



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

Dave Pratt, Chair, District 2
Walter Mathews, First Vice-Chair, District 4
Alan Tolhurst, Second Vice-Chair, District 5
Lou Rain, District 1
Tom Heflin, District 3

Char TimClerk of the Planning Commission

MINUTES Regular Meeting May 10, 2012 – 8:30 A.M.

1. CALL TO ORDER

Meeting was called to order at 8:37 a.m. Present: Commissioners Rain, Heflin, Pratt, and Mathews; Paula Frantz-County Counsel*; and Char Tim-Clerk of the Planning Commission.
*[*Arrived at 8:41 a.m. and was in attendance at the start of the public hearing portion.]*

2. ADOPTION OF AGENDA

Peter Maurer recommended that Item 4.c be pulled from the Consent Calendar for discussion.

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

AYES: Mathews, Heflin, Rain, Pratt

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: April 26, 2012

Staff Recommendation: Approve Meeting Minutes as presented

Motion: Commissioner Heflin moved, seconded by Commissioner Rain, and carried (4-0), to approve the April 26, 2012 meeting minutes as presented.

AYES: Mathews, Rain, Heflin, Pratt

NOES: None

ABSENT: Tolhurst

FINDING OF CONSISTENCY WITH GENERAL PLAN

b. GOV12-0001 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: Tom Purciel]*

Staff Recommendation: Find request consistent with the General Plan

Motion: Commissioner Heflin moved, seconded by Commissioner Rain, and carried (4-0), to find that the request (GOV12-0001) is consistent with the General Plan.

AYES: Mathews, Rain, Heflin, Pratt

NOES: None

ABSENT: Tolhurst

c. GOV12-0002 submitted by CALIFORNIA MONTESSORI PROJECT (Agent: Gary Bowman) for Finding of Consistency with the El Dorado County General Plan for a proposed school site acquisition by the Buckeye Union School District pursuant to Government Code Section 65402(a). The property, identified by Assessor's Parcel Number 090-220-26, consisting of 23.33 acres, is located on Buckeye Road, approximately 0.2 mile north of the intersection of Mother Lode Drive, in the Shingle Springs area, Supervisorial District 4. *[Project Planner: Gina Paolini]*

Staff Recommendation: Find request consistent with the General Plan

Item was pulled from the Consent Calendar for discussion. Peter Maurer presented the item to the Commission with a recommendation to find the request consistent with the General Plan. He stated that letters had been received, which had been distributed to the Commission for review. Mr. Maurer indicated that what was before the Commission was not a request for approval, but rather a request for a Finding of Consistency. This item would be going to the Office of Education, which has the authority to override the County's decision.

Roger Trout stated that the Staff Report identified the applicable General Plan policies and the request was found to be consistent. He stressed that that Commission's focus was only on the Finding of Consistency.

In response to Chair Pratt's inquiry as to changing the zoning of the property in the future, County Counsel Paula Frantz explained that during the General Plan process, the County decided that schools could be developed on any zoning. She confirmed that the Office of Education could override the Commission's decision and explained that schools have many limitations and they are a separate entity to the County when building schools.

Lisa Myatt spoke on concerns with wildlife, flora, and creek issues. Chair Pratt stated that the Buckeye Union School District was the appropriate agency for those issues and those concerns should be brought up during that hearing process.

Bob Acquistapace, adjacent neighbor, was concerned that this temporary small private school had been absorbed by the Buckeye Union School District and was now a permanent location that was expanding in size. Mr. Maurer responded that the Montessori School had been a Charter school under a Special Use Permit and now it was under the public school system and out of the County's purview.

Barbara Acquistapace, adjacent neighbor, voiced the following concerns:

- Viewshed;
- Privacy issues;
- Noise;
- Burn permit requires 250 feet from neighbors;
- Traffic;
- Wildlife (fowl);
- Current impacts to neighborhood from school will increase with expansion;
- Dust;
- Serpentine rock;
- Property values; and
- Agricultural barn near property line with school.

Tom Gillespie, adjacent neighbor, voiced the following concerns:

- Bought home in rural setting before school was built;
- Project side was originally a wetland;
- Saw Mill Creek now runs through a culvert;
- School had violated Special Use Permit conditions and he had submitted complaints to Planning;
- Current traffic is already bad;
- Existing sound wall does not alleviate current noise issues; and
- School in its current size already has negatively impacted his life and he opposes any expansion.

Art Marinaccio made the following comments:

- Was representative that got property into the Community Region;
- Surrounding areas should have been included in the Community Region;
- Sole question for the Commission is the Finding of Consistency;
- No issues have been raised in regards to the Finding of Consistency ruling;
- Project issues will be addressed another day in another venue; and
- This type of program is beneficial to the community.

Sunny Gillespie, adjacent neighbor, voiced the following concerns:

- Husband has to stop traffic in order for her to get out of their driveway when going to work;
- Has had to call the Sheriff's Office to file noise complaints during late night events at the school and the expansion will increase this type of activity;
- Traffic can't be mitigated due to the location of Buckeye Road; and

- Opposes the project.

Phil Finley, adjacent neighbor, challenged the property line as it is an existing fence that is not placed accurately.

Chair Pratt explained that the school district is the focal point of issues brought up and the Commission can only focus on the General Plan consistency.

County Counsel Frantz spoke on the General Plan, state laws regarding schools, and reiterated that only the Finding of Consistency was within the Commission's purview.

Chair Pratt closed Public Comment.

Commissioner Heflin stated that it was important to understand that they could only look at the Finding of Consistency and encouraged the public to address the school district on their issues.

Commissioner Mathews had visited the site and felt there was definitely a problem with that location. He stated that widening the road should be a major issue when talking with the school district.

Chair Pratt made the following comments:

- Schools always have traffic issues during certain times of the day;
- Traffic circulation should be discussed with the school district; and
- Staff Report identified and addressed the applicable General Plan policies and the rest of the issues need to be brought up with the school district.

No further discussion was presented.

Motion: Commissioner Rain moved, seconded by Commissioner Heflin, and carried (3-1), to find that the request (GOV12-0002) is consistent with the General Plan.

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

END OF CONSENT CALENDAR

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

Peter Maurer had no items to report for Current Planning.

Paula Frantz provided a report on the following items for County Counsel:

- Z10-0009/PD10-0005/P10-0012/Creekside Plaza: County has received a notice of intent to challenge the adequacy of the CEQA document.

- **Billboards:** The Board of Supervisors approved S11-0004, but denied the other projects. Litigation is still proceeding on these projects.
- **Sign Ordinance:** The Board of Supervisors directed staff to return with a schedule and budget for the Sign Ordinance and to prepare a temporary moratorium for off-site advertising signs within a certain corridor of Highways 50 and 49.

6. COMMISSIONERS' REPORTS

Commissioner Rain stated that he had recently attended the required ethics class.

Commissioner Heflin was pleased that the County is addressing the sign issue.

Chair Pratt spoke on upcoming bike events and the issues they bring with them. He felt that the economic benefits of these events are undocumented and, in fact, drive business way during the events.

9:00 A.M. – TIME ALLOCATION

Prior to the beginning of the Public Hearing portion of the meeting, Chair Pratt announced that they did not have a full Commission, although they did have a quorum to make decisions. He stated that Commissioner Tolhurst would not be present for today's hearing. Historically, the Commission, as a courtesy, has allowed applicants before the Commission to request their item be continued to be heard by a full Commission. That request must be made before the item is started. Once the hearing is started, the applicant may not request a continuance on the grounds of not having a full Commission. At this time, the earliest that there may be a full Commission would be at the June 14, 2012, hearing.

7. PUBLIC FORUM/PUBLIC COMMENT – None

8. SPECIAL USE PERMIT

- a. S11-0016/Verizon Wireless Telecommunications Tower-Greenwood** submitted by VERIZON WIRELESS (Agent: Mark Lobaugh/Complete Wireless Consulting, Inc.) to allow the construction of a wireless telecommunications facility consisting of a 105-foot tall monopine tower with 12 antennas. The property, identified by Assessor's Parcel Number 074-230-25, consisting of 5.58 acres, is located on the north side of Pilgrim Court, approximately 900 feet southwest of the intersection with State Route 193, in the Greenwood area, Supervisorial District 4. [*Project Planner: Tom Dougherty*] (Negative declaration prepared)*

Tom Dougherty presented the item to the Commission with a recommendation for approval. He stated that letters had been received and referred to a Staff Memo dated May 7, 2012 recommending additional Conditions of Approval.

Mark Lobaugh/applicant's agent stated that they have worked with the neighbors and have been able to address their concerns.

Chair Prattt closed Public Comment.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Rain, and carried (4-0), to take the following actions: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and 2. Approve Special Use Permit S11-0016 based on the Findings, subject to the Conditions of Approval as modified: (a) Add new conditions as identified in the Staff Memo dated May 7, 2012.

AYES: Heflin, Rain, Mathews, Pratt

NOES: None

ABSENT: Tolhurst

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 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 The Planning Commission finds the project is consistent with the following General Plan policies:
 - a. 2.2.2.7 because after review of the California Department of Conservation CGS Open-file Report 2000-03, and the fact the project impact area is a 30-foot by 60-foot lease area, 195 feet of trenching, and minor driveway improvements to an

existing driveway results in the conclusion that the project is not anticipated to prevent the loss of any future potential to mine an important mineral resource; and

- b. 2.2.5.9 (support in a residential area) and 2.2.5.21 (compatibility with surroundings) because a cellular telecommunications facility has historically been considered to be a public facility and the project would provide residential support uses. As conditioned, it would be compatible with surrounding uses, have minimal impacts on visual resources, existing utilities, existing emergency response access and times, and will create noises at insignificant levels. There are adequate services to facilitate the site, such as water, power and telephone communication facilities. The project provides improved cellular service for phone, as well as internet and emergency communications to the Greenwood, Garden Valley, and Cool areas;
- c. 5.6.1.4 (Special Use Permit required) because the applicant has designed the wireless facility to comply with County regulations, addressing aesthetics, environmental issues, and health and safety concerns. The aesthetics of the proposed monopine tower and related ground equipment have been designed to minimize the effects on adjacent properties. The proposed antennas will be painted to match the tower and covered with antenna socks to blend with the branches. The proposed ground equipment will be screened from adjacent land uses by slatted chain link fencing which will blend with the existing vegetation;
- d. 6.2.3.2 (adequate access) because the project will meet the minimum Fire Safe standards for the on-site access driveway width and surfacing as well as the turnaround capacity for emergency vehicles at the lease area site to the satisfaction of the Garden Valley Fire Protection District;
- e. 6.5.1.2 and 6.5.1.7 (noise exposure) because the acoustical analysis demonstrates that the project will have noise levels anticipated to comply with the County's standards listed in Table 6-2 in the General Plan that limit acoustical noise emission levels;
- f. 7.4.2.9 (Important Biological Corridor) because the project parcel is 5.58 acres in size and the development of the 30-foot by 60-foot fenced lease area, a 195-foot long trench within a six-foot wide easement, and re-surfacing of the existing access driveway within previously graded parcel areas devoid of trees, will not create significant negative effects on the existing wildlife corridors within the vicinity of the lease area.

3.0 ZONING FINDINGS

- 3.1 The project site is zoned RE-5, which allows wireless communication facilities subject to the standards and permitting requirements of Section 17.14.210 of the County Code. These standards include screening, compliance with setbacks, and proper maintenance.

4.0 SPECIAL USE PERMIT FINDINGS

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

The proposed use is consistent with the policies and requirements in the El Dorado County General Plan, as discussed in the General Plan and Special Use Permit sections of this Staff Report. The proposed use is consistent with all applicable policies as set forth in Finding 2.1.

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

The use will not conflict with the adjacent uses as the ground-support equipment will be buffered from view by a six-foot tall slatted chain link fence and existing vegetation. The project is anticipated to result in insignificant environmental, visual, noise, and traffic impacts to surrounding residents. The proposed use is not anticipated to create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. At less than 0.59 percent of the public safety standard established by the FCC, the risk of Radio Frequency ("RF") emissions to the public is remote.

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

The proposed use complies with the requirements of County Code Sections 17.14.210.5.b (monopoles subject of a special use permit; 17.14.210.E through J (facility requirements/analysis), 17.28.200.C (special use permit required for public utility structures in the RE-5 Zone District), and 17.28.210.D (minimum yard setbacks for RE-5 Zone District).

Conditions of Approval

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 E-1Plot Plan and Site Topography, Sheet Number C-1
- Exhibit E-2Overall Site Plan, Sheet Number A1.1
- Exhibit E-3Enlarged Equipment Plan, Antenna Plan, Sheet Number A2.1
- Exhibit E-4Project Elevations, Sheet Number A3.1
- Exhibits F-1 to F-3Visual Simulations

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 construction and operation of a new multi-user wireless communications facility to support cellular transmission, within the existing 5.58-acre parcel identified by Assessor's Parcel Number 074-230-25, and consisting of the following:

- a. One 105-foot tall monopine tower (tallest branches 105 feet; top of metal pole to be 95 feet, both above ground level);
- b. Three antenna sectors containing three antennas per sector (12 total antennas) mounted at the centerline of 92 feet above ground level;
- c. One six-foot, and one four-foot diameter microwave dish mounted in tandem as shown on Sheet A3.1;
- d. One 12-foot by 16-foot prefabricated ground equipment shelter to house equipment cabinets and associated equipment, the height shall be consistent with that shown on Sheet A3.1;
- e. One 6-foot tall chain link fence with barbed wire on top constructed around the perimeter of the 30 by 60-foot lease area, with dark brown vinyl slats installed for screening with two 6-foot wide gates for access;
- f. Two air conditioning units shall be mounted on the outside of the equipment enclosure as shown on Sheet A2.1, and one diesel generator with a 210 gallon fuel tank mounted on a 6-foot by 13-foot concrete slab;
- g. One shielded light mounted near the equipment shelter door as shown in Exhibit E-2, Sheet Number A-2;
- h. Two GPS antennas mounted on the roof top of the concrete shelter building at a height consistent with Sheet A3.1;
- i. One, 6-foot wide utility easement for undergrounding the electrical and telecommunications utilities for a distance of approximately 195 feet, to be located as shown on Sheets A1-1 and A2.1.

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

2. **Expiration:** 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.

3. **Project Conformance:** 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 E-1 to F-3. 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. Should the Director find that additional lease area, height or antennas or other changes to the approved project may create a significant visual impact, 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.
4. **Responsibility for Interference:** The applicant shall assume full responsibility for resolving television reception interference or other electrical interference caused by the operation of this facility. The applicant shall take corrective action within 30 days of the receipt of any written complaint.
5. **Changes or Expansions of the Approved Project:** Expansions to the lease area, increases in pole height, or additional antennas mounted on the monopine shall be subject to review and approval by the Development Services Director. Should the Director find that additional lease area, height or antennas may create a significant visual impact, 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.
6. **Lighting:** One exterior emergency light is approved and shall be located as shown on Sheet A3.1. The light 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. The final lighting fixture specification sheet and location shall be submitted for review and approval by Planning Services with the building permit application and shall be reviewed for conformance with Sheet A3.1 prior to issuance of a building permit. The light shall be activated with motion-sensor or timer.

Should final, installed light 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 regrade the existing road base and apply two inches of additional road base to the existing roadbed surface of Pilgrim Court from State Route 193 to the access driveway into the proposed project site. Said improvements shall be sufficient to support construction equipment and vehicles, and shall be inspected by Planning Services prior to building permit final.

78. **Collocations:** The applicant shall consent to the co-location of other wireless telecommunication communication users on this tower when feasible and without an increase in the height of the tower, and/or antennas. All new collocations, and/or

addition of any new piece of equipment that creates noise, shall be subject to the submittal of equipment noise specification report, and/or a full site acoustical analysis, as determined by Planning Services, for review and approval by the Development Services Director if generators, air conditioners or any other noise making piece of equipment are included in the project proposal. Should the Director find that additional noise may create a significant impact; 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.

89. **Facility Appearance and Maintenance:** All equipment shelters, cabinets or other auxiliary structures shall be painted with substantially consistent colors to meet the screening requirements of Section 17.14.210.F. All facility RF antennas shall be painted with non-reflective paint and maintained to match the color of the branch needles. All antennas shall be covered with antenna socks that shall match the color and texture of the branch needles. The “branches” shall be installed with random lengths that create an asymmetrical appearance conforming to the shape of a natural pine tree. The fenced enclosure shall contain dark green or brown slats and shall not have gaps at any portion where it touches ground level. No antenna shall project out past the “branch” tips. Colors of the tower, facade, antennas, and other appurtenances shall be maintained to ensure the appearance remains consistent and so that nothing on the tower causes a reflection of light. All improvements associated with the facility, including equipment shelters, towers, antenna, fencing, and landscape shall be properly maintained in good visual repair at all times. The applicants shall provide proof to Planning Services that the painting of the structures and antennas, are painted as conditioned prior to final approval for the Building Permit.
910. **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.
- ~~1011.~~ **Obsolete Equipment:** All obsolete or unused communication facilities shall be removed within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project conditions.
- ~~112.~~ **Five-Year Review:** Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Department every five years. At each five-year review, the permit holder shall provide the Development Services Department with a status report on the then current use of the subject site and related equipment. Development Services shall review the status and present that report to the approving authority with a recommendation whether to:

- a. Allow the facility to continue to operate under all applicable conditions; or
- b. Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.

By operation of this condition, it is the intent of County to reserve the right to modify or add new conditions, consistent with the language specified above. The failure of the County to conduct or complete a five-year review in a timely fashion shall not invalidate the Special Use Permit. The applicant shall pay a fee determined by the Development Services Director to cover the cost of processing a five-year review on a time and materials basis.

~~12~~13. **Compliance Responsibility:** The operator (lessee) and property owner (lessor) are 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 the responsibility of the owner and the operator.

~~13~~14. **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.

~~14~~15. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,101.50 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.

~~15~~16. **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- Solid Waste and Hazardous Materials Division

~~16~~17. Under the CUPA programs, because the operation will involve the storage of reportable quantities of hazardous materials (55 gallons, 500 lbs, 200 cubic feet) for backup power generation, a hazardous materials business plan for the site shall be submitted to the Environmental Management Department and applicable fees paid.

Air Quality Management District

~~17~~18. The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. Current county records indicate this property is located within the Asbestos Review Area. Therefore, District Rule 223.2 Fugitive Dust-Asbestos Hazard Mitigation, which addresses the regulations and mitigation measures for fugitive dust emissions shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223.2. In addition, an Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the District prior to start of project construction.

~~18~~19. Project construction involves road development and shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

~~19~~20. The proposed project is within the Asbestos Review Area; therefore District will require the paving of the proposed driveways or the application of a minimum of three (3) inches in depth, asbestos free gravel, for all roads and driveways

~~20~~21. Burning of wastes that result from "Land Development Clearing" must be permitted through the DISTRICT. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).

~~21~~22. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.

~~22~~23. The District's goal is to strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following are measures used to reduce impacts on air quality from equipment exhaust emissions:

Heavy Equipment and Mobile Source Mitigation Measures:

- a. Use low-emission on-site mobile construction equipment.
- b. Maintain equipment in tune per manufacturer specifications.

- c. Retard diesel engine injection timing by two to four degrees.
 - d. Use electricity from power poles rather than temporary gasoline or diesel generators.
 - e. Use reformulated low-emission diesel fuel.
 - f. Use catalytic converters on gasoline-powered equipment.
 - g. Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible.
 - h. Do not leave inactive construction equipment idling for prolonged periods (i.e., more than two minutes).
 - i. Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
 - j. Configure construction parking to minimize traffic interference.
 - k. Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; rerouting construction trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
2324. Prior to construction or installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construction applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.
2425. All portable combustion engine equipment with a rating of 50 horsepower or greater shall be permitted by the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment.
26. Fire extinguishers rated 2A, 10BC shall be mounted at the equipment shelter, not higher than 5 feet to the top and within 75 feet travel distance of all areas. Proof of compliance with this condition shall be received by the District prior to building permit final.
27. The applicant shall provide a "Knox" padlock for emergency access at gate. The application form is available at the El Dorado County Sheriff's Department, 300 Fair Lane, Placerville, CA 95667, (530) 621-5655. Proof of compliance with this condition shall be received by the District prior to building permit final.
28. The applicant shall post address visible from access road. Proof of compliance with this condition shall be received by the District prior to building permit final.
- b. S03-0005-R-2/El Dorado Hills Community Park Revision** submitted by EL DORADO HILLS COMMUNITY SERVICES DISTRICT to request the following: (1) Special Use Permit Revision to allow the development of new park facilities including a dog park, a basketball court, four batting/pitching cages, a restroom, a multi-use trail, and a foot bridge over New York Creek within the existing El Dorado Hills Community Park; and (2) Finding of Consistency with

General Plan Policy 7.3.3.4 to allow a reduction of the riparian area setback from 100 feet to zero with installation of a multi-use trail, pedestrian bridge, and dog park within the required setback. The property, identified by Assessor's Parcel Number 125-110-09, consisting of 39.5 acres, is located at the intersection of El Dorado Hills Boulevard and Harvard Way in the El Dorado Hills area, Supervisorial District 1. [*Project Planner: Aaron Mount*] (Mitigated negative declaration prepared)*

Peter Maurer presented the item to the Commission with a recommendation for approval. He stated that the Mitigated Negative Declaration had been prepared by the El Dorado Hills Community Services District (CSD) and staff had determined that it satisfied the requirements and it was used for today's hearing.

Mark Riemer, El Dorado Hills CSD Interim Parks Director, stated that the project had been in the works for many years and included four elements, with three of those anticipated to be in the construction phase this year.

Chair Pratt voiced concern about the walking link from the park to the cul-de-sac as it will attract users to park in residential areas since it would be a shorter distance to walk. He also inquired if there was a management plan for the maintenance/run-off from the dog park. Mr. Riemer responded that rules would be established and if they were not followed, then the fence for the dog parks would be removed. He also stated that they could have buffer plantings and since El Dorado Hills has asbestos, a soil survey would need to be conducted.

Keith Omerdam, adjacent neighbor, made the following comments:

- Objection is with the dog park and over the last couple of years has spoken with the people involved with the dog park but has met resistance in addressing the issues;
- Individuals involved in the group organizing the dog park include past CSD staff;
- Dog park element of project appears to be more "under the radar" than the other project elements;
- Trail by proposed location of dog park is used frequently and would be impacted;
- Asbestos issue is not being openly discussed and the environmental document was prepared prior to the severity of the asbestos issue being discovered;
- Other locations with less impact should be reviewed instead of placing a dog park next to residences and near a soccer field; and
- Requests that the dog park element be removed from the project as there is not enough public knowledge about it.

Casey Rhyan, adjacent neighbor, made the following comments:

- Found out about project in September 2011 after reading a newspaper article;
- Concerned that asbestos issue is not addressed in the environmental document;
- Concerned that no Air Quality Management District representative is involved in the project;
- Challenges that the environmental document states "no impact" to air quality, particularly since it was prepared in 2003 and there have been significant changes since then;
- Dog park will attract non-residents as there are no other local dog parks in the area;

- Project would be injurious to public health due to the asbestos;
- Neighborhood residents are unaware of this project and there appears to be a gap in communication from the CSD; and
- Noise from dogs residing in adjacent lots was not taken into account in the environmental document and the neighborhood has drastically changed since the document was prepared.

Carla Campbell/resident stated she had been trained as a Geologist and was concerned about the dog park being located right next to residences. Her main objection was the CEQA document referencing the 2003 Master Plan and 2003 Air Quality Standards when the County amended those Air Quality Standards in 2005 and disagreed that there were no impacts. Ms. Campbell also felt that there were better alternate locations which would put the dog park further away from residences and mitigate the dust issues.

Bill Vandegrift, El Dorado Hills CSD Board Director, made the following comments:

- Unaware that the public had concerns on the dog park
- Was present today in order to facilitate progress on the basketball court and restrooms;
- Had been under the impression that the CSD had sent out mailers to surrounding property owners on this project, particularly since they had been working on the dog park for a number of years;
- Proposed area is currently being used by dog owners;
- Referenced Commission's concern over run-off to creek from the dog park;
- Believed that they need to re-consider the dog park but would like to move forward with the other elements of the project; and
- Encouraged residents to attend the CSD meetings.

County Counsel Frantz stated that after reviewing the Subsequent Mitigated Negative Declaration (MND), it may not be adequate for the new element being added north of the existing baseball field in regards to noise and asbestos and she referenced page 3 of the Staff Report which listed the deletion/addition of uses/elements. However, the uses/elements being proposed for the south side of the existing baseball field are very similar to what is being removed and that the environmental document had adequately analyzed these elements and they could be approved with this document. She stated that public comment indicates that the CEQA document is inadequate for a portion of the project and, therefore, suggested either continuing that portion to allow staff and the applicant time for revisions or to continue the entire project until the analysis for that portion is completed. County Counsel Frantz also spoke on mitigation measures in regards to construction and that there are new Air Quality Management District rules on dust mitigation.

Commissioner Rain made the following comments:

- Dust was not covered in the environmental document and should be addressed and done correctly;
- Location of dog park is a bad fit as it is next to residences and is opposed to that proposed location; and
- Other elements of project should move forward.