is to take place in the basement of the single family residence and the adjacent concrete pad with a maximum limit of 2,500 cases of wine produced per year. If wine production is moved to the approximately 1,878 square foot barn at the eastern end of the subject parcel, there shall be no limitation on case production.

The approximately 768 square foot barn adjacent to the single family residence shall not be used for wine production but can be used for storage of materials related to the winery.

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 Site Plans and Landscape Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. PROJECT CONDITIONS OF APPROVAL

2. No public events, such as wine tasting, weddings, concerts, winemakers dinners and festivals shall be permitted under this Special Use Permit.
3. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Special Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
4. Prior to issuance of any permits, the applicant shall pay all Development Service fees.
5. Prior to building permit issuance, 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 permit center staff prior to final occupancy for verification of compliance with applicable conditions of approval.
6. Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months of approval of this 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.

Air Quality Management District

7. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
 - a. Application of water on disturbed soils and unpaved roadways a minimum of three times per day
 - b. Using track-out prevention devices at construction site access points
 - c. Stabilizing construction area exit points
 - d. Covering haul vehicles
 - e. Restricting vehicle speeds on unpaved roads to 15 miles per hour
 - f. Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust
8. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.

9. Burning of vegetative wastes that result from "Land Development Clearing" must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
10. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
11. The project construction will involve the application of architectural coating which shall adhere to District Rule 215, Architectural Coating.
12. Prior to construction/installation of any new point source emission units or non-permitted emission units (i.e. gasoline dispensing facility, boilers, internal combustion engines, emergency generators, etc.), authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications, and emission factors.

Department of Transportation

13. Encroachment Permit: The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachments from the project onto Deer Valley Road to the provisions of Design and Improvement Standard Manual (DISM) Standard Plan 103C. 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 issuance of a special use permit.
14. Easements: All applicable existing and proposed easements shall be shown on the project plans.
15. 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.
16. 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.
17. 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.

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

Rescue Fire Protection District

19. The applicant shall provide a priority "Knox" key switch for emergency access through the gate. Gates shall comply with the Fire Prevention Officer's standard. Rescue Fire Protection District shall verify the installation of the security system prior to final inspection of the facility.
20. The applicant shall install a minimum 12-foot wide all weather access road with a vertical clearance of 13 feet 6 inches and any turn in the road shall have a minimum inside turning radius of 40 feet. The road shall be capable of supporting a 40,000 pound load and shall not exceed a road grade of 16 percent.
21. The applicant shall provide a Fire District approved turn-a-round within 50 feet of the project site. The existing driveway serving the existing dwelling may fail to comply with the turnaround provisions of the State Fire Safe Regulations. The applicant shall be conditioned to comply with the requirements for the State Fire Regulation and El Dorado County Design and Improvement Manual (DISM).
22. Additional information will be needed regarding the building sizes, commercial status and the use. This information will assist in our requirements for water supply, road, and building requirements. A water supply will be required for this project.
23. This project shall meet the requirements of the California SRA Fire Safe Regulations, and the California Fire Code 2007 Edition for access and water supply.

El Dorado County Environmental Management Department

24. If this farm/facility stores or will store reportable quantities of hazardous materials (55 gallons) or generate hazardous waste, prior to commencing operations the owner/operator must:
 - a. Prepare, submit, pay appropriate fees for and implement a hazardous materials business plan to the EDC Department of Agriculture. The EDC Department of Agriculture will in turn forward the HMBP to Environmental Management for review
 - b. Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
 - c. Train all employees to properly handle hazardous materials and wastes.
 - d. Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

b. S09-0006/Fat Kitty City submitted by ED and CINDY MINGHELLI to authorize a cat sanctuary (cattery) for up to 150 cats. The property, identified by Assessor's Parcel Number 102-180-09, consisting of 20.14 acres, is located on the east side of Sweet Valley Road, approximately 0.5 mile north of the intersection with Hickok Road, in the El Dorado Hills area, Supervisorial District IV. [*Project Planner: Jason Hade*] (Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines)**

Jason Hade presented the item to the Commission with a recommendation of approval and stated that numerous letters of support from the public had been received.

Chair Rain read into the record the names of the supporters of the project that sent in the 22 public comment letters.

Ed Minghelli/applicant provided the following comments on the project:

- Low traffic count since this will primarily be a sanctuary;
- Adoptions are handled off-site at retail facilities (i.e., PetSmart); and
- Project is located on a private road that is maintained by a road association, which they already participate in, and they have no objections to that being added as a condition.

Joanne Larsen stated that the applicants provide a priceless service and provided a summary of those services.

Cindy/volunteer indicated that the facility is kept very clean.

Angela Jackson/volunteer summarized her experience with the organization.

Commissioner Pratt inquired if this was considered a home-based occupation. Pierre Rivas responded that the cattery is being treated as a kennel, which is a use that is allowed under Special Use Permit in certain zone districts.

County Counsel Paula Frantz commented that the Staff Report's project description is inconsistent with public testimony regarding no employees since the Commission has just heard from members of the public identifying themselves as volunteers, which are considered unpaid employees. This now causes an increase in traffic. She stated that in order to have an accurate and enforceable Special Use Permit, it should list the hours of operation and identify the maximum number of unpaid employees (volunteers) that are allowed at any one time. County Counsel Frantz said that the focus is on the impact to the neighborhood.

Per the Commission's request, Mr. Minghelli provided a detailed explanation of the current number of volunteers/shift schedule and the number of volunteers that would be needed if they reached their maximum of 150 cats.

Commissioner Mathews stated, for clarification purposes, that the Special Use Permit needs to have set parameters to protect the applicant and the neighbors as the permit follows the land.

County Counsel Frantz provided proposed language for Condition #1 to address the hours of operation and the maximum number of unpaid volunteers allowed on the premises.

Mr. Minghelli was agreeable to the modification to Condition #1 and requested that the maximum number of volunteers be set at 15.

Per Commissioner Pratt's request to include a condition regarding participation in a road maintenance agreement, Mr. Hade read into the record proposed language.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Pratt, 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 S09-0006 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition #1 to indicate hours of operation as 8:00am to 7:00pm and the number of volunteers to be a maximum of 15; (b) Add new condition to address participation in road maintenance agreement; and (c) Direct staff to revise Staff Report to reflect modifications to the project description.

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

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

Findings

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 Section 15301 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 Rural Residential (RR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the RR land use designation establishes areas for residential and agriculture development. Typical uses include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. The

proposed cattery use is considered a compatible use as noted above and would be consistent with Policy 2.2.1.2.

- 2.2 As conditioned, the proposal is consistent with General Plan Policies 2.2.5.21, land use compatibility, 5.2.1.2, water quality, 6.2.3.2, emergency access and 6.5.1.7, noise thresholds. Because of the project's compatibility with surrounding land uses, provision of sufficient water, emergency access and limited noise generating potential, 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 Estate Residential Ten-Acre (RE-10) zone district pursuant to Section 17.70.100.I which permits kennels by SUP. A cattery is similar in use to a kennel for the keeping of five or more of dogs.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because sufficient parking is provided, adequate setbacks are proposed, and outdoor project lighting will be fully shielded.

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, 5.2.1.2, water quality, 6.2.3.2, emergency access and 6.5.1.7, noise thresholds.

- 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 will 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 rural residential and public land uses adjacent to the subject site. Potential land compatibility issues such as access, lighting, parking, and solid waste removal will be addressed through compliance with the conditions of approval in Attachment 1.

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

Although not specifically listed as a use permit by a SUP in the RE-10 zone district, Section 17.70.100.I permits kennels by SUP. A cattery is considered to be similar in use to a kennel for the keeping of five or more dogs. Therefore, the required findings for approval detailed above may be made by the Planning Commission.

Conditions of Approval

El Dorado County Planning Services

I. PROJECT DESCRIPTION

1. This Special Use Permit is based upon and limited to compliance with the project description, hearing exhibit marked Exhibit E 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) authorizing a commercial cattery on the subject site (APN 102-180-09) serving as a cat sanctuary for up to 150 cats. The facility will be comprised of one existing 2,025 square foot garage, four 120 square foot "tuff" sheds, a 392 square foot acclamation cage, trash cans and gravel parking area within a two acre fenced area. ~~The facility will not be open to the public and no employees are proposed. Visitation shall be by appointment only.~~ The facility will be open to the public by appointment only between the hours of 8:00 AM and 7:00 PM. No paid employees are authorized, but up to 15 unpaid volunteers are authorized for the site.

Should approved tentative parcel map P06-0028 record, the cattery authorized herein shall be permitted on parcel 1.

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 Site Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. PROJECT CONDITIONS OF APPROVAL

2. Applicant shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Special Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

3. Prior to final building occupancy under S09-0006, the applicant shall pay all Development Service fees.
4. Prior to final building occupancy under S09-0006, 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 permit center staff prior to final occupancy for verification of compliance with applicable conditions of approval.
5. Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months of approval of this 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.
6. Prior to final building occupancy under S09-0006, 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.
7. The applicant is responsible for providing 12 off-street parking spaces at all times while the facility is in operation pursuant to 17.18.060 of the Zoning Ordinance. The required parking shall be provided as shown on the approved site plan, Exhibit E.
8. Applicant is permitted one unlighted sign not exceeding six square feet of message area and eight feet above ground level identifying the cat sanctuary in accordance with County Code Section 17.70.090.D.
9. The applicant shall participate in all applicable road maintenance agreements from the project site to the County-maintained road.

Animal Services

- ~~9~~ 10. The cat sanctuary shall obtain a commercial cattery license issued by El Dorado County Animal Services. This special use permit shall not become effective until a license is obtained from Animal Services. The license must be kept current for the duration of this special use permit. If the property is sold, the new owner must obtain a license or all animals must be removed. Said license shall permit the reasonable access by Animal Services staff to conduct the necessary inspections of the facility.
- ~~10~~ 11. In compliance with County Code Section 6.20.015, should the applicant take possession of any stray animal, the applicant shall notify the Animal Control Officer within six hours after finding or receiving the animal and shall surrender the animal to the Animal Control Officer upon demand.

California Department of Forestry and Fire Protection (CAL FIRE)

- ~~11~~ 12. Prior to final building occupancy, vegetation clearance around the residential structure and “kitty condos” shall be completed pursuant to Public Resource Code Section 4291 to the satisfaction of CAL FIRE.
- ~~12~~-13. Horizontal vegetation clearances along the driveway shall be a minimum of 10 feet on each side of the driveway and vertical vegetation clearance shall be a minimum of 15 feet, as determined by CAL FIRE and the Rescue Fire Protection District prior to final building occupancy.

El Dorado County Environmental Management Department

- ~~13~~ 14. All solid waste, including animal waste, must be stored in trash containers with tight fitting lids and hauled from the site at least once every seven days for proper disposal.

Rescue Fire Protection District

- ~~14~~ 15. Prior to final building occupancy, the fire safe plan approved under parcel map application P06-0028 shall be implemented to the satisfaction of CAL FIRE and the Rescue Fire Protection District.
- ~~15~~ 16. A disaster evacuation plan for the facility shall be submitted to the Rescue Fire Protection District for review and approval prior to final building occupancy.

9. **TENTATIVE MAP**

TM10-1494/West Valley Village Unit 7A submitted by WEST VALLEY, LLC to subdivide two parcels creating six residential lots ranging from 1.17 to 3.73 acres in size and a Design Waiver of El Dorado County Design and Improvement Standards Manual (DISM) maximum driveway grade standard of 16 percent modified to 20 percent. The property, identified by Assessor’s Parcel Numbers 118-370-01 and 118-370-02, consisting of 13.6 acres, is located approximately 600 feet northeast along Brentford Way from the intersection with Royal Oaks Drive in the West Valley Village (Blackstone) portion of Valley View Specific Plan Area, in the El Dorado Hills area, Supervisorial District II. *[Project Planner: Mel Pabalinas]* (Statutory Exemption pursuant to Section 15182 of the CEQA Guidelines)**

Mel Pabalinas presented the item to the Commission with a recommendation of approval.

Eileen Crawford/DOT distributed a staff memo dated 9/9/10, identifying recommended modifications to Conditions #12 (delete) and #13 (amendment). In response to Commissioner Pratt’s inquiry on Condition #21 addressing maintenance of shared access, she also recommended modifying that condition by adding “driveway” to it.

Dave Crosariol/applicant's agent stated that they were in full agreement of the conditions, including the changes recommended by DOT.

Brad Ballenger/EDH Fire Protection District indicated that the project meets the intent of their needs.

No further discussion was presented.

Motion: Commissioner Pratt moved, seconded by Commissioner Heflin, and carried (4-0), to take the following actions: 1. Certify the project is Statutorily Exempt pursuant to Section 15182 of the CEQA Guidelines; 2. Approve Tentative Map TM10-1494 based on the Findings and subject to Conditions of Approval as modified: (a) Delete Condition #12, (b) Amend Condition #13 as identified in Staff Memo dated 9/9/10; and (c) Amend Condition #21 by adding "driveway"; and 3. Approve Design Waiver of El Dorado County Design and Improvement Standards Manual (DISM) driveway grade standard modified from 16 percent to a maximum of 20 percent.

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

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

Findings

1.0 CEQA FINDING

1.1 The project is a residential subdivision, as contemplated in the adopted Valley View Specific Plan, subject to the certified Environmental Impact Report (EIR) and mitigation measures in the Mitigation Monitoring Reporting Program. Therefore, the project is exempt from the requirements of CEQA pursuant to Section 15182. No further environmental analysis is necessary.

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 ADMINISTRATIVE FINDINGS

2.1 El Dorado County General Plan

The El Dorado County General Plan designates the subject site as Adopted Plan (AP), a description in reference to areas where Specific Plans have been designated and adopted within and by the County. The Valley View Specific Plan and the respective land use maps are accepted and incorporated by reference and are hereby adopted as the General Plan Land Use map for the project area. The residential subdivision conforms to the