



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

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

Char TimClerk of the Planning Commission

MINUTES

Regular Meeting November 10, 2011 – 8:30 A.M.

1. CALL TO ORDER

Meeting was called to order at 8:39 a.m. Present: Commissioners Pratt, Heflin, Mathews, and Tolhurst*; Paula Frantz-County Counsel**; and Char Tim-Clerk of the Planning Commission.

*[*Arrived at 8:43 a.m. and took his seat on the Commission.]*

***Arrived at 9:03 a.m. and was in attendance at the start of the public hearing portion.]*

2. ADOPTION OF AGENDA

Commissioner Pratt requested that Item 8.b be heard before Item 8.a.

Motion: Commissioner Mathews moved, seconded by Commissioner Pratt, and carried (3-0), to adopt the agenda as amended.

AYES: Pratt, Mathews, Heflin

NOES: None

ABSENT: Rain, 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: October 27, 2011

Item was tabled until Commissioner Tolhurst arrived in order to have a quorum since Commissioner Pratt would be abstaining from this item.

Motion: Commissioner Mathews moved, seconded by Commissioner Tolhurst, and carried (3-0), to approve the October 27, 2011 minutes as presented.

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

b. **2012 Meeting Schedule:** Clerk recommending the 2012 Meeting Schedule be approved.

Motion: Commissioner Mathews moved, seconded by Commissioner Pratt, and carried (3-0), to approve the 2012 Meeting Schedule as presented.

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

END OF CONSENT CALENDAR

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

Pierre Rivas had no items to report for Current Planning.

Peter Maurer provided a report on the following items for Long-range Planning:

- **Targeted General Plan Amendments & Zoning Ordinance Update:** At the last workshop the Board of Supervisors directed staff to research adding an "Opt-in" process. Staff will be presenting the Resolutions of Intention to the Board at their November 14, 2011 meeting.
- The CAO has suggested creating an Executive Committee that would be under the CAO and would spearhead the review of documents and control processes instead of individual departments.

6. **COMMISSIONERS' REPORTS**

Commissioners Mathews and Heflin commented on the nice paving job done by Camino School.

Commissioner Pratt provided a report on the conditions of the current ag crop in the Fair Play area due to this year's weather.

9:00 A.M. – TIME ALLOCATION

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

8. SPECIAL USE PERMIT

[Clerk's Note: Item 8.a was heard after Item 8.b.]

a. **S01-0010-R/Cameron Park Fire Department Drill Tower** submitted by CAMERON PARK COMMUNITY SERVICES DISTRICT (Agent: Cameron Park Fire Department) to revise a Special Use Permit to allow construction of a 34-foot, 5-inch tall training "drill tower" at Cameron Park Fire Station 89. The property, identified by Assessor's Parcel Number 082-024-10, consisting of 2 acres, is located on the south side of Country Club Drive, approximately 25 feet west of the intersection with Toronto Road, in the Cameron Park area, Supervisorial District 1. *[Project Planner: Tom Dougherty]* (Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines)**

Tom Dougherty presented the item to the Commission with a recommendation for approval. He indicated that no public comment was received.

Captain Jonah Winger/applicant's agent distributed handouts and summarized the project. He stated that this would only be for Stations 88 & 89 (Cameron Park) and it would not be used as a regional training facility.

Commissioner Pratt inquired on the status of the El Dorado Hills Regional Fire Training Facility that was approved by the Commission last year. It was determined that the project was possibly on hold.

Battalion Chief Mike Webb/applicant's agent stated that the goal was to achieve the highest level of training while still keeping an engine in the community. This would not occur if staff was required to travel to a training facility not located in the Cameron Park Fire Department's service area. He indicated that this project has been in the 10 year master plan and is funded.

Commissioner Pratt made the following inquiries/comments:

- Inquired how much of the mandated training was State vs. Cameron Park (internal);
- Inquired why the County's fire departments were not working together on a consolidated training facility instead of each department getting their own;
- Did not like the proposed color since the tower would be visible from Hwy 50; and
- Wanted a condition stating that signs and banners would not be allowed on the tower.

Chief Webb responded that the consolidation of all the fire departments in the County was a much larger topic and a regional training facility would require an engine going out of service in order for staff to attend. The Cameron Park Fire Department has training needs now and they have been prudent in their proposal.

Mr. Dougherty read into the record proposed language to address no signs or banners on the tower.

Chair Heflin agreed with Commissioner Pratt on conditioning the project to have a darker color.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Tolhurst, and carried (3-1), to take the following actions: 1. Find the project is Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures); and 2. Approve Special Use Permit Revision S01-0010-R based on the Findings and subject to the revised Conditions of Approval as modified: (a) Amend Condition #1 to add language for a darker color to be used and to not allow signs or banners on the tower.

AYES: Tolhurst, Mathews, Heflin

NOES: Pratt

ABSENT: Rain

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

Findings

1.0 CEQA FINDINGS

- 1.1 Staff has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to Section 15303 and of the CEQA Guidelines. Section 15303 Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures...include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- 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.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the General Plan which designates the subject site Public Facility (PF) because the drill tower is subservient to fire station uses previously approved.
- 2.2 As conditioned and with adherence to County Code, the proposal is consistent with all applicable Policies of the General Plan including 2.2.5.21 (land use compatibility), and 6.5.1.2 (noise). As conditioned, the project provides adequate access and site design that ensure compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above because of the review for General Plan consistency, compatibility with the surrounding lands, and determination by Planning Services that noise impacts will be less than significant.

3.0 ZONING FINDINGS

3.1 The project parcel is zoned One-Family Residential (R1). With an approved Special Use Permit revision, and upon fulfillment of the conditions, the project will comply with the development standards of required of Section 17.28.040 of the Zoning Code.

4.0 SPECIAL USE PERMIT FINDINGS

4.1 **The issuance of the permit is consistent with the General Plan.** The applicant's proposal, as conditioned, has been determined to be in compliance with County regulations, addressing environmental issues and health and safety concerns. All project-related environmental issues have been evaluated. 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. As conditioned, the use will not conflict with the adjacent uses as it will be a continuation of an existing use. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the, will not have a detrimental affect nor be injurious to the neighborhood.

4.3 **The proposed use is specifically permitted by special use permit pursuant to** County Code Section 17.28.030.A, as previously determined by the Planning Commission.

Conditions of Approval

Planning Services

1. This Special Use Permit approval is based upon and limited to compliance with the approved project description, the following hearing exhibit:

- Exhibit E-1Site Plan dated January 16, 2011
- Exhibit E-2Floor Plan, Sheet 01 of 02
- Exhibit E-3Elevations, Sheet 02 of 02
- Exhibit F.....Building Colored Elevation

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:

~~This approval authorizes~~The approval of Special Use Permit S01-0010 allowed the placement of a 672 sq. ft. portable office building for a fire prevention office.

The approval of Special Use Permit revision S01-0010-R allows improvements on the parcel currently APN 082-024-10 as follows:

The construction of a 34-foot, 5-inch tall training "drill tower" at Cameron Park Fire Station 89. The base of the tower shall measure 16 feet by 32 feet and include three stories and one attic floor. The training shall occur approximately two hours a day during the week and occasionally from 8 a.m. to 5 p.m. on weekends by up to 8 personnel. The tower shall be constructed of steel framing and siding with concrete floors to match the existing buildings in materials and colors to be darker and substantially consistent with Exhibits E-3 and F.

No banners or signs shall be permitted to be placed on the tower.

The drill tower will be in addition to the following existing improvements, and shall be located as shown in Exhibit E-1:

<u>Structure/Area</u>	<u>Dimensions/Total Square Footage</u>	<u>Use</u>
<u>Two-story CPCSD/Fire Department building</u>	a) <u>Building footprint = 107' by 56'/6,420.</u>	a) <u>Offices, fire station first floor; living quarters second floor.</u>
	b) <u>Attached steel deck 26' by 16'/416.</u>	b) <u>Outside work and exercise area.</u>
<u>Utility Building</u>	<u>9.5' x 12'/114</u>	<u>Tool Storage.</u>
<u>Three portable sheds</u>	a) <u>Shed "A": 25' x 12'</u>	a) <u>CPCSD Storage.</u>
	b) <u>Shed "B": 21' x 10.5'</u>	b) <u>CPCSD Storage.</u>
	c) <u>Shed "C": 17' x 10.5'</u>	c) <u>Fire Department personal protective equipment supply storage.</u>

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 development shall be consistent with the approved site plan and elevations in Exhibit D. **Site Improvements:** All site improvements shall conform to Exhibits E-1 to E-3, and F. Changes in the uses and in the structures/facilities as approved 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. Minor modifications may be approved by the Planning Director.~~
- ~~4. The project shall be subject to the requirements of the County traffic mitigation (TIM) fee program. Pursuant to Resolution No. 165-99, said fees shall be due upon issuance of a building permit. If a revised fee is established prior to an application for a building permit on the project, the revised amount shall be paid.~~
- ~~5. The project is subject to the requirements of the State System's Capacity and Interchanges Traffic Impact Mitigation Fee (State TIM) program. Pursuant to Resolution No. 166-99, said fee shall be due upon issuance of a building permit. If a revised fee is established prior to an application for a building permit on the project, the revised amount shall be paid.~~
3. **Landscaping:** The final landscape plan shall be substantially consistent with Exhibit E-1 and comply with Zoning Code Chapter 17.18.090 and specifically, pursuant to 17.18.090.C.3 (a minimum of three trees and six shrubs shall be provided per each one hundred feet in the landscape buffers), and General Plan Policies 7.3.5.1, 7.3.5.2, and 7.4.4.4, and be approved by Planning Services prior to issuance of a building permit. The following additional information would need to be submitted prior to final inspection of installed landscaping:
 - a. Completed, signed Model Water Efficient Landscape documents consistent with the new County Model Water Efficient Landscape Ordinance.
 - b. A filed copy of an irrigation audit report or survey approved by El Dorado Irrigation District with the Certificate of Completion.

The applicant shall install and maintain landscaping in accordance with the approved final landscaping plan in perpetuity.
4. **Lighting:** All outdoor lighting utilized within the project parcel shall be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. In addition, the following apply:
 - a. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.
 - b. Security lighting on the buildings shall be designed with motion-sensor activation.
5. **Condition Compliance:** The applicants shall submit a narrative that clearly states how each Condition of Approval has been, or will be satisfied. Prior to initiation 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 prior to said initiation for verification of compliance with applicable conditions of approval.

6. **Cultural Resources:** If human remains are discovered at any time during the improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the applicant shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

7. **Notice of Exemption Fee:** 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.

8. **Hold Harmless Agreement:** 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.

- b. **S11-0012/Day Olive Press** submitted by ROBERT DAY and AMY BRIDGE DAY (Agent: Douglas R. Roeca) to allow the operation of an olive mill facility for the processing of olives into olive oil. The property, identified by Assessor's Parcel Number 006-530-19, consisting of 44.42 acres, is located on the south side of Twin Ridges Road, approximately 550 feet north of the intersection with Bayne Road, in the Coloma area, Supervisorial District 4.

[Project Planner: Tom Dougherty] (Categorical Exemption pursuant to Section 15303(c) of the CEQA Guidelines)**

Tom Dougherty presented the item to the Commission with a recommendation for approval. He stated that no public comments have been received. The Agricultural Commission heard the item the previous night and Mr. Dougherty distributed a copy of their memo dated November 10, 2011 indicating that the Commission was recommending approval of the project.

Discussion ensued between the Commission and staff regarding the Right to Farm Ordinance, the Special Use Permit process, and the other option of applying for a rezone in order to be allowed by right for the proposed use.

Bob Day/applicant stated that the reason he was before the Commission with a Special Use Permit request was because he disagreed with Planning staff and County Counsel on the interpretation of the word "nature" as stated in the Zoning Ordinance for RE-10. He explained that a "Pandora's Box" has now been opened since Building staff has re-classified his barn permit into a commercial facility, which is now requiring other agencies to become involved in the process. He made the following additional comments:

- Explained the process of pressing olives and that it occurs one month out of the year;
- California regulations are requiring a building for processing olives vs other states which allow portable mills that go into the field;
- Being painted as a commercial business;
- Requesting Condition #2 be deleted as he doesn't want the public there and this would also significantly decrease his fees;
- Explained that they should not be compared to wineries as they have completely different processes; and
- Is the first olive press business in County which may explain why some departments are "lumping" them in with wineries.

County Counsel Paula Frantz stated that the classification of the type of building for a permit doesn't follow what the land uses are but rather on the occupancy and building codes.

Pierre Rivas explained that Condition #2 is a standard condition and since it is not under the Commission's purview, the applicant could appeal it to the Board of Supervisors.

David Thomas/neighbor made the following comments:

- It was applicant's choice to farm in California so he needs to follow the State regulations;
- Questioned the "one month processing" since Exhibit G indicates that it can actually cover a span of several months;
- Supports the growing and pressing of olives but has a problem with the three-fold process of pressing/packing/distributing;
- No discussion has taken place on the packing and distribution processes;
- Does not want applicant to be allowed to press other grower's olives as mentioned on page 2 of the Staff Report;

- Condition #7 doesn't address the noise of diesel machines (i.e., tractors, trucks, trailers) and would like the project conditioned so these noises stop early evening and are not allowed on the weekends;
- Page 3 of the Staff Report states there will not be on-site sales, but the conditions state that visitors will be by appointment only;
- No conditions for limiting or allowing packing/shipping (i.e., trucks) although applicant has stated there will be internet sales;
- No cap on how much olive oil can be processed;
- Concerned about truck traffic on a one-lane road; and
- Entire neighborhood and those that access Bane Road should be notified of this project.

Chair Heflin requested staff to reply to Mr. Thomas' comments on noise and hours of operation. Mr. Rivas responded that staff did not include the noise regarding harvesting as that is allowed by right and it is State regulations that are requiring the milling press to be in an enclosed building.

Tom Burnette/Building Official responded to Commissioner Tolhurst's inquiry on the Building permit issue by stating that a permit for a barn requires no production or sales for public consumption. When the use of a building changes, codes have to be reviewed and a building can have multiple occupancies. Mr. Burnette stated that this is considered an agri-business and, therefore, in commerce.

Mr. Day made the following rebuttal comments:

- One tree produces ½ gallon of olive oil;
- Olive trees are 1,000 year trees;
- This year's crop is low due to weather;
- They are Estate-only and will not be buying olives or oil from off-site;
- Has considered the possibility of processing other grower's olives, but it is not relevant at this point; and
- Has been growing olives for 7 years and by now milling the olives on-site, traffic will actually be decreased.

Commissioner Pratt clarified with the applicant that there are multiple road accesses.

Commissioner Tolhurst inquired on the fire apparatus road and Mr. Day provided information regarding the reviews done by the Fire Department and CDF.

Commissioner Mathews stated that the noise concern from Mr. Thomas was more of an issue than the road and he encouraged sensitivity to the neighbors as this Special Use Permit was allowing agricultural use on non-agricultural land.

Douglas Roeca/applicant's agent made the following statements:

- They were before the Commission due to a limitation on the Building permit for a barn;
- Since deciding to pursue a Special Use Permit, Building has now re-classified the building to commercial, their invoice is at \$11,000 which is more than the original

estimate of \$1,000, and they are now fighting with the Fire Department and DOT regarding fees; and

- Special Use Permit will allow for on-site processing and, therefore, decrease traffic.

Commissioner Tolhurst stated that the noise is from agricultural operations and that is done by right. He is not going to stand in the way of this project as he would like to see an olive press in the County.

Commissioner Pratt made the following statements: there are alternate routes for traffic, nice to see diverse agriculture coming into the County, Williamson Act Contract lands are located in the area, and this is a good project.

No further discussion was presented.

Motion: Commissioner Pratt moved, seconded by Commissioner Mathews, and carried (4-0), to take the following actions: 1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Section 15303(c); and 2. Approve Special Use Permit S11-0012 based on the Findings and subject to the Conditions as presented.

AYES: Tolhurst, Mathews, Pratt, Heflin

NOES: None

ABSENT: Rain

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

Findings

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CEQA FINDINGS

1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303 (c) of the CEQA Guidelines that *a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area*. The use will occur within a 2,240 square-foot building. As conditioned the project is consistent with the residential development standards of the RE-10 Zone District for the proposed structure, facilities and infrastructure.

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 GENERAL PLAN FINDINGS

- 2.1 As conditioned, the proposal is consistent with the intent of 2.2.5.21 (compatibility with surroundings), 6.2.3.2 (adequate access), and 6.5.1.2 (noise exposure), 8.3.1.5 and 8.1.4.1 (Agricultural Commission review), and 8.2.2.2 (adverse impacts on surrounding lands), concerning compatibility with the surrounding neighborhood, Agricultural Commission review, and impacts to agriculturally-zoned lands. As conditioned, the project provides adequate access, parking and site design that insure compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above. The El Dorado County Department of Transportation has determined that traffic impacts will be less than significant, and the El Dorado County Fire Protection District has determined, as conditioned there will be adequate emergency access.

3.0 ZONING FINDINGS

- 3.1 The project site has an Estate Residential Ten-Acre (RE-10) zoning designation. The proposed use of an accessory building to pack and process agricultural products is permitted by Special Use Permit in the RE-10 Zone District, pursuant to Section 17.70.100.A of the Zoning Ordinance.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because sufficient setbacks, parking area, and building height have been provided.

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 and requirements in the El Dorado County General Plan, as discussed in the Staff Report, and known potential project-related environmental issues, and the benefits to the community have been evaluated. Therefore, the Planning Commission 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 the building will be buffered from view existing vegetation and because of the large sizes of the surrounding parcels. After review of the submitted site plan and upon consultations with responsible agencies, it has been determined that the impacts of allowing use of the agricultural building for the processing of olives into olive oil is not anticipated to have a detrimental affect nor be injurious to the neighborhood.
- 4.3 **The proposed use is specifically permitted by Special Use Permit.** The proposed use complies with the requirements of County Code Sections 17.70.100.A and 17.70.070 thru 17.70.110. As proposed, the project is consistent with these requirements. Section 17.70.110.A allows for the packing and processing of agricultural products and the necessary building and structures required where the nature of the product is changed.

The milling and processing of olives to produce olive oil is considered the processing of an agricultural product.

Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

- Exhibit F-1Site Plan, Sheet A-1, dated September 2010
- Exhibit F-2Elevations, Sheet A3, dated July 16, 2009
- Exhibit F-3Elevations, Sheet A4, dated July 16, 2009
- Exhibit F-4Processing Facility Floor Plan
- Exhibit F-5Olive Processing Machine (4 pages)

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 operation of an olive mill facility for the processing of olives into olive oil. The use will occur within a 2,240 square-foot building containing a mill room, bathroom, power and storage room, fill room for storage and bottling, and an office, with an attached 2,659 square-foot slab porch area.

The mill and the related ancillary equipment would be housed within the Mill Room, as labeled on the Processing Facility Floor Plan, included as Exhibit F-4. The mill machine used shall be substantially consistent with the one shown in Exhibit F-5. The floor plan includes the following rooms and uses, as labeled on the plan:

Room	Dimensions/Square Footage	Proposed Use
Mill Room	40' by 31.5'/1,260	Equipment storage, contains the Olive Mill and ancillary equipment.
Fill Room	24.5' by 23.67'/579.91	Olive oil storage and bottling.
Office	15.67' by 16.33'/255.89	Record keeping, distribution and accounting.
Bathroom	8.83' by 16.33'/144.19	Facilities.
Power & Storage	9.83' by 8.5'/83.56	Vendor equipment storage of spare parts.

Total Sq. Ft. Slab Porch	2,659	
Total Sq. Ft. Building	2,240	

The milling and processing of olives into olive oil is permitted to include olives grown on-site as well other olives grown off-site. The use of a labor contractor, part-time and seasonal employees are permitted. The applicants shall receive visitors to the site by appointment only.

The olive oil will be sold at Farmers' Markets, wholesale for retail sales, via the Internet, institutional food service sales, for incorporation into Community Supported Agriculture (CSA) boxes, restaurants. No on-site sales is permitted. The products will be shipped via US Postal Service, FedEx, UPS and DHL for some international shipments.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, and parking 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. Any expansion of the use or production authorized herein shall require review by Development Services prior, to determine additional permitted requirements, if any.

2. **Commercial Building Permit:** Building Permit No. 198964 shall either be converted to a commercial Building Permit for the agricultural processing facility, or to a new permit for the same.
3. **Expiration:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four 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.
4. **Project Conformance:** 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. 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 Exhibits listed in Condition of Approval 1 above. Minor variations are allowed, however, any major changes in any element of the approved project shall require review and approval by the Development Services Director. The Director shall decide if the changes can be approved administratively or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit. This review shall always occur prior to any approved project modifications.

5. **Conditions Compliance:** Prior to issuance of a building permit or 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 prior to Building Permit final for any Building Permit for verification of compliance with applicable Conditions of Approval.

6. **Lighting:** All exterior lighting shall comply with County Code Section 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Security lighting shall be activated with motion-sensor or timer.

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. **Noise:** Noise levels for the olive processing facility, measured at the subject property lines, shall not exceed those prescribed in Table 6-2 of the El Dorado County General Plan as outlined below:

	Daytime (7am-7pm)	Evening (7pm-10pm)	Night (10pm-7am)
Hourly dB	55	50	45
Max. dB	70	60	55

8. **Parking:** The project requires 4, 18-foot long by 9-foot wide parking spaces. The applicants shall submit a revised site plan to Planning Services for review and approval showing those spaces and any overflow parking spaces on the subject parcel, prior to initiation of use of the facility for olive processing. Permanent overflow spaces may be graveled, temporary overflow spaces may be strawed.

9. **Notice of Exemption Fee:** A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El Dorado County Planning Services prior to the issuance of any development permit being issued on the project parcel.

10. **Cultural Resources:** If human remains are discovered at any time during the project improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the applicants shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the applicants, archaeologist, and

Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the applicants and shall be subject to review and approval by Planning Services.

11. **Hold Harmless Agreement:** 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.

Environmental Management, Hazardous Materials/Solid Waste Division

12. If this facility will store reportable quantities of hazardous materials (55 gallons) or generate hazardous waste, prior to commencing operations the owner/operator must:
- a) Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
 - 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.

Business owners and operators intending to handle hazardous materials in excess of reportable quantities are required by law to complete and file a hazardous materials business plan with our Department prior to obtaining a business license. Hazardous Materials Business Plan forms are available at:

The current link to the basic activities questionnaire is
[http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/BusinessPlan/\\$file/hwfactiv.pdf](http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/BusinessPlan/$file/hwfactiv.pdf)

If an applicant answers yes to any of the questions, then they must also complete and submit the forms at:

<http://www.calepa.ca.gov/Publications/Title27/Hwf2730.pdf>

<http://www.calepa.ca.gov/Publications/Title27/Hwf2731.pdf>

http://www.edcgov.us/Government/EMD/Forms/Business_Plan.aspx

All links are listed on page:

http://www.edcgov.us/Government/EMD/HazardousMaterials/Hazardous_Materials_Storage_Business_Plans.aspx