



# COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room  
2850 Fairlane Court, Placerville, CA 95667  
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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 Tim .....Clerk of the Planning Commission

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## MINUTES

**Regular Meeting  
March 28, 2013 – 8:30 A.M.**

### 1. CALL TO ORDER

Meeting was called to order at 8:32 a.m. Present: Commissioners Stewart, Pratt, Heflin, Mathews, and Shinault; David Livingston-County Counsel; and Char Tim-Clerk of the Planning Commission.

### 2. ADOPTION OF AGENDA

**Motion: Commissioner Heflin moved, seconded by Commissioner Shinault, and carried (5-0), to adopt the agenda as presented.**

**AYES: Stewart, Mathews, Shinault, Heflin, Pratt**  
**NOES: None**

### 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: March 14, 2013

Staff Recommendation: Approve Meeting Minutes as presented

**ACTION: Item was approved on the Consent Calendar [4-0; Heflin-abstain]**

b. **River Use Permit:** Transfer of River Use Permit #63 from Christopher Pyle/Action Whitewater Adventures to Alexander D'Santos/Action Whitewater Adventures of California, Inc. [Staff: Noah R. Triplett/Environmental Management]

Staff Recommendation: Approve transfer of River Use Permit #63 from Christopher Pyle/Action Whitewater Adventures to Alexander D'Santos/Action Whitewater Adventures of California, Inc. and approve one-year provisional River Use Permit

**ACTION: Item was approved on the Consent Calendar [5-0]**

#### END OF CONSENT CALENDAR

**Motion: Commissioner Stewart moved, seconded by Commissioner Mathews, and carried (5-0), to approve the Consent Calendar, with Commissioner Heflin abstaining from Item 4.a.**

**AYES: Heflin, Shinault, Mathews, Stewart, Pratt**

**NOES: None**

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

Peter Maurer provided an update on the following items:

- A11-0003/Z11-0004/PD11-0002/P11-0003/Green Valley Center: The Board of Supervisors, on a 4-1 vote, approved the General Plan Amendment and Rezone applications. At the hearing, the applicant withdrew the Planned Development and Parcel Map applications.
- Sign Ordinance: The Administrative Draft has been reviewed and sent to the Consultant. It is anticipated that the Draft will be released to the public in the next couple of weeks.
- Scoping Meetings: Scoping meetings were held for the San Stino project and 3 Specific Plans (Marble Valley, El Dorado Hills Central, and Lime Rock Valley).

#### 6. COMMISSIONERS' REPORTS

Commissioner Heflin announced that two-thirds of the former lumber mill in Camino had been demolished and he believed that the majority of the community was unaware of that fact.

Chair Pratt stated that he had attended a meeting in Shingle Springs (Shingle Springs Community Alliance and No on San Stino) in which approximately 300 people were in attendance. He felt that the meeting was very well done and very civil.

#### 9:00 A.M. – TIME ALLOCATION

7. PUBLIC FORUM/PUBLIC COMMENT – None

8. RIVER MANAGEMENT PLAN

SA12-0302/River Management Plan 5-Year Summary Review for 2002-06 and 2007-11 submitted by EL DORADO COUNTY for review of the Summary Reports and recommended modifications.

Peter Maurer presented the item to the Commission.

Commissioner Mathews questioned modifications regarding one boat trip if over 6,000 CFS, monthly reports, swift water rescue requirement for guides, and definition of an institutional group.

Commissioner Stewart requested clarification on monthly clean-ups and illegal parking.

Chair Pratt commented on process of reaching thresholds, RUP transfer process, and County sales tax.

Michael Renalli supported the County's efforts in providing a good balance between private commerce, the economy, and the environment.

Chair Pratt closed public comment.

There was no further discussion.

**Motion: Commissioner Mathews moved, seconded by Commissioner Stewart, and carried (5-0), to take the following action: 1. Accept the Five Year Summary Reports for 2002-2006 and 2007-2011; and 2. Direct staff to complete a CEQA Initial Study and appropriate CEQA document and return for consideration by the Commission of the recommended minor modifications to the River Management Plan as presented.**

**AYES: Heflin, Shinault, Stewart, Mathews, Pratt**

**NOES: None**

List of Recommended Minor Modifications

**Element 1.1** requires that a quarterly newsletter is published for landowners and residents along the river. It is recommended that this Element be updated such that the newsletter is produced twice a year (spring and fall) rather than quarterly and that the newsletter is published electronically with hard copies issued only to those who specifically request a hard copy.

**Element 1.3** requires that information kiosks are placed at various locations along the river on public lands. Because of the number of boaters that utilize private campgrounds and resorts along the river, it is recommended that this Element be updated to include that County staff will

work with the owners of these facilities to install informational kiosk at put-ins on their respective properties.

**Element 2.4.4** requires that County Parks (now the River Program) coordinate with the RSC on programs including swiftwater rescue courses for the public. Because the RSC's role is currently fulfilled by the Sheriff's Department (and other agencies), courses for the public have not been conducted. Staff has recommended, and RMAC concurs, that this Program Element could be updated by adding that contracting a River Rescue Instruction company, which could offer free or reduced-cost courses for outfitters and the public, would fulfill this Program Element.

**Element 3.3** requires that the County respond to illegal parking areas identified by complaints by designating these areas as double-fine zones. The Department of Transportation's (now the Community Development Agency, Transportation Division) Traffic Advisory Committee should be asked to review the possibility or necessity of establishing double-fine zones through a County ordinance to fulfill Program Element 3.3.2.

**Element 4.1** specifies monitoring of use levels and boat densities at Troublemaker, Barking Dog and Satan's Cesspool rapids to evaluate if carrying capacity thresholds have been exceeded. River Program staff recommend adding Meatgrinder and Fowler's rapids to the monitoring locations. These two rapids are the first Class III rapids on the upper and lower section of the river. Appendix B of the RMP details the Mitigation Monitoring Plan. The section that details assessment of boater densities (page B-21) states that "two kayaks will be counted as one craft because of their superior maneuverability". Appendix D of the RMP specifies the data and standards used for monitoring; however, there is no definition of "craft" for counting purposes. For consistency, it is recommended that the same definition used in Appendix B be incorporated into Appendix D.

**Element 5.2** requires the County General Services Department (now Chief Administration Office) to coordinate with utilities that use the river resources to determine changes in flow. SMUD has a pending relicensing agreement with FERC and has already implemented a published schedule of releases that affect flow eliminating the needs to coordinate with the utilities. It is recommended that Element 5.2 be deleted.

**Element 5.6.1** states that the County will make an effort to expand river trash clean-ups to a monthly basis. Monthly cleanups are neither necessary, because use on the river is heaviest during the summer months, nor feasible, due to changes in water levels during the winter months. It is recommended that that the monthly clean-up goal change to two per year; one clean-up on the upper section (Chili Bar Run) and one clean-up on the lower section (Gorge Run).

**Element 6.2** details the requirements for Commercial Outfitters. River Program staff recommend making violations of any of the requirements specified in Element 6.2, (that are not already listed as Class I or II violations), as Class I violations, expanding the current list of violations listed in the RMP.

**Element 6.2** and its sub-Elements specify maximum group sizes. For safety reasons, it is recommended that the following new sub-Elements be added to the RMP:

1. Add sub-Element 6.2.2.3 which creates a high water trip requirement that would prohibit single boat trips if flows are above 6,000 cfs and advocate that all passengers wear wetsuits to reduce the risk of hypothermia.
2. Add sub-Element 6.2.2.4 requiring all commercial trips to have at least one guide on every trip for every 8 guests. The guide must meet the requirements outlined in Element 6.2.7.

**Element 6.2.1.4.4** addresses inactive status of River Use Permits. In order to encourage active use of permits, it is recommended that the following updates be added to the permit requirements:

1. "A permit cannot be in an inactive status for more than one year or be inactive for more than two years within a 5 year time frame." The updated language limits how long a permit can remain inactive.
2. The required permit maintenance fee for inactive permits shall be the same as the annual permit renewal fee.

**Element 6.2.6.1.1** mandates that Commercial Outfitters provide monthly reports to the County during the operating season. River Program staff recommend adding an additional reporting requirement where Commercial Outfitters must notify the River Program of lost or missing persons, or deaths from any cause on a river trip within 24 hours, and provide a written follow-up detailing the incident.

**Element 6.2.7.1** requires that trip leaders working for Commercial Outfitters have current Swiftwater Rescue Certification. Based on standards developed by County Parks (now the River Program) in 2002 it is recommended that the following be added to Element 6.2.7.1:

1. At least one guide per trip must have completed a swiftwater rescue training course.
2. Outfitters may designate any guide as the swiftwater rescue trained person; he or she does not have to be the "trip leader".
3. In-house courses, taught by experienced outfitter employees are adequate, and to allow for lower cost courses, Rescue III or American Canoe Association (ACA) cards of completion are not required.
4. Courses must teach at least the suite of skills found in an ACA swiftwater rescue, Rescue III whitewater rescue technician, or equivalent course.
5. Each year, Outfitters must submit a list of guides that meet swiftwater rescue training standards to the River Program office by the end of May for the upcoming river season.

**Element 6.2.10** discusses the violations and associated penalties. County Ordinance identifies violations of the swiftwater training requirements as a misdemeanor that can be prosecuted by the District Attorney's Office. However, due to the expense and time it takes to build cases for swiftwater training violations, prosecution of violators has not been feasible. It is recommended that the ordinance be changes to make these violations of the swiftwater training requirements considered violations of the Commercial Outfitter permit requirement on which fines can be levied by the implementing agency (currently the Community Development Agency, Environmental Management Division). If implemented, the violation should be considered as a "Class I" violation and added to Program Element 6.2.10.1.2.

**Element 6.3.6** states that Institutional Groups are subject to the same requirements specified for non-commercial boaters (Sections 6.3.1 through 6.3.5). RMAC recommends limiting the number of Institutional Groups to seven (7) per year, which is the current number of institutional groups that register with the County annually.

**Element 8.1** discusses Pirate Boater Ordinance Enforcement. The Sheriff's Department Boating Unit recommends that the definition of "Commercial Outfitter" be revised in County Ordinance Chapter 5.58 to make it possible to prosecute for-profit rafters that advertise "cost-sharing".

**Element 9.1** discusses the need for an MOU with private property owners in the Chili Bar area. Because the County purchased this property in 2007, an MOU is no longer needed and the Element can be deleted.

**Element 9.6** discusses SUP modifications to allow private boaters to use the Highway Rapid area for river access. BLM has developed access at nearby Greenwood Creek fulfilling this Element. Therefore, it can be removed from the RMP.

## 9. DESIGN REVIEW (Public Hearing)

**DR13-0001/Naturally Cool Coffee** submitted by DAVID and MICHELE BONK for a Design Review for a self-contained trailer proposed to be utilized for drive-thru coffee service and a 48 square-foot free-standing, lighted sign. The property, identified by Assessor's Parcel Number 071-500-37, consisting of 1.69 acres, is located at the southeast corner of the intersection of Northside Drive and State Route 49, in the Cool 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.

Commissioner Mathews requested staff response on a public comment letter stating the trailer was always there.

In response to Commissioner Stewart's inquiry on fire danger, Mr. Dougherty stated that there were no conditions from the Fire Department and commented that there was a Fire Department located directly across the street from the subject parcel.

David Bonk, applicant, thanked the County for allowing them to operate for the past 6 months which provided an opportunity to establish a business base and he now believes there is a great potential to grow.

Michael Renalli, Divide Chamber of Commerce, appreciated the new business coming into the area.

Chair Pratt closed public comment.

County Counsel David Livingston identified a typo in Condition 1 which mistakenly referenced the application as a Special Use Permit instead of as a Design Review.

There was no further discussion.

**Motion: Commissioner Heflin moved, seconded by Commissioner Mathews, and carried (5-0), to take the following action: 1. Find that the project is Categorical Exempt from CEQA pursuant to Section 15303(c) of the CEQA Guidelines; and 2. Approve Design Review DR13-0001 based on the Findings and subject to the Conditions of Approval as presented.**

**AYES: Stewart, Shinault, Mathews, Heflin, Pratt**

**NOES: None**

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

### **Findings**

#### **1.0 CEQA FINDINGS**

- 1.1 The proposed structure and facilities fall within the developmental limits allowed under the Section 15303(c) exemption, both for maximum square footage and 'significant' hazardous substances, as this project consists of a 136 square-foot trailer and does not include the storage of significant amounts of hazardous substances.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

#### **2.0 GENERAL PLAN FINDINGS**

- 2.1 The project is consistent with the Commercial (C) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project consists of a mobile coffee drive-through, which is consistent with the allowed uses for the CG-DC Zone District with an approved Design Review.
- 2.2 As conditioned, and with adherence to County Code, the project is consistent with all applicable Policies of the General Plan, including:
  - 2.2.1 2.2.5.21 (compatibility with surroundings) because the project concentrates the commercial activities adjacent to other commercial parcels, and limits the visual intrusion within that area;

- 2.2.2 5.1.2.1 (adequate utilities and public services), 5.2.1.2 (water for emergency), 5.2.1.4 (available domestic water), 5.7.1.1 (adequate emergency water and related facilities), because the project will utilize potable water from their commissary, emergency water from the existing Georgetown Divide Public Utility District fire hydrant, and utilize a self-contained waste water tank within the trailer;
- 2.2.3 6.2.3.2 (adequate emergency vehicle ingress/egress) the El Dorado County Fire Protection District found the current project configuration has adequate emergency vehicle ingress/egress.

**3.0 ZONING FINDINGS**

- 3.1 With an approved Design Review, the project is consistent with the El Dorado County Zoning Ordinance designation of General Commercial because the proposed project provides restaurant-type use pursuant to Section 17.32.180 (78) of the Zoning Code.
- 3.2 The project is consistent with the El Dorado County Zoning Ordinance Development Standards because the trailer size and location meet the development standards pursuant to Section 17.32.200 of County Code.

**4.0 DESIGN REVIEW FINDINGS**

- 4.1 The architectural style, site layout and improvements for this project are consistent with the Community Plan Design Guidelines. Further, the Cool-Pilot Hill Advisory Committee members reviewed the project and did not respond that there was any concern that the proposed design would be inconsistent with regional architecture and the character of the neighborhood.

**Conditions of Approval**

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

- Exhibit F.....Site Plan
- Exhibits G-1, G-2.....Elevation Plans
- Exhibit H.....Colored Elevation Photos
- Exhibit I .....Sign Elevation Photo
- Exhibit J .....Landscaping Plan

Any deviations from the project description, conditions, or exhibits shall 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:

Utilization of a self-contained 8.5-foot by 16-foot (136 square-feet) trailer for a mobile drive-thru coffee service at the parcel identified by APN 071-500-37, to be located as shown on the approved Site Plan, and one three-foot by 16-foot copy area, free-standing, lighted monument sign is approved as shown in Exhibit I, and located as shown by the X in Exhibit F. The sign lighting shall be turned off at the close of each business day.

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. **Drainage Culvert:** The applicants shall install a 20-foot long by 12-inch diameter culvert at the parcel access driveway entrance onto Northside Dive in compliance with the County of El Dorado Design and Improvement Standards Manual Standard Plan T-504. The installation shall be completed within 30 days of project approval. The applicant shall provide Planning Services with proof of completion prior to the end of that 30-day period.
3. **Signs:** The existing multi-tenant sign marked in Exhibit N-2 to be removed, shall be removed within 30 days of project approval by the parcel owner or authorized agent. The applicant shall provide Planning Services with proof of removal prior to the end of that 30-day period.
4. **Landscaping:** The final landscape plan shall be substantially compliant with Exhibit J. All landscaping and irrigation shall be located outside of the State Route 49 right-of-way. The applicant shall install the landscaping within 30 days of project approval and it shall be maintained in accordance with the approved final landscaping plan in perpetuity. The applicant shall provide Planning Services with proof of installation prior to the end of that 30-day period.
5. **Condition Compliance:** 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.
6. **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 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.

7. **Permit Implementation:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months of approval of this Special Use 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.
8. **Archeological Resources:** 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 archeological 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

9. **Human Remains:** 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

**10. SPECIAL USE PERMIT/PLANNED DEVELOPMENT (Public Hearing)**

**S11-0009/PD11-0005/Green Valley Nursery and Landscape** submitted by DON and JULIE DEVORSS to allow a nursery and landscaping business with outdoor sales and storage. The property, identified by Assessor's Parcel Number 124-301-03, consisting of 9.62 acres, is located southeast corner of the intersection of Shadowfax Lane and Green Valley Road, in the north El Dorado Hills area, Supervisorial District 1. [*Project Planner: Tom Dougherty*] (Mitigated Negative Declaration prepared)\*

Chair Pratt disclosed that he is friends with the applicants and have used their services and they have purchased wine from his winery. He has not spoken to them in the last 6 months on this item and felt that he could still perform his duties as a Planning Commissioner.

Commissioners Heflin and Stewart stated they had done site visits.

Tom Dougherty presented the item to the Commission with a recommendation for approval. He stated that 2 letters of public comment were received. Mr. Dougherty clarified that the applicants were requesting to be allowed to use portable toilets and bottled water.

Peter Maurer stated that the General Plan policy is very clear in that they are to connect to public water and sewer. However, staff recognizes that this is a unique commercial use and there may be some flexibility, particularly with the sewer issue.

Fred Sanford/Environmental Management stated that portable toilets are for temporary use only and can be used to supplement permanent restrooms for seasonal use such as what occurs at Apple Hill.

In response to Commissioner Heflin's inquiry, staff confirmed that a Special Use Permit runs with the land and that there was a copy on file of the property owner authorizing the applicants to be their agent.

In response to Commissioner Stewart's inquiry on Shadowfax Lane and turn lanes, Eileen Crawford/Transportation stated that Mormon Island was a larger project in the area and was approximately 5-6 years out from completion. She had conversations with the City of Folsom and there are plans to widen that area. Any improvements made today would be considered "throw-away" costs due to the anticipated improvements in 5-10 years.

Property owner Barbara Orosco and her son, David Orosco, spoke on deceased Sal Orosco's wish to develop their property for commercial use and that they supported the applicants.

Don and Julie Devorss/applicants made the following comments:

- Lived in area for over 30 years;
- Two years ago was forced to move existing nursery, which was located 1/8<sup>th</sup> mile away from current location, and the Orosco's accepted them as tenants;
- Apologized for ignorance regarding the need for property improvements;
- Required improvements will have a financial impact that won't allow them to continue in business;
- Requesting a waiver for permanent restroom facilities as they can't afford to connect to a sewer, they have no plans for a permanent building, and don't know where a septic could be located;
- Trying to provide a service to the community;
- Seasonal business as they are closed from mid-December to end of January;
- 60% of business is coming from Sacramento County and they employ 12-19 staff; and
- They have done over 17 beautification projects with area schools.

Fire Marshal Mike Lilienthal, El Dorado Hills Fire Department, met with the applicants and is trying to balance the Codes with the practical and unique needs of this nursery. He stated that one of the requirements was to ensure that the road could support a fire engine. Fire Marshal Lilienthal stated that the water demands for this type of project didn't warrant the normal requirement for commercial business. They would consider the current operation as Phase 1 and allow a residential water tank, however, if a larger building was put on the property, it would be considered Phase 2 and more water would be required.

Chair Pratt closed public comment.

Commissioner Heflin made the following comments:

- Considered this a transition project and didn't want to see lots of money going towards permanent improvements;
- Had no problem with temporary design and using portable toilets;
- Appreciated the Fire Department's comments regarding size of building and approval of water storage tanks at this stage; and
- Approved of the road compaction as long as the Fire Department had no issues with it.

Commissioner Shinault made the following comments:

- Agreed that the parking and road are temporary;
- Need to have a permanent restroom and suggested looking at various alternative solutions;
- There was some disturbance in the streambeds and setbacks need to be followed;
- Existing project was done without proper permits and it needs to be corrected; and
- Suggested applicant approach Building Division to ensure that structure will be approved and recommended having similar conversations with other County departments.

Commissioner Stewart made the following comments:

- Didn't see the need for potable water; and
- Wanted more clarification from staff on the 50 foot setback and clarification that the request was for "as-is" regarding the encroachment.

Chair Pratt made the following comments:

- Property is zoned Commercial-Planned Development and visualized current project as an interim use;
- Required connections to EID, sewer, and fire hydrant are not appropriate for the scale and scope of this project;
- Ensure that some continuing operation with extenuating circumstances is allowed; and
- Outside lighting is not necessary.

There was significant discussion on well water, alternative solutions to permanent restrooms, previously-submitted biological study, and total sign area to include seasonal strawberry business located on property.

Significant discussion ensued with the Commission and Ms. Crawford on Conditions 20 and 21 in regards to Standard Plan 103G.

In response to the Commission's questions, the applicants made the following comments:

- Fruit trees were planted 30 feet from stream and U.S. Army Corps of Engineers approved of that due to it assisting with the erosion control of the damage they had previously caused;
- Had been unaware that an updated biological study was needed;
- Parking lot was ready and regularly receives semi-trucks

Mr. Maurer stated that applicants could petition Fish and Game for a No Effect waiver, but they have already disturbed the soil.

Mr. Maurer said that since it appeared the Commission would like staff to work with the applicant on certain issues, requested they provide a full-range of direction. Listed below is a recap of the Commission's direction for staff, property owner, and applicant to discuss:

- Conditions 2, 3, 4, & 5: Determine alternate ways to address and which documents need to be updated;
- Condition 9: Ensure public can exit;
- Conditions 20 & 21: No sidewalks, discussion on "pork chop";
- No lighting plan;
- Research more on need for sewer and water connections;
- Resolution needed for sewer/septic issue that needs discussion between staff, property owner, and applicants;
- Sign area needs to include seasonal strawberry business; and
- Fire Department requirements.

Commissioner Stewart wanted to ensure that there would be no issues with business still operating if this item was continued off-calendar. Staff stated that this was a Code Enforcement case and it was just necessary to show forward progress.

There was no further discussion.

**Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (5-0), to continue the item off-calendar and direct staff to work with landowner and applicant on identified issues.**

**AYES: Stewart, Shinault, Heflin, Mathews, Pratt**

**NOES: None**

**11. REZONE/SPECIAL USE PERMIT (Public Hearing)**

**Z12-0004/S11-0007/Rescue Community Center** submitted by RESCUE COMMUNITY CENTER (Agent: Tim Closner) for the following: (1) Rezone from Estate Residential Five-Acre (RE-5) to Recreational Facilities (RF); and (2) Special Use Permit to allow the expansion of a non-conforming use to include a remote control scale car race track as part of an existing community center. The property, identified by Assessor's Parcel Number 069-160-16, consisting of 4.012 acres, is located on the south side of Green Valley Road, approximately 300 yards west of the intersection with Deer Valley Road, in the Rescue area, Supervisorial District 4. [*Project Planner: Aaron Mount*] (Mitigated Negative Declaration prepared)\*

Peter Maurer presented the item to the Commission with a recommendation to the Board of Supervisors for approval.

Seth Griffin/applicant's agent conducted a PowerPoint presentation and made the following comments which included responses to the Commission's inquiries:

- Became involved with this project in March 2012;
- Only electric cars will be allowed;
- Portable PA system will be used minimally;
- RC track was revenue-generating for the Rescue Community Center and there had been a financial impact to the Center since the track's closure 3 years ago;
- No camping will be allowed;
- Hours will be clearly marked and new rules will be enforced;
- Wetting track for races will be conducted to mitigate dust control;
- Anticipate approximately 100 people will be in attendance for each race event;
- Noise analysis was conducted with 1 car and Consultant extrapolated the numbers to reflect results of 10 cars;
- There is no fence, but the old horse arena had a border which has gates; and
- RC race season is March-October.

Tim Closner, President of Rescue Community Center, made the following comments which included responses to the Commission's inquiries:

- Center is not supported by Federal, State, or County funds and it requires \$9,000-\$12,000 a year to run the Community Center and make minor improvements;
- Receives approximately \$4,500/year from donations;
- Pre-1997 and post-2010, the Community Center has been able to keep it's doors open with fundraisers and private donations;
- Fundraisers take significant time and money;
- Had a 60/40 split with past RC track organization, which provided a steady revenue and self-reliance to the Community Center;
- Was President when trouble started with previous RC track and takes responsibility, which is why this new plan is better;
- No formal plans yet on self-policing, but anticipate to have a Rescue Community Center Board Member present at race events for the first year and would need to make plans on how to monitor practice sessions; and
- Strict rules and regulations will be posted and law enforcement will be called when they are violated.

Jeff Witt, lifetime Rescue resident, presented portions of various videos and provided the following comments:

- Not against the Rescue Community Center as the community needs them, but is opposed to the RC track due to the noise it produces, even with electric cars;
- Lives next door to subject property and the noise travels;
- Hours of operation are needed, but it goes on all day and disrupts his life;
- Main issues are duration, noise level, consistency, and operating every day;
- No buffer between RC track and homes and now the Church has removed existing foliage in order to make room for more parking;
- There is no County Ordinance that defines the RC track;

- In the past, was able to hear the PA system inside his house;
- Agreed that there is a difference in noise level between the electric and gas cars;
- If approved, would like to have a decibel test conducted during one of the race events;
- Asking for fairness;
- People are still using the track when it is closed and when he informs the users, he is confronted or ignored;
- County does not have the funds to send Sheriff Deputies to the site every time there is a complaint for violating rules;
- This is an expensive sport due to the cost of the cars;
- Need to find a common ground for everyone to live together in peace; and
- Against the rezone.

Robert Blom, owner of Gold Country Ace Hardware, supported the project and made the following comments:

- Sales from the RC track generate \$30,000/year;
- Great family hobby;
- There has been a lot of compromise from the Community Center which has been beneficial to the neighbors; and
- This supports local businesses.

Dave Palm, nearby resident, submitted 2 photos to the Commission and made the following comments:

- Can hear the RC track inside his house and he has complained;
- Not opposed to the Rescue Community Center, but to the RC track;
- Special Use Permit would be an expansion of a non-conforming use;
- Questioned the noise study and requested that 10 cars be tested and have one of the testing sites be close to his house;
- Proposed location is not the right site for a RC track; and
- There is no mitigation to reduce the noise level.

Cliff Duvall has lived across the street from the Rescue Community Center since 1992 and is owner of Turbo Power. He provided the following comments:

- Community Center is valuable to the community;
- Has a background in racing and the RC cars are scaled down race cars that can go 60-100mph;
- Electric engines get hot;
- Racing is a very popular and exciting sport and it will bring a winning attitude;
- RC track will attract racers from all over and they will be towing trailers, which is what happened in the past;
- Race events will attract around 150 people and the current driveway is too small to accommodate that number;
- Questioned crowd control;
- Concerned about where this project will be in 5-10 years as it could grow into a much bigger issue;



- If this is non-profit, then where is the money going to come from to police it;
- It is unwise to have unsupervised practice runs 7 days a week;
- Combination of large crowds and the current cyclists on Green Valley Road will cause traffic issues;
- Offered his expertise to assist in bringing the noise level down;
- Community Center will need liability insurance; and
- Hasn't been approached for involvement in resolving the issues.

Val Cook, resident, submitted photos showing the general care of the facility in the past and made the following comments:

- Outdoor lifestyle at home will become impacted if there are race events;
- Volume of people is an issue;
- Questioned if the ends justified the means; and
- Has been a Boy Scout Leader for 30 years and recognized the benefit that the Community Center provides.

Glenn Allen, resident, stated his son enjoys racing his RC car and he enjoys spending time with his son and feels that there is room for compromise.

Daniel Dietz, Sacramento resident, races RC cars and this track is the only one in the area and will bring attention and revenue to local businesses.

Scott Wilson has been racing at the Rescue mini speedway for 3 years and when the RC track closed he had no place to race except at his house, which caused many breakdowns with his car.

Jennifer Griffin stated that this is a family fun project. She suggested a compromise of limiting the number of events as this would still allow the Rescue Community Center to have revenue generated.

Mr. Griffin provided the following rebuttal statements:

- Aware of the concerns;
- Appreciated the videos shown;
- Reiterated that gas cars would not be allowed; and
- Policing would be an issue and understood that there are individuals sneaking into the closed RC track as they are desperate for a location to race their cars.

Mr. Clossner provided the following rebuttal statements:

- The Community Center's parking lot is already set up for large events (i.e., weddings); and
- His concern is that the public doesn't understand that it takes money to keep the Community Center going and they won't be able to do it unless this project is approved.

Chair Pratt closed public comment.