



# 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 May 25, 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 8:40 a.m. The following persons were in attendance: Commissioners Mac Cready, Machado, Chaloupka, Tolhurst, and Knight; Trish Beck, 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 TOLHURST, SECONDED BY COMMISSIONER CHALOUPKA AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE AGENDA, AS PRESENTED.

#### 3. PLEDGE OF ALLEGIANCE

The Commission and those persons in the audience gave a Pledge of Allegiance.

#### 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: April 27, 2006

ON MOTION OF COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER MAC CREADY 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 workshop scheduled today on the Zoning Ordinance would be continued to the next meeting.

Staff is going ahead with some of the General Plan implementation. There is a consultant on board for the floor area ratio project. Consultants were interviewed this week for the Integrated Natural Resources Management Plan. The deadline for proposals on the plan is the end of June. Hopefully work will begin on the document the end of July or early August. Commissioner Machado asked the schedule for adoption. Mr. Maurer said staff is hoping the oak woodland portion of the document would be completed within a year. Staff will be bringing interim guidelines on oak trees back to the Commission in July. Mr. Maurer briefly explained the General Plan interpretation items that will be on the agenda at the next meeting.

Roger Trout said the Commission approved a revision to the Food-For-Less store in Cameron Park at the March 9 meeting. The applicant has come back for administrative relief on a portion of the structure. Staff is approving the request, as it is a very minor change. He asked that the Commission look at the displays on the wall before leaving today. The display showed what was approved and what is being requested.

Commissioner Machado asked if there is a workshop scheduled on affordable housing. Mr. Maurer replied that one has not been scheduled yet.

Commissioner Mac Cready asked about paving roads rather than using chip and seal. It seems it would be less expensive to pave the road. Chuck Collins, Department of Transportation, said if it a County maintained road, that issue will looked into.

**6. COMMISSIONERS' REPORTS - None**

**PUBLIC FORUM/PUBLIC COMMENT - None**

**7. RIVER USE PERMITS**

- a. TROY TANGA, owner of Whitewater Connection, Inc., requesting transfer of River Use Permit #13 (with Component Permit 44 and 47) and River use Permit #25 to DON KOOLMES, owner of Koolriver Adventure Tours, Inc.

Dan Bolster, River Manager, presented this item. Commissioner Tolhurst asked for clarification on the request.

Commissioner Machado asked Dan Bolster to provide the Commission with an updated list of the River Use Permits and permit holders.

Don Koolmes was present and had nothing to add to the presentation.

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

ON MOTION OF COMMISSIONER MACHADO, SECONDED BY COMMISSIONER CHALOUPKA AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE THE TRANSFER OF RIVER USE PERMIT #13 (with Component Permit 44 and 47) AND RIVER USE PERMIT #25 TO DON KOOLMES, AND GRANT THE NEW OUTFITTER A ONE-YEAR PROVISIONAL PERMIT.

**Findings**

1. The application for the transfer of River Use Permit #13 (with Component Permit 44 and 47) and River Use Permit #25 by Troy Tanga, dba Whitewater Connection, Inc., to Don Koolmes meets the standards required by River Management Plan Element 6.2.1.4.
2. The application for a Commercial River Use Permit by Don Koolmes meets the standards required by the River Management Plan and County Ordinance Chapter 5.48.070.
8. **FINDINGS OF CONSISTENCY** (Public Hearing)
  - a. Request submitted by the RESCUE FIRE PROTECTION DISTRICT for a finding of consistency with the General Plan on the annual update to their Capital Improvement Plan.

Thomas Keating, representing the Rescue Fire Protection District, explained the change being made in how they will be collecting their fees.

Commissioner Machado asked the accuracy of the numbers for the equipment. Mr. Keating said it is a ballpark figure at the present time and will have to be adjusted.

Chair Knight asked the tentative location of the new station. Mr. Keating said it is proposed to be located at the west end of Green Valley Road. It will depend on future development. They have two lots that were donated to the district but might not be adequate sites.

Chair Knight asked if they have talked to the Cameron Park District as they are also proposing a new station. Mr. Keating said their Board would have to approve a joint station. He has not had the opportunity to look into this issue.

Chair Knight asked where most of the vacant lots are located. Mr. Keating replied at the west end of their district.

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

ON MOTION OF COMMISSIONER CHALOUPKA, SECONDED BY COMMISSIONER MACHADO AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE ANNUAL UPDATE TO THE RESCUE FIRE PROTECTION DISTRICT CONSISTENT WITH THE COUNTY GENERAL PLAN.

- b. **General Vacation GV2005-01** proposes to abandon an approximate 550-foot portion of Sunset Lane located on the north side of Mother Lode Drive, approximately three-quarters of a mile east of the intersection with South Shingle Road, in the **Shingle Springs area**. Applicants: NORM BROWN, N.C. BROWN DEVELOPMENT. Engineer: Kevin Heeny/Cooper, Thorne & Associates.

Jonathan Fong presented this item with a recommendation that the abandonment be found consistent with the General Plan.

Norm Brown said they support the staff recommendation. He explained the request.

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

ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE ABANDONMENT OF AN APPROXIMATE 550 FOOT PORTION OF SUNSET LANE LOCATED ON THE NORTH SIDE OF MOTHER LODE DRIVE CONSISTENT WITH THE COUNTY GENERAL PLAN.

9. **DESIGN REVIEW** (Public Hearing)

- a. **DR05-0005/Diamond Springs Retail Center** submitted by LEONARD GRADO (Engineer: Patterson Development) for a design review for the construction of an 8,628 square foot retail center with a 12-pump fueling station to include the following uses: 5,628 square foot retail shop; 1,200 square foot fast food restaurant space within the retail shop; 3,000 square foot convenience market; drive through automated car wash; and fueling station canopy. The properties, identified by Assessor's Parcel Numbers 054-342-24, -25, -26, and -27, consist of 6.11 acres, are located on the north side of Pleasant Valley Road, east of the intersection with State Route 49, in the **Diamond Springs area**. (Mitigated negative declaration prepared)

Jason Hade presented this item with a recommendation for conditional approval. He gave the Commission a memo from Chuck Collins, Department of Transportation, proposing modifications to Conditions 52, 55, 55b, and 56. He explained the proposed modifications.

Commissioner Tolhurst said his concern is about the springs. There is a comment in the cultural resource information about the spring that is made by the applicant. He does not believe that is a wetlands source. Mr. Hade said Mitigation Measure 28 addresses the impacts to the wetlands. The Army Corps of Engineers has reviewed the wetlands, and everything is to their satisfaction.

Commissioner Machado asked if the 1,200 square feet is part of the 5,628 retail shop. Mr. Hade replied in the affirmative.

Commissioner Machado asked if the patio area was taken into consideration when determining the total parking required. Mr. Hade explained how the parking was determined and commented the project has more than adequate parking.

Commissioner Machado asked if the credits for loss of wetlands are in the County or elsewhere. Mr. Hade referred this question to the applicant.

Referring to Pages 6 and 7 of the staff report, Commissioner Machado asked for clarification on the access off Highway 49, the right turn lane, and the hard median. If Old Highway 49 is abandoned, it appears that the applicant would like to get a drive-through lane. Roger Trout said that request would have to come back before the Commission.

On Page 7, Commissioner Machado asked for clarification on the requested signage. Mr. Trout said in the past it has been interpreted that the wall sign could not exceed 20 percent of the building, but there was no number for the signs. He recommended that the Commission delete the last bullet on page 7. Staff feels the sign package is satisfactory.

Commissioner Machado asked about the vacuum facility and the loading zones.

Leonard Grado said the comments he made to Melinda Peak were from their wetland specialist. Commissioner Tolhurst commented his concern is about a possible leak in the gas tanks getting into the ground water.

Mr. Grado said he has been going through the process for about three years before coming before the Commission. There were two cultural studies done, and no historic sites were discovered on the site. They have about 20 percent more parking than is required. The signage is the same as was put on their property across from WalMart. Regarding the wetland credits, the Corps tries to do everything it can to purchase those credits within the subject county.

Larry Patterson explained the loading area. Commissioner Machado does not like the loading zone layout. He does not believe there is enough. Mr. Grado said the fast food is a coffeehouse that will be going on the end cap of the business.

Mr. Patterson explained the ingress and egress points. Once Highway 49 is abandoned, they anticipate that area could be used for additional parking.

Commissioner Machado feels there is too much signage. He asked for the justification for the signs. William Rankin, Quik Stop, said they did not have any input in the sign package. They only need the one sign. The sign on the canopy will be minimal. Commissioner Machado asked about the four signs on the building itself. The sign package for the Quik Stop could be brought back at a later date and the remainder of the project acted upon today. Mr. Grado agreed. Commissioner Tolhurst said the signage on the elevations could be approved, and any additional signs would have to come back to the Commission.

Commissioner Machado asked if Quik Stop is a 24-hour operation. Mr. Rankin replied in the affirmative.

Kris Wright, construction engineer for Quik Stop, explained the type of tanks, alarms systems, etc., they use in their stations.

Mr. Trout suggested an amendment to Condition 47. Mr. Grado agreed to the modification with the caveat that they could come back to the Commission with the sign package for the Quik Stop.

Chuck Collins, Department of Transportation, explained his proposed modifications.

ON MOTION OF COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MACREADY AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; NOES – COMMISSIONER TOLHURST, IT WAS MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED, AND APPROVE DR05-0005 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Commissioner Tolhurst said he does not have a problem with the project but does not believe there was enough CEQA investigation on the wetland issue.

### **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 review 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 the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 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**

- 2.1 Design Review DR05-0005 consist of the construction of a 12-pump fueling station with an 8,628 square foot retail center to include: 5,628 square foot retail shop; 1,200 square foot fast food restaurant within the retail shop; 3,000 square foot convenience market;

drive through automated car wash; and fueling station canopy. A tenant directory monument sign and fuel price monument sign are to be constructed at a height of nine feet with 50.4 square feet of sign area for each sign. The sign plan also includes wall signage for both buildings and gas station canopy signs.

The design review shall only be approved or conditionally approved if all of the following findings are made:

**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 be consistent with the uses permitted within the Commercial Zone District 17.32.020 and 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. Through the project review process, issues pertaining to outdoor lighting, access and circulation, parking, landscaping, wetland setbacks and land use compatibility were identified and addressed with the project's mitigation measures and conditions of approval. Although several agency and community concerns regarding access and circulation and cultural resources at the subject site were raised during the project review stages, these issues were addressed in subsequent site plan revisions and cultural resource studies. The subject site is surrounded by a mix of existing commercial and residential uses and is located adjacent to State Route 49 as well as the planned Missouri Flat Connector which is included in the Department of Transportation's five-year Capital Improvement Program. As such, the proposed fueling station/retail use fits well with the context of the surrounding area.

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

The proposed use is consistent with the policies in the El Dorado County General Plan, as discussed in the General Plan section of this staff report. The General Plan designates the parcel as Commercial (C), which permits a wide range of commercial uses, including the proposed fueling station and retail use. The subject site is zoned Commercial (C), which permits the proposed use under Section 17.32.020. As proposed and conditioned, the project meets all applicable development standards contained within Section 17.32.040 of the *El Dorado County Zoning Ordinance*.

**2.2.3 Avoidance and minimization of the wetlands at the subject site, as identified in the U.S. Army Corps of Engineers verified wetland delineation study is infeasible.**

Pursuant to General Plan Policy 7.3.3.4, the County shall apply a minimum setback of 50 feet from intermittent streams and wetlands such as those located in a portion of the project site. However, as documented in the Initial Study, the applicant has agreed to participate in an approved wetlands bank mitigation program through the U.S. Army Corps of Engineers to mitigate for the loss of 0.14 acres of waters of the United States.

By purchasing 0.11 credits of seasonal wetlands and 0.03 acres of open water intermittent drainage at a Corps approved wetland mitigation bank, the impacts to the identified wetlands are mitigated. Avoidance of the identified wetlands at the subject site would effectively deny the applicant reasonable commercial use of the site.

### **Conditions**

#### **Development Services Department - Planning Services**

1. This design review approval is based upon and limited to compliance with the project description, dated May 25, 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 design review for the construction of an 8,628 square foot retail center with a 12-pump fueling station to include the following uses:

- 5,628 square foot retail shop;
- 1,200 square foot fast food restaurant space within the retail shop;
- 3,000 square foot convenience market;
- Drive through automated car wash; and
- Fueling station canopy.

A tenant directory monument sign and fuel price monument sign are proposed at a height of nine feet with 50 square feet of sign area for each sign. The sign plan also includes wall signs for both buildings and gas station canopy signs.

#### **MITIGATION MEASURES**

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

2. Parking lot and any outdoor security lighting shall be side and top shielded to prevent any light or glare from leaking onto adjacent properties or roadways (street lights for illumination of public roads are excluded from this provision).

Monitoring: Prior to building permit issuance, an outdoor lighting plan shall be submitted to the Development Services Department for approval and subject to final inspection prior to building occupancy.



3. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.

Monitoring: Prior to building permit issuance, an outdoor lighting plan shall be submitted to the Development Services Department for approval and be subject to final inspection prior to building occupancy.

4. No outdoor floodlights shall project above 20 degrees below the horizontal plan.

Monitoring: Prior to building permit issuance, an outdoor lighting plan shall be submitted to the Development Services Department for approval and be subject to final inspection prior to building occupancy.

5. Parking lot standards (poles) shall not exceed 25 feet in height above grade.

Monitoring: Prior to building permit issuance, an outdoor lighting plan shall be submitted to the Development Services Department for approval and be subject to final inspection prior to building occupancy.

6. All lighting under the gas station canopy shall be recessed and shall not protrude beyond the bottom surface to be illuminated.

Monitoring: Prior to building permit issuance, an outdoor lighting plan shall be submitted to the Development Services Department for approval and be subject to final inspection prior to building occupancy.

7. All lighting shall be fully shielded pursuant to IESNA full cut-off designation.

Monitoring: Prior to building permit issuance, an outdoor lighting plan shall be submitted to the Development Services Department for approval and be subject to final inspection prior to building occupancy.

8. The proposed project shall comply with all applicable National, State, and local rules and regulations pertaining to Toxic Air Contaminates (TACs) and fueling stations, specifically Rule IX, Section A relating to benzene emissions.

Monitoring: The Air Quality Management District shall ensure compliance with applicable regulations pertaining to Toxic Air Contaminates (TACs) and fueling stations.

9. A health risk assessment shall be prepared for point sources that have the potential to emit toxic air contaminants. Resultant health risks from toxic air contaminants shall not exceed the State of California thresholds for cancer and non-cancer risks.

Monitoring: Prior to building permit issuance, the project applicant shall apply for an Authority to Construct and Permit to Operate from the El Dorado County Air Quality

Management District for any major on-site point source emissions in accordance with existing El Dorado AQMD rules and regulations.

10. Water exposed areas at least two times daily.

Monitoring: The Air Quality Management District will conduct monitoring during project construction.

11. Cover all soil stockpiles with tarps.

Monitoring: The Air Quality Management District will conduct monitoring during project construction.

12. Water haul routes at least two times daily.

Monitoring: The Air Quality Management District will conduct monitoring during project construction.

13. Reduce speeds on unpaved roads to 15 mph or less.

Monitoring: The Air Quality Management District will conduct monitoring during project construction.

14. Require the prime contractor to provide an approved plan demonstrating that heavy-duty equipment (50 horsepower or greater) will achieve, at a minimum, a fleet-averaged 20 percent reduction in NO<sub>x</sub> compared to the most California Air Resources Board fleet average. Successful implementation of this measure requires the prime contractor to submit a comprehensive inventory of all the heavy-duty off-road construction equipment that will be used an aggregate of 40 or more hours during the construction project. Usually the inventory includes the horsepower rating, engine production year, and hours of use or fuel throughput for each unit of equipment. In addition, the inventory list is updated and submitted monthly throughout the duration of construction activity.

Monitoring: Prior to building permit issuance, a fleet inventory shall be submitted to the Air Quality Management District for review and approval as outlined above.

15. Maintain all construction equipment according to manufacturer's recommendations.

Monitoring: The Air Quality Management District will conduct monitoring during project construction.

16. Clean earth moving equipment with water once daily.

Monitoring: The Air Quality Management District will conduct monitoring during project construction.

17. Wet broom or wash streets so that no silt is carried over to adjacent public thoroughfares.  
  
Monitoring: The Air Quality Management District will conduct monitoring during project construction.
18. Suspend all grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour.  
  
Monitoring: The Air Quality Management District will conduct monitoring during project construction.
19. Minimize construction equipment idling time to 10 minutes.  
  
Monitoring: The Air Quality Management District will conduct monitoring during project construction.
20. Employ construction activity management techniques, such as: extending the construction period outside the ozone season of May through October; reducing or eliminating construction hours on designated Spare the Air days; reducing the number of pieces used simultaneously; increasing the distance between emission sources; reducing or changing the hours of construction; and scheduling activity during off-peak hours.  
  
Monitoring: The Air Quality Management District will conduct monitoring during project construction.
21. Provide a flag person to guide traffic properly and ensure the safety at construction sites.  
  
Monitoring: The Air Quality Management District will conduct monitoring during project construction.
22. Schedule operations that may result in general traffic congestion for off-peak hours.  
  
Monitoring: The Air Quality Management District will conduct monitoring during project construction.
23. 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.

24. 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)

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

25. 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.

26. Prior to construction/installation of any new point source emission units or non-permitted emission units (i.e. fueling 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.

27. Project construction may involve road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials and county ordinance concerning asbestos dust.

Monitoring: The Air Quality Management District shall ensure compliance with District Rule 224 prior to and during project construction.

28. Prior to building permit issuance, the applicant shall obtain a Nationwide Permit Number 39 for the proposed activity from the U.S. Army Corps of Engineers to include: 1) to document pre- and post-project construction conditions, the applicant shall submit pre-construction photos of the project site prior to project implementation and post-construction photos of the project site within 30 days after project completion; 2) to ensure the project complies with the Federal Endangered Species Act, the applicant must implement all of the mitigating measures identified in the Fish and Wildlife Service letter of concurrence dated July 18, 2003; 3) to mitigate for the loss of 0.14 acres of waters of the United States, the applicant shall purchase 0.11 credits of seasonal wetlands and 0.03 acres of open water intermittent drainage at a Corps approved wetland mitigation bank. The selected mitigation bank shall include the area of the permitted project within its service area. Evidence of this purchase shall be provided to the U.S. Army Corps of Engineers prior to proceeding with any activity otherwise authorized by this permit; 4) A signed Compliance Certification form shall be submitted by the applicant to the U.S. Army Corps of Engineers within 30 days after completion of the authorized work.

Monitoring: Written evidence of satisfaction of all U.S. Army Corps of Engineers permit requirements shall be provided to the Development Services Department prior to final building occupancy issuance.

29. 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.

30. 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.

31. The applicant shall complete and submit an erosion control plan for review and approval to the El Dorado County Resource Conservation District and El Dorado County Department of Transportation prior to any grading or earth disturbance commencing on the project site.

Monitoring: Prior to building permit issuance, the applicant shall submit an erosion control plan to the El Dorado County Resource Conservation District and El Dorado County Department of Transportation for review and approval.

32. The erosion control plan shall contain a revegetation plan designed to stabilize all disturbed and graded areas, which will not otherwise be protected. All areas where grading has been completed between May 1 and October 15 of any calendar year shall be planted by November of that same year, unless otherwise recommended by the Soil Conservation Service. Grading completed from October 15 to May 1 shall be planted

within 15 days of completion of the grading.

Monitoring: The El Dorado County Resource Conservation District shall monitor project erosion control prior to and during project construction.

33. The erosion control plan shall be designed to prevent increased discharge of sediment from the site at all stages of grading and development from the initial disturbance of the ground to project completion. Every feasible effort shall be made to ensure that site stabilization and erosion control implemented on the site are permanent.

Monitoring: The El Dorado County Resource Conservation District shall monitor project erosion control prior to and during project construction.

34. The erosion control plan shall provide for the inspection, cleaning, and repair of all erosion and sediment control facilities at the close of each working day during all site grading and construction activities and during the rainy season following the completing of site grading.

Monitoring: The El Dorado County Resource Conservation District shall monitor project erosion control prior to and during project construction.

35. All stormwater and sediment containment systems included within the erosion control plan shall be designed by a Civil Engineer, Geotechnical Engineer, Engineering Geologist, or other licensed professional involved in the preparation of a grading plan.

Monitoring: The El Dorado County Department of Transportation shall monitor project grading prior to and during project construction.

36. A civil engineer shall verify the structural and hydraulic adequacy of all stormwater containment or conveyance facilities included in the erosion control plan and shall so attest by stamping the plans. Sufficient calculations and supporting materials to demonstrate the structural and hydraulic adequacy of all storm water containment or conveyance facilities shall accompany the submittal of the erosion control plan prior to any grading or earth disturbance on the property.

Monitoring: The El Dorado County Resource Conservation District and El Dorado County Department of Transportation shall approve the erosion control plan prior to grading permit issuance.

37. Grading and construction activities on the site shall be limited to daylight hours from 7:00 a.m. to 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.

Monitoring: The 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.

38. 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.

39. Construction equipment shall not idle on the property (construction site) when not in active use. All compressors and other equipment will be located as far as possible from the northern and eastern property lines of the project parcel.

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.

40. The applicant shall install catch basins and/or other surface drainage system Best Management Practice (BMP) surface water quality management systems within the proposed parking lot area to reduce storm water runoff water quality impacts. The property owner(s) shall be responsible for the maintenance of any installed catch basin or filter systems. As another BMP, the property owner(s) shall perform parking lot sweeping prior to the first storm event of the season. The El Dorado County Department of Transportation shall review and approve all plans for catch basins and other proposed BMP measures on the site prior to the issuance of a commercial grading permit.

Monitoring: Prior to the issuance of a commercial grading permit, the Department of Transportation shall review and approve all plans for catch basins and other proposed BMP measures on the project site.

41. Prior to final building occupancy, the applicant shall execute an extension of facilities agreement with the El Dorado Irrigation District to provide water service for the subject site.

Monitoring: Prior to final building occupancy, written evidence of the execution of the required El Dorado Irrigation District agreement discussed above shall be provided to the Development Services Department.

**PROJECT SPECIFIC CONDITIONS OF APPROVAL**

42. All site improvements, building locations, building orientations, and materials shall comply with the approved site plans. The approved site plans shall consist of Exhibits E, F, G, and H, as 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 Development Services Department Director or designee. Major changes in building sizes or features will require an amendment to the approved design review application.
43. All outdoor lighting shall conform to Section 17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation.
44. The Parking Lot Landscaping and Buffering Standards (Section 17.18.090, El Dorado County Zoning Ordinance) shall be incorporated into the site plan and final landscape plan and be approved by Planning Services prior to issuance of a building permit. All landscape plans must be consistent with El Dorado County water conservation concept statement standards.
45. Prior to building occupancy, the applicant shall install bicycle storage racks at the subject site.
46. The outdoor dining area within the patio shall be limited to a maximum of 20 fixed seats during project operation.
47. The sign plan (Exhibit H) shall exclude the “drive-thru menu” denoted as “D” on the submitted plan. Any additional proposed project signage shall be subject to the submittal of a design review revision application. The gas station and gas pump canopy signs shall be limited to that shown on the elevation plans and not that shown on the site map until a revised sign plan is approved by the Planning Commission.

**California Department of Transportation**

48. Prior to building permit issuance, Caltrans shall review and approve any site plan modifications or traffic study revisions.

**California Regional Water Quality Control Board – Central Valley Region**

49. Prior to commencing project construction, the applicant shall obtain all required permits from the California Regional Water Quality Control Board – Central Valley Region, including, but not limited to, a NPDES general permit for storm water discharges associated with construction activities and 401 water quality certification, as determined necessary by the California Regional Water Quality Control Board – Central Valley Region. Written evidence confirming that such permits have been obtained shall be submitted to Planning Services prior to building permit issuance.



**Diamond Springs – El Dorado Fire Protection District**

50. Placement of fire lanes and hydrants at the project site is subject to Fire District approval and shall be installed prior to building permit issuance.
51. Prior to final building occupancy, a sprinkler system and knox box shall be installed pursuant to Fire District requirements.

**El Dorado County Department of Transportation**

52. ~~Prior to issuance of any building permits for any portion of this project, the owner shall enter into an agreement in recordable form with the County that obligates the property to participate in and annex into the Community Facilities District No. 2002-01 (Missouri Flat Area) (CFD), which is the financing district approved by the El Dorado County Board of Supervisors for the Missouri Flat Area, at such time in the future that the County processes an annexation of territory into the CFD. The agreement shall be executed by the property owner and approved by the County prior to the issuance of any building permits. The financing obligation shall run with the property's title and bind all future assignees and/or successors in interest in the subject property.~~

~~Should timing of building permit review process coincide with an annexation process underway by the County, the applicant may participate in said process in lieu of entering into an agreement, provided the annexation election has been held, the property owner for subject application voted in favor of being annexed, and the annexation election is successful.~~

- . The applicant shall set back buildings and parking for the future right of way widening of Pleasant Valley Road and Route 49 along the frontage of the project to the future right-of-way width as provided by the Department of Transportation. No permanent facilities, (including underground fueling tanks) shall be placed in that future right of way.
53. The applicant shall record a boundary line adjustment to make the project one parcel of record under Assessor's Parcel Numbers 054-342-26 and 054-342-27 and to make Assessor's Parcel Numbers 054-342-24 and 054-342-25 one parcel of record on the westerly side of Route 49, substantially consistent with Exhibit K, prior to issuance of any permits.
54. The applicant shall secure approval of improvement plans and obtain an encroachment permit from ~~enter into a road improvement agreement (RIA) with the County~~ prior to issuance of building permit and prior to performing any work within the County right-of-way or prior to issuance of a building permit, to include:
  - a. Obtain an encroachment for a Standard Plan 103D driveway on Pleasant Valley Road, and enter into a reciprocal easement with the adjacent property owner for that driveway entrance. The driveway should be extended northerly along Old

Diamond Road with a “throat” length of at least 30 feet, per Tables 7-8 and 31 of the ITE manual Transportation and Land Planning, preventing backup onto Pleasant Valley Road. The driveway from Pleasant Valley Road will be limited to right-turn-in-and-out at the time Pleasant Valley Road is widened to allow for additional lanes.

- b. Construction of a four foot wide sidewalk along the project frontage, connected to the existing pedestrian ramp at the corner. ~~prior to or concurrent with the application for the grading permit for the onsite work. The plans for this encroachment shall be approved by the County prior to commencement of the onsite grading.~~ This work must be substantially complete, as determined by the Department of Transportation, prior to occupancy of the site.
56. The applicant shall secure approval of improvement plans and obtain an encroachment permit from Caltrans prior to issuance of a building permit. The encroachment permit shall include, but not be restricted to the following: ~~for:~~
- a. Construction of a right-in-right-out only driveway on Route 49, including a right turn lane into the project and an acceleration lane out of the project, and to construct a concrete centerline median on Route 49 to prevent left turns into or out of that driveway. That median shall extend from the existing access road into the ~~Old~~ Diamond Road, at the northerly end of the project, to the crosswalk at the intersection of Pleasant Valley Road. This work must be substantially complete, as determined by the Department of Transportation, prior to occupancy of the site.
  - b. Construction of a left turn lane for southbound traffic on Route 49 turning into the existing access road into the ~~Old~~ Diamond Road, at the northerly end of the project. This work must be substantially complete, as determined by the Department of Transportation, prior to occupancy of the site.
  - c. Construction of a four-foot wide sidewalk from the ramp at the corner along the Highway 49 frontage to the northerly driveway.
  - e.d. Improvement plans shall include: a right-of-way exhibit (to tie the road centerlines into existing record monumentation enabling location of improvements); signing and striping plans; and, construction traffic management plans
57. No signs shall be placed in the right-of-way, and any site signs shall not interfere with sight distances. Sight distance triangles shall be shown on the plan view of the improvement plans, and the sight distance profile shall be included on the improvement plans.

**Environmental Management Department – Environmental Health Division**

58. The commercial kitchen shall meet the requirements of the California Health and Safety Code-California Uniform Retail Food Facilities Law. Prior to building permit issuance, facility plans and permit application shall be submitted to the El Dorado County Environmental Management Department – Environmental Health Division for review and approval.

**Environmental Management Department – Hazardous Materials Division**

59. Prior to building permit issuance, the applicant shall prepare and submit a hazardous materials business/hazardous waste generator management plan for the site to include hazardous materials and hazardous waste handling and storage to the Environmental Management Department – Hazardous Materials Division for review and approval along with all applicable fees.

The action taken today can be appealed to the Board of Supervisors within ten working days.

**10. WORKSHOP**

- a. **Zoning Ordinance:** The purpose of the workshop is to facilitate a discussion between staff and the Planning Commission regarding the status of the County's Comprehensive Zoning Ordinance update that took place following the adoption of the 1996 General Plan by the County, both the zoning ordinance text and zoning maps.

This item was continued to the meeting of June 8, 2006.

**11. ENVIRONMENTAL IMPACT REPORT (Public Hearing)**

- a. **Notice of Preparation:** Public hearing to receive comments pertaining to the scope and content of the environmental information that will be included in the environmental impact report for a General Plan amendment to increase floor area ratios applicable to Commercial, Industrial, and Research and Development land use designations, permanently exempt Agricultural Lands from said ratios, potentially eliminate or modify the employment cap which affects the El Dorado Hills Business Park, and add a new Mixed Use Development land use designation.

Steve Hust presented this item, giving the Commission a brief overview of the proposal.

Commissioner Tolhurst said at first he had a problem separating multiple use and mixed use. Under mixed use, there is a floor area ratio of one. We are probably trying to have commercial on the first floor and residential on the second. Commissioner Machado said the multiple use allows commercial and residential on the same parcel, can be the ten units, and be separate. With the mixed use, there cannot be the brick wall separating the residential component from the commercial development. Mr. Hust said the way the General Plan is written, in the Commercial land use designation, the commercial use is the primary use and the residential secondary. With

the new mixed use land designation, we do not want to see physical separation of the residential component from the commercial. The Mr. Hust said there is a list of components required for mixed use projects. We are not saying all the commercial must be on the first floor.

Commissioner Tolhurst asked how the floor area ratios were determined. Staff may want to consider an upper range also. Mr. Hust said there are maximum standard coverage standards in the zoning ordinance. That could also be done for mixed use development.

Peter Maurer said for the context of the environmental review, we need to look at the potential design standards that might be incorporated and ensure that we look at the aesthetic and land use design criteria.

Commissioner Mac Cready asked if the mixed uses could be side by side rather than second or third stories. Mr. Hust replied it could be side by side and not necessarily defeat the purpose of mixed use development. The idea is not to separate by large expansive areas such as parking lots.

Commissioner Machado asked if the County would be placing mixed use on properties, or will applicants come in for a change. Mr. Hust said if you make the process costly, people will not use it. It needs to be attractive enough for the public to use it.

Art Marinaccio would propose that the County come up with maximum floor area ratios that are appropriate and analyze those ratios but put in a statement that more restrictive floor area ratios may be adopted as part of the zoning code for any particular zone as the Commission goes through that process. The General Plan is going to say this is the maximum floor area ratio. The Commercial land use designation is going to have more than one zoning code. That would give you the opportunity to apply more restrictive floor ratios within a specific zoning category. This floor area ratio designation is not going to vastly increase the amount of commercial that El Dorado County is going to be able to attract.

He cannot envision any parcel within the County that the Commission would want to designate mixed use as part of the rezoning for the General Plan. This designation is between a planned development and a specific plan. You need to have guidelines and not pronouncements. The Smith Flat area, Camino mill project, Cecil Wetsel's mill, and the property surrounding the new Silva Valley interchange are properties that could come in under a mixed use. Having guidelines that are very restrictive creates a problem developing properties.

Mr. Marinaccio is looking at this to give the General Plan more flexibility when designing a project. He does not know how you can designate a piece of property for this type of use without a project. Mr. Marinaccio asked what General Plan designation would be appropriate for this type of zoning.

Commissioner Machado said a percentage has not been discussed. Mr. Marinaccio said he believes requiring percentages would cause problems developing a project. You are eliminating the possibility of doing good projects. Open space needs to serve a purpose.

Mr. Hust said the project description as recommended by the Planning Commission and approved by the Board is the key point of the EIR. The project is set. It has been adopted by the Board of Supervisors. Staff has discussed placing this as an overlay rather than designating specific parcels.

Commissioner Tolhurst said if we are going to analyze the project, he does not believe there are enough alternatives. There should be a higher floor area ratio alternative.

Commissioner Chaloupka asked if it would be worthwhile to include a study on maximum impervious surface. Mr. Hust said this EIR will deal with drainage issues the same as the General Plan EIR.

Commissioner Machado commented the Commission wants flexibility. He does not believe the County wants to mandate sites. We want it to be voluntary. There needs to be guidelines, not hard and fast rules. Do we want to specify the amount of commercial versus residential or just again leave it flexible and see what the market wants to bring us.

Commissioner Tolhurst said there needs to be a reward for mixed use. Commissioner Machado commented you get a reward with 24 dwelling units per acre. However, he does not get his affordable housing.

Commissioner Tolhurst has a problem with guidelines because people interpret guidelines as being rules. The developer needs assurance that if he follows the rules he can get his project approved.

Mr. Maurer said what staff has heard is that the Commission would like to see a mixed use development process that provides flexibility that is not imposed on a certain piece of property but is an opportunity for the development to take advantage of the new program. As far as the environmental analysis goes there should be a range of alternatives, the existing which is the lowest alternative, what is proposed, and perhaps something higher. It will be a challenge to come up with something that is flexible yet provides the opportunity and certainty that we can analyze it. If it is so open-ended, the consultant will not know what to do with the environmental analysis.

He likes Mr. Marinaccio's idea of identifying certain key areas where the opportunity makes sense. That is something staff needs to go back and look at, the certain Rural Centers, Community Regions, certain key areas that are less developed now that have large tracts of land that would allow this type of development.

Mr. Maurer said staff would bring back alternatives for the Commission to review at the end of the comment period.

No action was taken.

**12. DEPARTMENT OF TRANSPORTATION - None**

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

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

15. **ADJOURNMENT**

There being no further business, Chair Knight adjourned the meeting at 11:56 a.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:

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John Knight, Chair

