

**COUNTY OF EL DORADO  
PLANNING AND BUILDING DEPARTMENT  
ZONING ADMINISTRATOR  
STAFF REPORT**



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| <b>Agenda of:</b> | December 19, 2018 |
| <b>Item No.:</b>  | 5.a.              |
| <b>Staff:</b>     | Alex Guilbert     |

**MINOR USE PERMIT**

**FILE NUMBER:** MUP18-0004/PG&E Security Fencing

**APPLICANT:** John Traugher/Roebbelen

**OWNER:** PG&E

**REQUEST:** Minor Use Permit request to allow installation of a replacement security perimeter fence around a PG&E Service Center, consisting of:

- a. The installation of ten foot tall black wrought iron fence (Exhibit F) installed along the Missouri Flat Road and Enterprise Drive frontages (Exhibit G);
- b. The installation of an approximately eleven foot tall security fence consisting of a ten foot tall chain link fence topped with razor wire wrapped around three strands of barbed wire (Exhibit F) along the rest of the perimeter (Exhibit G);
- c. The installation of a slurry barrier (concrete strip) within six inches of the fence line; and
- d. The planting of 15-gallon toyon (*Heteromeles arbutifolia*) as vegetative screening around the corner of Missouri Flat Road and Enterprise Drive (Exhibit J).

**LOCATION:** The project site is located at 4636 Missouri Flat Road, on the west side of Missouri Flat Road, between Enterprise Drive to the north, and Commerce Way and Pleasant Valley Road to the south. The site is approximately 200 feet west of the intersection with Missouri Flat Road, in the Diamond Springs area, Supervisorial District 3. (Exhibit A)

**APN:** 329-270-10 (Exhibit B)

**ACREAGE:** 16.7 acres

**GENERAL PLAN:** Industrial (I) (Exhibit C)

**ZONING:** Industrial Light (IL) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to 15301(b) (Existing Facilities) of the CEQA Guidelines involving minor alteration of existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.

**RECOMMENDATION:** Staff recommends the Zoning Administrator take the following actions:

1. Find that the project is Categorically Exempt pursuant to California Environmental Quality Act Section 15301(b); and
2. Approve Minor Use Permit MUP18-0004 based on the Findings and subject to the Conditions of Approval as presented.

## **EXECUTIVE SUMMARY**

Approval of this Minor Use Permit would allow the installation of new security fencing around the perimeter of the PG&E service center located at 4636 Missouri Flat Road in the Diamond Springs area. Ten foot tall black wrought iron fencing will be installed along the Missouri Flat Road and Enterprise Drive frontages, and an approximately eleven foot tall security fence consisting of a ten foot tall chain link fence topped with razor wire wrapped around three strands of barbed wire along the rest of the perimeter. A slurry barrier (concrete strip) will be poured within 6 inches of the fence line to prevent digging under the fence.

Installation of a security fence requires a minor use permit to ensure evaluation of site design and compatibility with adjacent land uses. Staff has determined that the proposed project is consistent with the El Dorado County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

## **PROJECT INFORMATION**

**Site Description:** The project site is located at 4636 Missouri Flat Road, on the west side of Missouri Flat Road, between Enterprise Drive to the north, and Commerce Way and Pleasant Valley Road to the south, in the Diamond Springs area. It is surrounded by light industrial uses to the north and west, and commercial to the east and south. The parcel lies at approximately 1,800 feet above mean sea level. The property is approximately 16.7 acres and was purchased by PG&E in 1974 followed by construction of the service center facility. The current improvements and uses on the property include a customer service center, electric substation, and equipment storage.

**Project Description:** The project would allow the replacement of an approximately 9 foot tall security fence consisting of an 8 foot tall chain link fence topped by three strands of barbed wire

around the perimeter of the PG&E service center located at 4636 Missouri Flat Road in the Diamond Springs area. The new fencing will consist of a ten foot tall black wrought iron fence installed along the Missouri Flat Road and Enterprise Drive frontages, and an approximately eleven foot tall security fence consisting of a ten foot tall chain link fence topped with razor wire wrapped around three strands of barbed wire along the rest of the perimeter. The total length of fence is approximately 3,495 linear feet (lf), composed of 1,034 lf of wrought iron, and 2,461 lf of 3/8 mini-mesh chain link. The new replacement fence will approximately be located in the same footprint as the previous fence. A slurry barrier (concrete strip) will be poured within 6 inches of the fence line to prevent digging under the fence.

PG&E is attempting to address concerns about vandalism, theft of metal and/or equipment, and intruders, as expressed in two documents produced by the federal government which PG&E is reacting to, with this project: the *National Electric Grid Security and Resilience Action Plan*<sup>1</sup> and *NIPP 2013: Partnering for Critical Infrastructure Security and Resilience*<sup>2</sup>.

The past standard for fencing at PG&E facilities included an 8 foot tall fence topped with three strands of barbed wire. PG&E's new security standards to prevent injury and theft, as well as prevent terrorist access to their service locations is a ten foot tall chain link fence topped with razor wire. A slurry barrier, concrete strip, will be placed within 6 inches of the fence line as an impediment for anyone trying to gain access by digging under the fence. PG&E notes that their service centers offer potential access weak spots to the electrical grid of California, PG&E's linemen and gas supervisors are the first responders to all electrical service or gas utility emergencies while working side-by-side with local law enforcement to keep them safe, and PG&E has very specialized and expensive equipment that needs to be safely stored to allow for emergency response.

## CONSISTENCY

As discussed in the findings section below, the project conforms with General Plan policies regarding land use compatibility, site adequacy, and agriculture promotion, as well as all Zoning Ordinance provisions including consistency with applicable development standards.

The project was found to be consistent with the Industrial (I) land use description defined by the General Plan. The project is consistent with the Industrial-Light (IL) zoning designation, minimum lot size, dimensions, building height, and building setbacks. Construction of the project will entail removal of oak trees. An arborist report was submitted identifying trees to be removed and proposed an in lieu mitigation fee consistent with the Zoning Ordinance. General Plan and Zoning consistency are thoroughly described in the Findings section of this report.

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[https://www.whitehouse.gov/sites/whitehouse.gov/files/images/National\\_Electric\\_Grid\\_Action\\_Plan\\_06Dec2016.pdf](https://www.whitehouse.gov/sites/whitehouse.gov/files/images/National_Electric_Grid_Action_Plan_06Dec2016.pdf)

2

[https://www.dhs.gov/sites/default/files/publications/NIPP%202013\\_Partnering%20for%20Critical%20Infrastructure%20Security%20and%20Resilience\\_508\\_0.pdf](https://www.dhs.gov/sites/default/files/publications/NIPP%202013_Partnering%20for%20Critical%20Infrastructure%20Security%20and%20Resilience_508_0.pdf)

The application was reviewed by several jurisdictional agencies, including the: El Dorado County Sheriff's Office; Diamond Springs/El Dorado Fire Protection District; State of California Public Utilities Commission, and the State of California Energy Commission.

The project was reviewed by the Diamond Springs/El Dorado Community Advisory Committee on October 18, 2018. The Advisory Committee's concerns were addressed by the applicant through project revisions involving the installation of the wrought iron fence section along Missouri Flat Road, consistent with the Missouri Flat Corridor Design Guidelines.

A building permit is required to install the fence, and an administrative permit will be required prior to oak tree removal. The applicant submitted building permit 303878 on September 27, 2018.

## **ENVIRONMENTAL REVIEW**

The project has been found to be Categorically Exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to 15301(b) (Existing Facilities) involving minor alteration of existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services. The project entails replacing an existing security fence at a PG&E service center in order to improve security protection measures of the facility.

A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption (NOE). The filing of the NOE is optional; however, not filing the NOE extends the statute of limitations for legal challenges to the project from 35 days to 180 days.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Findings  
Conditions of Approval

Exhibit A .....Location Map  
Exhibit B .....Assessor's Plat Map  
Exhibit C .....General Plan Land Use Map  
Exhibit D .....Zoning Map  
Exhibit E .....Aerial Map  
Exhibit F .....Site Plan, Existing Fencing  
Exhibit G .....Site Plan, Proposed Fencing  
Exhibit H .....Fence Elevations  
Exhibit I .....Arborist Report  
Exhibit J .....Fence Screening Plan

# **FINDINGS**

## **Minor Use Permit MUP18-0004/PG&E Security Fencing Zoning Administrator/December 19, 2018**

### **1.0 CEQA FINDINGS**

- 1.1 The project has been found to be Categorically Exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to 15301(b) (minor alteration of existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services), because the project entails replacing existing fencing at a PG&E service center.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Planning and Building Department at 2850 Fairlane Court, Placerville, CA.

### **2.0 GENERAL PLAN FINDINGS**

#### **2.1 The proposed use is consistent with General Plan Policy 2.2.1.2.**

Industrial (I) “The purpose of this land use category is to provide for a full range of light and heavy industrial uses. Types of uses that would be permitted include manufacturing, processing, distribution, and storage. Incompatible, non-industrial uses, excluding support services, shall be discouraged. Industrial lands in Rural Regions may have uses which support agriculture, timber resource production, mineral extraction, or other resource utilization. This designation is considered appropriate within Community Regions, Rural Centers, and Rural Regions.”

Rationale: The project is consistent with the Industrial (I) land use descriptions defined by General Plan Policy 2.2.1.2. The project proposes replacement security fencing around an existing PG&E service center, consisting of a service center, equipment storage, and the Diamond Springs substation. The Industrial land use designation supports industrial activity. A replacement security fence around the existing PG&E service center is an ancillary feature of the facility and consistent with the intent of the Industrial land use designation.

#### **2.2 The proposed use is consistent with General Plan Policy 2.2.5.2.**

“All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by

modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.”

Rationale: The project has been reviewed in accordance with General Plan Policy 2.2.5.2 and has been found to be consistent with all applicable policies of the General Plan. As conditioned, the proposal is consistent with the intent of the General Plan, as determined within the General Plan Findings.

### **3.0 ZONING FINDINGS**

#### **3.1 The proposed use is consistent with Title 130.23.**

The Industrial-Light (IL) zone is applied to lands for manufacturing and associated retail or service activities, wholesaling, and other industrial uses, where the primary activity is conducted within a building or buildings, or in outdoor storage or activity areas.

Rationale: The parcel is zoned Industrial-Light (IL). The Zone matrix of allowed uses and permit requirements establishes those uses that are permitted and those that require approval by a Conditional Use Permit in the IL zone district. The matrix includes public utility service facilities, which are allowed by Conditional Use Permit with reference to Table 130.40.250 (Public Utility Infrastructure).

The project has been analyzed in accordance with Zoning Ordinance Section 130.23.030 (Development Standards) for minimum lot size, dimensions, building height, and building setbacks. The project, as proposed, is consistent with the Zoning Ordinance because the project will comply with building setbacks and other applicable standards.

#### **3.2 The proposed use is consistent with Section 130.27.050: Design Review, Missouri Flat Design Guidelines**

The project site is located within the Missouri Flat Design Guidelines project study boundary. The Guidelines state “where security fencing is required, it should be wrought iron grillwork in combination with solid pillars or short, solid wall segments.”

Rationale: The project was reviewed by the Diamond Springs/El Dorado Community Advisory Committee at their meeting on October 18, 2018. The Advisory Committee expressed concerns regarding the initial proposal of chainlink fence topped with barbed and razor wire along the Missouri Flat Road frontage, and the removal of oak trees near the corner of Missouri Flat Road and Enterprise Drive which provided vegetative screening of the fence. In response to the concerns of the Advisory Committee, the project has been redesigned to use wrought iron fencing without barbed or razor wire along the Missouri Flat Road and Enterprise Drive frontages, and will include the planting of eleven 15-gallon toyon (*Heteromeles arbutifolia*) as vegetative screening around the corner of Missouri Flat Road and Enterprise Drive. These changes are reflected in the current set of plans (Exhibits G and H) and the fence screening plan (Exhibit J), and have also been included in the Conditions of Approval.

**3.3 The proposed use is consistent with Section 130.39.070 – Oak Tree and Oak Woodland Removal Permits – Discretionary Development Projects.**

Section 130.39.070.A “Oak tree and oak woodland removal permits. An oak tree and/or oak woodland removal permit shall be a component of all discretionary projects with impacts to oak resources as defined by Chapter 130.39.”

Section 130.39.070.C “Mitigation requirement. Impacts to oak resources on a property subject to a discretionary approval shall be addressed in the discretionary application review process and shall be incorporated as conditions of project approval.”

Rationale: Replacement of the existing fence, and installation of the slurry barrier, will involve the removal of oak trees. The applicant has submitted an arborist’s report (Exhibit I) prepared by Eric Mullin, ISA Certified Arborist WE-9864A identifying trees to be removed and proposed an in lieu mitigation fee consistent with Section 139.39. The trees to be removed consist of three interior live oak and three valley oak ranging in diameter at breast height (dbh) from 6 to 24 inches.

The total cumulative dbh of the trees to be removed is 133 inches. The total acreage of the proposed removals is 2.4% of the total existing acreage of oak woodland on the site. The mitigation rate for this percentage is a 1:1 ratio according to Table 3 of the Oak Resources Management Plan (ORMP). According to the El Dorado County Oak Resources In-Lieu Fees Nexus Study, Figure 6.1, the Cost Per Diameter Inch is \$153.00.

At a 1:1 ratio of 133 inches dbh of qualifying removals multiplied by \$153.00 per inch, the in-lieu mitigation fee for the proposed removals would amount to: \$20,349.00.

If, during the course of the project, it is determined that additional oak trees must be removed, their removal shall be preceded by approval of an Administrative Permit for oak tree removal.

**3.4 The project is consistent with Section 130.52.020: Special Findings for Minor Use Permits**

Section 130.52.020 In addition to findings of consistency with the requirements and standards of the El Dorado County Ordinance Code, the review authority shall make the following findings before approving a Minor Use Permit application:

1. The proposed use is consistent with the General Plan;
2. The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood; and
3. The proposed use is specifically allowed by a minor use permit pursuant to the Ordinance Code.

Rationale:

1. As discussed above in Section 2.0, General Plan Findings, the Minor Use Permit is consistent with the applicable policies and requirements in the El Dorado County General Plan.
2. The use will not conflict with surrounding uses. The proposed use will comply with the Development Standards of the IL zone district. The proposed use is consistent with the surrounding land uses which include light industrial uses, a gas station, and mini-storage service center. The project is not expected to result in any changes to the current condition of the site. As conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding area.
3. Security fencing around a utility company service center is allowed as an accessory use pursuant to Section 130.40.030.A. Section 130.40.030.A states that “in addition to the principal use or uses expressly established for the zone, each use shall include such accessory uses which are customarily associated with the principal use(s).”

## CONDITIONS OF APPROVAL

### **Minor Use Permit MUP18-0004/PG&E Security Fencing Zoning Administrator/December 19, 2018**

#### **Planning Services**

1. This Minor Use Permit is based upon and limited to compliance with the project description, the Site Plan (Exhibit G), Elevations (Exhibit H), Fence Screening Plan (Exhibit J) and the Conditions of Approval set forth below.

The project description is as follows:

A Minor Use Permit to install new security fencing at the PG&E service center located at 4636 Missouri Flat Road in the Diamond Springs area consisting of:

- e. The installation of ten foot tall black wrought iron fence (Exhibit F) installed along the Missouri Flat Road and Enterprise Drive frontages (Exhibit G);
- f. The installation of an approximately eleven foot tall security fence consisting of a ten foot tall chain link fence topped with razor wire wrapped around three strands of barbed wire (Exhibit F) along the rest of the perimeter (Exhibit G);
- g. The installation of a slurry barrier (concrete strip) within six inches of the fence line;
- h. The planting of 15-gallon toyon (*Heteromeles arbutifolia*) as vegetative screening around the corner of Missouri Flat Road and Enterprise Drive (Exhibit J).

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.

2. **Hold Harmless:** 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 subdivision, which action is brought within the time period provided for in Section 66499.37.

El Dorado County shall notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense.

3. Oak Tree Removal: Prior to issuance of a building or grading permit and removal of any oak trees, an Administrative Permit application for oak tree removal shall be submitted and approved by the Planning Services division. Oak tree removal shall be consistent with the arborist's report prepared by Eric Mullin, ISA Certified Arborist WE-9864A dated September 26, 2018 (Exhibit I). The plan identifies appropriate mitigation measures in accordance with the Oak Resources Management Plan (ORMP). In-lieu mitigation fees, in the amount of \$20,349.00 shall be submitted to Planning Services prior to issuance of building and grading permits. Any oak tree removal beyond those identified in the September 26, 2018 arborist report, shall require submittal of an addendum to that report and appropriate mitigation.
4. Landscape Vegetation Screening: Vegetation screening shall be installed pursuant to the fence screen plan (Exhibit J). Screening vegetation shall be maintained by the property owner.