



EL DORADO COUNTY PLANNING SERVICES

John Knight..... District I
John MacCready..... District II
Dave Machado..... District III
Chris Chaloupka District IV
Alan Tolhurst..... District V
Jo Ann Brillisour..... Clerk of the Commission

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MINUTES

Regular Meeting of the Planning Commission February 23, 2006 – 8:30 A.M. BUILDING C HEARING ROOM 2850 Fairlane Court, Placerville, CA

1. CALL TO ORDER

Chair Knight called the meeting to order at 8:37 a.m. The following persons were in attendance: Commissioners Mac Cready, Machado, Chaloupka, Tolhurst, and Knight; Paula F. Frantz, County Counsel; Peter N. Maurer, Deputy Director of Planning; Roger Trout, Principal Planner; and Jo Ann Brillisour, Clerk to the Planning Commission.

2. ADOPTION OF AGENDA

ON MOTION OF COMMISSIONER CHALOUPKA, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE AGENDA, WITH ADDENDUM.

3. PLEDGE OF ALLEGIANCE

A Pledge of Allegiance was given by the Commission and those persons in the audience.

4. CONSENT CALENDAR (All items on the Consent Calendar were approved by one motion unless a Commission member requested separate action on a specific item.)

a. Minutes: February 9, 2006

ON MOTION OF COMMISSIONER MACHADO, SECONDED BY COMMISSIONER CHALOUPKA AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE THE CONSENT CALENDAR.

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS

These items were considered during the day as time permitted.

Peter Maurer said the department is still recruiting for Senior Planners and having a difficult time because of the pay scale. There are several individuals that will be starting in the next few months. The pay scale is currently being reviewed.

Mr. Maurer said we really need to begin the General Plan implementation process. Staff has been reviewing the policies of the General Plan. Where there are problems with the interpretation or there is some inconsistency, those items will be brought before the Commission for an interpretation over the next several hearings.

Commissioner Tolhurst spoke about the Forest Service and the sale of some of their lands. The Forest Service has purchased a great deal of land in the Tahoe area, and now Tahoe cannot build the low cost housing they had planned for the casino employees in the Urban Community Area or expand the Urban Community. Mr. Maurer said if a developer did purchase such properties, there would have to be a general plan/zoning boundary amendment for those properties. He spoke about a recent law passed in California where Timberland Preserve Zoning could be transferred to other comparable properties.

Commissioner Machado talked about time and materials costs. If an opponent comes in, the applicant is charged for the time. When does the opponent get charged? Mr. Maurer said there has been no abuse to date. If there should be such an abuse, a policy would be developed.

Commissioner Machado said if the Commission is going to talk about multifamily land that includes low cost housing, he would like to have a workshop on the issue.

6. COMMISSIONERS' REPORTS - None

PUBLIC FORUM/PUBLIC COMMENT - None

7. FINDING OF CONSISTENCY (Public Hearing)

a. Request submitted by EL DORADO COUNTY GENERAL SERVICES for a finding of consistency with the General Plan on the relocation of the County animal shelter to a 10-acre portion of Assessor's Parcel Numbers 331-620-01 and -02, located south of the California Department of Forestry fire station, on the south side of Mother Lode Drive at the Pleasant Valley Road intersection (El Dorado "Y"), in the **Diamond Springs/El Dorado area.**

Roger Trout presented this item in the absence of Peter Maurer. The plans are preliminary; however, staff does believe the request is consistent with the General Plan.

Commissioner Chaloupka said the way the contours are drawn on the map showing the parcels, it appears the facility is located on the top of a hill with steep slopes. Mr. Trout said the light lines are the existing topography, and the dark lines are the new topography. There is a restriction in the General Plan for no more than 30 percent slope.

Commissioner Tolhurst said apparently they would be going across another property. He assumes there will be an easement in perpetuity. Mr. Trout said if the property is acquired, the necessary easements will be obtained.

George Sanders, General Services, said there was an aerial done on the property not long ago, and the contours are accurate. The property is not that steep. The structure is well outside the steep portion of the property. They are currently in the process of completing a purchase agreement with this property owner, and there will be an easement into the facility. Adequate access dedicated to this facility.

Commissioner Chaloupka asked about the future. Is there a possibility this property will be surrounded by development? Mr. Sanders said they are proposing a new animal control facility that will be state-of-the-art. Under the new design, noise will be a minimum. The California Department of Forestry generates a lot of noise from their facility which is operated 24 hours a day. This site has a natural buffer.

Henry Brzezinski, Animal Control, said they have addressed the noise issues from the beginning. They will be going to an indoor facility. There will be an interior courtyard around the exterior of the facility. Their prime focus has been noise, and they are very aware of their neighbors.

Commissioner Chaloupka asked if the topography would be a hindrance to future expansion. Mr. Sanders believes they can fit everything in with the existing topography.

Barbara Lee, Board member of PAWED, said their organization is very supportive of the site before the Commission today. Both George Sanders and Animal Control have done a lot of work focusing in on this site. They feel it is very appropriate for a new facility to serve the western slope.

There was no further input.

Commissioner Mac Cready asked what would happen to the current site. Mr. Sanders said the current site is located at the Wastewater Plant for the City of Placerville. The City is going to have to do some very expensive upgrades to their plant. The County lease expires in two years. The current site will be used for the infrastructure for the plant. Commissioner Machado said the current site is about one acre, and they have a difficult time when they have to pick up large animals. He feels this is a very appropriate site.

Commissioner Machado asked if Road A and B is going to be built by the County. Mr. Sanders said both Road A and B would be built by the County under the current purchase and sales agreement. Commissioner Machado said this is a very centrally located site. This is a good move for the County.

Chair Knight reopened the public hearing.

Marty Morris asked if the County is in possession of property at the present that could facilitate this project. Mr. Sanders said one site the County looked at was the Union Mine Landfill. That

site would not be the best site financially. Ms. Morris does not believe there is easy access. There should be a signal. She asked the plans for this intersection. Mr. Sanders explained some of the improvements that have been made. The access is to the east of the Mother Lode intersection. Ms. Morris asked how many employees will be going in and out of the facility. Mr. Brzezinski replied that currently Animal Control has 22 employees which will probably increase to approximately 26. Ms. Morris is concerned about safety. She wants to know what the plan is for the traffic. Have there been any studies for the existing animals on the property, the use of water for the site, and how it will affect other property owners in the area? Mr. Sanders said the County will not be purchasing the property on March 7. There are other actions that must take place first. If the Commission finds the request consistent with the General plan, the item will be before the Board with a CEQA document that will address each of these issues. The water will be supplied by EID. Commissioner Chaloupka asked if the CEQA document has been prepared. Mr. Sanders said the document has not been prepared yet. Commissioner Chaloupka feels other possible sites should be included in the document.

Commissioner Machado explained what was previously approved for this site. The proposal is a lot less dense than what was originally approved.

Mr. Sanders said the source of water would be through EID.

Commissioner Machado asked if there has been a biological study done for displacement of existing animals on the site. Mr. Sanders said there have been no studies yet. That would be part of the discussion in the CEQA document.

Commissioner Machado asked if a middle turn lane has been discussed. Would there be any right-of-way taken for such a lane? Mr. Sanders said the lanes would be routed through the Department of Transportation for their comments.

Commissioner Machado explained all that is being done today is a finding of consistency. Traffic will be analyzed as well as wildlife, water, etc. He asked that Ms. Morris keep informed on the project, as it will be back before the Commission and Board at a later date.

There was no further input.

Commissioner Mac Cready said there is a stream on the property. Have any studies been done on that stream? Mr. Sanders said that will be included in the CEQA document. The sales agreement will go back before the Board, but no date has been set. Paula Frantz, County Counsel, said any County project is subject to a CEQA document. That must be done prior to purchase of the property. There is a separate requirement in the Government Code that states before the County purchases the property there must be a determination that the purchase is consistent with the Goals and Policies of the General Plan. Today, the Commission is making a determination on policy consistency. The actual facility will be addressed in the CEQA document.

ON MOTION OF COMMISSIONER MACHADO, SECONDED BY COMMISSIONER CHALOUPKA AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE

RELOCATION OF THE COUNTY ANIMAL SHELTER TO A PORTION OF ASSESSOR'S PARCEL NUMBERS 331-620-01 AND -02 CONSISTENT WITH THE COUNTY GENERAL PLAN.

b. Request submitted by the MOTHER LODE UNION SCHOOL DISTRICT for a finding of consistency with the General Plan on a property acquisition by the Mother Lode Union School District. The properties, identified by Assessor's Parcel Numbers 331-301-07 and -08, consisting of approximately 9.72 acres, are located on the east side of Oakdell Road, 1,000 feet south of Pleasant Valley Road, in the El Dorado area. (Exempt pursuant to Section 15060 of the CEQA Guidelines)

Jason Hade presented this item with a recommendation the Commission find the request consistent with the General Plan.

Bill Wright, representing the school district, fully supported the staff report and was available for questions. They are currently in escrow to obtain the site.

Commissioner Machado asked if this would be analyzed any differently if it were coming in as a school rather than expansion of the parking lot and ball fields. Paula Frantz, County Counsel, said any further expansion of building on the site would come back for a finding of consistency. Schools must come to the Commission for an advisory action. However, the school board can override any action of the County. There are many State requirements that the school district must also follow. Mr. Wright said the acquisition or disposal of a site would come before the Commission, but he does not believe expansion of an existing school would. Expansion of the school would have to go through their CEQA process and the State process.

Commissioner Machado is concerned about possible traffic problems at an intersection that already has problems. Could the expanded school be made to contribute to the road improvements? Mr. Wright said they would have to go through the CEQA process. Their philosophy is that they do not create the growth. They respond to it. They have not fully assessed how they will use this site. There are traffic issues on Pleasant Valley Road. They see this as an ability to alleviate some of those traffic issues. They have not done a full traffic analysis. When they determine how they will use the site, he feels they should look at these impacts and coordinate with the County.

There was no one in the audience wishing to give input.

Commissioner Machado said it would be ironic if the church sells to the school district and to one other entity, and the church ends up having to pay for the improvements when their project comes in.

ON MOTION OF COMMISSIONER CHALOUPKA, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE PROPERTY ACQUISITION BY THE MOTHER LODE UNION SCHOOL DISTRICT (ASSESSOR'S PARCEL NUMBERS 331-301-07 AND -08) CONSISTENT WITH THE COUNTY GENERAL PLAN.

8. SPECIAL USE PERMITS (Public Hearing)

a. **S05-0036** submitted by FIRST BROADCASTING SACRAMENTO, LLC (Agent: Jessie Yang) to allow the construction of a 160-foot tall metal lattice tower for FM radio transmission on property, identified by Assessor's Parcel Number 093-250-23, consisting of 20.233 acres, located on the west side of Mehwald Lane, approximately 0.3 mile northwest of the intersection with Grizzly Flat Road, in the **Somerset area**. (Negative declaration prepared)

Tom Dougherty presented this item with a recommendation for conditional approval.

Commissioner Tolhurst commented on the fact that lighting is not required on towers less than 200 feet in height. Mr. Dougherty said the conversation he had with Caltrans was that they do not have to have a light but could if they wanted.

Commissioner Mac Cready asked why these towers are allowed to go up so high when the Verizon towers cannot. Mr. Dougherty said he is not aware of any restriction on the height of a cell tower. There have been some approved at 160 feet. Commissioner Mac Cready asked what area this FM tower is going to serve. Mr. Dougherty said when he researched these types of towers in the County, this tower is actually shorter than the other towers. Paula Frantz, County Counsel, said the technology for radio antennas, FM and AM antennas, etc. are different. Generally, radio antennas need to be taller to reach the necessary bands. Roger Trout referred the Commission to Exhibit G. He read a portion of the letter from Taylor and Wiley, who represent the applicant, explaining the need for the proposed height of the tower.

Jim Wiley explained the differences between FM and cell towers. They tried to do collocation but had problems with interference.

Commissioner Tolhurst asked the potential for putting cell towers lower on their tower. Mr. Wiley said they have such a requirement on this permit. Other antennas must be eight feet lower.

There was no further input.

ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER CHALOUPKA AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE NEGATIVE DECLARATION, AS PREPARED, AND APPROVE S05-0036 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

Findings

Special Use Permit S05-0036 has been requested by First Broadcasting Sacramento, LLC for the purpose of constructing of a 160-foot tall metal lattice tower with two, two-bay FM radio antennas mounted at 160 and 150 feet respectively, and a four-foot diameter microwave antenna mounted at 60 feet above ground level. Also included is a 12 by 12 foot pre-fabricated concrete shelter, backup generator, heating/air conditioning/ventilation unit and other associated ground

support equipment within a 40 by 25-foot lease area, enclosed by six-foot tall, brown-slatted chain link fence with barbed wire atop. The special use permit shall only be approved or conditionally approved if all of the following findings are made:

1. The proposed project will not have a significant effect on the environment, based on the analysis contained in the Initial Study, and a Negative Declaration has been filed. Further, the project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91) is applicable.
2. The proposed use is consistent with the policies in the El Dorado County General Plan, because the applicant has designed the FM transmission facility in compliance with County regulations, addressing aesthetics, environmental issues, and health and safety concerns, as required by the General Plan.

The proposed site currently supports a single-family residence. First Broadcasting Sacramento, LLC proposes an FM radio transmission tower and antennas to provide enhanced radio service within the El Dorado County area. The main use of the site is for residential purposes. The FM transmission facility would be incidental to the main residential use of the property when developed. The design of the steel lattice tower and location on the site has been carefully considered, and will blend with the surroundings as best as possible for a tower for the intended purpose. Therefore, it is found that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan, and is consistent with the development standards contained within the El Dorado County Zoning Ordinance. It can be found that the project, as conditioned, conforms to the General Plan.

3. The use is found to comply with the requirements of County Code Section 17.14, Wireless Communication Facilities, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report.

This is a new tower proposal designed as an FM transmission facility which is allowing for potential future collocation, which is encouraged by the County. To address maintenance issues, the applicant proposes to have a technician service the facility and equipment approximately once or twice a month to ensure proper performance of the facility. It is found that the use will not conflict with the adjacent uses, and will provide a benefit to the area for increased radio reception service. After review of the submitted site plan and visual simulations it has been determined that the proposed project meets the standards contained in Section 17.14.200 F through J of the County Code. The aesthetic impacts associated with the project have been fully considered. There will be a discernable visual impact from the addition of the radio tower in the Somerset area but the thin lattice tower does not stick out like a building or even tall trees. The lattice tower color will be non-reflective and due to the hilly terrain and abundance of trees in the vicinity, the visibility of the tower will be obscured or minimized.

Conditions

El Dorado County Planning Services

1. The project, as approved, consists of the following:

Construction of a 160-foot tall metal lattice tower with two, two-bay FM radio antennas mounted at 160 and 150 feet respectively, and a four-foot diameter microwave antenna mounted at 60 feet, all above ground level. Also included is a 12 by 12 foot pre-fabricated concrete shelter, backup generator, heating/air conditioning/ventilation unit, and other associated ground support equipment within a 40-foot by 25-foot lease area, enclosed by 6-foot tall, brown-slatted chain link fence with barbed wire atop with a 12-foot wide gated entrance. The equipment shelter and other associated ground equipment within the lease area are to be painted with a brown, non-reflective paint to match the fence slats. The light proposed to be located above the door will be controlled by a motion detector. Electricity and telecommunications service will be accessed by an approximate 120-foot underground ditch to an existing power pole to the north of the lease area. The project will be served by a 12-foot wide access road constructed to SRA Fire Safe standards.

2. All site improvements shall conform to the site plans and elevations attached as Exhibit D.
3. For collocation purposes, no further review by the Planning Commission shall be required provided that all ground mounted equipment is located within the existing leased area and provided that no more than four antennas are placed on the pole at any one time
4. All equipment shelters, cabinets, or other auxiliary structures shall be painted in a color matching the slats required to be installed on the fencing and the fencing shall touch dirt level on all four sides to prevent entry underneath.
5. The outdoor lighting shall conform to § 17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services. The lighting shall be controlled by motion detectors.
6. All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. The steel tower and the associated antennas and microwave dishes shall be non-reflective.
7. The applicant shall assume full responsibility for resolving television reception interference, if any, caused by operation of this facility. The applicant shall take

- corrective action within 30 days of receipt by Planning Services of any written television interference complaint.
8. 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 FM radio transmission facility shall be restored to pre-project condition.
 9. Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to: (1) Modify the conditions of approval in order to reduce identified adverse impacts; and (2) Initiate proceedings to revoke the special use permit, requiring the removal of the facility, if it is no longer an integral part of the wireless communication system. By operation of this condition, it is the intent of the Planning Commission to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Planning Commission to conduct or complete a five-year review in a timely fashion shall not invalidate this special use permit. The applicant shall pay a fee as determined by the Deputy Director of Planning to cover the cost of processing a five-year review.
 10. The project shall comply with all applicable requirements contained in Title 14 Natural Resources, Division 1.5-Department of Forestry, Chapter 7-Fire Protection, Subchapter 2 SRA Fire Safe Regulations, Articles 1-5.
 11. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.
 12. In the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
 13. Pursuant to Resolution No. 240-93, a \$35.00 processing fee is required by the County Recorder to file the Notice of Exemption.

El Dorado County Building Services

14. Project facilities shall be subject to issuance of a building permit from the El Dorado County Building services.

El Dorado County Department of Environmental Management, Hazardous Materials Division

15. Under the Certified Unified Program Agency (CUPA) programs, if the operation will involve the storage of reportable quantities of hazardous materials for backup power generation, a hazardous materials business plan for the site must be submitted to the department and applicable fees paid.

El Dorado County Air Quality Management District

16. If the project construction will involve grading and excavation operations which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust, then District Rules 223, 223.1 and 223.2, which address the regulations and mitigation measures for fugitive dust emissions and asbestos emission, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust and asbestos shall comply with the requirements of Rule 223, 223.1 and 223.2, whichever rule is appropriate. In addition, the appropriate Fugitive Dust Plan (FDP) Application or Asbestos Dust Mitigation Plan (ADMP) Application shall be submitted to and approved by the District prior to the start of project construction.
17. Burning of wastes that result from "Land Development Clearing" must be permitted through the District. Only vegetative waste material may be disposed of using an open outdoor fire (Rule 300).
18. All road development and shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials and the County ordinance concerning asbestos dust.
19. Prior to construction/installation of any new point source emission units or non-permitted emission units (i.e. gasoline dispensing facility, boilers, internal combustion engines, emergency generators, etc.), authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagram(s) equipment specifications and emission factors.

El Dorado County Department of Transportation

20. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion, and Sediment Control Ordinance*, the *Drainage Manual*, the *Off-*

Street Parking and Loading Ordinance, and the State of California Handicapped Accessibility Standards. A commercial grading permit shall be required.

21. The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed.
22. The applicant shall be subject to the County traffic impact mitigation fee program. Said fees shall be due upon the issuance of a building permit. The amount of fees shall be those in effect at the time of building permit application.
23. A soils report shall be provided at the time of grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water and pavement section based on TI and R values. The report shall include recommended design criteria for any retaining walls. Any export to be deposited within El Dorado County shall require an additional grading permit.
24. The applicant shall provide a drainage report at time of grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increases, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

Pioneer Fire Protection District

25. The project shall comply with all requirements of the Pioneer Fire Protection District. The applicant shall submit proof of Pioneer Fire District approval of the final submitted plans by faxed or mailed letter to Planning Services prior to the issuance of a grading or building permit.

Chair Knight said the action today could be appealed to the Board of Supervisors within ten working days.

- b. **S96-0033R** submitted by CINGULAR WIRELESS (Agent: Meredith Perkins) to allow the collocation of additional wireless telecommunication facilities on an existing monopole tower, including ground mounted support equipment. The property, identified by Assessor's Parcel Number 038-050-16, consists of 0.89 acre, is located on the west side of Tamarack Pines Road, approximately 150 feet east of the intersection with U.S. Highway 50, in the **Twin Bridges area**. (Categorically exempt pursuant to Section 15301 of the CEQA Guidelines)

Aaron Mount presented this item with a recommendation for conditional approval.

Commissioner Tolhurst said with this action we would be voiding a permit. The existing pole is an eye sore to him. Could the Commission require a monopine with this application? Paula Frantz, County Counsel, said an expansion could be so conditioned, but the application could be withdrawn and the pole would remain; and the applicant would look for another site.

Meredith Perkins said they do not own the tower. They are only looking at collocation. She understands that to place branches on the pole would be a tremendous cost. They are only attaching antennas to an existing pole at a lower height.

Commissioner Machado asked if the Commission could require painting of the pole. Commissioner Chaloupka said the portion of the tower above the trees could be painted blue to blend with the skyline. Ms. Perkins said the blue is much more noticeable.

There was no one else in the audience wishing to give input.

ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER CHALOUPKA AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, CHALOUPKA, AND KNIGHT; NOES – COMMISSIONERS TOLHURST AND MACHADO, IT WAS MOVED TO FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15301 OF THE CEQA GUIDELINES AND APPROVE S96-0033R BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

Mr. Trout said staff will craft a letter to the property owner and see if something can be done about the existing tower.

Findings

1. The proposed project has been found to be Categorically Exempt from CEQA pursuant to Section 15301, Existing Facilities, which allows exemptions for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of lead agencies determination. The key consideration is whether the project involves negligible or no expansion of an existing use. Based on the conclusions and conditions of approval contained in the staff report, there is no substantial evidence that the project will have a significant effect on the environment.
2. The proposed use is consistent with the policies in the 2004 El Dorado County General Plan because the applicant has designed the cellular facility in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns, as required by the General Plan. The project is consistent with the Commercial (C) Land Use Designation of the 2004 General Plan.
3. The use is found to comply with the requirements of County Code Section 17.14, Wireless Communication Facilities, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.

Conditions

1. Approval of Special Use Permit S96-0033R will void permit S02-0017, and all applicable conditions will be carried over from permit S02-0017 and amended to permit S96-0033R.

~~2.1.~~ The project as approved consists of the following: ~~The replacement and continued operation with co-location of a wireless telecommunications facility. The project includes replacing the 94-foot tall wood monopole with a metal 94-foot pole and will be designed to support co-location for wireless providers. The existing building will also be expanded to accommodate the equipment needed to support the cellular tower. The facility will be unmanned, will not emit noise, glare or be lit, and will not interfere with television or radio reception.~~

One new collocation of a cell antenna facility consisting of 2 antennas at the 77 foot 10 inch level on an existing 95 foot monopole, and a 12 foot by 20 foot equipment shelter located within a 20 foot by 25 foot lease area enclosed by a 6 foot tall solid wood fence.

~~1.~~ ~~If applicable, the applicant shall submit a site improvement/grading plan to the Planning Department for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, and the *Drainage Manual*.~~

~~3.2.~~ The applicant is subject to any and all requirements of the El Dorado County Fire District prior to obtaining a building permit.

~~4.3.~~ The applicant shall assume full responsibility for resolving television reception interference caused by the operation of this facility. The applicant shall take corrective action within 30 days of the receipt of any written complaint.

~~5.4.~~ The applicant shall obtain a building permit from ~~the~~ El Dorado County Building Department Services.

~~6.5.~~ No trees may be removed as a result of this project. In addition, the monopole and antennas shall be painted either green or brown, to aid in blending in with the surrounding trees. Final color selected is subject to the approval of the ~~Planning Director~~ Deputy Director of Planning.

~~6.~~ ~~In terms of cumulative effects, the monopole facility shall be removed if the use is discontinued for a year or more.~~

7. No additional antennas of any type shall be mounted on the tower ~~other than those shown in Exhibits B and C~~ without filing for and receiving approval of an amendment to this special use permit.

~~8.~~ ~~A constant red obstruction light shall be installed at the highest point of the monopole. This light shall be shielded on the bottom so as to be visible from aircraft only. The~~

~~applicants shall obtain a letter from the Placerville Airport Operations Manager stating satisfaction with the proposed light. This letter shall be submitted to the Planning Director prior to obtaining a building permit.~~

- ~~8.9.~~ The ~~applicant~~ property owner shall consent to the collocation of other ~~PCS users~~ service providers either on their monopole or immediately adjacent when the increase in pole height would be undesirable. Any increase in pole height or adjacent location shall require an amendment to the special use permit.
- ~~9.10.~~ Due to the ever changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communication technology, and possible local or cumulative impacts, determine whether to: 1. Modify the conditions of approval in order to reduce identified adverse impacts; and 2. Initiate proceedings to revoke the special use permit, requiring the facility's removal, if it is no longer an integral part of the wireless communication system. By operation of this condition, it is the intent of the Planning Commission to reserve the right to modify existing or add new conditions consistent with the language specified above. The failure of the Planning Commission to conduct or complete a five-year review in a timely fashion shall not invalidate this special use permit. The applicant shall pay a fee as determined by the ~~Planning Director~~ Deputy Director of Planning to cover the cost of processing a five-year review.
- ~~11.~~ The applicant shall plant eight, five gallon trees which are compatible with the existing surrounding forest to assist in masking the tower.
- ~~2.~~ All site improvements shall conform to the submitted site plans attached on Exhibits D.
- ~~3.~~ The project requires that the applicant file for a Business Plan.
- ~~10.4.~~ The project requires on-site monitoring by an archaeologist during grading activity.
- ~~5.~~ Project facilities shall be subject to a building permit from the El Dorado County Building Department.
- ~~11.6.~~ The permit is subject to El Dorado County Zoning Ordinance 17.22 specifically Section 17.22.250 – Permit Time Limits, Extensions, and Section 17.22.260 – Revocation.
- ~~7.~~ The tower shall be painted green to blend into the surrounding vegetation.
- ~~12.8.~~ The applicant shall adhere to the development standards pursuant to 17.14.200(F).
- ~~a.~~ The addition to the building must be painted to match the existing structure.

~~b. a.~~ Landscaping and proper clearance around the tower and existing structure shall be maintained.

~~13.9.~~ The project shall comply with the maintenance criteria listed in Ordinance 17.14.200 (f)(3) which states: "All improvements associated with the communications facility, including equipments shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of towers and other improvements shall be maintained to ensure the appearance remains consistent with approved conditions relating to color."

~~14.10.~~ The project shall comply with the unused facilities Ordinance 17.14.200(I) which states "all obsolete or unused communication facilities shall be removed within six (6) months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify the planning department at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition."

Chair Knight said the action today could be appealed to the Board of Supervisors within ten working days.

c. **S05-0028** submitted by VERIZON WIRELESS (Agent: Complete Wireless) to allow the establishment of a wireless telecommunications facility to include ground-mounted equipment and a 100-foot monopine tower with 12 antennas. The property, identified by Assessor's Parcel Number 109-250-45, consists of 4.67 acres, is located on the north side of Lariat Drive, 754 feet west of the intersection with Flying C Road, in the **Cameron Park area**. (Negative declaration prepared)

Tom Dougherty presented this item stating the application was continued from the meeting of January 26, 2006. At the last meeting it was requested that the applicant's engineer come in to discuss other locations and the height of the tower.

Alex Goetz, representing the applicant, said this is a 100-foot monopine off Cameron Park Drive near the Sprint and PG&E poles. He gave the Commission a map of the site. Doug Prichard, representing the applicant, said the objective of the cell site is to provide service between the other sites. The height of the tower is based on the terrain. The antennas need to be high enough to just get over trees. If you have a short tower, it will block service at the bottom of the tower. This tower will cover Highway 50, Cameron Park Drive, and the south part of Cameron Park. The north part of Cameron Park is covered by a tower at Pine Hill.

Commissioner Tolhurst said it seems there is some room to lower the tower. Mr. Prichard said the reason for the height of the monopine is that you cannot put the antenna at the top of the tower. Mr. Goetz said the reason for the 100-foot tree is that there needs to be a crown at the top of the tree for aesthetic purposes. Mr. Prichard said the higher the better. They would prefer to be at 90 feet. Carriers need vertical rather than horizontal clearance. Commissioner Tolhurst asked about taking the bark all the way up the pole. Mr. Goetz said they have the bark going up further. Once you are up to the branches, the pole is still painted brown, and you cannot see spaces on the pole.

Commissioner Machado said there is a 60-foot space available on the existing pole. Mr. Prichard said the difference is the ability to work with the surrounding facilities. Their facilities may be different than another carrier.

Commissioner Tolhurst referred to Option I. Mr. Dougherty said that was included to show the use of antenna socks to disguise the antenna.

Karen Hubner, property owner to the east of the proposed site, said she sent an email to four of the Commissioners and Tom Dougherty. She did not have an address for Chair Knight. Mrs. Hubner expressed her concern for the 100 feet. She did not realize this tower would be higher than the existing Sprint pole. Even as a tree it will stand out. She presented a photograph showing the trees which can be seen from their deck. The existing trees are not that tall. That is why the existing Sprint tower stands out so much. She wishes there was the possibility of a lower tree or collocation.

Heather Campbell said she is in favor of the tree poles. However, if you go under one of the trees there are a lot of the leaves that fall off. When you are welding on one of these trees, there can be wildland fires. Ms. Campbell would like to see it addressed in the contract as to what is required to mitigate this. Speaking to the welding/fire issue, Mr. Goetz said the pole will be constructed out of state, and there should be no welding involved unless the pole is expanded. They have had no fire incidents with any of their poles. He understands Mrs. Hubner's concerns. This is the same type of tree located at Missouri Flat Road. This facility is going to screen the Sprint facility from view. They can lower the pole to an overall height of 85 feet; however, they would rather have a 90-foot centerline for their antennas. They would not be able to provide as good service as they would like, however.

Commissioner Mac Cready asked about the foliage coming off the trees. Mr. Goetz said they have technicians that visit the site on a bi-monthly basis to check the site. They would be open to a condition to maintain the foliage on the facility. Commissioner Tolhurst said the antenna would be at 75 feet with an overall height of 85 feet. Mr. Goetz said that is correct.

Commissioner Machado asked Mrs. Hubner if she would rather have a pole or monopine. Mrs. Hubner replied a monopine.

There was no further input.

ON MOTION OF COMMISSIONER CHALOUPKA, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, CHALOUPKA, TOLHURST, AND KNIGHT; NOES – COMMISSIONER MACHADO, IT WAS MOVED TO ADOPT THE NEGATIVE DECLARATION, AS PREPARED, AND APPROVE S05-0028 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

Special Use Permit S05-0028 has been requested by Verizon Wireless for the purpose of installing a ~~100~~ 85-foot steel mono-pole with twelve (12) panel antennas mounted ~~at a centerline of 90 feet~~ 75 feet up from ground level and two microwave dishes at ~~84~~ 69 and ~~77~~ 62 feet respectively at 3011 Lariat Drive in Cameron Park. This special use permit authorizes Verizon Wireless to place the mono-pole and ground equipment within a 30-foot by 50-foot lease area to be enclosed by a 6-foot-high chain link fence with barbed wire atop and a 12-foot wide gate on the north side of the enclosure. The special use permit may be approved or conditionally approved based on the following findings:

1. The proposed project will not have a significant effect on the environment, based on the analysis contained in the staff report, Environmental Questionnaire, and site visit. Further, the project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91) is applicable.
2. The proposed use is consistent with the policies in the El Dorado County General Plan because the applicant has designed the cellular facility in compliance with County regulations, addressing aesthetics, environmental issues and health and safety concerns, as required by the General Plan.

The proposed site currently supports another cellular facility. Verizon Wireless proposes a mono-pole to provide enhanced cellular service within the Cameron Park/U.S. Highway 50 corridor area. The main use of the site is for residential purposes. The cellular facility would be incidental to the main residential use of the property when developed. The design of the mono-pole and location on the site has been carefully considered, and will blend with the surroundings as best as possible. Therefore, it is found that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan, and is consistent with the development standards contained within the El Dorado County Zoning Ordinance. It can be found that the project, as conditioned, conforms to the General Plan.

3. The use is found to comply with the requirements of County Code Section 17.14, Wireless Communication Facilities, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report.

This is a new wireless proposal designed as a multi-carrier facility, to allow for future co-location, which is encouraged by the County. To address maintenance issues, the applicant proposes to have a technician service the wireless facility and equipment approximately once or twice a month to ensure proper performance of the facility. It is found that the use will not conflict with the adjacent uses, and will provide a benefit to the area by improving cellular service. After review of the submitted site plan and visual simulations it has been determined that the proposed project meets the standards contained in Section 17.14.200 F through J of the County Code. The aesthetic impacts associated with the project have been fully considered. There will be no discernable visual impact from the addition of the mono-pine in the Community Region of Cameron Park.

Conditions

El Dorado County Planning Services

1. This special use permit approval is based upon and limited to compliance with the approved project description and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Construction and operation of a new wireless communications facility. Construction includes 12 panel antennas to be placed on a ~~400~~ 85 foot tower designed to resemble a pine tree, often called a monopine, with associated ground support equipment, within a 30 by 50 foot lease area on the Harris property at the 1,353-foot elevation above sea level at 3011 Lariat Drive in Cameron Park. The antennas will be located ~~90~~ 75 feet up from ground level, and two microwave dishes will be located at ~~84~~ 69 feet and ~~77~~ 62 feet. The antennas shall be painted green or covered by antenna socks and the tower will be painted flat brown and faux bark covering it up to 40 feet. The branches start at 35 feet above ground level. The tower will accommodate one or two more carriers, because of the microwave dishes, with the potential that each one can place 12 antennas. The 1,500 square foot lease area is to be surrounded by a six-foot-high chain-link fence with brown slats put on the fence and with barbed wire atop for security, along with a 12-foot entrance closed by two 6-foot gates. A fire district approved hammerhead-type turnaround is to be provided at the point in the access drive where it turns north around the Sprint PCS lease area, at approximately 275 feet from the edge of the non-exclusive road easement on the Flying C Road cul de sac.

Access to the site is provided directly off of Flying C Road along a 15-foot wide access easement on a 490-foot graveled driveway which dead ends into the site.

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

2. All site improvements shall conform to the site plan and elevations attached as Exhibit D.
3. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. Planning Services shall verify the painting of the structures prior to final inspection and approval of the facility.
4. For collocation purposes, no further review by the Planning Commission shall be required, provided that all ground-mounted equipment is located within the proposed leased area and provided that any one of the proposed carriers installs no more than 12 panel antennas per carrier on the monopine and that there shall not be any increase overall height of the tower and branches.
5. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Planning Services requires that that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
6. The applicant shall assume full responsibility for resolving television reception interference, if any, caused by operation of this facility. The applicant shall take corrective action within 30 days of receipt by Planning Services of any written television interference complaint.
7. All obsolete or unused communication facilities shall be removed by the applicant 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 condition.
8. Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to: (1) Modify the conditions of approval in order to reduce identified adverse impacts; and (2) Initiate proceedings to revoke the special use permit, requiring the facility's removal, if it is no longer an integral part o the wireless communication system. By operation of this condition, it is the intent of the Planning Commission to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Planning Commission to conduct or complete a five-year review in a timely fashion shall not invalidate this special use permit. The applicant

shall pay a fee as determined by the Deputy Director of Planning to cover the cost of processing a five-year review.

9. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.
10. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
11. Pursuant to Resolution No. 240-93, a \$35.00 processing fee is required by the County Recorder to file the Notice of Exemption.

El Dorado County Fire Protection District

12. The applicant shall be subject to a site plan review fee of \$150.00. The site plan review fee shall be due to the District prior to commencement of any work performed.
13. The applicant shall remove vegetation along the access road to the project to meet Fire Safe standards (10 feet back from the road edge on each side).
14. The applicant shall provide a Fire District approved turn-a-round within 50 feet of the project site. As an alternative to a turnaround, the applicant may install a clean agent system in the equipment shelter. The system shall be approved by the Fire District prior to issuance of the building permit.
15. The applicant shall provide high-priority "Knox" box on the shelter with keys for emergency access. El Dorado County Fire Protection District shall verify the installation of the security system prior to final inspection of the facility.
16. The applicant shall provide a low-priority "Knox" padlocks on any road or security fence gates. El Dorado County Fire Protection District shall verify the installation of the security system prior to final inspection of the facility.
17. All gates shall be two feet wider than the access road width and allow for Fire District access.
18. The applicant shall post a 12-inch address sign at the entrance on Flying C Road.

19. Additional requirements may be necessary.

El Dorado County Environmental Management Department/Hazardous Materials Division

20. Under the CUPA programs, if the operation will involve the storage of reportable quantities of hazardous materials for backup power generation, a hazardous materials business plan for the site must be submitted to the Department and applicable fees paid.

Pacific Gas and Electric (PG&E)

21. There shall be a minimum 30-foot separation between the monopine tower subject to this permit and the center of PG&E's nearest line of poles.

El Dorado County Department of Transportation

22. An encroachment permit shall be required for an improved entrance onto Flying C Road.

Chair Knight said the action today could be appealed to the Board of Supervisors within ten working days.

9. DESIGN REVIEWS (Public Hearing)

- a. **DR05-0025/Diamond Springs Hotel** submitted by AMY and MOON SHIM (Agent: Hubbard Sign Company) to allow a new freestanding double face internally illuminated sign. The dimensions of the pole sign are proposed to be a total of 18 feet tall with the sign face eight feet wide by six feet tall. The property, identified by Assessor's Parcel Number 054-387-18, consists of 0.22 acre, is located on the south side of Pleasant Valley Road, approximately 100 feet west of the intersection with Diamond Meadows Way, in the **Diamond Springs area.** (Categorically exempt pursuant to Section 15303 of the CEQA Guidelines)

Jonathan Fong presented this item with a recommendation for conditional approval. There have been two letters received in opposition. Mr. Fong gave a power point presentation. Commissioner Machado asked which of the signs in the presentation are permitted and which are not. Roger Trout said the signs are to show the Commission what is in the area, not which are permitted and which are not permitted. The freestanding sign is probably not permitted. Staff would like to do further research on the issue. Commissioner Machado said Placerville is working very hard to eliminate inappropriate signs. Placerville is encouraging signs that hang from the building. Signs painted on buildings are more historical. Pole signs are not.

Paul Hubbard, Hubbard Sign Company, represented the applicant. The sign is within the code and complies with the General Plan. He had nothing to add and was available for questions.

Erik Peterson, Diamond Springs Fire Department, said it appears the proposed sign meets the code. There are people in the area that are concerned about how the sign will fit in with the community.

Dawn Hubbard said there will always be some people that want something and those that do not. When you go through town, most people do not know the Diamond Springs Hotel is a restaurant. The pole sign is according to code. Mrs. Hubbard presented a petition with 14 signatures that do not object to the pole sign.

Dawn Hilton, resident of Diamond Springs, said her biggest concern is the historic aspect of the town. She has not seen the proposed sign to see if it fits in. She does not believe the placement of the sign is as important as the historic aspect of the town. Ms. Hilton talked to several merchants that were not aware of this proposal. The building has been painted. Prior to that time there was a sign painted on the building that fit in very well. She spoke about the lighting that will affect her. Ms. Hilton asked that the permit be conditioned so the lighting is turned off after business hours.

Doug Noble, food and wine writer for the Mountain Democrat, said one problem restaurants have is survival. A problem in Diamond Springs is that the traffic does not stop. They would like to have a sign to let people know the Diamond Springs Hotel is a restaurant. We need to make sure this business stays in tact. This establishment has been a bar several time, restaurants, and has been closed many times. They do need a sign for people going to the facility.

Amy Shim took over the business in 2004. She does not want to change the name of the facility. She just wants the sign for the restaurant.

Mrs. Hubbard said the sign they are proposing meets all the necessary requirements. The applicant gets business from the tourists that go through town. Mrs. Hubbard asked for approval of the application.

There was no further input.

Commissioner Chaloupka said when he moved up here 30 years ago he heard about the Diamond Springs Hotel (word of mouth) and had no trouble finding the establishment. His concern is that the sign does not match the historic background of the hotel. Commissioner Tolhurst agreed. There needs to be some kind of signage program, but there is none. They have been studying signs in Tahoe for the past 15 years. Generally, signs are sized to the speed of traffic going by. Going by the Tahoe Ordinance, a 12-foot high sign would be adequate. It seems one of the objections is an internally lit sign.

Mrs. Hubbard said the sign will have a time clock. It will not go on until 5:00 PM and shut off at 9:00 PM. The facility is closed on Monday. There is one day when it closes at 2:00 PM. Commissioner Tolhurst said it seems there is a range of acceptability. The main objection is the illumination. It seems okay if it is turned off when the facility is closed. He would go with approval if there is a condition that the sign be turned off when the facility is closed.

Commissioner Mac Cready said when he looks at the signs shown in the presentation, he cannot tell the size of the signs, whether the proposed sign is larger or smaller.

Commissioner Machado said what Diamond Springs needs to do is go back to its roots, what is historical. Placerville use to have many illegal signs. Many of those have been eliminated. You play to your history. He feels this sign is going in the wrong direction. If it was not illuminated and not a pole sign it may be all right. Most of the signs shown today are not lit and are not pole signs. He is opposed to the sign.

Commissioner Mac Cready read the letter from the fire district. He would agree with the district if they would state what they would like to see.

Commissioner Machado asked if this application could be continued so the applicant could revise the sign. He would rather see the sign on the building. Mr. Trout said the application could be continued, to a date certain or off-calendar. Commissioner Tolhurst asked if Commissioner Machado would go ahead with the sign if it had a post on either end rather than one single pole in the middle. Commissioner Machado would like to see something more historically accurate. The sign could also be up-lit rather than illuminated. Commissioner Mac Cready said if the sign meets the existing requirements it seems it should not be denied. The County should revise its ordinance. Commissioner Chaloupka does not believe the sign meets the character of the community. Commissioner Mac Cready spoke about the sign being up-lit rather than illuminated.

Chair Knight commented he never had a problem finding the hotel. He does believe in signs but does not know if this is the right one.

ON MOTION OF COMMISSIONER CHALOUPKA, SECONDED BY COMMISSIONER MACHADO AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONTINUE DR05-0025 OFF CALENDAR WITH DIRECTION TO COME BACK WITH A REDESIGN ADDRESSING THE HISTORIC ASPECT OF THE DOWNTOWN DIAMOND SPRINGS AREA.

b. **DR05-0003/Crystal View Station (Tooraj Agahi):** Request submitted by BETTIE THOMPSON, JOYCE and BOB HANSON, FERN, D. J., and PATRICIA BILLINGER, and BETTY BUCHFELLER appealing approval of the design review would allow a new 6,000 square foot automobile service center, a new 6,000 square foot retail building, and an exterior remodel of an existing 4,000 square foot convenience center. The properties, identified by Assessor's Parcel Number 009-330-50 and -51, consisting of 3.74 acres, are located on the northwest corner of the intersection with Pony Express Trail and Sly Park Road, in them **Pollock Pines area.**

Mike Baron presented this item with a recommendation that the Commission deny the appeal.

Commissioner Machado said he did a site visit yesterday. Looking at the site plan he thought there was only one point of access. There is another driveway. Is there the ability to get joint access to the site? Mr. Baron said the applicant has indicated that is the main access for the tow trucks. They would only have problems during bad weather.

Commissioner Tolhurst said this is just an appeal. Can other issues be brought up? Paula Frantz, County Counsel, replied in the affirmative.

Commissioner Mac Cready said the appeal contains a solution. He asked if the solutions were looked at as being included in the project. One solution would be to place slats in the fencing. Mr. Baron said the applicant has agreed to adding slats to the fencing at the rear and west side of the property. Commissioner Mac Cready said they should be added as a condition. Roger Trout said the Commission may want to revise conditions after taking input.

Betty Thompson, resident of the adjacent mobile home, is concerned about the park being adjacent to this project. There are a number of people in the park that have breathing problems. There will be trucks going in and out of the station 24 hours a day seven days a week. There will be senior abuse. No one in the park is worried about the expansion, but they do want to have a buffer put in. Right now the site is a mess and will not get better but will only get worse.

Commissioner Machado said this site has been zoned commercial for a long time. He asked Mrs. Thompson if the neighbors are aware of that. Mrs. Thompson said they know about that. They do not want to stop the project. They just want to make sure that the neighbors are taken care of. Betty Buchfeller, resident of the mobile home park, presented some photographs of the area. There are propane tanks that will have to be removed to widen the access. There is a truck that was towed in two years ago that is still there. They have increased the number of tow trucks from three to four that go 24 hours a day. Their main concerns are the lighting, noise, ingress, and egress. It is inappropriate for good, safe, living.

Joyce Hansen, resident of the mobile home park, is not in opposition to the expansion of the facility. They have a large site. Why put it 60 feet from the mobile home park. The applicant has stated they cannot change their ingress and egress to the other side of the property because it is too steep.

Fern Billinger said her family has been in the mobile home park for 32 years. They have worked very well with the applicant and have had no problem. They would like to have the road on the other side of the property, because the tow trucks go in and out of the site at all hours. They are not opposed to the expansion. The only problem they have is with the roads.

Don Billinger said he is in favor of the expansion. If they could put the buildings towards the logging company it would not interfere with anyone. It is a steep climb, but that is what they make bull dozers for. If they move it over to the other side, there would be no complaints.

Bob Hansen said if it is put on the other side and slats are put in the fencing there would be no problem. Otherwise, they need a retaining wall. The stop sign area is a bad ingress and egress.

Tooraj Agahi said Crystal View Station has been in their family since 1980. There are small businesses in Pollock Pines. They have kept the neighbors in mind when doing things. He agreed with staff to install slats in the fencing. Tow trucks are using the east entrance to the facility the majority of the time. The trucks will also be moved. Mr. Agahi said he is willing to work with his neighbors to resolve these problems. He did meet with some of the neighbors.

There was a newsletter put out at the mobile home park that explained the project. He never received any response from the newsletter.

Heather Campbell, resident of Pollock Pines, supported the business. They need this type of business in Pollock Pines. They have provided a needed business to the Pollock Pines area.

Mrs. Hansen said the applicant does not go out of his way to be noisy. The idling trucks make their windows shake.

Gerald Sheets designed the buildings. Regarding dust, the area will be paved. The roll-up doors are on the back side of the building. There is a 50-foot setback from the fence. The work will be done in the building and on the back side of the building. The exhaust faces Aaron Brothers. The exhaust gets hooked up to a filtration system when they are running. There will be a storage area on the east portion of the property. They did have discussions with the Department of Transportation and Highway Patrol. Accidents that were reported occurred during bad weather.

Commissioner Tolhurst said the neighbors want a buffer. There is a chain link fence and building which buffers the mobile home park. The slats will make it so they do not see the storage area. Chair Knight commented that the road will be paved.

Paul Hansen said if it is set back 60 feet, there will be a road that goes between the building and their park. They need a buffer wall.

The public hearing was closed.

Commissioner Machado said this is a design review. From a design aspect this is a nice project. He has a problem with the site plan. Sly Park has a stop sign right where the primary driveway will be located. Why don't they come off the east side of the property also? Chuck Collins, Department of Transportation, said the location of the west driveway is substandard. He read the comments sent from the Department of Transportation to the applicant. Commissioner Machado said the Department of Transportation has concerns about the current location of the driveway. Mr. Agahi said he does not believe the tankers could turn into the property if it is moved 100 feet. Changing the access would affect the ease of access. There is a 50-foot easement between Aaron Brothers and their property.

Using the site plan, Mr. Sheets explained the access. Commissioner Mac Cready asked about improving the intersection based on the fact that the Department of Transportation will be improving the intersection sometime in the future. Mr. Sheets said it would be difficult to design something when the Department of Transportation has no current plans for this intersection.

Commissioner Machado asked about moving the automobile building behind the new office. Mr. Agahi said he has already agreed to have the tow trucks use the east entrance.

Chair Knight clarified that slats will be put in the fencing. Is the ingress and egress going to be restricted? Mr. Baron said such a condition would not be enforceable.

Commissioner Tolhurst said this is a design review, not a special use permit. They have put a building in, and the operation will be behind the building. Mr. Trout said that was staff's position on the original design review. Staff felt the design improved the situation. There is a recommendation for slats in the fencing.

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER TOLHURST AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS CHALOUPKA, TOLHURST, AND KNIGHT; NOES – COMMISSIONERS MAC CREADY AND MACHADO, IT WAS MOVED TO DENY THE APPEAL, THEREBY UPHOLDING STAFF'S APPROVAL OF DR05-0003, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1. The proposed use and design conforms to the General Plan and Zoning Ordinance.
2. The proposed use and design will not be detrimental to the public health, safety, and welfare, nor injurious to the neighborhood.

Conditions/Mitigation Measures

The following mitigation measures are required as a means to reduce potential significant environmental effects to a level of insignificance:

1. A fugitive Dust Prevention and Control Plan and Contingent Asbestos Hazard Dust Mitigation Plan shall be submitted to and approved by the District prior to beginning project construction. Mitigation measures for the control of fugitive dust shall comply with the requirements listed in the El Dorado County Air Pollution Control District Guide to Air Quality Assessment Determining Significance of Air Quality Impacts Under the California Environmental Quality Act First Edition February 2002 document, Appendix C.1 page 3-5.
2. Project construction shall adhere to District Rule #224 Cutback and Emulsified Asphalt Paving Materials and the County Ordinance concerning asbestos dust.
3. Burning of wastes that result from *Land Development Clearing* must be permitted through the District. Only vegetative waste materials may be disposed of using an open outdoor fire.
4. The project construction will involve the application of architectural coating, which shall adhere to District Rule #215 Architectural coatings.
5. The applicant shall implement the following measures to reduce impacts on air quality from equipment exhaust emissions:

Heavy Equipment and Mobile Source Mitigation Measures

- a. Use low-emission on-site mobile construction equipment.
 - b. Maintain equipment in tune per manufacturer specifications.
 - c. Retard diesel engine injection timing by 2 to 4 degrees.
 - d. Use electricity from power pole rather than temporary gasoline or diesel generators.
 - e. Use reformulated low-emission diesel fuel.
 - f. Use catalytic converters on gasoline powered equipment.
 - g. Substitute electric and gasoline powered equipment for diesel powered equipment where feasible.
 - h. Do not leave inactive construction equipment idling for prolonged periods (i.e. more than 2 minutes).
 - i. Schedule construction activities and material hauls that affect traffic flows to off-peak hours.
 - j. Configure construction parking to minimize traffic interference.
 - k. Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; Rerouting construction trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on and off-site.
6. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e. gasoline dispensing facility, boilers, internal combustion engines etc.) authority to construct applications shall be submitted to the Air Pollution Control District. Submittal of applications shall include facility diagrams, equipment specifications and emissions factors.
7. In the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and deposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
8. Grading and construction activities on the site shall be limited to daylight hours from 7:00 a.m. and 7:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. Saturday. No construction or grading activities shall take place on Sundays or holidays.

Planning Services

9. This Design Review approval is based upon and limited to compliance with the project description, and the final approved Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require

- approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
10. The project as approved consists of the construction of a new 6,127 sq/ft auto service center and new 5,980 sq/ft. retail and storage facility. Additionally, the demolition of an existing 3,000 sq/ft auto repair facility and an exterior remodel of an existing 4,251 sq/ft convenience store.
 11. All site improvements, building locations, building orientations, and materials shall comply with the approved site plan. The approved site plan shall consist of Exhibit E, attached. All buildings on the site shall be architecturally consistent. Changes not to exceed 10 percent of the square footage of buildings, minor location changes, and architectural feature changes may be approved by the Planning Director or designee. Major changes in building sizes or features will require an amendment to the approved Design Review application.
 12. All mechanical vehicle work shall be performed indoors in the proposed auto repair shop.
 13. A minimum of three trees for every 100 ft. shall be planted along the western property line creating a minimum 5 ft. wide Landscape Buffer extending from the western property line to the edge of the curb.
 14. Prior to receiving a building permit the applicant shall demonstrate proof of parking and access over the adjacent property.
 15. The freestanding sign with gas station logo and price authorized under Special Use Permit S80-146 is not authorized by this Design Review to be located within the County right-of-way. The applicant will have a period of two years from the approval date of the Design Review to receive an Encroachment Permit from the Department of Transportation. Any time extension after a period of two years from the approval of Design Review DR05-0003 will be subject to review and approval from the Planning Director. Should an encroachment permit be denied, the sign shall be relocated in conformance with Special Use Permit S80-146
 16. Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

El Dorado County Department of Transportation

17. The applicant shall provide a drainage report at time of grading permit application identifying appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

El Dorado County Fire Protection District

18. Site plan review fee of \$50.00 shall be made payable to the fire protection district.
19. The development shall be subject to all applicable fire code requirements related to sprinklers, alarms, exiting, access, turn-arounds, hydrants, and fire flow regulations.
20. Project designer to note building setback requirements in CBC table-5A.
21. Gates to comply with Fire Prevention Officers Standards.

El Dorado County Environmental Management Department:

Solid Waste & Hazardous Materials:

22. The applicant shall revise the existing hazardous materials/hazardous waste generator management plan for the site to reflect all changes of hazardous materials storage locations and quantities. The plan shall be submitted to this department for review and all applicable fees paid. If the construction activities will impact the underground storage tank system, the applicant shall submit an application for a permit to remodel, repair or upgrade the system.

Environmental Health:

23. Proposed development shows the septic system for all buildings on Parcel # 009-330-51 an easement or recorded document must be filed with both parcels allowing the system to cross property lines.
24. The septic system must be sized adequately for the development including 300% replacement area and a permit obtained for the installation.

El Dorado County Resource Conservation District

25. Implement erosion control measures (including runoff control measures and soil stabilization measures) and sediment control measures (e.g. straw rolls, sediment fence, sediment basins).
26. The applicant will need to control non-storm water discharges (e.g. wash water), potentially hazardous materials such as hydraulic fluid from construction vehicles and paint materials, and all potential pollutants on the construction site.
27. Heavy equipment has been identified and may travel out of disturbed areas and onto local roadways, appropriate sediment control measures (e.g. sweeping and/or a gravel stabilized construction entrance/exit) should be used to prevent off-site sediment tracking.

28. Slats shall be installed in the fence along the entire western and northern property line prior to final occupancy of any building permit required for the project.

Chair Knight said the action today could be appealed to the Board of Supervisors within ten working days.

ADDENDUM

WORKSHOP

Workshop to discuss the interpretation of the Multifamily Residential (MFR) land use designation description in Policy 2.2.1.2 and limitations on housing types permitted in said district, and to provide direction on possible amendments to the General Plan regarding attached and detached housing in the MFR District. The Planning Commission may direct staff to consider other means to provide a mix of housing types to provide affordable housing meeting the full range of incomes in the County.

Peter Maurer went over his staff report and some background information on a project that was heard several years ago that would fall under this determination.

Commissioner Tolhurst commented this speaks to a 9,000 square foot lot. Most lots are 6,000 to 7,000 square feet. One of the solutions is to increase the minimum density that prevents someone from putting something other than low density on the parcel. He spoke about cottage development in Los Angeles which made quite a sense of being part of the community. Another solution in Boulder, Colorado, was a limited living unit (600 square feet) but increased density. We should encourage higher density and smaller units.

Commissioner Chaloupka does not see the need to restrict between attached and detached units. He assumes they would have access to sewer or an engineered system.

Commissioner Tolhurst said another issue is transportation. It is important to be on a transportation route.

Chair Knight takes a look at land as a commodity. There is a limited amount. You need to look at density. The land owner will design to meet the market. Supply and demand does take effect. You should have lower housing costs.

Commissioner Tolhurst said El Dorado County land is not that expensive if you compare it to New York or Los Angeles. One problem we have is that we have to artificially create the market force to make the density worthwhile.

Commissioner Mac Cready said it seems that building attached units would cost less. Perhaps we should have different densities for attached and detached.

Commissioner Machado said nobody wants to force the developer to build low cost housing. One way to help affordable housing would be a speed-through system that would reduce the fees on a project. We need to find a way to up the density above what we have today, five units per acre. He would like to find a way to get to high density residential without going through a long, slow process. Mr. Maurer said that is why staff recommended Option 3. You would still have to look at the potential impacts, i.e. traffic, noise, etc. Commissioner Machado asked what type of time frame would be involved with Option 3. Mr. Maurer said there may be a supplement to the EIR or a separate EIR. It would be a minimum of six months. If we look at increasing the densities we need to look at the ramifications Countywide. Commissioner Tolhurst spoke about doing an EIR and then tiering off that document for other projects. Mr. Maurer said if you could determine that a mitigated negative declaration could be used for a project, an EIR would not be necessary.

Commissioner Machado asked the timing if they went with 1.b. Mr. Maurer said it just states you could build detached units. Commissioner Tolhurst said if you change 5 to 24 to 5 to 15, you probably would not need a long analysis. Paula Frantz, County Counsel, said CEQA does not care about housing types but densities. The EIR is based on the highest possible build out. In 2025, the analysis was based on the analysis done by EPS.

Robert Laurie said he is not satisfied that any modification to the policies of the General Plan is necessary to achieve what we are looking for. The County can examine projects on a case-by-case basis. Commissioner Tolhurst said there would be a problem if the project is not discretionary. We would have to make projects require a design review or special use permit. Mr. Laurie said he does not have an answer for projects that are not discretionary, because he does not know what those projects are under the current General Plan. He does not believe anything needs to be done, because that would take away the discretion.

Art Marinaccio agreed with Robert Laurie that action is probably not critically important. Manufactured homes are not attached, so he feels the policy included detached. Flexibility is important to getting units built. The Commission should look at what is making it hard to get these types of units in the ground. No mass pad grading increases the cost. Realistically, there are a lot of things the Commission needs to consider. To look at as much flexibility as possible is necessary. Another thing, we should stop pushing projects into a planned development without a reason to do so. He wants the Commission to consider how they are going to deal with property designated Multifamily Residential with respect to rezoning.

Gene Thorne said grading, oak trees, rare plants, etc., prevent us from getting the types of densities we would like to see. He would like to see allowing detached that would allow people to have their own space. With the rules we have, we cannot get where we want to go.

Camille Courtney said they have 20 acres at the end of Palmer Drive that they want to build homes on. It is Multifamily Residential, zoned RE-5. Their proposal is for approximately nine units to the acre. They cannot grade the entire site. They put some detached units and some attached units in their proposal. You cannot have detached. With the planned development, you have to allow for 30 percent open space. The best thing to do is have the most flexibility possible and allow developers to be creative. The General Plan is ambiguous for a very good

reason. Ms. Courtney believes we have the tools in place. They would like to have their site plan approved before the end of the year. That would not be possible with a change that requires a CEQA document. She believes the County can get there with the current language.

Frank Baumann is currently in the process of developing 50 acres off Patterson Drive in Diamond Springs. Single family detached homes are not more expensive to build these days. The real saving factor in single family homes is insurance. It is impossible to get insurance for attached projects. The transportation fee should be more balanced between businesses and residential. You cannot mandate affordable housing. You need a more streamlined process.

Kim Beal said SACOG sent information to the County which was used in the General Plan. She does not believe any change is necessary. She feels detached is already allowed.

John Pierson said they started an application two years ago next month. Because the previous experience and knowledge, they approached the Planning Department to see if what they wanted to do could be done. They spent a good deal of time and effort submitting the required information. Their property is the last parcel on Cameron Park Lake that has not been built upon. They are trying to build three detached units on the property. There is an aging population today that wants single story homes. They have the right to build up to 10 to 12 units, but they would have to be low cost units that do not conform to the neighborhood. Since the writ has been removed, they would like to proceed. He feels the zoning allows detached housing. He does not believe there will be that many projects coming before the Commission.

Mr. Maurer said the language for the Multifamily Residential is the same as under the 1996 Plan. The policy says attached, and that is how staff has proceeded. Ms. Frantz said what has not been allowed are units being built on a parcel and then processing a map to divide the parcel. You can have your multifamily units on a lot. Mr. Maurer said the Plan anticipated the cottage type development. Where it is not clear is where you end up with a single family residential detached unit on a lot.

Commissioner Chaloupka said it seems like the property split is the exception to the rule. We need to allow the most flexibility and creativity. Mr. Maurer said the concern during the writ was that you could not create single family parcels. People would create multifamily and come in with a map to create single lots.

Chair Knight said it sounds like the consensus from the Commission is to leave things the way it currently is. Mr. Maurer said it sounds like the Commission in not talking about amending the General Plan until there are more workshops and input received on the issue. That still leaves us with the detached issue. Commissioner Mac Cready does not see the difference between having one or more units on a parcel. Other Commissioners may have thoughts on minimum densities for multifamily residential. Mr. Maurer said it does not matter whether it is separate ownership as long as it is a minimum of five units per acre. Ms. Frantz said densities could be dealt with in the Zoning Ordinance without making amendments to the General Plan.

ON MOTION OF COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO MAKE THE

FOLLOWING INTERPRETATION: THE MULTIFAMILY RESIDENTIAL LAND USE DESIGNATION DOES NOT RESTRICT THE DWELLING TYPE PROVIDED THE MINIMUM DENSITY STANDARD IS MET, AND "PLANNED DEVELOPMENT DESIGN CONCEPTS" DOES NOT NECESSARILY REQUIRE A FORMAL APPLICATION, UNLESS REQUIRED PURSUANT TO EL DORADO COUNTY CODE CHAPTER 17.02; STAFF WAS FURTHER DIRECTED TO COME BACK WITH A WORKSHOP TO DISCUSS THE BROADER ISSUES RELATED TO THIS ISSUE.

11. **DEPARTMENT OF TRANSPORTATION** - None

12. **COUNTY COUNSEL'S REPORTS** - None

13. **DIRECTOR'S REPORTS** - None

14. **ADJOURNMENT**

As there was no further business, Chair Knight adjourned the meeting at 3:38 p.m.

APPROVED BY THE PLANNING COMMISSION
Authenticated and Certified:

John Knight, Chair

