



COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room
2850 Fairlane Court, Placerville, CA 95667
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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
June 13, 2013 – 8:30 A.M.**

1. CALL TO ORDER

Meeting was called to order at 8:31 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 Mathews moved, seconded by Commissioner Stewart, and carried (5-0), to adopt the agenda as presented.

AYES: Heflin, Shinault, Stewart, Mathews, 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: April 25, 2013

Staff Recommendation: Approve Meeting Minutes as presented

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

AYES: Mathews, Stewart, Pratt

NOES: None

ABSTAIN: Heflin, Shinault

b. **River Use Permit:** Transfer of River Use Permit #34 from Roger Lee/Wilderness Adventures, Inc. to Donald J. Hill/American River Recreation, Inc., holder of River Use Permit #40, and retain River Use Permit #34 as a component (secondary) permit in addition to River Use Permit #40. *[Staff: Noah R. Triplett/Chief Administrative Office-Parks Division]*

Staff Recommendation: Approve transfer of River Use Permit #34 from Roger Lee/Wilderness Adventures, Inc. to Donald J. Hill/American River Recreation, Inc. along with request to retain River Use Permit #34 as a component permit in addition to River Use Permit #40.

Motion: Commissioner Mathews moved, seconded by Commissioner Shinault, and carried (5-0), to approve transfer of River Use Permit #34 from Roger Lee/Wilderness Adventures, Inc. to Donald J. Hill/American River Recreation, Inc. along with request to retain River Use Permit #34 as a component permit in addition to River Use Permit #40.

AYES: Stewart, Heflin, Shinault, Mathews, Pratt

NOES: None

c. **2012 Annual Report on the River Management Plan** *[Staff: Noah Triplett Chief Administrative Office-Parks Division]*

Staff Recommendation: Receive and file; and continue implementation of the River Management Plan as currently prescribed.

Item was pulled from Consent Calendar by a member of the public.

Noah Triplett presented the item and stated that the identified issues were being addressed in the 5-year Plan.

Commissioner Mathews inquired on the possibility that public comments were edited out and referenced the audio recording sent to the Commission from Mr. Triplett that contained all of the public testimony. He also requested Mr. Triplett's opinion on the cause for the downward trend of public usage on the river.

Melody Lane, Founder of Compass to Truth, stated that at the Board of Supervisors June 11, 2013 meeting, she read the preamble of the Brown Act and proceeded to do the same for the Commission. She made the following comments:

- Purpose of Compass to Truth was as a whistleblower organization;
- Public censoring has been an issue with the Parks organization (i.e., River Management Advisory Committee [RMAC]);
- This is putting the Planning Commission on notice;
- RMAC minutes and corrections to Mr. Triplett were not honored; and
- Submitted for the record a copy of the 2010 Grand Jury investigation and Char Tim's response to request to have item pulled from Consent Calendar.

Mr. Triplett responded with the following comments:

- County staff is staff to the Committee and drafts minutes for their review and adoption;
- Brown Act states that minutes must show actions taken; and
- This Committee will begin utilizing Legistar which will allow the audio recordings to be posted on-line.

Chair Pratt closed Public Comment.

Motion: Commissioner Heflin moved, seconded by Commissioner Shinault, and carried (5-0), to receive and file; and continue implementation of the River Management Plan as currently prescribed.

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

END OF CONSENT CALENDAR

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

Peter Maurer/Development Services provided an update on the following items:

- State Housing Community Development has conceptually approved El Dorado County's Housing element pending the proposed policy changes in the Targeted General Plan Amendment.
- DA13-0002/Wilson Estates Development Agreement: On June 11, 2013, the Board of Supervisors declined to provide direction and stated that the applicant could continue working with staff.
- A candidate has been selected for the Assistant Community Development Agency Director-Long Range Planning position and the County is in final negotiations with them.
- FY 2013/2014 budget hearings are this month and the Department's budget is in good shape.

Eileen Crawford/Transportation introduced Bard Lower, Transportation Division Director.

6. COMMISSIONERS' REPORTS

Commissioner Stewart reported that discussions have begun on plans for the old golf course in El Dorado Hills and the Specific Plans for Marble Valley and Lime Rock Valley. He also referenced the El Dorado County Transportation Commission's meeting scheduled for later that day.

Commissioner Heflin stated that signs are starting to pop up again and that the mill continues to be recycled.

Chair Pratt indicated that he has been attending the Shingle Springs Community Alliance meetings and the group has been very proactive in their discussions on community identity. He also stated that the Sac Wheelmen's bike event was going to be this weekend and no signs have been posted. Chair Pratt stated that although he has a standing offer to Transportation to witness the event, his offer continues to go unacknowledged.

9:00 A.M. – TIME ALLOCATION

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

8. **SPECIAL USE PERMIT REVISION (Public Hearing)**

S81-0116-R/El Dorado Hills Fire Department Station No. 84 submitted by EL DORADO HILLS FIRE DEPARTMENT and AT&T MOBILITY (Agents: James O'Camb and Buzz Lynn) to request the following: (1) A revision to a Special Use Permit to replace an existing 4,144 square foot fire station with a new 10,556 square foot fire station, with a 50-foot tall hose drying tower; (2) AT&T cellular communication equipment to be installed on the upper portion of the hose drying tower of the fire station; and (3) Special Use Permits S96-0017 and S96-0017-R to be superseded with this permit. The property, identified by Assessor's Parcel Number 110-010-08, consisting of 0.88 acre, is located on the west side of Francisco Boulevard, approximately one-fourth mile north of the intersection with Green Valley Road, in the El Dorado Hills area, Supervisorial District 1. [*Project Planner: Gina Paolini*] (Categorical Exemption pursuant to Sections 15301(1)(3) and 15302 of the CEQA Guidelines)**

Gina Paolini presented the item to the Commission with a recommendation for approval. She recommended amendments to Condition 1 (correct typo on referenced Special Use Permits to "S95-0017" and "S95-0017-R") and Condition 14 (add language reflecting condition is only applicable to the cell tower).

Chief Jim O'Camb/applicant provided a historical overview of the project and that their philosophy was to build it to last 50 years. He stated that they were incorporating the community aspect (i.e., pedestrian traffic) with the building by providing water fountains and a dog watering area. He also commented on an easement agreement. In response to Commissioner Stewart's inquiry on the tower, Chief O'Camb explained that the proposed tower would only be slightly taller than the existing tower and would also blend in better than the current blue-top tower. He stated that the taller tower was needed as there isn't currently a good area for drying hoses, which is critical in getting a long life out of the equipment.

Debbie Munter inquired on the size and number of trucks anticipated for that site.

Chief O'Camb made the following final comments:

- Number of calls will remain the same until the area starts to grow;
- Number of trucks and current size will remain the same;

- Apparatus bay will be the same configuration, but only bigger as the current size is too small to contain all the equipment;
- Town hall meeting was held approximately 6 months ago at Station 4 and the public was invited to tour the facility;
- Proposed building is being built to accommodate future growth in order to avoid remodeling; and
- Current station was designed to be unisex and accommodations were necessary since there are female firefighters stationed there.

Chair Pratt closed public comment.

There was no further discussion.

Motion: Commissioner Stewart moved, seconded by Commissioner Shinault, and carried (5-0), to take the following actions: 1. Find the project is Exempt from CEQA pursuant to Sections 15301(1)(3) and 15302 of the CEQA Guidelines (Demolition of Commercial Structures and Replacement); and 2. Approve Special Use Permit S81-0116-R based on the Findings and subject to the Conditions of Approval amended as follows: (a) Amend Condition 1 to correct identified error; and (b) Amend Condition 14 to add language reflecting condition was only applicable to the cell tower.

AYES: Heflin, Mathews, Shinault, Stewart, 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 project will have no significant impact on the environment and is exempt from CEQA pursuant to 15301(1)(3) and 15302 of the CEQA Guidelines which allows for the demolition and removal of individual small structures, and the replacement with a new commercial structure. The Special Use Permit would allow for the demolition of the existing fire station and the replacement with a new fires station on the same site; and
- 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 General Plan Policies 2.2.5.21 and 2.2.5.22.**

General Plan Policy 2.2.5.21 requires development projects to be designed to avoid incompatibility with adjoining land uses and Policy 2.2.5.22 requires public facilities be

directed to community regions and rural centers where feasible and designed in a manner that avoids any substantial incompatibility with land uses permitted on adjoining lands. The project site is located within the El Dorado Hills Community Region. A fire station facility was established at the site in 1981 with a Special Use Permit. To avoid any substantial incompatibility with the adjoining residential land uses, while providing the area with needed fire protection services, a retaining wall/sound wall was developed between the uses. The existing fire station will be demolished and be replaced with a modern facility that will provide fire protection services to the community region. There will be no adverse impact to the adjoining properties with the replacement fire station, as the retaining wall/sound wall will remain in its current condition.

2.2 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that adequate water for the use be provided. The current facility is served by public water through the El Dorado Irrigation District. There would be no change with the new facility.

2.3 The project is consistent with General Plan Policy 10.2.1.6.

General Plan Policy 10.2.1.6 directs that provision of new infrastructure and facilities be coordinated with existing infrastructure and facilities to maximize the use of existing facilities capacity. The El Dorado Hills Fire Department (EDHFD) has dealt with limitations at Fire Station 84 for the past 5 years, with the lack of space and the approach into the apparatus bay. The El Dorado Hills Fire Department Board of Directors has proposed to remedy the site issues by utilizing the existing fire station site to maintain response times within the area while building a new modern facility that would meet the safety needs for the next 30 years. By doing this, the plan for the new fire station meets the intent of General Plan Policy 10.2.1.6.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 17.

In accordance with Section 17.28.030.C and 17.14.150 of the County Code, a Special Use Permit may be granted for construction of fire station and hose drying tower within the One-Family Residential (R1) Zone District. The project is consistent with the development standards and parking and landscape buffer requirements.

4.0 ADMINISTRATIVE FINDINGS FOR A SPECIAL USE PERMIT

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

The project is consistent with the General Plan as set forth in Findings 2.1 through 2.3.

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

The proposed use will fit within the context of the surrounding mix of residential and commercial land uses adjacent to the project site and result in insignificant environmental, visual, noise, and traffic impacts to surrounding residents and businesses. Further, the new fire station would provide enhanced fire protection services to the El Dorado Hills community.

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

The proposed use is specifically permitted in the One-Family Residential (R1) Zone District pursuant to Section 17.28.030.C of the County Code which allows public buildings or structures after obtaining a Special Use Permit. In addition, Section 17.14.150 of the County Code allows for exceptions to the height limits, allowing for the 50 foot hose drying tower to be built.

5.0 ADMINISTRATIVE FINDINGS FOR THE WIRELESS FACILITY

5.1 The proposed wireless facility is consistent with Section 17.14.210(D)(1) of the County Code.

The wireless facility will be completely screened from public view and all equipment associated with the use will be contained within the building. The wireless facility is consistent with the provisions established within Section 17.14.210(D)(1) of the County Code, however, because the site will be governed through a Special Use Permit, the wireless facility is subject to the Special Use Permit for the site. The wireless facility will provide a public service to the surrounding community.

Conditions of Approval

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

Exhibit H.....	Site Plan
Exhibit I	Floor Plan
Exhibits J-1 to J-2	Building Elevations
Exhibit N.....	Preliminary Landscaping Plan
Exhibit O.....	Lighting Plan
Exhibit P.....	Photometric Plan
Exhibit Q.....	AT&T Wireless Plans

Any deviations from the project description, exhibits, or Conditions of Approval set forth below 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:

Demolition of the existing 4,144 square foot El Dorado Hills Fire Station No. 84 located at 2081 Francisco Boulevard (Assessor's Parcel Number 110-010-08) and replace with a new station. The new fire station is to be two stories and be 10,556 square feet, with a 50 foot tall training/hose drying tower. The facility will be staffed with one captain, one engineer, one firefighter/paramedic, with the occasional ride along of apprentice firefighters, with room to expand staffing in the future.

Installation of twelve stealthed antennas on the upper portion of the hose drying tower at 42 feet, with a rad center of 47 feet and antenna tips of 50 feet. Additional equipment for the cellular facility will include fifteen remote radio units (RRU), battery rack, telco connection box, 200 amp electrical panel, two in-door air handlers and cable tray. The antennas and associated equipment will be screened and within the confines of the walls of the hose drying tower. Special Use Permits S96S95-0017 and S96S95-0017-R shall be superseded with this permit.

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. **Project Modifications:** Building design and building placement shall be completed in conformance with the plans submitted and in conformance with the Conditions of Approval herein. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require Planning Services review and approval.
3. **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.
4. **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.
5. **Notice of Exemption Fee:** A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services upon project approval.
 6. **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.
 7. **Parking Lot Improvements:** All on-site parking shall comply with the parking lot design standards contained in Section 17.18.030 of the County Code. The required on-site parking shall be provided as shown on the approved Site Plan.
 8. **Parking Lot Landscaping and Buffering:** The applicant shall submit a final landscape plan consistent with the approved landscape plan, prior to issuance of a building permit. Development Services staff shall conduct an on-site inspection to verify compliance with the final landscape plan prior to occupancy.
 9. **Lighting:** All outdoor lighting shall conform to Section 17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation. Development Services shall verify compliance prior to issuance of a building permit.
 10. **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.
 11. **Co-locating:** For co-location purposes, no further review by the Planning Commission shall be required provided that all ground-mounted equipment is located within the building and provided that any one of the proposed carriers installs no more than 12 panel antennas per carrier at any one time, and that all antennas are screened from public view.
 12. **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.

13. **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.
14. **Five-Year Review (Applicable Only to the Cell Tower):** 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.

15. **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.
16. **Payment of Processing Fees-Development Services:** The applicant shall make the actual and full payment of Planning and Building Services processing fees for the Special Use Permit and Building Permits prior to issuance of a Building Permit.

Environmental Management Department – Solid Waste and Hazardous Materials

17. **Green Buildings:** The applicant shall comply with the 2010 Green Building Standards Code (CAL Green) Sections 5.408 and 5.713 and the 2012 Supplement to CAL Green Diversion Requirements.
18. **Trash and Recycling:** The applicant shall provide sufficient space for both trash and recycling dumpsters. All solid waste, including animal waste shall be stored in trash containers with tight fitting lids and hauled from the site at least once every seven days for proper disposal.

19. **Hazardous Materials:** 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 prior to issuance of a Building Permit.

Air Quality Management District

20. **Asbestos Dust:** Current county records indicate this property is located within the Asbestos Review Area. If the project requires more than 20 cubic yards of grading, the project shall adhere to the regulations and mitigation measures for fugitive dust emissions asbestos hazard mitigation during the construction process. An Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction. (Rules 223 and 223.2).
21. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
22. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Architectural Coatings AQMD (Rule 215).
23. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. An applicability flow chart can be found here: http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf. Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
24. **New Point Source:** Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501 and 523)
25. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be under permit from the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

9. 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)* *[continued from 3/28/13, 4/25/13 & 5/9/13 meetings]*

Aaron Mount stated that Seth Griffin was not available today and Tim Closner was going to try to attend. Chair Pratt acknowledged the one neighbor that was in attendance.

Mr. Mount summarized the events of the project and referenced Staff Memo dated June 11, 2013 that contained revised Findings and Conditions, including options for several conditions. In response to Commissioner Stewart's inquiry, staff stated that although they were unaware if the applicants had reviewed the recent Staff Memo, discussions had taken place on the options being presented today and the applicants were aware of the direction staff was heading.

Chair Pratt referenced Val Cook's letter regarding the neighbors conducting a Sound Study Analysis.

County Counsel David Livingston informed the Commission that there was no expiration with a Special Use Permit as it runs with the land and it can only be revoked through the hearing process.

Applicants were not present.

Dave Palm/resident made the following comments:

- Mr. Cook had a family medical emergency and couldn't attend today's hearing;
- Informed the Commission that he had sent an email to the neighbors suggesting it would be better for them to attend the Board hearing than today's hearing as it was likely going to be forwarded on;
- Sound Study Specialist would be in attendance at the Board hearing as neighbors are concerned on the assumptions that were used in the applicant's Noise Study;
- Distributed to the Commission a Mountain Democrat article and a printout of the applicant's website containing comments;
- If he ever sold his house, he would have to disclose being close to a RC track;
- Although applicant appears to want to work with neighbors to resolve issues, the concern lies in the fact that the Special Use Permit runs with the land, therefore, they would like to have safeguards in place;
- It appears that the target audience seems to want the RC track more than the Community Center; and

- There have been no additional conversations with the applicants.

Mr. Mount informed the Commission that County Counsel Livingston was recommending striking out the last two sentences in Condition 5.b.

Commissioner Stewart made the following comments:

- Supports giving the applicants an opportunity to try;
- Discussed his opinion on the available options for several of the Conditions; and
- Wanted clarification if weekend meant Friday, Saturday, Sunday or just Saturday and Sunday.

Commissioner Heflin made the following comments:

- Has turned negative on this project;
- Disappointed that the applicants were not present at today's hearing;
- Fencing and access issues have not been adequately addressed;
- Can't support the Mitigated Negative Declaration due to the noise and safety issues; and
- Recommends denial of the project.

Commissioner Shinault made the following comments:

- Supports the project;
- Commission is not in the business of deciding how high a fence should be;
- Burden is on the applicants to do what they say they are going to do; and
- Discussed his opinion on the available options for several of the Conditions.

Commissioner Mathews made the following comments:

- Agreed with Commissioner Shinault's comments;
- Doesn't want to see the applicant lose the RC track, but does sympathize with the neighbors having to listen to constant buzzing;
- Special Use Permit has the potential to have many violations and this is almost a recipe for failure;
- Videos of previous RC races that had a PA system showed it being used for play-by-play and not for just providing announcements;
- In support of the rezone; and
- Discussed his opinion on the available options for several of the Conditions.

Chair Pratt made the following comments:

- Discussed his opinion on the available options for several of the Conditions;
- Not in favor of a PA system;
- Would like a 1-year review;
- Agreed with Commissioner Heflin's comments on the fence;
- Sound travels in odd ways;
- Keeps changing his mind on this project and, therefore, would not support it as this is not a recipe for success; and

- The RC track may not be the right option to make the Community Center financially stable.

Peter Maurer read into the record proposed language for a new condition requiring a one-year review. He also explained the difference in processing a Code Enforcement issue vs. violations of a Special Use Permit.

Chair Pratt closed public comment.

There was no further discussion.

Motion: Commissioner Stewart moved, seconded by Commissioner Mathews, and carried (3-2), to recommend the Board of Supervisors take the following actions: 1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; 2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the Revised Conditions of Approval and Mitigation Measures as amended; 3. Approve Rezone Z12-0004 based on the Revised Findings; and 4. Conditionally Approve Special Use Permit S11-0007 based on the Revised Findings and subject to the Revised Conditions of Approval amended as follows: (a) Amend Condition 1.C.7 to add “and starting March 1st, the first weekend will be a race weekend and every other weekend (Saturday-Sunday) after that the track shall be closed.”; (b) Amend Condition 2.b to add “and a P/A system shall only be allowed to be used for two weekends each year at the remote control scale race track.”; (c) Amend Condition 5.b to delete the last two sentences; (d) Amend Condition 6 to state “Gates shall be locked during hours of non-operation.”; and (e) Add new Condition requiring a review of the Special Use Permit by the Planning Commission no later than January 2015.

After the motion but prior to the vote, Commissioner Heflin voiced public safety concerns, noise mitigation issues and that the Mitigated Negative Declaration was not sufficient. Commissioner Mathews indicated that he liked the motion because the track had been there 17 years.

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

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 pursuant to Section 66472.1 of the California Government Code:

1.0 CEQA FINDINGS

1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated

Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.

- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.2.a The Planning Commission finds that the revised mitigation proposed by the Commissioners for the reduction of noise related to the use of a public address system has been determined to be equivalent and more effective in mitigating potentially significant impacts, as permitted by CEQA Section 15074.1 (b)(2). This change has been made a condition of the project and, therefore, the Mitigated Negative Declaration can be modified without re-circulation.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 The project is consistent with the Medium Density Residential (MDR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project consists of a zone change to RF, which is consistent with General Plan Table 2.4, and an existing community center and a remote control car race track, which is consistent with the allowed uses for the RF Zone District with an approved Special Use.
- 2.2 As conditioned, mitigated and with adherence to County Code, the project is consistent with all applicable Policies of the General Plan, including:
 - 2.2.1 2.2.5.3 (rezone criteria) because the project was analyzed for water and wastewater capacity, critical flora and fauna areas, wetland impacts, transportation, existing land use pattern and historical and archeological resources;
 - 2.2.2 2.2.5.21 (compatibility with surroundings) because the project has been a community center since 1951 and is an asset to the community and the County and because noise issues related to the remote control car race track have been mitigated;

- 2.2.3 6.5.1.7 (noise from non-transportation source), because the project has been mitigated to reduce potential noises from the remote control race car track;

3.0 ZONING FINDINGS

The existing and proposed community and recreational facility and anticipated uses are consistent with the Recreational Facilities zone district under Section 17.48.060 and applicable standards in Title 17. Conditions of approval and mitigation measures are imposed to ensure implementation of the project occurs in an orderly and safe manner, consistent with all applicable development standards of Title 17 and General Plan policies. The zone change can be found to be a benefit to the Rescue community and the County.

4.0 ADMINISTRATIVE FINDINGS FOR A SPECIAL USE PERMIT

- 4.1 The issuance of the permit is consistent with the General Plan as set forth in Section 2.2.
- 4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood because as conditioned and mitigated, the potential noise from the race track will be reduced to a less than significant level and will provide a project compliant with applicable County Codes, as well as those of the Rescue Fire Department.
- 4.3 The proposed use is specifically permitted by Special Use Permit pursuant to Zoning Ordinance 17.48.060.D, subject to the approval of the rezone to Recreational Facilities.

Conditions of Approval

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

- Exhibit ESite Plan
- Exhibit IApplicant Submitted Project Description

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:

Rezone of parcel APN 069-160-16 from Estate Residential Five –Acre (RE-5) to Recreational Facilities (RF).