



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
Tom Heflin, Second Vice-Chair, District 3
Rich Stewart, District 1
Brian Shinault, District 5

Char TimClerk of the Planning Commission

MINUTES

**Regular Meeting
August 8, 2013 – 8:30 A.M.**

1. CALL TO ORDER

Meeting was called to order at 8:31 a.m. Present: Commissioners Stewart, Pratt, Heflin, and Mathews; David Livingston-County Counsel; and Debbie Ercolini-Planning Services.

2. ADOPTION OF AGENDA

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

AYES: Stewart, Mathews, Heflin, Pratt

NOES: None

ABSENT: Shinault

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: June 27, 2013

Staff Recommendation: Approve meeting minutes as presented

Motion: Commissioner Heflin moved, seconded by Commissioner Mathews, and carried (4-0), to approve meeting minutes as presented.

AYES: Heflin, Mathews, Stewart, Pratt

NOES: None

ABSENT: Shinault

b. Minutes: July 11, 2013

Staff Recommendation: Approve meeting minutes as presented

There was not a quorum of those present at the July 11, 2013 meeting in order to take action. Item was continued to the August 22, 2013 meeting.

c. Five-Year Cell Tower Review – Special Use Permit S04-0029-R/AT&T-Kyburz submitted by AT&T (Agent: Jerry Jazmadarin) for a five-year review of an existing cellular telecommunications facility. The property, identified by Assessor's Parcel Number 012-330-45, consisting of 5 acres, is located on the west side of CeePee Court, approximately 625 feet east of the intersection with U.S. Highway 50, in the Kyburz area, Supervisorial District 5. [*Project Planner: Tom Dougherty*] (Previously Adopted Negative Declaration)

Staff Recommendation: Find project is in substantial conformity with Conditions of Approval and approve modifications to Conditions of Approval

Motion: Commissioner Heflin moved, seconded by Commissioner Mathews, and carried (4-0), to take the following actions: 1. Find that pursuant to Section 15162 of the CEQA Guidelines no subsequent Negative Declaration needs to be prepared for the project; 2. Find that for this five-year review period, the telecommunication facility is in substantial conformity with the Conditions of Approval for S04-0029-R; and 3. Approve the modifications to the Conditions of Approval for Special Use Permit S04-0029-R recommended by staff based on the Findings and subject to the Conditions of Approval as presented.

AYES: Heflin, Mathews, Stewart, Pratt

NOES: None

ABSENT: Shinault

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 Pursuant to CEQA Guidelines Section 15162, no subsequent Negative Declaration need be prepared for the project as there has been no substantial change in the project that would cause a significant effect on the environment. This is a five-year review as required by the conditions of approval for the existing telecommunications tower facility authorized under the special use permit. The review of compliance with the conditions of approval for the special use permit, remedial measures to be taken, including modifications to the conditions, ensure compliance of the telecommunications facility

with the special use permit. There are no changes in circumstances and no new information that identifies new or changes environmental affects or mitigations.

- 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 All conditions of approval have been met and the use of the telecommunications facility is in compliance.

Conditions of Approval

El Dorado County Planning Services

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

Exhibit B.....Site Plan
Exhibits C-1, C-2.....Elevations

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:

Issuance of Special Use Permit S04-0029 R allows Verizon Wireless to co-locate 12 wireless communication panel antennas, 2 proposed, and 1 future antenna sectors with 2 proposed and 2 future antennas per sector to be placed at the centerline of 75 feet above ground level, and 2 future 6-foot diameter microwave dishes mounted at the centerline of 67 feet above ground level. The antennas would be attached to an existing 120-foot tall monopine. The ground support equipment will be located within an approximately 40-foot by 25-foot lease area to be enclosed by a 6-foot tall chain link fence with barbed wire atop and having 2, 6-foot wide gates enclosing a 12-foot wide entrance. Inside the enclosure will be a 12-foot by 30-foot equipment shelter with a separate generator room, and 2 air conditioners mounted in the north wall. Telco and power will travel from U.S. Highway 50 within an existing 6-foot wide utility easement. The access driveway was previously conditioned to be fifteen-feet wide. The approved project shall be substantially compliant to Exhibits D1, D2, E1 and E2 for S 04-0029 R.

Issuance of Special Use Permit S04-0029 for Cingular Wireless and Special Use Permit S04-0049 for Nextel Communications, to install a 120-foot steel monopine with up to 12 panel antennas on property located at the south end of CeePee Court. Cingular Wireless is to be the owner of the tower and lease holder of the property, while Nextel Communications would be collocating on the tower and would hold lease entitlements from Cingular Wireless.

This special use permit authorizes Cingular Wireless, as the pole owner and lease holder of the property, to install a 120-foot steel monopine with up to 4 panel antennas mounted at a centerline of 110 feet. The antenna panels would be approximately 10.3 inches wide, 51 inches long, and 4.6 inches deep. All antennas are to be made of non-reflective materials. A four-foot in diameter microwave dish for telco is to be placed on the monopine. Cingular Wireless shall be placing the ground equipment within a 50-foot by 25-foot lease area enclosed by a 6-foot-high chain link fence. The equipment for the facility includes five cabinets, utility rack for electrical and telco cabinets, and a utility cabinet. A GPS antenna would be attached to a utility rack post within the enclosure to provide for communication between the wireless facility and low-orbiting satellites. The facility would be connected to land-based electrical and telecommunications utilities located on a nearby joint-utility pole. There would be a 12-foot-wide gate with a high priority security Knox padlock on the enclosure.

This special use permit authorizes Nextel Communications to collocate with Cingular Wireless on the 120-foot steel monopine with up to 8 panel antennas mounted at a centerline of 100 feet. The antenna panels would be approximately 6 inches wide, 96 inches long, and 6.5 inches deep. All antennas would be made of non-reflective materials. Nextel Communications shall be placing the prefabricated equipment shelter within a 15-foot by 25-foot lease area to be enclosed by a 6-foot-high chain link fence with barbed wire. Two GPS antennas would be attached to the equipment shelter. The facility would be connected to land-based electrical and telecommunications utilities located on a nearby joint-utility pole.

Access to the site is to be provided from CeePee Court. Access to the site is to be improved to 12 feet wide and is to have an all weather surface within 150 feet of all exterior portions of the project. The road surface is to have a 4-inch thickness of three-quarter inch Class II aggregate base. Turnouts are to be provided at the midway point of the road, or every 400 feet. Fire turn-around access and a minimum vertical clearance of 13 feet 6 inch above the access road will also be provided.

This special use permit authorizes maintenance personnel to visit the site approximately once a month, at which time the facilities would be inspected to ensure proper operation.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures 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.

MITIGATION MEASURES FROM THE PREVIOUSLY APPROVED MITIGATED NEGATIVE DECLARATION FOR S 04-0029

2. During all grading and construction activities in the project area, an archaeologist or Historian approved by the Planning Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance. The project grading plans shall include this mitigation on the plans. Planning Services shall review the grading plans prior to issuance of a grading permit.

MONITORING: Planning Services shall review the grading plan to determine that the notation has been placed on the plan prior to issuance of a grading permit.

3. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. The project grading plans shall include this mitigation on the plans. Planning Services shall review the grading plans prior to issuance of a grading permit.

MONITORING: Planning Services shall review the grading plan to determine that the notation has been placed on the plan prior to issuance of a grading permit.

OTHER PROJECT SPECIFIC CONDITIONS FOR BOTH S04-0029 AND S 04-0029 R

4. All site improvements for S 04-0029 shall conform to the site plan(s) attached as Exhibit D and the elevations as show on Exhibit E.
5. All equipment shelters, cabinets, or other auxiliary structures shall be painted in a matching color. Planning Service shall verify the painting of the structures prior to final inspection of the facility.
6. For collocation purposes, no further review by the Planning Commission shall be required provided that all ground-mounted equipment is located within the proposed leased area and provided that no more than 24 panel antennas are placed on the monopine

at any one time with no increase in height. The new antennas shall be screened by tree foliage, and review and approval by Planning Services is required prior to issuance of a building permit to ensure that all antennas are screened by tree foliage.

7. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Planning Services requires that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.

8. The applicants shall assume full responsibility for resolving television reception interference, if any, caused by operation of this facility. The applicants shall take corrective action within 30 days of receipt by Planning Services of any written television interference complaint.

9. All obsolete or unused communication facilities shall be removed by the applicants within six months after the use of that facility has ceased or the facility has been abandoned. The applicants shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.

~~10. Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the Planning Commission every five years. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to: (1) Modify the conditions of approval in order to reduce identified adverse impacts; and (2) Initiate proceedings to revoke the special use permit, requiring the facility's removal, if it is no longer an integral part of the wireless communication system. By operation of this condition, it is the intent of the Planning Commission to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Planning Commission to conduct or complete a five-year review in a timely fashion shall not invalidate this special use permit. The applicants shall pay a fee as determined by the Planning Director to cover the cost of processing a 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 Division 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 determine 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.

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.

El Dorado County Building Services

11.12. The applicants shall obtain a building permit from the El Dorado County Building Services for the project facilities prior to the commencement of construction.

El Dorado County Environmental Management ~~Department~~ Division

12.13. The applicants shall submit a hazardous materials business plan for the site to the El Dorado County Environmental Management Department for review and approval if the operation will involve the storage of reportable quantities of hazardous materials for backup power generation prior to issuance of a building permit.

El Dorado County Fire Protection District

13.14. The applicants shall comply with the following requirements of the El Dorado County Fire Protection District which include but shall not be limited to:

- a. The applicants shall be subject to a site plan review fee commensurate with the scope of the proposed project. The site plan review fee shall be due to the District prior to commencement of any work performed.
- b. The applicants shall submit a design for review and approval of a Fire District turn-around prior to issuance of a building permit. A 12-foot wide turn-around requires a minimum 40-foot inside radius with a 60-foot depth from centerline.
- c. The applicants shall install approved turn-a-rounds along CeePee Court. Turn-a-rounds shall be provided at the midway point or if over 800 feet in length every 400 feet. The access road shall be a minimum of 12 feet wide and have an all weather surface and be within 150 feet of all exterior portions of the structure, shall not exceed a 16 percent road grade, and shall meet Fire Safe standards for driveways. The access road and turn-around shall be approved by the El Dorado County Fire Protection District and shall be installed prior to final inspection of the facility.
- d. The applicants shall install an access road with a vertical clearance of 13 feet 6 inches. The road shall be capable of supporting a 40,000 pound load and shall not exceed a road grade of 16 percent. El Dorado County Fire Protection District shall review and approve the location and design of the access road prior to issuance of a grading permit.
- e. The applicants shall provide high priority Knox access with keys for emergency access. In addition, Knox access shall be required for compound area and on access road. El Dorado County Fire Protection District shall verify the installation of the security system prior to final inspection of the facility.
- f. The applicants shall provide vegetation clearance to meet "Fire Safe" standards, which shall be 16 feet from centerline along the access road. El Dorado County Fire Protection District shall verify the vegetation clearance prior to final inspection of the facility.
- g. The applicants shall install the address of the facility at CeePee Court with the letters to be a minimum of eight inches in height, with the letters visible from both directions. El Dorado County Fire Protection District shall verify the installation of the signage prior to final inspection of the facility.
- h. The gates for the facility shall comply with Fire Prevention Officers standard as reviewed and approved by the El Dorado County Fire Protection District prior to issuance of a Building Permit.
- i. The El Dorado County Fire Protection District shall verify the installation of one 2A10BC Fire Extinguisher inside the structure prior to final inspection of the facility.

- j. The project shall comply with all California Fire Safe Regulations and Fire Codes. The project plans shall be reviewed and approved by the El Dorado County Fire Protection District prior to issuance of a building permit.

El Dorado County Department of Transportation

- 14.15. The project shall comply with the requirements of the Department of Transportation which shall include the following:
 - a. The applicants shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval prior to issuance of a grading permit. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, the *Drainage Manual*, the *Off-Street Parking and Loading Ordinance*, and the *State of California Handicapped Accessibility Standards*.
 - b. The applicants shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed. The grading permit fees shall be due prior to issuance of a grading permit.
 - c. The applicants shall place a minimum of 4-inch thickness of three-quarter inch Class II aggregate base along a 12-foot wide access easement from the leased area to CeePee Court/U.S. Highway 50 intersection. Any connection or work within the Caltrans right-of-way shall require the applicants to obtain an encroachment permit from Caltrans prior to the commencement of grading. The applicants shall provide road improvement details to the Department of Transportation for review and approval prior to issuance of a grading permit.
 - d. The access road shall be adequate for a vehicle to exit the site in a forward direction. The applicants shall provide road improvement details to the Department of Transportation for review and approval prior to issuance of a grading permit.
 - e. The El Dorado County Fire Protection District shall review and approve the site and access road for accessibility and turn-a-round area requirements prior to issuance of a grading permit. A letter of approval from the Fire District shall be provided to the Department of Transportation prior to issuance of a grading permit.

END OF CONSENT CALENDAR

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

Peter Maurer spoke on the Mather Airport Master Plan. Mr. Maurer also spoke on public notification process being expanded.

Roger Trout discussed the draft sign ordinance and asked that any questions be directed to himself, Shawna Purvines, David Defanti and Lillian MacLeod.

6. COMMISSIONERS' REPORTS

Commissioner Heflin concerned that the Crystal Basin Winery has a billboard size sign. Peter Maurer will pass this information on to Code Enforcement.

Chair Pratt stated he attended the Grizzly Flats event. It was a real nice function.

9:00 A.M. – TIME ALLOCATION

7. PUBLIC FORUM/PUBLIC COMMENT - None

8. SPECIAL USE PERMIT REVISION (Public Hearing)

S07-0027-R/Eden Vale Inn submitted by MARK HAMLIN to add two additional guest rooms for a total of 13 rooms, 30 additional special events with up to 30 non-guests per event, and a caretaker temporary residence. The property, identified by Assessor's Parcel Number 102-140-88, consisting of 10.01 acres, is located on the west side of Springvale Road, approximately 1,000 feet north of the intersection with Lotus Road, in the Gold Hill area, Supervisorial District 4. [Project Planner: Aaron Mount] (Categorical Exemption pursuant to Sections 15301 and 15303 of the CEQA Guidelines)**

Aaron Mount presented the item to the Commission with a recommendation for approval. Mr. Mount also provided a memo dated July 11, 2013 from the Environmental Management Division.

Mark Hamlin-applicant was available for questions.

Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (4-0), to take the following actions: 1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Sections 15301 and 15303; and 2. Approve Special Use Permit Revision S07-0027-R recommended by staff based on the Findings and subject to the Conditions of Approval amended as follows: (a) Amend Condition 1.g. to state "Use of an existing outdoor kitchen as permitted by Environmental Management for special event use only"; (b) Strike out Condition #5; (c) Amend Condition #1822 as presented in the memo dated July 11, 2013 from the Environmental Management Division.

AYES: Mathews, Heflin, Stewart, Pratt

NOES: None

ABSENT: Shinault

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

Findings for Approval

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 pursuant to Section 66472.1 of the California Government Code:

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 and 15303 of the CEQA Guidelines. As conditioned the project is consistent with the residential development standards of the RE-10 Zone District for the existing and proposed structures which require only ministerial permits. The use as a Bed and Breakfast Inn is by ordinance an expanded home occupation.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department, Planning Services Division at 2850 Fairlane Court, Placerville, CA.

2.0 SPECIAL USE PERMIT FINDINGS

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

The proposed project has been analyzed for consistency with General Plan Policies 2.2.5.20 (General Plan Consistency Compliance), 6.5.1.6 and 6.5.1.7 (Non-transportation noise sources), 10.1.7.4 (Home Occupations), and TC-Xe/TC-Xf (traffic Impacts). The proposed project, as conditioned, is consistent with these policies and consistent with the General Plan Land Use Designation of Rural Residential which allows for Bed and Breakfast Inns with a special use permit.

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

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

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

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

3.0 ADMINISTRATIVE FINDINGS

- 3.1 The proposed use, as conditioned, conforms to the Zoning Ordinance because the project meets all development standards for a Bed and Breakfast Inn in the RE-10 Zone District (17.70.110) and Temporary Mobile Homes (17.52.030).

Conditions of Approval

1. This special use permit approval is based upon and limited to compliance with the approved project description, the Planning Commission exhibits marked E-I F-M, dated August 8, 2013 ~~December 11, 2008~~, 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:

Request for a special use permit for a Bed and Breakfast Inn with 13 ~~14~~ guest rooms as follows.

- a. Guest rooms are to be contained in the following structures; seven ~~five~~ guest rooms in the 7,342 ~~5,599~~ square foot primary residence, four guest rooms in the 1,200 square foot second residence, and two guestrooms in the 400 square foot guest house. A commercial kitchen may be added to the main residence but shall have a separate entrance consistent with Environmental Health requirements. The commercial kitchen may be used to prepare food for Special Events that are otherwise permitted in this Special Use Permit.
- b. A 3,122 ~~2,308~~ square foot guest activity/special events building or yurt with bathrooms. The building shall be limited to use for guest activities and special events only.
- c. A total of 48 ~~48~~ special events per year with 30 events limited to 30 people, 12 events limited to 50 people and 6 events limited to 125 people.
- d. A maximum of ten ~~three to five~~ employees shall be retained for innkeeping, cleaning, maintenance and cooking.
- e. 17 ~~13~~ gravel parking spaces and accessible parking spaces as required by State and Federal law ~~3 paved ADA accessible spaces~~. 60 unimproved spaces shall be provided for special events.
- f. A 3 foot by 2 foot non-internally illuminated sign. Said sign shall be down illuminated only.

- g. Use of an existing outdoor kitchen as permitted by Environmental Management for special event use only.
- h. 2,950 square foot shop, storage, shed, and four car garage.
- i. The property owner shall reside in either the primary or secondary residential unit on site.
- j. One caretaker temporary mobile home or manufactured home. If the use authorized by this permit ceases for a period of one year for any reason, the temporary residence shall be removed. The temporary mobile home shall be screened with trellis and plantings.

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

- 2. All site improvements shall conform to Exhibits E-M F-J. All structures shall be consistent with the developments standards of the RE-10 zone district, Chapter 17.70, and Chapter 17.15, Second Residential Units on Single-Family Lots.
- 3. No amplified outdoor sound systems shall be used at the project site without a revision to this special use permit or a temporary use permit is obtained. Noise levels during special events shall not exceed the levels specified in Table 6-2 of the General Plan.
- 4. Outdoor special events shall end prior to 10 p.m.
- ~~5. If the site will serve at least 25 individuals daily at least 60 days out of the year a permit for a Public Water System shall be obtained. A letter from Environmental Management shall be submitted to Planning Services stating that all necessary permits have been obtained and approved.~~
- ~~6. The applicant shall obtain a business license prior to initiation of the use.~~
- 67. All outdoor lighting shall conform to §17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. In addition, the following apply:
 - a. External lights used to illuminate a sign shall be shielded and directed downward in order to prevent light from shining on to the adjacent roadway.

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.

78. Prior to issuance of certificate of occupancy 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 by phase and in accordance with county, State, and Federal law. The applicant shall also schedule an inspection by Planning Services prior to occupancy/issuance of a building permit or commencement of any use for verification of compliance with applicable conditions of approval.

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

~~The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or 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 variance, 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.~~

8. 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 applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval by El Dorado County. County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

9. 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 upon project approval.

10. The following shall be incorporated as a note on the grading/improvement plans:

In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the

discovery until an archaeologist can examine the find in place. If the find is determined to be a "unique archaeological resource", contingency funding and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archaeological mitigation takes place.

If the find is determined to be a "unique archeological resource", the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a "nonunique archeological resource".

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit

11. The following shall be incorporated as a note on the grading/improvement plans:

In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit

El Dorado County ~~Department of Transportation~~ Division

1240. Gates: Pursuant to Article 2, Section 1273.11 of the SRA Fire Safe Regulations, All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. Additionally, gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving that gate. This shall apply to the proposed main gate.
1344. Second Access Point: The secondary access shall be gated and not used by the general public due to unsafe sight distance at the encroachment onto Springvale Road. However, this access may continue to be used by the landowner and emergency personnel.
1442. Traffic Control: The applicant shall provide a Traffic Control and Parking Management Plan that indicates all measures to be used during special events. This plan shall include at a minimum:
- a. Site Plan showing vehicular and pedestrian ingress/egress points and circulation for the events.
 - b. Name and contact information for person in charge of traffic control and parking responsible for responding to complaints on the days of the events.
 - c. Location of all traffic control personnel on a site plan or vicinity map.
 - d. Location of all traffic control and directional signs on a site plan or vicinity map.
 - e. Location of all parking lots, parking capacity of each, and the sequence of use.
 - f. Location of all shuttle stops and the proposed shuttle routes. (if applicable)
 - g. Emergency access ways.

This Traffic Control and Parking Management Plan shall be submitted to DOT for review and approval prior to issuance of the special use permit.

1543. 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.
- ~~14.~~ ~~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 initiation of the use.~~
- ~~15.~~ ~~Grading Permit / Plan: If more than 50 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off Street Parking and Loading Ordinance", and the State of California Handicapped Accessibility Standards. All applicable plan~~