



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

2850 Fairlane Court • Placerville, CA 95667
<http://www.co.el-dorado.ca.us/planning>
Phone: (530) 621-5355
Fax: (530) 642-0508

MINUTES

**Regular Meeting of the Planning Commission
April 13, 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 8:35 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 MACHADO, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE AGENDA, AS PRESENTED.

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: March 23, 2006

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

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS - None

6. COMMISSIONERS' REPORTS

Referring to the implementation measures of the General Plan, Commissioner Tolhurst asked about coordination with TRPA. It is listed as being finished within one year. Is there a date when this will be complete? Roger Trout will have Steve Hust respond at the next meeting. Peter Maurer said Gina Hunter has been assigned to the Pathway 2000 Group. We are fully participating with this group. He spoke about the Memorandum of Agreement with South Lake Tahoe and Douglas County. Staff will be working with TRPA on their 2007 Plan. Commissioner Tolhurst spoke about the place-based design. He is participating as a member of the public and wants to make sure the County gives input.

Commissioner Chaloupka was contacted by a complainant regarding Snyderville (illegal trash disposal). Staff may want to speak with Jim Wassner about this issue. He would like to make sure there is follow up on this issue. Mr. Trout said staff has been assigned to this project. Commissioner Chaloupka said there is a rather large area, over an acre, which has been recently graded. A lot of dirt has been going across Cold Springs Road. Mr. Trout said the grading issue would fall under Code Enforcement.

Mr. Maurer said the Winery Ordinance would be going back to the Agricultural Commission next month. Staff will also be meeting with the winery industry and plan to bring back an ordinance amendment to the Commission in June. The home occupation issue will also be coming to the Commission soon. He will be bringing a schedule for some ordinance amendments back to the Commission at the next meeting.

Commissioner Machado said Commissioners Chaloupka, Mac Cready, and he attended the SACOG traffic meeting. He was very impressed.

PUBLIC FORUM/PUBLIC COMMENT - None

7. FINDING OF CONSISTENCY (Public Hearing)

a. Request submitted by the LAKE VALLEY FIRE PROTECTION DISTRICT for a finding of consistency with the General Plan for the annual update of their capital improvement plan.

The fire chief was not present. Commissioner Tolhurst said this is the only fire district not recommending a fee increase. He would recommend approval.

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

ON MOTION OF COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE ANNUAL UPDATE TO THE LAKE VALLEY FIRE PROTECTION DISTRICT CAPITAL IMPROVEMENT PLAN CONSISTENT WITH THE COUNTY GENERAL PLAN.

8. WILLIAMSON ACT CONTRACT/ZONE CHANGE (Public Hearing)

a. **Z04-0012/Williamson Act Contract WAC06-0001/Miraflores Vineyard** submitted by VICTOR and CHERYL ALVAREZ to rezone properties from Estate Residential Ten-acre (RE-10), Residential Agricultural Twenty-acre (RA-20), and Residential Agricultural Forty-acre (RA-40) to Exclusive Agriculture (AE), and placement of said properties into a Williamson Act Contract. The properties, identified by Assessor's Parcel Numbers 079-010-79, -10, and -76, consist of approximately 185.16 acres, are located on the east side of Four Springs Trail, at the intersection with Sly Park Road, in the **Pleasant Valley area.** (Mitigated negative declaration prepared)

This item was taken before Item 9.a.

Bill Stephens, Agricultural Commissioner, spoke in favor of the application. The Commission allowed Mr. Stephens to speak during the Public Forum portion of the agenda as he had to attend a meeting and could not be available for the hearing. He spoke in favor of the application. The rezone is important to agricultural. We could speak about accessory uses all day. Currently we are working on the Winery Ordinance to remove some of the allowed uses or to require a special use permit for some of the proposed uses. The Agricultural Commission recommends that the Planning Commission recommend approval of the application.

Paula Frantz, County Counsel, asked that the Commission adjourn to closed session as there have been threats of litigation on this item.

Lillian Mac Leod presented this item with a recommendation for approval. She modified Mitigation Measures 5, 6, and 7 on Exhibit H of the staff report. Mrs. Mac Leod addressed the comments received that were not included in the mitigated negative declaration.

Commissioner Mac Cready asked for clarification on the ranch marketing issue. Mrs. Mac Leod said AE zoning allows ranch marketing and a winery operation. Ms. Frantz believes it is open to interpretation as to whether you could have both ranch marketing and winery events. Commissioner Mac Cready said we need to make an adjustment in our terminology so those events specific to the winery are allowed without mitigation, and those not associated with the winery operation should be mitigated. Mrs. Mac Leod read the definition of special events from the staff report.

Chair Knight said he did meet on the site with the applicant and some of their consultants. He said that due to time constraints, the Agricultural Commissioner spoke at the beginning of this meeting, speaking in favor of the application. Commissioner Machado has had two conversations with Ken Greenwood, one with Doug Roeca, and has met on the site with the applicant. Commissioner Mac Cready said he spoke with Ken Greenwood one time and met at the site with the applicant two times. Commissioner Chaloupka also spoke with Ken Greenwood and met on the site with the applicant.

Cheryl Alvarez went over some brief background information on this property and explained their proposal. She asked that their application, which meets all the necessary criteria, be approved.

Peter Brewster, engineer and surveyor working on this project for the past two years, went over some of the key points in the picture book he had presented to the Commission. He asked on Mitigation Measure 6 that the Commission recommend chip and seal or something equal. The chip and seal surface was for dust mitigation. Mrs. Mac Leod said the paving would be to the access road for the tasting room (2,150 feet). Commissioner Mac Cready said dust only affects the Alvarezes. Why is the chip and seal needed? Mr. Brewster said he asked the same question. Right now the road is 20 feet wide with 18 feet travel surface. The only approval they have not received is for the alarm system which will occur after the electricity is put in.

Commissioner Chaloupka asked how many gallons of water per year will be used for the grapes (currently 28 acres). He believes it is about 5,000,000 gallons. That may cause an impact. There are residences across sly Park Road that fall within the noise decibel level.

Dan Hendricks, engineer, said the water usage would be about 5,000,000 gallons a year. The winery will be limited to about 100,000 gallons of waste per year. They are probably going to be producing 50,000 gallons of waste water. The waste water is recycled back to the vineyard. The vineyard has been planted for approximately five years, and the applicants have not noticed any drop in their water production.

Art Marinaccio spoke on the part of several of the property owners in the area. We have a situation where an agricultural use has been brought into a residential neighborhood. The current General Plan does not speak to this issue very well. What has to be looked at is the process. The process has been to avoid the use permit process. The use permit is the process to address these issues. If this application is approved today, it would not fall under the new winery ordinance. If the Alvarezes are not willing to do a use permit, the application should be continued.

Steve Burton, Assistant Agricultural Commissioner, said this is a Williamson Act Contract application and not a special use permit. He has been involved with this project for almost four years. He has been on the property six or seven times. The Alvarezes have obtained a timber harvest plan, timber conversion plan, grading permit, an encroachment permit, building permit, second grading permit, Williamson Act Contract application, and a rezone application to AE. They have been before the Agricultural Commission. Mr. Burton went over the required criteria for a Williamson Act Contract. The Alvarezes are actually down zoning the use of their property. This has been a first class project, and these are first class people.

Dan Tesloff said there are always some people that resist change. There has been a lot of change in the area over the past 22 years. The people developing the Miraflores Winery have made good changes. Commissioner Machado said if this is approved today, they could have a passport weekend at this winery. Commissioner Mac Cready said passport weekend is not considered a special event. Commissioner Machado asked about weddings. Mr. Tesloff said he does not believe it would be that much of a problem.

Greg Boeger, owner of Boeger Winery for 30 years, said they have been doing these types of events and have had no complaints. The Alvarezes are doing everything right. If the property were developed residentially, the impact would be during working hours. These uses will be on

weekends. He believes the Alvarezes are dedicated farmers. The issue before the Commission today is for a Williamson Act Contract, and they more than meet all the criteria. Mr. Boeger has 25,000 gallons of waste for 20,000 gallons of wine a year. The waste water is recycled back to the vineyard.

Rick Rasmussen, neighbor of the Alvarezes and a retired engineer and CEO of an air space corporation in southern California, read a brief statement into the record. He believes the Alvarezes will do everything possible to minimize any impact on the neighboring properties. He spoke in support and asked that the application be approved.

The Commission took a lunch break.

Kevin O'Keefe accesses his house by Four Springs Trail. He likes the idea of a winery but not the uses and special events that go along with a winery. There is nothing that limits the number of people that can attend these events. He liked the old encroachment, because it did not invite people to go back to the end of the road. If the Alvarezes want their property pristine, why do they want these other rights? The Alvarezes may not have special events, but they may sell their property in five years. Art Marinaccio described the problems with the process, and he agrees. The studies done were for the PA zoning and not this zoning. Mr. O'Keefe read from a portion of a letter from the Department of Conservation. He is not concerned about the winery but the possible uses associated with the winery.

Bob Slater, resident on Vogelsang Road, submitted a letter in opposition of this request and asked that the applications be denied. He read his comments into the record. Mr. Slater feels a use permit should be required. Commissioner Machado asked that Mr. Slater indicate the location of his property on one of the aerial photographs. He asked if Mr. Slater currently lives on the property. Mr. Slater said he does not. Commissioner Machado asked Mr. Slater about his comments pertaining to amplified music. Mr. Slater said he could not find anything in the ordinance that would allow amplified music. Commissioner Mac Cready commented that Mitigation Measure 4 requires that a special use permit be approved before amplified music is allowed. The County has current requirements regarding decibels.

Larry Boil said what the Alvarezes are doing out there is a bonus to the community. If the traffic is out on the weekend, the traffic is there. He does not believe this will be an every weekend thing. He spoke in favor.

Dale Gillihan, resident on Vogelsang, spoke in opposition.

Valerie Zetner said the Farm Bureau supports those things that support agriculture. Historically this has been agricultural property. It has prime soils, water, and exposure. Agriculture is commercial by nature. If you have more than you can eat, you have to sell the product. The Alvarezes are signing up for a ten-year commitment. They cannot get out of the contract without a substantial penalty. They agree with the mitigated negative declaration and urge that the Commission approve the application.

Ken Greenwood, representing several property owners, asked for additional time. Chair Knight asked if there is any new information beyond that already presented to the Commission. Using a copy of the Assessor's map, Mr. Greenwood indicated where several of the surrounding property owners reside. The General Plan requires a noise study (Policy 6.5.1.2). We should not be rezoning this property. A special use permit should be required. He referred to Policy 5.3.2.4, Water Supply. Mr. Greenwood said the Commission cannot approve this project today. It does not meet the findings necessary under state law for a rezone. We need a special use permit. A Williamson Act Contract is a good idea. You cannot make the findings for the rezone. Commissioner Machado asked Mr. Greenwood's concern about the wildlife corridor. Mr. Greenwood said they are not identified.

Dave Pratt, member of the Agricultural Commission and owner of a small winery and vineyard in the Fairplay area, said the Alvarezes have a first class operation. They clearly exceed the minimum requirements for an agricultural preserve. They have been working with the County regarding the management of their property. The staff recommendation is correct. This property is prime soil that is some of the best producing in the County. There is no one out there doing special events 365 days a year. The winery ordinance update has been on hold because of the General Plan. That ordinance is currently being discussed and worked on. You need AE zoning if you are in an agricultural preserve. That is County policy. Mr. Pratt asked that the Commission support the project and give a recommendation of approval.

There was no one else wishing to give input.

Mr. Brewster said after calculating the water usage, it is 4,900 gallons per day. If there were 13 parcels in this area, the water usage would be 8,000 gallons per day. If there were residences in this area instead of the winery, there would be substantially more traffic. Commissioner Mac Cready commented that the quantity of water for older plants would be cut down substantially after they are about five years old.

Commissioner Machado said if Mr. Brewster's clients stated they were not interested in holding the special events. Mr. Brewster said the applicants would have to reply to that question. Commissioner Machado asked about paving the road. Mr. Brewster said what they asked for was chip and seal or an alternative covering providing equal mitigation quality against dust and erosion. The encroachment will have to be paved whether or not there are special events.

The public hearing was closed.

Commissioner Tolhurst said it seems there is adequate information on the water issue. Commissioner Mac Cready said the water usage on the vineyards is not critical to this application but is to the winery. He does not believe you need a special evaluation of the water for this application. There is a requirement in the General Plan for noise. He does not see a problem with the request.

Commissioner Chaloupka feels a use permit is required. He does not feel the initial study fully discusses the possible uses. Comments from Fish and Game, dated March 15, should have been more clearly discussed. The Williamson Act Contract tied to the zoning is not consistent with

state law. The government code does not require a rezone. Policy 8.1.4.1 requires the Agricultural Commission review all discretionary applications to determine if there will be an intensification of conflicts and that you will not be creating an island of development. He feels there is the possibility of more conflicts and that an island will be created in a residential area. He feels this should be sent back today for an application for a special use permit. If not that, the negative declaration needs to be revisited or an EIR prepared.

Ms. Frantz said the land use designation for this property is Natural Resources. There are only certain zone districts appropriate under Natural Resources. The applicant originally applied for Planned Agricultural which is not consistent under Natural Resources. Their land use designation is inconsistent with the General Plan. They are entitled to be heard to bring their zoning into conformity. Compatibly zonings are RA-40, Industrial, Exclusive Agricultural, Timber Preserve Zone, Forest Resources, Mineral Resources, or Recreational Facility. When it was found they could not apply for Planned Agricultural, the applicants were given the opportunity to apply for a change in land use designation or change in zoning. The applicants chose to rezone the property. The issue before the Commission today is not whether or not they need a special use permit to conduct these uses. Staff has not analyzed a winery as the issue before the Commission today is for a zone change.

After the motion and before voting, Chair Knight said he has had several people talk to him about uses allowed under ranch marketing that are not really associated with ranch marketing. When the Commission looks at the ordinance revisions, these issues need to be reviewed in-depth.

Ms. Frantz said the rezone could be conditioned so they do not engage in other uses permitted by right. That is not something done lightly. Additional mitigation measures could be added.

Commissioner Tolhurst said he does not like the idea of restricting this applicant on the uses. By redefining the ordinance, the issues will be taken care of. Commissioner Machado asked if the new ordinance will cover existing wineries. Ms. Frantz said it depends on the way the ordinance is crafted. Unless you grandfather in previous uses, it would apply to all.

ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS TOLHURST, MACHADO, MAC CREADY, AND KNIGHT; NOES – COMMISSIONER CHALOUPKA, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED; APPROVE WAC06-0001 ESTABLISHING A WILLIAMSON CONTRACT ON ASSESSOR’S PARCEL NUMBERS 079-010-79, -10, AND 76, BASED ON THE FINDINGS AND SUBJECT TO THE MITIGATION MEASURES AS MODIFIED; AND APPROVE Z04-0012 REZONING THE SAME PROPERTIES FROM ESTATE RESIDENTIAL TEN-ACRE (RE-10), RESIDENTIAL AGRICULTURAL TWENTY-ACRE (RA-20), AND RESIDENTIAL AGRICULTURAL FORTY-ACRE (RA-40), BASED ON THE FINDINGS AND SUBJECT TO THE MITIGATION MEASURES AS MODIFIED, WITH A SPECIAL NOTE THAT SPECIAL EVENTS ARE THOSE FOR WHICH THE WINERY RECEIVES COMPENSATION FOR

THE USE OF THE PROPERTY AS OPPOSED TO EVENTS THAT ARE PROMOTIONAL FOR THE WINERY.

Mitigation Measures

1. If a future winery facility involves the storage of reportable quantities of hazardous materials, then prior to building permit issuance the applicant shall submit a hazardous materials business plan to the Solid Waste and Hazardous Materials Division of Environmental Management, to include payment of applicable fees.
2. Prior to building permit issuance for a winery facility, a non-public water system must be reviewed and approved by the El Dorado County Fire Protection District. Prior to final occupancy of the winery, a minimum 20 foot wide, all-weather access road to within 150 feet of all exterior portions of the structure shall be required, with either adequate emergency vehicle turn-around or a loop access road. Access roads must have 13.5 feet of vertical clearance, a 25 foot inside turning radius, and be capable of supporting a 40,000 pound load.
3. Prior to discharging any winery related wastewater to the land, the applicant shall meet Waste Discharge Requirements (WDRs) of the Regional Water Quality Control Board (RWQCB). If the winery crushes less than 80 tons of grapes per year, produces less than 100,000 gallons of wastewater annually, or collects and hauls all process wastewater off-site for disposal, the applicant can apply for a waiver of WDRs. Otherwise, the applicant shall submit a Report of Waste Discharge with the RWQCB.
4. The applicant will be required to obtain a special use permit if an amplified, outdoor sound system will be utilized during special events.
5. The applicant shall be subject to an encroachment permit, Std. Plan 103D, with a minimum width of 24 feet for the Four Springs Trail entrance to Sly Park Road. Construction shall be completed under permit 154203, prior to final occupancy of a winery.
6. Prior to holding any special events, the applicant shall improve Four Springs Trail from the encroachment off Sly Park Road to the winery and tasting room access way. Improvements will consist of surfacing with chip seal or asphalt concrete 18 feet of width with 1 foot shoulders on each side.
7. Prior to final occupancy of a winery, the applicant shall post a sign on Four Springs Trail discouraging public travel along the road system beyond the winery facilities. The sign shall conform to Standard Plan 105-C for dimensions and materials, and shall read: "End Winery Road – No Trespass".
8. Prior to applying for a building permit for a winery or wine tasting facility, the applicant shall submit a *Declaration of Small Water System Status* form to Environmental Health in order to determine if the project will require a water system permit. If wine tasting

activities include the preparation, storing or retail sale of food, then the applicant shall be subject to further requirements and must contact the department for assistance.

9. Subsequent to approval of the subject rezone by the Board of Supervisors, Planning Services shall record Notices of Restriction on Assessor's Parcel Numbers 079-010-10, 079-010-76 and 079-010-79 consisting of Mitigation Measures 1 through 8. The applicant shall be responsible for all recordation fees.

Findings

1. The Williamson Act Contract and rezone will not have a significant effect on the environment, based on the analysis contained in the Initial Study, and a Mitigated 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, in that:
 - the project parcel meets both the required 40 acre minimum of the Natural Resource designation and the required 160 acre minimum for residential density found under Policy 2.2.1.2,
 - the Exclusive Agriculture rezone request is consistent with Policy 8.1.1.6 requiring the rezone as part of entering into a Williamson Act Contract,
 - the Exclusive Agriculture zone district is compatible with the land use designation under Table 2-4,
 - the agricultural use is consistent with the land use pattern established for the Rural Region under Objective 2.1.3,
 - the vineyard and proposed accessory uses are or will be developed in a manner that manages and protects the existing natural resources in compliance with Policy 2.2.1.2, and
 - the impacts on adjacent parcels from the resultant or potential uses will be reduced to less than significant through compliance with agricultural setbacks established in the County Code and the Mitigation Monitoring Program in order to avoid any incompatibility with the surrounding area in compliance with Policy 2.2.5.21.
3. The property satisfies the County's three criteria for the establishment of an Agricultural Preserve, as defined in Resolution Number 188-2002, as follows:

- a. The 20-acre minimum has been met, as the property consists of 185.16 acres.
- b. Capital outlay has been achieved over time with the on-site agricultural improvements of well and irrigation system, trellises, vines and plantings totaling \$170,000.
- c. The land has been determined to be capable of making a profit through viticulture with projected income from the existing 10.5 acres of grape plantings equaling \$28,284.

9. SPECIAL USE PERMITS (Public Hearing)

- a. **S05-0027/Greenstone Monopine** submitted by VERIZON WIRELESS (Agent: Erin Merrill) to allow the construction of a 60-foot tall monopine wireless communications facility with 12 antennas and two future microwave dishes. The property, identified by Assessor's Parcel Number 319-110-13, consists of five acres, is located on the north side of Pinnacle Court, approximately 776 feet east of the intersection with Artesia Road, in the **Shingle Springs area**. (Mitigated negative declaration prepared)

Jason Hade presented this item with a recommendation for conditional approval. No public comments have been received on this item.

Chair Knight asked if any of the existing poles are being eliminated and those facilities being placed on the new pole. Mr. Hade said none of the poles are being deleted or relocated.

Erin Merrill briefly explained their proposal. She said Condition 1 should be modified to show a 30 x 50 foot area.

Commissioner Machado said the pole is 60 feet, and there can be collocation. They will be at 50 feet, so there is one other possible carrier. How many other collocations could occur? Ms. Merrill said at least one or two more, depending on the specific needs of those carriers.

There was no one else wishing to give input.

Commissioner Machado said there is a cell phone tower farm on this site.

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER CHALOUPKA AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, CHALOUPKA, TOLHURST, AND KNIGHT; NOES – COMMISSIONER MACHADO, IT WAS MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED, AND APPROVE S05-0027 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS/MITIGATION MEASURES AS MODIFIED.

Findings

1.0 CEQA FINDING

- 1.1 The Planning Commission has considered the Mitigated Negative Declaration together with the comments received and considered during the public hearing process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

Special Use Permit S05-0027 has been requested by Verizon Wireless to construct a 60-foot tall monopine wireless communications facility with 12 antennas and two future microwave dishes. A 240 square foot equipment shelter and emergency back-up generator are proposed to be located within a 30-foot by 150-foot ground lease area at the base of the monopine.

2.1.1 The proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood.

The use is found to comply with the requirements of County Code Section 17.14, Wireless Communications Ordinance, 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. No agency or community group objections or concerns were expressed during the project review process.

2.2.2 The proposed use is consistent with the policies in the 2004 El Dorado County General Plan.

As discussed in the General Plan section of the staff report above, the project is consistent with the applicable General Plan policies pertaining to maximum impervious surface, land use compatibility, visual/scenic resources, emergency vehicle access and Important Biological Corridor impacts. 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.

Conditions

Development Services Department - Planning Services

1. This special use permit approval is based upon and limited to compliance with the project description, dated April 13, 2006, 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:

A special use permit to construct a 60-foot tall monopine wireless communications facility with 12 antennas and two future microwave dishes. A 240 square foot equipment shelter and emergency back-up generator are proposed to be located within a 30-foot by ~~150~~50 foot ground lease area at the base of the monopine.

MITIGATION MEASURES FROM PROPOSED MITIGATED NEGATIVE DECLARATION

2. District Rule 223, which addresses the regulation and mitigation measures for fugitive dust emissions, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 403 of the South Coast Air Quality Management District. A fugitive dust prevention and control plan and contingent asbestos hazard dust mitigation plan shall be submitted to and approved by the Air Pollution Control District prior to the start of project construction.

Monitoring: Prior to building permit issuance, the Air Quality Management District shall review and approve a Fugitive Dust Prevention and Control Plan and Contingent Asbestos Hazard Dust Mitigation Plan for the proposed project.

3. Burning of wastes that result from "Land Development Clearing" must be permitted through the Air Quality Management District. Only vegetative waste material may be disposed of using an open outdoor fire. (Rule 300)

Monitoring: Prior to the burning of wastes for “land development clearing,” the Air Quality Management District shall review and permit such activity.

4. Project construction involving the application of architectural coating shall adhere to District Rule 215 regarding Architectural Coatings.

Monitoring: The Air Quality Management District shall ensure adherence to Rule 215 during the construction process.

5. 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, etc.), authority to construct applications shall be submitted to the Air Quality Management District. Submittal of applications shall include facility diagrams(s), equipment specifications and emission factors.

Monitoring: Prior to building permit issuance, the Air Quality Management District shall review and approve any applications for new point source emission units or non-permitted emission units.

6. 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.

Monitoring: The Department of Transportation (DOT) shall monitor the above-referenced activities as part of the issuance of a commercial grading permit. If deemed necessary, DOT shall issue a stop work order upon the discovery of any item of historical or archaeological interest and only allow grading activities to continue once the issue has been resolved.

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 disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.

Monitoring: The Department of Transportation (DOT) shall monitor the above-referenced activities as part of the issuance of a commercial grading permit. If deemed necessary, DOT shall issue a stop work order upon the discovery of any human remains on the project site and only allow grading activities to continue once the issue has been resolved.

8. The project shall be modified, including the construction of a fire safe turnaround area, as necessary, to incorporate the requirements required by the El Dorado County Fire Protection District and shall be reviewed and approved by the El Dorado County Fire Protection District prior to the issuance of a building permit.

Monitoring: The El Dorado County Fire Protection District shall review and approve the project prior to building permit issuance to ensure compliance with all District regulations.

9. Grading and construction activities on the site shall be limited to daylight hours from 7:00 AM to 7:00 PM Monday through Friday, and 9:00 AM to 5:00 PM Saturday. No construction or grading activities shall take place on Sundays or holidays.

Monitoring: Department of Transportation shall investigate any noise complaints received regarding the occurrence of grading and construction activities in violation of the mitigation measure discussed above.

10. Only equipment with properly maintained mufflers shall be used during construction.

Monitoring: The Air Quality Management District shall monitor and investigate any complaints received regarding proper equipment maintenance during project construction.

11. Construction equipment shall not idle on the property (construction site) when not in active use.

Monitoring: The Air Quality Management District shall monitor and investigate any complaints received regarding proper equipment use and potential air quality impacts during project construction.

PROJECT SPECIFIC CONDITIONS

12. All site improvements shall conform to the site plans attached as Exhibit D.
13. 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 with no increase in height.
14. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color.
15. All improvements associated with the communication facility, including equipment shelters, towers, antenna and fencing shall be properly maintained at all times. Colors of the tower and other improvements shall be maintained to ensure the appearance remains consistent. Prior to final occupancy, the color of the tree pole foliage shall be painted to

- match the foliage of the surrounding trees within the project area. The tree pole structure shall also be painted in a manner which matches the tree trunks of the existing trees in the project vicinity.
16. All obsolete or unused communication facilities shall be removed within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.
 17. Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five years. At each five-year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to: (1) Modify the conditions of approval in order to reduce identified adverse impacts; and (2) Initiate proceedings to revoke the special use permit, requiring the facility's removal, if it is no longer an integral part of the wireless communication system. By operation of this condition, it is the intent of the Planning Commission to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Planning Commission to conduct or complete a five-year review in a timely fashion shall not invalidate this special use permit. The applicant shall pay a fee as determined by the Deputy Director of Planning to cover the cost of processing a five-year review.
 18. Prior to final occupancy, a sign conforming with ANSI C95.2 color, symbol and content, and other markings as appropriate, should be placed close to the antennas with appropriate contact information in order to alert maintenance or other workers approaching the antenna to the presence of RF transmissions and to take precautions to avoid exposures in excess of FCC limits.
 19. The leased area is to be enclosed by a six-foot tall slatted chain link fence prior to final occupancy.
 20. Except during unanticipated emergency situations, the generator shall run only one hour per week between the hours of 7:00 AM and 7:00 PM for routine maintenance purposes.

El Dorado County Fire Protection District

21. Prior to building permit issuance, the applicant shall submit a site plan review fee of \$150.00 to the El Dorado County Fire Protection District.
22. Prior to final occupancy, fire access shall be provided to meet fire safe standards.
23. Prior to final occupancy, the site address shall be posted on Pinnacle Court at a minimum of 12 inches in size.

24. A minimum 12-foot wide all weather access road to within 50 feet of the equipment shelter shall be provided prior to final occupancy.
25. Those sections of the existing access road that do not meet 40-foot required turning radius must be widened to 20-feet prior to final occupancy, as determined by the El Dorado County Fire Protection District.
26. All equipment and debris currently blocking the access gate shall be removed prior to final occupancy.
27. Prior to final occupancy, the applicant shall confirm that a "Knox" padlock is on the gate and a "Knox Box" is on any equipment shelters at the subject site.
28. Prior to final occupancy, a Fire District approved turnaround area shall be constructed at the project site.
29. All project access roads shall have 13-foot 6-inch tall vertical clearance and be capable of supporting a 40,000 pound load prior to final occupancy.
30. Road grades shall not exceed 16 percent prior to final occupancy.
31. All project gates shall comply with Fire Prevention Officer's standard as determined by the El Dorado County Fire Protection District.

El Dorado County Environmental Management Department

32. Under the Certified Unified Program Agency (CUPA) programs, if the operations 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 Environmental Management Department and applicable fees paid.

Air Quality Management District

33. Prior to the start of project construction, an asbestos dust mitigation plan application shall be submitted to and approved by the Air Quality Management District.
34. Any project road construction shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials and the County Ordinance concerning asbestos dust.

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

b. **S05-0030/Backlot Theatre** submitted by MIKE JIMENA (Agent: Rudy Calpo) to allow a 258 seat live theater within an existing commercial warehouse in the El Dorado Hills Business Park. The property, identified by Assessor's Parcel Number 108-390-03, consists of 0.23 acre, is located on the west side of Windplay Drive, approximately 500 feet west of the intersection with Suncrest Lane, in the **El Dorado Hills area**. (Categorically exempt pursuant to Section 15301 of the CEQA Guidelines)

This item was considered before Item 8.a.

Aaron Mount presented this application with a recommendation for denial. As of today, the mitigation to extend the sound wall has not been approved; therefore, staff is recommending denial as the sound requirements cannot be met.

Commissioner Machado asked why staff feels the hours cannot be regulated. If there are violations, the permit could be revoked. Roger Trout said the revocation process is difficult. It is not the internal operation that causes a problem. You cannot control people when they leave the facility. This type of facility needs to be located further away from a residential area.

Chair Knight said if you have other types of businesses in the park, you have trucks leaving the area 24 hours a day. Mr. Trout said in the R&D Zone, you cannot have sound leaving the premises. Chair Knight asked if any complaints were received from the notice. Mr. Mount replied one was received. Mr. Trout said any business in this location would have to follow the same requirements. Commissioner Machado said a review time could be placed on the permit. Paula Frantz, County Counsel, said a special use permit could not be revoked without a hearing. There could be a review period placed on the application.

Commissioner Mac Cready said a R&D area tends to be a park-like area that closes down at dusk. If he purchased a home next to one, that is what he would expect to see. The people that purchase homes next to such a park and expect a park-like atmosphere should have the first right to say what goes in there.

Rudy Calpo submitted a site plan for clarity. Their original plan was for 258 parking spaces which has been reduced to 215. That reduces the parking from 86 to 71 spaces. Fred Russell was concerned about the parking due to the type of use. Mr. Calpo explained their proposal. They are proposing to eliminate 13 parking spaces where the noise problem would occur. The theater use terminates at 9:00 or 9:15 PM.

Connie Mockenhaup said they are excited about making things happen in El Dorado County. There are a total of 245 parking spaces. Only half the wall is too short (by six inches). That is where the No Parking Spaces would be located. They start at 7:00 PM now, and that could continue. They would like to be able to do what they do and stay in El Dorado County.

Mike Jimena said their intent is to raise the quality of living in El Dorado Hills and surrounding region. They will do everything they can to make the residents behind them happy or they will be out of business.

Gail Gephart, Cemo Development, said they recommend the Commission approve the use permit.

Richard Wilson, Chair of El Dorado Theater, spoke in support. If you exclude the school system, there are no places for this type of use in the County. This helps the community. They have recently partnered up with the Marble Valley Performing Arts Group.

Georgina Coleman represented a dance academy. Having a small theater is very important to them. She spoke in favor of the application.

Paula Cochran Smith, resident of El Dorado Hills, feels any problems could be worked out. The applicant has been very flexible. She asked that the Commission reconsider the recommendation for denial.

Wayne Lowry, General Manager of the El Dorado Hills Community Services District, encouraged the Commission to help the project go forward. He asked for the support of the Commission.

Christopher Douglas, Sierra Foothill Shakespeare Festival, said they support this project as they are looking for venues in El Dorado County so they will be able to bring their renaissance group into the County. Mr. Douglas spoke in favor of the application.

Marilyn Reilly, resident of the adjacent residential area, spoke in opposition. There are 450 residences on the other side of the wall. There is an assumption when you live next to a business park there is a park-like atmosphere. Noise issues cannot be enforced. It is not just a wall. It is people's homes. Ms. Reilly is not against the theater but believes this is the wrong location. She feels the use is very detrimental to the residents next door. This is a residential area. Changing the time of the item on the agenda today will keep some people that thought it was on later from attending the meeting.

Vincent Gattuso said the distance from the back of his house to the fence is 40 feet. His biggest concern is if this is approved you would have one or two years before you would know if there would be problems. That is a long time to find out how it is going to operate. If this is approved, what happens if the type of shows change? Will they serve alcohol? What type of shows would there be? He feels a theater is a good idea but not behind his house. The applicant says intentions are good, and they probably are; but they have no control over the people that attend the facility. These people do not live in the area. As long as his privacy is not invaded, he has no problem.

Linda White wants to live in peace and quiet. This is an adult community. She does not want to be making phone calls because of noise. It is not fair to the applicant either. She lives two doors from Mr. Gattuso. This type of use could devalue her house. Ms. White has been involved in theaters for years. El Dorado Hills does need a theater but not in her backyard.

Steve Smith spoke in favor. We do not have theater venues in El Dorado County. This business is creating jobs and keeping money in El Dorado County.

Scott Montgomery said most people in the community are in favor of the theater in the Business Park. There was concern voiced about the hours of operation and possible noise.

Harriett Segel, resident of El Dorado Hills, said no one wanted churches or schools in their neighborhood so we got them into the Business Park. She did not agree at that time. If you are going to allow churches and schools, she feels it is hard to say no to another cultural entity. There are not that many other locations in El Dorado Hills for this type of use. Mrs. Segel spoke in support.

Steve Sept, representing the Sun Hills Community Church, said they are happy to accommodate the overflow parking at their facility. Mr. Sept spoke in favor of the project.

Bill Hanna, General Manager for Cimorlli, Inc., said their company has been retained to be part of the project team. He urged approval of the project.

Laura Findman spoke in favor of the project.

There was no further input.

Mr. Calpo, using the site plan, said the R&D Zone allows a theater. They are not meeting the sound decibel requirement after 10:00 PM. They are only three decibels over the limit. They are proposing a No Parking area for 13 parking spaces where the wall is lower. If there is a change in the use, the permit would have to come back before the Commission. Commissioner Mac Cready asked if they have looked at other buildings in the Business Park. Mr. Calpo said they have not.

Commissioner Tolhurst said one of the objections seems to be the after hour operation. The front entrance is what he would call the back. Architecturally, could you put the front entrance on the other side? Mr. Jimena said they actually propose to do that. Commissioner Tolhurst spoke about the employee parking between the two buildings. Having an additional buffer would eliminate these problems. If the employee parking could be between the buildings and the entrance moved to the other side, he feels a compromise could be reached.

Mr. Jimena asked that the Commission approve the application. There is no way for the people in opposition to know about their operation until there is a track record.

Chair Knight asked when the Marble Valley facility is constructed will they moved their venue up there. Mr. Jimena said they would probably keep this facility. Chair Knight asked if food or alcohol would be served. Mr. Jimena replied no alcohol would be served, but they would like to provide snacks. They will be finished between 9:00 and 9:15 PM, and people are out of the facility by 9:30 to 9:45 PM.

There was no further input.

Ms. Frantz said if the Commission is leaning towards approval, the items needs to be continued as a categorical exemption under Section 1 5301 would not be appropriate for approval. There may be another section for a categorical exemption, or a negative declaration may be required.

Commissioner Tolhurst feels a further sound study is needed to bring the noise below the necessary decibel.

Roger Trout said staff agrees with County Counsel. There are changes in the maximum number for seating, parking spaces, etc. Staff agrees that a continuance is appropriate if the Commission is considering approval of this application. Staff is not in opposition to the theater. They are looking at consistency with the General Plan.

Commissioner Chaloupka said he heard earlier today that a theater is allowed in the R&D Zone. Mr. Trout said staff felt the use could be considered a similar type use as some of the others allowed. Due to the possible inconsistencies, the use permit avenue was utilized. The outdoor activities are the problem. Commissioner Chaloupka said the problem seems to be the use after 10:00 PM. There could be a sign for no parking after 10:00 PM. Mr. Trout said these issues could be included as mitigation measures.

Ms. Frantz said in order to make the necessary findings for approval, the Commission must find that the project, as proposed, is not detrimental to the neighborhood. The findings need to be made at the time of approval and not deferred to a later date.

Commissioner Mac Cready said you cannot put No Parking signs by the wall. They will not work. You have to physically prohibit parking.

After the motion and before voting, Commissioner Machado said some analysis has to be done on the deletion of the 13 parking spaces. Is the fire district in favor of this deletion, and what would be put there to deter parking? The hours of operation need to be discussed. Will people be out of the parking lot by 10:00 PM? There should be no alcohol served on the site. There should be a short review of the special use permit as a condition. There was discussion about moving the front entrance. It sounds like that has already been done. The applicant has stated that the employees will be parking off-site. A sound study is necessary.

Ms. Frantz said you can set a review hearing. If conditions need to be modified and the applicant does not agree, a revocation hearing could be considered.

COMMISSIONER MAC CREADY MADE A MOTION TO DENY S05-0030 AS THE REQUIRED FINDINGS FOR APPROVAL CANNOT BE MADE. The motion died due to lack of a second

ON MOTION OF COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONTINUE S05-0030 OFF-CALENDAR WITH THE UNDERSTANDING THE APPLIANT WILL FIND WAYS TO ELIMINATE THE SOUND PROBLEMS AND WORK WITH STAFF FOR A FINDING OF CONSISTENCY.

c. **S03-0005R/El Dorado Hills Community Park Teen Center** submitted by the EL DORADO HILLS COMMUNITY SERVICES DISTRICT to modify Conditions 11 and 12 imposed on the subject use permit to determine if the conditions are necessary for the construction of the Teen Center or are applicable to later phases of the development, or modify of the conditions to specify the timing of improvements. The properties, identified by Assessor's Parcel Numbers 112-120-23 and -24, consist of 39.5 acres, are located on the east side of El Dorado Hills Boulevard between Harvard Way and St. Andrews Drive, approximately 2.14 miles north of the intersection with U.S. Highway 50, in the **El Dorado Hills area.** (Mitigated negative declaration advertised and adopted with original project)

Roger Trout presented this item to the Commission.

Diana Hillyer, El Dorado Hills Community Services District, gave the Commission some brief background information on this item and asked that the Commission amend the two conditions and add timing for the improvements.

Wayne Lowry, General Manager of the El Dorado Hills Community Services District, agreed with Ms. Hillyer.

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

Chair Knight said the CSD is just asking for a delay and not the elimination of the conditions. The parking lots are connected. You can go in on Harvard and exit on St. Andrews, so there is a circular driveway you can use without creating traffic problems.

After the motion, Mr. Lowry said he would be happy to show the Commission or individual Commissioners the El Dorado Hills area.

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED REQUIRE THAT THE RELOCATION OF THE DRIVEWAY BE TRIGGERED BASED UPON THE BUILDING OF EITHER THE PARKING LOT OR THE EXPANSION OF THE AQUATIC CENTER.

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

d. **S04-0019** submitted by BERNARD LEONG to allow a mini-storage facility/commercial development on a parcel encompassing 6.11 acres (with a boundary line adjustment). The project includes 10,461 square feet of commercial office/shop space, 56,007 square feet of mini-storage space (approximately 242 storage units), and a 1,296 square foot caretaker/manager residence. The gate hours are to be 7:00 AM to 7:00 PM daily, with office hours 8:00 AM to 6:00 PM daily. There will be two employees at the site. The property, identified by Assessor's Parcel Number 078-270-171, is located on the north side of Pleasant Valley Road, 2,910 feet west of the intersection with Mt. Aukum Road, in the **Pleasant Valley area.** (Mitigated negative declaration prepared and previously advertised)

Gina Hunter presented this item with a recommendation for conditional approval. She explained the changes that were made to the project.

Commissioner Mac Cready said the project still appears to have a metal front.

Bernard Leong said it will be synthetic lumber and stucco. All the roll-up doors were removed. One building will be a climate control facility. You will only see the two front buildings from Pleasant Valley Road. Awnings have been added. The street sign has been lowered from 14 feet to 10 feet.

Commissioner Tolhurst asked if Mrs. Hildebrand was satisfied. Mr. Leong said they tried to address all the concerns identified at the last hearing.

Commissioner Machado feels the project has been substantially improved. The roll-up doors have been removed. The parking has been relocated. The colors look very nice. Mr. Leong said when the trees grow in about five years, the facility will be more screened.

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

ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER MACHADO AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION, BASED ON THE INITIAL STUDY PREPARED BY STAFF; ADOPT THE MITIGATION MONITORING PROGRAM IN ACCORDANCE WITH CEQA GUIDELINES 15074(d), AS INCORPORATED IN THE CONDITIONS OF APPROVAL AND MITIGATION MEASURES PROPOSED BY STAFF; AND APPROVE S04-0019, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

Findings

1.0 CEQA FINDING

- 1.1 The Planning Commission has considered the Mitigated Negative Declaration together with the comments received and considered during the public hearing process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The Planning Commission finds that the proposed project could not have a significant effect on the environment.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

- 1.5 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.

2.0 ADMINISTRATIVE FINDINGS

2.1 Use Permit S04-0019 Findings

Issuance of a Special Use Permit (S04-0019) to allow a 56,077 square foot mini-storage facility, 10,461 square foot commercial development and 1,296 square foot caretaker/manager residence within the CG zone district.

2.1.1 The issuance of the permit is consistent with the General Plan

Both the 1996 and 2004 General Plans designate the subject site as Commercial (C). The purpose of the Commercial land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. Mixed use development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses shall be permitted provided the commercial activity is the primary and dominant use of the parcel. The residential component of the project shall only be implemented following or concurrent with the commercial component. It can be found through the discretionary Special Use Permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan. Staff finds that the project, as conditioned, will be compatible with the adjacent and surrounding properties, and conforms to the General Plan.

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

The proposed use shall comply with the regulations specified by the El Dorado County Code and State regulations. The project has been conditioned to comply with all fire protection regulations. The project shall comply with all erosion control measures, including run-off control, soil stabilization and sediment control measures. With the project conditions and mitigation measures imposed, it can be found that the project would not be detrimental to the public health, safety and welfare or injurious to the neighborhood.

2.1.3 The proposed use is specifically permitted by Special Use Permit pursuant to this Title

A Planning Director interpretation was enacted prior to 1990 which stated that "In 'C', Commercial, 'CG', General Commercial, and 'CP', Planned Commercial, Zone Districts, mini-warehouse projects shall require approval of a Special Use Permit". In compliance with this Department Policy, the applicant has applied for the Special Use Permit. The applicant has also proposed a caretaker unit, as permitted by Section 17.32.210 of the County Code which only allows for a caretaker unit in connection with an industrial or commercial use. Therefore, it can

be found that the mini-storage use is specifically permitted by Special Use Permit within the CG zone district.

2.2.0 The proposed use is consistent with the policies in the El Dorado County General Plan, as amended through February 4, 1999 and the adopted 2004 El Dorado County General Plan .

Both the 1996 and 2004 General Plans designate the subject site as Commercial (C). The purpose of the Commercial land use category is to provided a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. Mixed use development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses shall be permitted provided the commercial activity is the primary and dominant use of the parcel. The residential component of the project shall only be implemented following or concurrent with the commercial component. Additionally, the following General Plan policies also apply to this project:

Policy 2.2.1.5: The General Plan shall provide for the following building intensities in each land use designation as shown in Table 2-3.

Excerpt from Table 2-3: BUILDING INTENSITIES		
Land Use Designation	Floor Area Ratio	Maximum Impervious Surface in %
Commercial	.25	85

The site area is to be 266,502 square feet, with a floor area of 66,468 square feet. The impervious surface area has been determined to be 171,588 square feet, which is 64 percent of the site area. The project complies with the .25 floor area ratio and the 85 percent maximum impervious surface intensity allowed by General Plan Policy 2.2.1.5, with the propose boundary line adjustment. The boundary line adjustment will increase the lot size from 6.02 acres to 6.11 acres. The applicant has not applied for the boundary line adjustment at this time; however, the applicant does have a contract from Gist Properties to process the application. It can be found that the project complies with General Plan Policy 2.2.1.5, with the conditions that have been imposed on the project.

Policy 2.2.5.2: Applications for discretionary projects or permits, including land divisions and rezones, shall be reviewed to determine consistency with General Plan policies. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan.

The project is for a special use permit and has been reviewed according to the General Plan policies; therefore, it can be found that the project is consistent with General Plan Policy 2.2.5.2.

Policy 2.2.5.20: Development involving any structure greater than 120 square feet in size or requiring a grading permit shall be permitted only upon a finding that the development is consistent with this General Plan and the requirements of all applicable County ordinances, policies and regulations. For projects that do not require approval of the Planning

Commission or Board of Supervisors, this requirement shall be satisfied by information supplied by the applicant demonstration compliance.

The applicant has applied for the required Special Use Permit, which requires Planning Commission approval. It can be found that the applicant has demonstrated that the development plan complies with all the General Plan policies applicable to the project.

Policy 2.8.1.1: Development shall limit excess nighttime light and glare from parking area lighting, signage, and buildings. Consideration will be given to design features, namely directional shielding for street lighting, parking lot lighting, sport field lighting, and other significant light sources, that could reduce effects from nighttime lighting. In addition, consideration will be give to the use of automatic shutoffs or motion sensors for lighting features in rural areas to further reduce excess nighttime light.

A photometric plan has been provided. Lighting provided is to be wall mounted light packs. There will be no light standards in the parking lot. All lighting will comply with County requirements that no off-site light migration occur. There is no residential development that could be affected by light spillover. It can be found that the lighting plan is consistent with General Plan Policy 2.8.1.1.

Policy HO-1h: The County shall encourage mixed-use projects where housing is provided in conjunction with compatible nonresidential uses.

The living quarters on site will provide on-site security for the mini-storage facility, while providing necessary housing within the County. It can be found that the providing of living quarters on site is consistent with Policy HO-1h.

Policy 5.4.1.1: Require storm drainage systems for discretionary development that protect public health and safety, preserve natural resources, prevent erosion of adjacent and downstream lands, prevent the increase in potential for flood hazard or damage on either adjacent, upstream or downstream properties, minimize impact to existing facilities, meet the National Pollution Discharge Elimination System (NPDES) requirements, and preserve natural resources such as wetlands and riparian area.

A Preliminary Drainage Report has been prepared for the project site and has been reviewed by the Department of Transportation. Final approval of a drainage plan and site improvements will be required prior to issuance of a grading permit for the site, as required by the Department of Transportation. It can be found the Final Drainage Plan for the site will be in compliance with General Plan Policy 5.4.1.1.

Policy 5.7.2.1: Prior to approval of new development, the responsible fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services. The ability to provide fire protection to existing development shall not be reduced below acceptable levels as a consequence of new development.

The El Dorado County Fire Protection District has reviewed the project and can provide service to the project site. It can be found that the project is in compliance with General Plan Policy 5.7.2.1.

Policy 6.5.1.2: When proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table 6-2 at existing or planned noise-sensitive uses, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in project design.

An Acoustical Analysis has been prepared for the project. It can be found that the project is in compliance with General Plan Policy 6.5.1.2.

Policy 6.6.1.11: The standards outlined in Tables 6-3, 6-4, and 6-5 shall apply to those activities associated with actual construction of a project as long as such construction occurs between the hours of 7 a.m. and 7 p.m., Monday through Friday, and 8 a.m. and 5 p.m. on weekends, and on federally-recognized holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards.

Construction activities associated with the project could generate noise levels exceeding El Dorado County General Plan standards. However, the temporary and transitory nature of this noise source would result in a less than significant impact with the included limitation on construction activity. A project mitigation measure has been included in the Mitigated Negative Declaration which states that construction activity shall be limited to the hours of 7 a.m. and 7 p.m. Monday through Friday. With the project mitigation measure, it can be found that the project is in compliance with General Plan Policy 6.6.1.11.

Policy 7.3.2.2: Project requiring a grading permit shall have an erosion control program approved, where necessary.

A preliminary erosion control plan has been prepared for the project. The Final erosion control plan will be reviewed and approved by both the Department of Transportation and the El Dorado County Resource Conservation District prior to issuance of a grading permit for the site. With the project conditions, it can be found that the project is in compliance with General Plan Policy 7.3.2.2.

Policy 7.3.5.1: Drought-tolerant plant species, where feasible, shall be used for landscaping of commercial development. Where the use of drought-tolerant native plant species is feasible, they should be used instead of non-native plant species.

Landscaping consisting of a variety of low- to moderate-water-using shrubs, ground cover, and trees are to be installed in at-grade planters along the rear and side property lines. Plantings are to be 5-gallon size or greater. Trees would be planted along the property lines, and also dispersed throughout the parking area. The applicant has provided a Water Conservation Concept Statement for the project site prepared by the project landscape architect, demonstrating

the low and medium water use landscaping. It can be found that the project is in compliance with General Plan Policy 7.3.5.1.

Policy 7.5.1.3: Cultural resource studies (historic, prehistoric, and paleontological resources) shall be conducted prior to approval of discretionary projects. Studies may include, but are not limited to, record searches through the North Central Information Center at California State University, Sacramento, the Museum of Paleontology, University of California Berkley, field surveys, subsurface testing, and/or salvage excavations. The avoidance and protection of sites shall be encouraged.

A Cultural Resource Assessment has been prepared for the project. A records search was conducted for the project area through the North Central Information Center of the California Historical Resources Information System. There are no prehistoric or historic sites recorded near the project area. It can be found that the project is in compliance with General Plan Policy 7.5.1.3.

Conditions

1. This special use permit approval is based upon and limited to compliance with the project description, dated April 13, 2006, and Conditions of Approval set forth below.

The project description is as follows:

Approval of a Special Use Permit (S04-0019) for a mini-storage facility/commercial development on a parcel encompassing 6.11-acres (with a boundary line adjustment). The project includes 10,461 square feet of commercial office/shop space, 56,007 square feet of mini-storage space (approximately 242 storage units) and a 1,296 square foot caretaker/manager residence. The gate hours are to be 7:00AM to 7:00PM daily, with office hours 8:00 AM to 6:00 PM daily. There will be two (2) employees at the site

The project site is to be developed with ten (10) mini-storage and commercial structures and a caretaker/manager residence. The following table provides the building details:

BLDG. #	PARCEL SIZE (sq. ft.)	BUILDING SIZE (sq. ft.)	FLOOR AREA RATIO	PROPOSED USE	# OF STORAGE UNITS
1		8,386		Mini-storage/Offices/Shops	12
2		8,400		Mini-Storage	20
3		5,600		Mini-Storage	32
4		5,600		Mini-Storage	32
5		6,300		Mini-Storage	36
6		4,900		Mini-Storage	38
7		1,296		Manager's Residence	0
8		8,386		Commercial Offices/Shops	0

BLDG. #	PARCEL SIZE (sq. ft.)	BUILDING SIZE (sq. ft.)	FLOOR AREA RATIO	PROPOSED USE	# OF STORAGE UNITS
9		8,400		Mini-Storage	20
10		5,600		Mini-Storage	30
11		3,600		Mini-Storage	22
Totals	266,502	66,468	.25		242

*Impervious Areas: 66,468 sq. ft (bldg. coverage) + 105,120 sq. ft. (parking/driveways) =171,588 sq. ft (64 percent)

The structures are to be single story slab-on-grade metal buildings, with standing seam metal roofs and metal roll-up doors. The exterior wall color is to be a darker tan (wicker) and the trim is a lighter tan (canvas tent). The roof and doors are to be a dark teal green.

MITIGATION MEASURES FROM PROPOSED MITIGATED NEGATIVE DECLARATION

2. Prior to the issuance of grading permits for the project, the applicant shall submit to the El Dorado County Air Pollution Control District (EDCAPCD) and receive approval of a Construction Emission/Dust Control Plan. The approved Plan will be implemented through all phases of project construction, and all construction contractors working on the project will be required by contract specification to implement all measures from the approved Plan that are applicable to their activity. At a minimum, the Construction Emission/Dust Control Plan shall include the following measures or other measures shown to be equally effective:
 - (a) Construction exhaust emissions shall not exceed El Dorado County APCD Rule 202 Visible Emissions limitations.
 - (b) Prime contractors shall submit to the El Dorado County APCD a comprehensive inventory (i.e., make, model, year, emission rating) of all the heavy-duty off-road equipment (50 brake horsepower or greater) that will be used an aggregate of 40 or more hours for the construction project. The inventory shall be updated monthly throughout the duration of project construction, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the prime contractors shall provide the El Dorado County APCD with the anticipated construction timeline including start date, and name and telephone number of the project manager and on-site foreman.
 - (c) Heavy duty (more than 50 horsepower) off-road vehicles to be used in the construction of the project, including vehicles owned and/or leased by the prime contractors and those operated by subcontractors, shall achieve a project-wide fleet average 20 percent reduction of NOx and 45 percent particulate reduction compared to the most recent ARB fleet average. Acceptable options for reducing

emissions may include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available and cost-effective.

- (d) Vegetation materials removed from the site during construction shall not be burned in the open. Vegetative material should be chipped or delivered to waste-to-energy facilities.
- (e) During second stage smog alerts, the construction day shall be shortened and the number of vehicles and equipment operating at the same time shall be reduced.
- (f) Construction equipment operators shall shut off equipment when not in use to avoid unnecessary idling. As a general rule, vehicle idling should be kept below 10 minutes.
- (g) Earth moving equipment shall be sprayed down with water at the end of each work day.
- (h) Soil binders approved by the El Dorado County APCD shall be spread on unpaved construction roads and employee/equipment parking areas in accordance with manufacturer's specifications.
- (i) Soil binders approved by the El Dorado County APCD shall be applied to all inactive construction areas (previously grazed areas which remain inactive for 96 hours) in accordance with manufacturer's specifications.
- (j) Active grading sites shall be watered at least twice daily.
- (k) Paved roadways adjacent to the project construction sites shall be swept at the end of the day if soil material is visible as a result of construction activities.
- (l) A traffic speed limit of 15 miles per hour shall be posted and enforced on all unpaved construction roads.
- (m) All excavating and grading activities shall be suspended when wind speeds (as instantaneous gusts) exceed 25 miles per hour and dust is transported onto adjacent developed properties.
- (n) Wheel washers shall be installed where construction vehicles enter and exit unpaved construction roads onto paved roads.

MONITORING: The County Air Pollution Control District shall review and approve a Fugitive Dust Prevention and Control Plan, and shall review the overall project to verify compliance with the Districts rules and regulations prior to issuance of the grading permit.

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

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

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

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

5. The contract between the mini-storage rental agent and the mini-storage rental customer shall specifically state that the storage of hazardous materials is prohibited on the site. A sample of the contract shall be submitted to Planning Services for review and approval prior issuance of a building permit.

MONITORING: Planning Services shall review the rental contract prior to issuance of a building permit.

6. Construction activity shall be limited to the hours of 7 a.m. and 7 p.m. Monday through Friday. Planning Services shall verify that the construction hours have been placed on the grading, improvement and structural plans prior to issuance of grading and building permits.

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

7. The applicant shall install a shoulder area on the north side of Pleasant Valley Road just east of the proposed driveway, with the design and location to be submitted with the

grading and improvement plans to the Department of Transportation for approval. All improvements shall be complete prior to occupancy of the project.

MONITORING: The Department of Transportation shall review the grading and improvement plans to verify the shoulder area as recommended by the project Traffic Engineer prior to issuance of the grading permit.

PROJECT SPECIFIC CONDITIONS

8. All site improvements shall conform to Exhibits D, E, F and G.
9. The project site has ~~53~~ 68 on-site parking spaces. The project site shall have mini-storage, office and warehouse uses, including one caretaker unit. A parking analysis has been completed for the site and it has been determined that there shall will be adequate parking for the uses specified; however, due to the limited number of on-site parking spaces, deviations to the proposed uses may impact parking. Therefore, all uses shall be evaluated by Planning Services prior to establishing in the development to ensure that parking will be available for each use.
10. The signage for the development is to comply with Section 17.32.200 of the County Code, which allows by right, two signs, neither of which shall exceed fifty (50) square feet in total area of any one display surface or one sign not exceeding eighty (80) square feet in area, advertising authorized activities on the premises and subject to all applicable general provisions and exceptions pertaining to signs in Chapters 17.14, 17.16 and 17.18.1. The mini-storage facility shall be permitted a forty-eight (48) square foot sign, with a height of ~~fourteen (14)~~ ten (10) feet. All other business signs shall comply with County Code requirements. Planning Services shall review and approve all signage within the development prior to issuance of a Building Permit.
11. The applicant has proposed a draft landscape plan. The plan has been reviewed and it has been determined that the required shade trees have been provided along the property lines and within the parking lot. The applicant shall provide Planning Services with a copy of a Final Landscape and Irrigation Plan for review and approval prior to issuance of a Building Permit. The Final Landscape Plan shall comply with the Water Conserving Concept Statement prepared by the project landscape architect.
12. The parking requirements contained in Section 17.18.070 (paving standards, striping, wheel stops, arrows and signage, etc.) and in Section 17.18.080 (loading areas) shall be met unless waivers have been approved by the Planning Commission. Prior to issuance of a building permit for each use the applicant shall submit a parking plan demonstrating that all the requirements specified in Section 17.18.070 have been complied with, or design waivers have been obtained. Planning Services shall review and approve the parking plan for each use prior to issuance of a building permit.

13. The applicant shall process a boundary line adjustment with Planning Services, as shown on the project plans, to increase the lot size to 6.11 acres, and shall record the boundary line adjustment prior to issuance of a grading permit.
14. The Special Use Permit shall be valid for a period of twenty-four (24) months, unless one of the following has occurred:
 - a. The permit has been implemented by satisfaction of conditions prerequisite to construction and a building permit has been issued and at least one inspection has been conducted and approved by the Building Official; or
 - b. The permit has been implemented by satisfaction of conditions prerequisite to establishment of a use not requiring a building permit and the use has been established on the site and is in operation; or
 - c. An extension of time has been granted by the Planning Commission.

It shall be the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with any conditions of approval.

El Dorado County Fire Protection District

15. The project shall comply with the requirements of the El Dorado County Fire Protection District which include but shall not be limited to the following:
 - a. The applicant shall pay to the El Dorado County Fire Protection District site plan review fee of \$50.00. The fee shall be paid prior to review of the project plans.
 - b. The applicant shall install an engineered fire sprinkler system within buildings over 3,600 square feet. Buildings with an approved sprinkler system shall receive a 50 percent decrease in the fire flow. The El Dorado County Fire Protection District shall approve the fire sprinkler system prior to issuance of a building permit. All improvements shall be completed prior to occupancy.
 - c. The applicant shall provide three (3) Mueller Centurion 200 hydrants within 150 feet of all points of the structure. Fire flow is based on building type, size and available water. Fire flow for an 8,386 square foot type V-N building with an approved sprinkler system is 1500 gallons per minute for 2 hours at 20 psi. The El Dorado County Fire Protection District shall approve the location of the fire hydrants prior to issuance of a building permit. All improvements shall be completed prior to occupancy.
 - d. The applicant shall provide a Facilities Improvement Letter from the El Dorado Irrigation District to the El Dorado County Fire Protection District demonstrating

that the project can provide adequate fire flow prior to issuance of a grading permit.

- e. The applicant shall provide a minimum 20 foot wide all weather access road to within 150 foot of all exterior portions of the structure. The access road shall have a 13 foot 6 inch vertical clearance and be capable of supporting a 40,000 pound load and shall have a minimum inside turning radius of 25 feet. No road grade shall exceed 15 percent. The El Dorado County Fire Protection District shall review the access road and improvements prior to issuance of a grading permit. All improvements shall be completed prior to occupancy.
- f. The applicant shall provide high-priority “Knox” access with keys for emergency access to the site. The El Dorado County Fire Protection District shall approve the emergency access to the site prior to issuance of a building permit and all improvements shall be completed prior to occupancy.
- g. All access gates to the facility shall comply with Fire Prevention Officers standard and shall be approved by the El Dorado County Fire Protection District prior to issuance of a building permit. All improvements shall be completed prior to occupancy.

Department of Transportation

- 16. The project shall comply with the requirements of the Department of Transportation which shall include the following:
 - a. 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. The onsite drainage system must include treatment of the runoff for water quality prior to discharge into the adjacent right-of-way of Pleasant Valley Road. The applicant shall submit a drainage report along with the on-site grading/improvement plans to the Department of Transportation for approval prior to issuance of a grading permit.
 - b. The applicant shall be subject to encroachment permit, Std. Plan 103E, with a driveway width of 30 feet. The driveway shall be designed to the satisfaction of the Department of Transportation and must accommodate the existing U.S. Bureau of Reclamation pipeline facility. The improvement plans for this work shall be submitted with the application for on-site grading/improvement plans to the Department of Transportation, and construction shall be complete prior to occupancy of the project.

El Dorado County Department of Environmental Management

17. The project shall comply with the requirements of the El Dorado County Department of Environmental Management which shall include the following:
 - a. The applicant shall obtain the necessary permits from the El Dorado County Air Pollution Control District prior to issuance of a grading permit.
 - b. The storage of hazardous waste materials within the mini-storage units shall be prohibited. If a commercial unit tenant shall involve the use of hazardous materials and/or the generation of hazardous waste, the tenant (s) shall prepare and submit a hazardous materials business/hazardous waste generator management plan for review and approval by the Environmental Management Department prior to occupancy.
 - c. The applicant shall obtain an on-site waste disposal system permit from the El Dorado County Environmental Management Department prior to issuance of a building permit. All improvements shall be installed prior to occupancy of the project.
 - d. The applicant shall provide an on-site drainage plan, which shall comply with the standard storm water Best Management Practices designed to minimize the impact to ground and surface waters in the vicinity, for review and approval to the El Dorado County Environmental Management Department prior to issuance of a grading permit. All improvements shall be installed prior to occupancy of the project.

El Dorado County Building Department

18. The applicant shall obtain a building permit from the El Dorado County Building Department prior to commencement of all construction.

El Dorado Irrigation District

19. All required easements for new District facilities to serve the project site shall be provided to the El Dorado Irrigation District. The El Dorado Irrigation District shall approval all water and/or sewer improvement plans and easement locations prior to issuance of a grading permit. A letter stating that the easement locations comply with the approved improvement plans shall be provided to Planning Services by the El Dorado Irrigation District prior to issuance of a grading permit. All improvements shall be installed prior to occupancy.

El Dorado County Resource Conservation District

20. The applicant shall submit for review and approval the site specific erosion control and sediment control plan to the El Dorado County Resource Conservation District prior to issuance of a grading permit.

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

10. **DEPARTMENT OF TRANSPORTATION** - None

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

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

13. **ADJOURNMENT**

There being no further business, Chair Knight adjourned the meeting at 3:30 p.m.

John Knight, Chair

