



## EL DORADO COUNTY PLANNING SERVICES

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

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### MINUTES

**Regular Meeting of the Planning Commission  
October 25, 2007 – 8:30 A.M.  
BUILDING C HEARING ROOM  
2850 Fairlane Court, Placerville, CA**

**1. CALL TO ORDER**

Meeting called to order at 8:35 a.m. Present: Commissioners Mac Cready, Machado, Mathews, Tolhurst, and Knight; Paula F. Frantz, County Counsel; and Jo Ann Brillisour, Clerk to the Planning Commission.

**2. ADOPTION OF AGENDA**

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE AGENDA.

**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:      October 11, 2007**

MOTION: COMMISSIONER MACHADO, 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.

Larry Appel informed the Commission that the Oak Woodland Management Plan will be going back to the board on October 30. The Commission will get a short review today. The Plan will be coming back to the Commission in December for a public hearing. It will also be going before the Agricultural Commission the day before the Commission meeting.

The Board of Supervisors will be holding a workshop on the Housing Element November 5. A draft will be submitted to HCD by March.

The Board decided to go ahead with an EIR rather than a mitigated negative declaration for the Winery Ordinance. There will be a scoping meeting with the Planning Commission on December 13.

There will be a workshop in January on the Missouri Flat project.

El Dorado Crossing (formerly Sundance Plaza) is ready to submit their project in November. It will be a scaled down version of the original project. Mr. Appel informed the Commission of several other new projects along the Missouri Flat Corridor that will be submitted shortly.

**6. COMMISSIONERS' REPORTS**

Commissioner Machado commented that Greg Fuz was going to schedule a presentation by the County Surveyor's Office on the parcel information system. Larry Appel said the department has been meeting with other departments and are not quite ready to come before the Commission with the presentation.

Commissioner Machado spoke about green building. Mr. Appel said Larry Lohman has been working on the Green Building Program. Any fee waiver would have to be done by the Board of Supervisors. Commissioner Machado will be going to EID to talk about fee reductions association with the Green Building Program.

Commissioner Tolhurst commented there is a lot of building going on in the Angora fire area.

**CONSENT CALENDAR/APPLICATIONS**

Commissioner Machado pulled Item 7.b. from the Consent Calendar.

**7. REASONABLE USE DETERMINATION**

a. **Site Plan Review SPR07-0021/TMA07-0018** submitted by WOLFGANG ROSTIN (Agent: Ruth A. Wilson) for a Reasonable Use Determination granting relief from the replanting requirements of Policy 7.4.4.4 (Option A), to allow a hardship second residential unit on the site. The property, identified by Assessor's Parcel Number 104-250-26, consisting of 6.0 acres, is

located on the west side of Pilot Creek Lane, approximately 500 feet northwest of the intersection with Jackass Mine Road, in the **Pilot Hill area**, Supervisorial District IV.

Staff: Thomas Lloyd recommended approval.

MOTION: COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE SPR07-0021 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

**Findings**

1. *The applicant demonstrates that the project is designed to maximize use of parcel area unconstrained by oak trees, unless precluded by other significant constraints such as steep slopes, streams, creeks, wetlands, or other sensitive environmental resources..*

With the exception of areas developed with the existing single-family dwelling, swimming pool, and driveway, the Rostin property is covered by oak trees. As such, the site chosen for placement of the new home and driveway is as appropriate as any on the site, and does not interfere with any environmental resources, other than oak trees.

2. *The proposed project is limited to development and site disturbance that is typical and prevalent for the general area surrounding the project site.*

The project site is surrounded on three sides by five-acre parcels and located within the Estate Residential Five-acre (RE-5) zone district. Second residential dwelling units are a use allowed by right in this zone district. Additionally, second residential units are encouraged by the General Plan as a means of providing for affordable housing needs (Housing Element, Measure HO-F).

3. *Soil disturbance and tree removal is minimized.*
  - b. Depth of excavation and fill beneath the building footprint, as well as outside the footprint, does not exceed five feet.
  - c. Configuration of the disturbance area parallels natural topographic features.
  - f. The project is designed to maximize consistency with all applicable policies of the El Dorado County General Plan.
4. *As the project is located within the Important Biological Corridor Overlay district, A Biological Resources Study and Important Habitat Mitigation Program have been prepared by a qualified professional.*

“Biological Resources Evaluation Report” was prepared by Ruth A. Wilson, M.A., as a Consulting Biologist. This report is dated July 2007, and was received by the Planning Department July 16, 2007. The information and findings within served as a basis for this decision.

**Conditions**

1. The project, as approved, shall conform to the approved site plan, Exhibit C.
2. Construction of the second residential dwelling shall be subject to the issuance of a building permit from El Dorado County Building Services.

b. **Site Plan Review SPR07-0018** submitted by MARK and KRIS CLIFFORD (Agent: Bobbie Lebeck) for a Reasonable Use Determination to allow 14,284 square feet of disturbed area on slopes exceeding 30 percent, pursuant to General Plan Policy 7.1.2.1, to allow for grading and, ultimately, a single-family residential dwelling. The property, identified by Assessor's Parcel Number 120-650-17, consisting of 0.731 acres, is located on the southwest side of Via Fiori, approximately 2,000 feet south of the intersection with Beatty Drive, in the **El Dorado Hills area**, Supervisorial District I.

Staff: Thomas Lloyd recommended approval.

Scott Storey, representing the applicant, said they have tried to make the plan as attractive as possible. They would like to get the project approved and move on. Commissioner Machado can see building a house on these slopes, but they also want to build a pool and casita. He would recommend moving the retaining wall. Mr. Storey said the casita is not on the 30 percent slope property.

Pierre Rivas informed the Commission of the reasons for staff recommending approval of this project. This subdivision pre-dates the General Plan. If the subdivision had come in post-General Plan, the lots would probably have been larger. Staff feels that this project is in keeping with the development in the area.

Commissioner Mathews asked if there is any visual impact. Chair Knight said it is on a down-slope and has no visual impact.

Commissioner Tolhurst agrees with Commissioner Machado but also agrees the County should not have allowed the lot to be created in the first place. It was created legally. Commissioner Mathews agreed.

Mr. Rivas explained what staff reviews on these types of projects. This project is not on a ridge, and staff did not feel there would be a visual impact. Chair Knight said the lots were created under the rules and regulations in place when the subdivision was created.

Commissioner Tolhurst asked if they are importing any fill. Chair Knight replied 1,800 cubic yards.

There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MATHEWS, TOLHURST, AND KNIGHT; NOES – COMMISSIONER MACHADO, IT WAS MOVED TO APPROVE SPR07-0018 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

**Finding**

1. *The project is in substantial conformance to the General Requirements of the Interim Guidelines, is designed to minimize inconsistency with the General Plan, and the magnitude of the proposed grading is the minimum necessary to provide site access and to establish reasonable use of the property.*

As conditioned, the project is in substantial conformance with the General Plan, the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.1.2.1, as modified August 10, 2006, and is the minimum disturbance necessary to provide reasonable use of the property.

**Conditions**

1. The project, as approved, shall conform to the approved site plan, Exhibit C.
2. Construction of the single-family residence shall be subject to the issuance of a building permit from El Dorado County Building Services.

SPR07-0021 and SPR07-0018 may be appealed to the Board of Supervisors within ten working days.

**END OF APPLICATION CONSENT CALENDAR**

**PUBLIC FORUM/PUBLIC COMMENT - None**

**8. REZONE/PLANNED DEVELOPMENTS/TENTATIVE PARCEL MAPS**

(Public Hearing)

- a. **Z07-0021/PD07-0015/P07-0019** submitted by RIBEIRO-COMMERCE, LLC to rezone property from Research and Development-Design Control (R&D-DC) to Research and Development-Planned Development (R&D-PD); development plan for the existing office and warehouse facilities to allow for the split of the existing 4.63 acre parcel into parcels smaller than two acres in size in accordance with Section 17.35.030(A)(2)(d) of the Zoning Code, and to allow for zero lot lines for the proposed new parcels; and tentative parcel map creating six parcels ranging in size from 9,100 to 12,453 square feet and one 3.22 acre parcel for shared parking and access. The property, identified by Assessor's Parcel Number 117-060-41, is located on the east side of Golden Foothill Parkway, approximately 300 feet south of the intersection with Suncast Lane in the El Dorado Hills Business Park area of **El Dorado Hills**,

Supervisory District II. (Categorically exempt pursuant to Section 15301(k) of the CEQA Guidelines)

Staff: Michael Baron recommended approval.

Joe Oloriz represented the applicant and had nothing to add to the presentation.

Commissioner Mathews asked if they will be selling the individual parcels. Mr. Oloriz replied in the affirmative.

Chair Knight asked the height of the sign. Gina Hunter replied four to six feet. Chair Knight's only concern would be visibility going north on Golden Foothill Parkway. Mr. Oloriz said the Department of Transportation has reviewed the sign, and it is already in place.

Commissioner Machado said the signage for the mini-storage facility was not approved and is on the site plan. Ms. Hunter commented additional signage is covered under Condition 4. Mr. Oloriz said there will be a monument sign, no tenant signs. Commissioner Machado wants to make sure it is noted that the mini-storage signage has not been approved. Ms. Hunter proposed modification to Condition 4.

There was no further input.

**MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15301(k) OF THE CEQA GUIDELINES; APPROVE Z07-0021/PD07-0015 REZONING ASSESSOR'S PARCEL NUMBER 117-060-41 FROM RESEARCH AND DEVELOPMENT-DESIGN CONTROL (R&D-DC) TO RESEARCH AND DEVELOPMENT-PLANNED DEVELOPMENT (R&D-PD), ADOPTING THE DEVELOPMENT AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED; AND APPROVE P07-0019, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS AS MODIFIED.**

### **Findings**

#### **1.0 CEQA**

- 1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301(k) of the CEQA Guidelines stating that "subdivision of existing commercial or industrial buildings, where no physical changes occur which are otherwise exempt."

## **2.0 LEGISLATIVE FINDINGS**

- 2.1 The proposed Zone Change is consistent with the policies in the El Dorado County General Plan as discussed in the General Plan section of this staff report.

The Zone Change would be consistent with the boundary of the project site and establish an appropriate Research and Development land use designation accommodating the proposed professional office facility.

- 2.2 The Zone Change is found to comply with the requirements of Chapter 17.06, and the proposed project 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.

With the establishment of the Research and Development land use designation, the proposed facility has been designed in accordance with the applicable development standards under the El Dorado County Zoning Ordinance and Design and Improvement Standard Manual. Specific project conditions approval have been incorporated ensuring orderly and safe development and operation

- 2.3 The site is physically suitable for commercial development.

The site is adequately sized to accommodate the proposed professional office facility. The facility has been designed in accordance to applicable development standards, would be accessed off county roads, and receive public water, sewer and drainage services.

## **3.0 ADMINISTRATIVE FINDINGS**

### **3.1 General Plan**

The General Plan Land Use map designates the subject property as Research and Development (R&D). The proposal to six (6) zero lot line parcel around the existing buildings and one (1) common parcel for shared parking and access on a site that has been previously approved for development. The project site has been developed to adequately serve the proposed commercial Tentative Parcel Map request.

### **3.2 Zoning**

The project is consistent with the Research and Development (R&D) zoning district and Planned Development (PD) overlay district. The project is consistent with the Zoning Code pursuant to the Planning Commission making findings for approval of a Planned Development zone because the subject property is physically suited for the proposed use. The subject property has previously been graded and developed under prior approvals. New development, other than the addition of a sign, is not proposed on the subject property.

### **3.3 Planned Development**

- 3.3.1 The proposed development is so designed to provide a desirable environment within its own boundaries.

The project has been designed for general office and warehouse use. Parking and circulation around the buildings are suitable, and the 5 outer buildings provide a buffer between the right of way and the proposed mini-warehousing, effectively blocking the roll up doors from public view. The project does provide appropriate circulation for pedestrian traffic within the development.

- 3.3.2 Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.

The applicant has requested smaller than two-acre parcels and zero lot line parcels around the existing buildings. Conditions for shared access and parking have been required and the requested exceptions would not create a conflict with the General Plan policy. The zero lot line construction allows the applicant to separate each building onto its own parcel while maintaining a common parking and landscaped area to be maintained by all future owners.

- 3.3.3 The site is physically suited for the proposed uses.

This lot is suited for the proposed uses. The El Dorado Hills Business Park is a desirable location for an office and warehouse development.

- 3.3.4 Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.

The development has already been approved through ministerial building permit and was reviewed by Development Services to ensure that adequate services are available.

- 3.3.5 The proposed uses do not significantly detract from the natural land and scenic values of the site.

The project is not within a scenic corridor and is surrounded by land zoned for Research and Development. Adequate landscaping was required with the building permits to increase the scenic value of the site.

### **3.4 Subdivision Ordinance**

- 3.4.1 The proposed parcel map, including design and improvements, is consistent with the General Plan policies and land use map.

The subject application is to split a general office and warehouse development by Tentative Parcel Map within the R&D Zone District. The development has been

designed in compliance with the zone district regulations, and complies with the minimum parcel size based on the required review of a Planned Development application for the project. It can be found that the parcel map is consistent with the General Plan policies and land use map.

- 3.4.2 The proposed parcel map does conform to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.

The project site has been evaluated in accordance with the R&D development regulations, and it has been found that the project complies with the minimum design standards, as conditioned.

- 3.4.3 The site is physically suitable for the proposed type and density of development.

The site is located within the El Dorado Hills Business Park, and it can be found that the site is suited for the general office and warehouse development.

- 3.4.4 The proposed parcel map is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.

The Parcel Map would allow the individual ownership of buildings within the development. As the development is already constructed, the project is found to be Categorically Exempt from CEQA Review and is found to have a less than significant impact on fish or wildlife or their habitat from the project.

- 3.4.5 The design of the parcel map is not likely to cause serious public health hazards.

The proposed Parcel Map would not create an undue negative impact upon the project site. It can be found that the improvements would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

### **Conditions**

#### **Planning Services**

1. This Parcel Map is based upon and limited compliance with the project description, the Planning Commission hearing exhibits marked Exhibit D, E, and F dated October 25, 2007, 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

The request is for a rezone, planned development and commercial tentative parcel map for a six (6) zero lot line parcels around the existing building and one (1) common lot for parking and access. The existing six commercial buildings range in size from 9,100 to 12,453 square feet (Exhibit E). The five exterior buildings are planned for mixed office and warehouse use while the building in the middle of the parcel is planned for mini-storage. The common area, as shown on the tentative parcel map as Parcel A, would be 3.23 acres and would contain common area consisting of previously developed parking, landscaping and lighting improvements.

	<b>Parcel Size</b>	<b>Building Size</b>	<b>Proposed Use</b>
Parcel 1	10,023 Square Feet	10,023 Square Feet	Mixed Office/Warehouse
Parcel 2	9,284 Square Feet	9,284 Square Feet	Mixed Office/Warehouse
Parcel 3	9,100 Square Feet	9,100 Square Feet	Mixed Office/Warehouse
Parcel 4	12,453 Square Feet	12,453 Square Feet	Mixed Office/Warehouse
Parcel 5	9,248 Square Feet	9,248 Square Feet	Mini-Storage
Parcel 6	10,880 Square Feet	10,880 Square Feet	Mixed Office/Warehouse
Parcel A	3.226 Acres	N/A	Common Area, Parking, Landscaping

The only request for new development on the property is for the addition of an entry monument sign at the northwest corner of the subject parcel, just south of the entrance from Golden Foothill Parkway. The sign would be located on the face of a brick wall approximately six feet tall by 18 feet long.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. Prior to recordation of the Final Map all Development Services fees shall be paid.
3. The applicant shall provide a copy of the recorded Covenants, Conditions, and Restrictions (CC&Rs) for this development to Planning Services prior to recordation of the final map. A shared parking, access, and maintenance agreement shall be included in the CC&Rs.
4. The proposed entry monument sign shall be reviewed by Development Services at Building Permit stage for consistency with the approved Monument Sign Detail (Exhibit F) and El Dorado County Code. The mini-storage sign shown on the site plan shall not be approved with this permit. Additional signage shall be reviewed through the building permit process for consistency with Zoning Code policies.

5. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, or employees from any claim, action, or proceedings against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

### **Surveyor's Office**

6. All survey monuments must be set prior to filing the Parcel Map.
7. Prior to filing the Parcel map, a letter will be required from all agencies that have placed conditions of the map. The letter will state that "all conditions placed on P07-0019 by [agency] have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

b. **Z06-0023/PD06-0018/P06-0020** submitted by CARSON CREEK BUSINESS PARK, LLC (Agent: Seth Nesbitt/Warren Consulting Engineers) to rezone property from Research and Development (R&D) to Research and Development-Planned Development (R&D-PD); development plan for a commercial condominium development consisting of 11 buildings totaling 152,603 square feet. Buildings would range in size from 8,920 square feet to 14,593 square feet. The tentative parcel map would subdivide each of the buildings into a total of 88 individual parcels ranging in size from 1,250 to 2,057 square feet. One common parcel would be 8.03 acres in size. The property, identified by Assessor's Parcel Number 117-081-05, consisting of 11.03 acres, is located on the south side of Sandstone Court, southwest of the intersection with Golden Foothill Parkway, in the **El Dorado Hills area**, Supervisorial District II. (Negative declaration prepared)\*

Staff: Jonathan Fong recommended approval and proposed modification to Condition 23.

Dan Easter and Seth Nesbitt explained their project. There was no one else in the audience wishing to give input.

Commissioner Machado asked for clarification on the parking. The applicant explained. Commissioner Machado feels this is a good project.

There was no further input.

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER MACHADO AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION AS PREPARED; APPROVE Z06-0023/PD06-0018 REZONING A SESSOR'S PARCEL NUMBER 117-081-05 FROM RESEARCH AND DEVELOPMENT TO RESEARCH AND DEVELOPMENT-PLANNED DEVELOPMENT (R&D-PD), ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED; AND APPROVE P06-0020, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS AS MODIFIED.

### **Findings**

#### **1.0 CEQA Findings**

- 1.1 El Dorado County has considered the negative declaration together with the comments received during the public review process. The negative declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 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.

#### **2.0 General Plan Findings**

##### **2.1 The project is consistent with the General Plan.**

The project would allow for an office and warehouse development which would be consistent within the Research and Development (R&D) land use designation.

The proposal is consistent with the intent of General Plan Policies 2.2.1.5, 2.2.3.1, 2.8.1.1, TC-Xf, TC-5b, 5.1.2.1, 7.3.5.1, 7.3.5.2, 7.4.4.2, 9.1.2.4, and 9.1.2.8 concerning the requirement for a Planned Development request, the floor/area ratio, lighting glare, traffic impacts, landscaping, and the inclusions of provisions that promote non-vehicular travel. Because of the project's provisions of adequate access, site design, and attention to architectural design features that fit within the context of the surrounding uses, it is consistent with the General Plan policies identified above.

**3.0 Zoning Findings**

**3.1 The project is consistent with the El Dorado County Zoning Ordinance.**

The proposed land uses are permitted by right within the Research and Development (R&D) zone district. The project would be consistent with the Development Standards of the R&D zone district.

**4.0 ADMINISTRATIVE FINDINGS**

**4.1 Planned Development Findings**

**4.1.2 The planned development zone request is consistent with the General Plan.**

The PD would allow land uses consistent within the R&D land use designation. The PD would be required to create parcels less than two acres within the R&D zone.

**4.1.3 The proposed development is so designed to provide a desirable environment within its own boundaries.**

The project has been designed to provide adequate landscaping and parking for the site. The buildings have been designed to comply with the architectural requirement within the R&D zone district.

**4.1.4 Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.**

The PD is required for the creation of parcels less than two acres in size. No other exceptions to the R&D zone district are required.

**4.1.5 The site is physically suited for the proposed uses.**

The project site is flat and would not require significant alterations to the site for development. The proposed development would be constructed on portions of the site already graded under an approved grading permit. No natural features would be negatively impacted as a result of the development.

**4.1.6 Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.**

The project is located within the El Dorado Hills Business Park which has adequate utilities and infrastructure to service the project.

**4.1.7 The proposed uses do not significantly detract from the natural land and scenic values of the site.**

The proposed uses do not significantly detract from the natural land and scenic values of the site since it is devoid of native trees and shrubs.

**4.2 Parcel Map Findings**

**4.2.1 The proposed parcel map, including design and improvements, is consistent with the General Plan policies and land use map.**

The proposed office and warehouse uses are consistent within the R&D land use designation. The proposed size of the development would be consistent with the Floor Area Ratio allowed within the R&D land use designation. The project has been designed to comply with applicable General Plan policies.

**4.2.2 The proposed parcel map does conform to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.**

Through the application of the PD, the project is consistent with the minimum parcel size requirements of the R&D zone district and is consistent with the Development Standards of the zone district. Adequate parking and landscaping would be provided. All roads and encroachments would be consistent with the County Design Manual.

**4.2.3 The site is physically suitable for the proposed type and density of development.**

The site contains no natural features that would be impacted by the proposed type or density of development. The proposed land uses would not exceed the FAR of the R&D land use designation. The proposed office and warehouse uses would be suitable for the site.

**4.2.4 The proposed parcel map is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.**

The project site is devoid of natural features. No oak canopy or riparian areas are located onsite. The site has been previously disturbed under an approved grading permit.

**4.2.5 The design of the parcel map is not likely to cause serious public health hazards.**

The project has been designed to provide adequate circulation through the development. Encroachments onto the County roads are consistent with the Design Manual. The proposed office and warehouse land uses would not be likely to cause public hazards.

**Conditions**

1. This rezone, parcel map and planned development is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits E-K, approved October 25, 2007, 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 rezone, planned development, and parcel map to allow for an office and warehouse development.

Rezone to add the Planned Development overlay to change the parcel zoning from Research and Development (R&D) to Research and Development- Planned Development (R&D- PD).

A total of 11 buildings would be constructed in the development. The buildings would range in size from 8,950 square feet to 14,593 square feet. The buildings would be constructed with interior dividing walls creating a total of 88 units.

The Parcel Map would create 88 parcels from the units within the buildings. Additionally, one, 8.03-acre common parcel would be created. The common parcel would include the common access and parking areas and the exterior of the buildings, stairways, and landscaped areas. These common features would be controlled by a maintenance association created for the development as shown on the Site Plan.

The project would construct a total of 318 spaces. A total of 102 compact spaces would be provided and 11 handicap accessible spaces. The project would install the required five loading spaces throughout the development. The loading spaces shall be 12 feet wide by 40 feet long and shall be installed as shown on the Site Plan.

The colors and materials shall be as follows:

**Exterior Plaster/ Paint:**

Base Color 1: Omega Akroflex- Chocolate (9048)  
Base Color 2: Omega Akroflex- Moonshine (9206)  
Accent Color: Omega Akroflex- Yucca (9204)

**Masonry/ Stonework:**

Masonry: Basalite- D375 Smooth Face

Stone Veneer: Cultured Stone- Southern LedgeStone Chardonnay

**Exterior Metal Panel:**

Insulated Metal Panel: Galvemet- Sandstone

**Exterior Windows/ Doors:**

Storefont frame: Bronze

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. The final landscape plan shall meet Zoning Code Chapter 17.18.090 and General Plan Policies 7.3.5.1, 7.3.5.2, and 7.4.4.4 and be approved by the Deputy Planning Director or designee prior to installation. The applicant shall install and maintain landscaping in accordance with the approved final landscaping plan in perpetuity.
3. All outdoor lighting shall conform to the Lighting Plan on file with Planning Services and §17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. In addition, the following apply:
  - a. 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.
  - b. Lighting for outdoor display areas shall be turned off within 30 minutes after the closing of the business. No more than 50 percent of the parking lot lighting may remain on during hours of non-operation. Security lighting shall be designed with motion-sensor activation.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

4. All signs must comply with all applicable conditions of the "Sign Program" attached as Exhibit J. Any signage subsequent to the approval of this permit shall conform to Chapter 17.32.140 (D) and Chapter 17.16 of the El Dorado County Zoning Ordinance and shall be provided to, and approved by, the Deputy Director of Planning or designee prior to issuance of a building permit.
7. A joint access and parking agreement shall be provided to ensure on-going access and maintenance of the parking to all property owners within the development. A copy of said agreement shall be provided to Planning Services for review and approval, and the

approved agreement shall then be recorded and a copy shall be provided to Planning Services prior to filing of the parcel map.

8. All Development Services fees shall be paid prior to clearance by Development Services of the parcel map.
9. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

#### **El Dorado Hills Fire Department**

10. The potable water system for the purpose of fire protection for this commercial development shall provide a minimum fire flow of 1,500 gpm with a minimum residual pressure of 20 psi for a two hour duration. This fire flow shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of the system shall be supplied to the Fire Department for review and approval.
11. This development shall install Mueller Dry Barrel Fire hydrants conforming to the El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 300 feet. The exact location of each hydrant and all fire protection system devices shall be determined by the Fire Department.
12. To enhance the nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and the Fire Safe Regulations.
13. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by the El Dorado Hills Fire Department Standard 103.

14. This development shall be prohibited from installing any type of traffic calming devices that utilize a raised bump or a lower dip section of roadway.
15. Each building shall be addressed in accordance with the Fire Department requirements.
16. The applicant shall provide the Fire Department with a CD that contains all the CAD files for the project.
17. The fire access roadways servicing all buildings shall be designed to accommodate a 40 foot inside and a 56 foot outside turn radius.
18. All buildings shall be fire sprinklered in accordance with NFPA-13, 2007 edition, and the Fire Department requirements.
19. This development shall provide a minimum of two unobstructed access roadways during the construction of any building.
20. All trash enclosures shall be located a minimum of 5 feet from a building wall.
21. The minimum ingress and egress width for emergency response vehicles shall be 20 feet.
22. A KNOX box shall be installed on each building to contain the master key to open all exterior doors.

### **El Dorado County Department of Transportation**

#### ***Standard Conditions***

23. The applicant shall obtain or verify encroachment permits for driveways onto Sandstone Drive and Golden Foothill Parkway and shall construct said encroachments per DISM Standard Plan 103C. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the parcel map.
24. A drainage study must be submitted at the time of improvement plans that shall demonstrate the subject property had adequate existing and proposed storm drainage facilities in accordance with criteria as designed in the County Drainage manual. At the minimum, plans and calculations shall demonstrate the following:
  - The site can be adequately drained;
  - The development of the site will not cause problems to nearby properties, particularly downstream sites;
  - The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. The ultimate drainage outfall of the project.

25. The applicant shall pay the traffic impact fees prior to recordation of parcel map.

***Standard Conditions***

26. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Subdivision Ordinance, prior to the recordation of the Parcel Map.
27. If site improvements are to be made, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off-Street Parking and Loading Ordinance", and the State of California Handicapped Accessibility Standards.
28. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
29. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.
30. The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
31. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.
32. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.
33. All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis.

34. All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
35. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
36. The applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations.
37. Grading plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
38. The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
39. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer shall provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
40. Projects that disturb more than one acre of land area (43,560 square feet). The Developer shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction

**El Dorado County Surveyor**

- 41 All survey monuments shall be set prior to filing and recording the parcel map.
42. Prior to filing the Parcel Map, a letter to the County Surveyor shall be required from all agencies that have conditions place on the map. The letter shall state that all conditions placed on the map by that agency have been met.

**9. SITE PLAN REVIEW (Public Hearing)**

- a. **SPR07-0025** submitted by CHARLES H. SCOTT (Agent: Rebecca Wayman) for a finding of General Plan Consistency with Policy 7.3.3.4 for reduction of building setbacks to allow construction of a 110-foot by 180-foot covered horse arena. The wetland area setback would be reduced from 50 to 43 feet. The property, identified by Assessor's Parcel Number 071-390-05, consisting of 9.9 acres, is located on the west side of State Route 49, approximately 0.25 miles north of the intersection with Cave Valley Road, in the **Cool area**, Supervisorial District IV.

Staff: Thomas Lloyd recommended conditional approval. The applicant was not present.

Commissioner Mathews asked if this is a man-made pond. The reply was yes. Commissioner Mathews asked where they obtained the fill.

Kathleen Bos, property owner adjacent to the subject property, does not object to the arena but asked what the setback is from. She asked if her property boundary was surveyed for this application. Pierre Rivas said the property boundary would be a civil matter. The setback is from the high water mark.

Commissioner Mac Cready asked if this is a commercial venture. Mr. Rivas said it is not.

Commissioner Tolhurst feels it would probably be better with a roof with respect to runoff.

There was no further input.

**MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MATHEWS, TOLHURST, AND KNIGHT; NOES – COMMISSIONER MACHADO, IT WAS MOVED TO APPROVE SPR07-0025 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.**

**Findings**

1. *There are exceptional or extraordinary circumstances or conditions applying to the land. Building. Or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the vicinity and the same zone, and have no resulted from any act of the owner or applicant;*

The project site is constrained by Knickerbocker Creek to the north and a Georgetown Public Utility District ditch to the south/southeast.

2. *The strict application of the provisions of the ordinance requested to be varied would deprive the applicant of the reasonable use of the land or building, allowed for other land in the vicinity and the same zone;*

Similar parcels in the area also support equestrian activities, requiring like structures and facilities. As the applicant is proposing to replace a once open arena with an enclosed arena, the proposed project is a reasonable use, not attainable with current wetland setback provisions.

3. *The variance is the minimum necessary for the reasonable use of the land or building;*

To accommodate the proposed arena, the wetland setback will be reduced from 50 feet to 43 feet. This is the minimum necessary to allow the applicant to build the covered arena on the footprint of a once existing horse arena structure and thus minimize grading and disturbance.

4. *The variance is in conformity with the intent of this article and not detrimental to the public health, safety and welfare, or injurious to the neighborhood.*

A reduction in the setback from the wetland from 50 feet to 43 feet would not be detrimental to the public health, safety and welfare, or be injurious to the neighborhood.

5. *The alternative setback is consistent with the General Plan.*

The alternative setback of 43 feet would not affect the wetland which is an artificially created pond maintained by a concrete dam and spillway on the subject property. The project, therefore, is consistent with General Plan Policy 7.3.3.4 by providing for an adequate setback for protection of the pond.

**Conditions**

1. The project, as approved, shall conform to the approved site plan, Exhibit C.
2. The proposed covered horse arena shall be located no less than 43 feet from the pond as shown on the approved site plan.

3. Construction of the covered horse arena shall be subject to the issuance of a building permit form El Dorado County Building Services.
4. The consulting biologist for the applicant shall set stakes for measurement of setbacks, including the wetland area previously filled. ~~This fill material shall be removed and the wetland area shall be restored to its pre-fill condition.~~ The setback shall be measured from the outermost edge of hydric soils existent before the fill. The edge of these hydric soils shall be delineated on the construction plans. Said stakes shall be placed prior to commencing any construction activities.
5. Construction fencing shall be established between the project site and the wetland during construction and until vegetation is reestablished on disturbed areas. Placement of the construction fencing shall be shown on the construction plans and shall be in place prior to commencing any construction activities.
6. All excavated dirt and construction equipment shall be stockpiled or stored outside of the 50-foot wetland buffer.
7. No equipment refueling shall take place within 50 feet of the wetland.
8. The existing electric fence shall remain in place to keep construction activities and equipment away from the wetland.
9. Any temporary or permanent lighting shall be directed away from the wetland and creek to minimize the disturbance of nocturnal animals.

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

b. **SPR07-0029** submitted by BRUCE and CLAUDIA WADE (Agent: Ruth A. Willson) for a finding of General Plan Consistency with Policy 7.3.3.4 for reduction of building setbacks to allow construction of a gazebo/canopy on an existing concrete pad. The perennial stream setback would be reduced from 100 to 43 feet. The property, identified by Assessor's Parcel Number 089-180-15, consisting of 22.28 acres, is located on the west side of State Route 193, approximately 500 feet west of the intersection with the South Fork of the American River at Chili Bar, in the **Placerville Periphery area**, Supervisorial District IV.

Staff: Thomas Lloyd recommended conditional approval.

Commissioner Machado asked why the existing concrete was put in. Bruce Wade said the building permit has been issued for this permit. The concrete pad was put down for the gazebo.

Chair Knight asked about conditioning the permit for the building in the flood plain. Commissioner Tolhurst said that is covered under Condition 3.

There was no further input.

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MATHEWS, TOLHURST, AND KNIGHT; NOES – COMMISSIONER MACHADO, IT WAS MOVED TO APPROVE SPR07-0029 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

**Finding**

1. *The project is consistent with the El Dorado County General Plan and the Interim Interpretive Guidelines for General Plan Policy 7.3.3.4*

A biological report prepared for the project by Ruth Willson, MA found the project would have no impact on the riverine area. As such, the alternative setback would still avoid or minimize impacts as required by the General Plan

**Conditions**

1. The project, as approved, shall conform to the approved site plan, Exhibit C.
2. The proposed gazebo shall be located no less than 43 feet from the pond as shown on the approved site plan.
3. Construction of the gazebo shall be subject to the issuance of a building permit form El Dorado County Building Services and shall comply with the provisions of County Code Chapter 17.25, *Flood Damage Prevention Ordinance*.
4. The consulting biologist for the applicant shall set stakes for measurement of setbacks. The setback shall be measured from the outermost edge of the ordinary high water mark. The edge of the ordinary high water mark shall be delineated on the construction plans. Said stakes shall be placed prior to commencing any construction activities.

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

**10. CONCEPTUAL REVIEW**

**Pre-Application PA07-0027** submitted by ANTHONY TRUNZO/RICHARD MOHR for a determination on whether the Shingle Springs Community Region boundary should be amended to include the subject property, identified by Assessor's Parcel Number 070-101-69, located on the north side of Meder Road, one mile west of the intersection with Ponderosa Road, in the **Shingle Springs area**, Supervisorial District IV.

Staff: Roman Anissi presented this item. Both Richard Mohr and Tony Trunzo were present. Art Marinaccio commented on the project. No action was taken.

**11. REZONES (Public Hearing)**

a. **Z07-0001** submitted by G3 ENTERPRISE (Agent: RRM Design Group) to rezone property from Mineral Resource (MR) to Estate Residential Ten-acre/Planned Development (RE-10/PD). The properties, identified by Assessor's Parcel Numbers 109-010-09, -10, -13, -14 and 109-020-01, consisting of 537 acres, are located one mile south of U.S. Highway 50, one mile west of South Shingle Road, in the **Cameron Park area**, Supervisorial District II. (Negative declaration prepared)

Staff: Mel Pabalinas recommended approval. He summarized the four emails/faxes that were received.

Commissioner Machado commented access to the site is a big question. Eileen Crawford, Department of Transportation, informed the Commission and audience regarding the status of the access roads. John Wilbanks, representing the applicant, went over some background information on the subject property. There will be no change in the current property use or access. He asked for a recommendation of approval.

Ray Pringel, Royal Equestrian Estates Homeowners Association, said they did not receive any notification of this hearing and would like to be noticed in the future. Amber Fields is a private road that they maintain.

Terry Mitchell said they would like to ensure they receive future notifications. They would like it as a matter of record that Amber Fields is a private road.

Vickie Deehan explained the utility easement that cannot be used for access to Cameron Estates. She wants to make sure there are adequate setbacks from her parcel. She did meet with the applicant's representative on her property this morning.

Commissioner Machado referred to the letter from LAFCO stating the El Dorado Hills CSD would service this property. He feels it is a Cameron Park subdivision, and he would like LAFCO to acknowledge this. Paula Frantz, County Counsel, said it does not seem that the letter states the property is going into either district.

There was no further input.

**MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, AND APPROVE Z07-0001 REZONING ASSESSOR'S PARCEL NUMBERS 109-010-09, -10, -13, -14, AND 109-020-01 FROM MINERAL RESOURCE (MR) TO ESTATE RESIDENTIAL TEN-ACRE/PLANNED DEVELOPMENT (RE-10/PD), BASED ON THE FINDINGS PROPOSED BY STAFF.**

**Findings**

**1.0 CEQA**

- 1.1 El Dorado County has considered the Initial Study/Negative Declaration together with the comments received during the public review process. The negative declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the Initial Study.
- 1.3 The documents and other materials which is constitutes the record upon which this decision is based are in the custody of the Development Services Department-Planning Services at 2850 Fairlane Court, Placerville, CA.

**2.0 ADMINISTRATIVE FINDINGS**

**2.1.2 General Plan**

The El Dorado County General Plan classifies project site to be within the Rural Region planning concept area. This region is characterized by the existence of natural resource, various physical site constraints, and limited availability of infrastructure. The Rural Residential (RR) land use identification for the site is consistent with the planning concept area designation. Given the historical agricultural and mining uses and site limitation, the site corresponds to the characterization based on the General Plan.

The proposed zone change to Residential Estate 10 acre minimum/ Planned Development overlay (RE-10/PD) conforms to the land use map designation and has been verified for conformance to applicable General Plan policies including Land Use Element Policies 2.2.5.2, 2.2.5.3, 2.2.2.7 and Agricultural and Forestry Element Policies 8.1.1.5, 8.1.3.5 and 8.1.2.2. Specific development of the site shall be further reviewed against various policies including project density and intensity, consistency with the surrounding uses, site, circulation and utility layout, and preservation of natural and cultural resources.

**2.1.3 Zoning**

Though the current MR designation is consistent with the Rural Residential Land Use Designation, the mining of the site is no longer operational and the remaining resources are not considered economically viable. As such, the proposed request to change the underlying land use zoning designation to RE-10/PD shall establish an appropriate designation that would accommodate various uses ranging from residential to limited agricultural consistent with the existing uses in the area. The subsequent development of the site shall require conformance to the applicable development standards regulated under Section 17.70.010 (Residential Estate-10 Districts) and Chapters 17.02 and 17.04

of the El Dorado County Zoning Ordinance. Deviations from specific development standards shall be considered subject to the required findings of justification.

- b. **Z06-0014** submitted by STEVE WARDEN to rezone property from Professional Office Commercial (CPO) to General Commercial-Planned Development (CG-PD). The property, identified by Assessor's Parcel Number 054-321-63, consisting of 1.177 acres, is located on the northeast side of China Garden Road, at the intersection with Chuckwagon Way, in the **Diamond Springs area**, Supervisorial District III. (Negative declaration prepared)

Staff: Tom Dougherty recommended approval. The applicant was not present.

Commissioner Machado asked what type of review would happen if this application is approved. Paula Frantz, County counsel, said the applicant is requesting a planned development, so it would be reviewed by the Planning Commission. Pierre Rivas said the applicant would have to submit a development plan that would be reviewed and approved by the Commission.

There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, MATHEWS, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, AND APPROVE Z06-0014 REZONING ASSESSOR'S PARCEL NUMBER 054-321-63 FROM PROFESSIONAL OFFICE COMMERCIAL (CPO) TO GENERAL COMMERCIAL-PLANNED DEVELOPMENT (CG-PD), BASED ON THE FINDINGS PROPOSED BY STAFF.

### **Findings**

#### **1.0 CEQA FINDING**

- 1.1 The County has considered the negative declaration together with the comments received and considered during the public hearing process. The negative declaration reflects the independent judgment of the County and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The 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.

#### **2.0 GENERAL PLAN FINDINGS**

2.1 The proposed rezone is consistent with the policies of the 2004 El Dorado County General Plan, as discussed in the General Plan section of this staff report including Policies 2.1.1.1, 2.1.1.3, 2.1.1.7 about constancy with Community Regions, 2.2.1.2, consistency with Commercial Land Use Designation; 2.2.5.2 and 2.2.5.3, Suitability; Objective 5.3.1 and Policies 5.3.1.1 and 5.3.1.7 Waste Facilities; and 7.4.4.4, Protection of Oak Woodlands.

**12. REZONE/SPECIAL USE PERMIT (Public Hearing)**

a. **Z06-0038/S98-0013R** submitted by LIGHT OF THE HILLS LUTHERAN CHURCH (Agent: Brian Morris) to rezone Assessor's Parcel Number 109-161-01 from Limited Multifamily Residential-Planned Development (R2-PD) to Estate Residential Five-acre (RE-5), and revision to a special use permit to allow construction of one additional building and expansion of the permit to allow the development of a multi-purpose ball field on an adjacent 5.069 acre parcel (Assessor's Parcel Number 109-161-31). The proposed Sunday school building would be located directly behind the current church facility and would be a two-story building. The original use permit allowed for two additional buildings that would include a formal sanctuary (8,000 square feet) and an elementary school facility (10,000 square feet). The applicant has requested that the plan for two additional buildings be abandoned and replaced with a single building of reduced size (13,720 square feet). The properties, identified by Assessor's Parcel Numbers 109-161-01 (5.015 acres) and 109-161-31 (5.069 acres), are located on the south side of Rodeo Road, at the intersection with Coach Lane, in the **Cameron Park area**, Supervisorial District IV. (Mitigated negative declaration prepared)

Staff: Pat Kelly recommended approval. This item was considered prior to Item 11.b.

Commissioner Machado said if nothing is done today the church can still build their 18,000 square feet. Mrs. Kelly replied in the affirmative. That is what was approved with the original use permit. Comments to her have been about the ball field, not the church.

Commissioner Machado commented there will be no lights. Mrs. Kelly said that is correct. Condition 30 prohibits lighting and sound systems. Commissioner Machado asked if the ball field can be used by the public. Mrs. Kelly referred the Commission to Condition 33.

Commissioner Mathews asked if a traffic study was done in connection with the ball field. Mrs. Kelly replied no. Eileen Crawford, Department of Transportation, said the traffic study was part of the original approval. The use of the revised permit was considered less intense than the original approval, so a second traffic study was not required.

Mark Gerback, representing the church, went over some background information on the church and this site and briefly explained their proposal.

Commissioner Mac Cready asked about landscaping. Mr. Gerback explained the landscaping they will be installing.

Commissioner Machado asked if they would object to a condition prohibiting commercial activities. Mr. Gerback would object to such a condition.

Commissioner Machado asked if they are planning to allow any organized sports leagues use the ball field. Mr. Gerback hopes that the field would be open to local groups during the seasons. Commissioner Machado would like to limit it to church use only. Mr. Gerback would like to be able to let the local leagues use the field.

Commissioner Mathews asked for clarification on the location of the open areas. Mr. Gerback said it is closer to the street, the ground is the flattest, and that is where the least amount of oak trees are located.

Danica Olivo said they are opposed to the ball field. It is not compatible to their community. The church provides a buffer between commercial and residential.

Tom Yancy read a letter from ACCORD which was in opposition to the ball field. Mr. Yancy also read and presented a letter on his own behalf which was also in opposition to the ball field.

Nancy Lee Getman, resident of Cameron Estates, read her letter into the record which was in opposition to the ball field.

A resident in the area said the traffic has increased tremendously since the traffic study was done eight years ago. He believes the Department of Transportation is doing something with the road into Cameron Estates next year. He feels a new traffic study is important for something like this.

Steven Jones spoke about the impacts the ball field would have on his family. It does not fit with what a majority of the neighbors want.

Mr. Givens said the ball field was an afterthought. The property was purchased about four years ago. There have been many accidents at Coach Lane and Country Club Drive. There are many liquor stores in the immediate area. This is not a good area for a ball field.

Angela Johnson, member of ACCORD for many years, said the church is a good thing. They do much good for the community. Most property owners in Cameron Estates do not have a problem with the church and its buildings, but they are opposed to the ball park. Traffic is a serious issue. She does not believe a ball park is a proper use in this area.

Sam Teresi believes the church is a great addition. He is opposed to the ball field. There will still be a traffic issue. This is not a good use of the land.

Kathie Evans read her comments into the record. She is opposed to the ball fields.

Mr. Gerback said it seems traffic and noise are the main issues. They did a traffic study in April 2004. The ball field was included in the study and indicated the use would not increase the traffic. The noise study indicated there would not be an increase from the traffic on Highway 50 and surrounding area. The ball fields are across from Burke's Junction and Safeway. He does

not know where the comments about lights came from. They are not going to have any lights. With the fencing of the ball fields they believe there will be less foot traffic across their property. They are not asking for a rezone to commercial. He feels a ball field would be a good transition from commercial to residential.

Commissioner Mac Cready asked if they will be paid for the use of the ball fields. Mr. Gerback said they would not be paid. There are some groups that give donations to the church and other that help with maintenance, but they do not charge for the use.

Commissioner Machado asked the use of the current buildings. Mr. Gerback explained. Commissioner Machado asked if they have daily school at the church. Mr. Gerback said they do not. Commissioner Machado asked about the fencing. Mr. Gerback said they have not thought about the type of fencing but believes it would be six feet tall. Mr. Gerback referred to Section 2.2.5.17 of the General Plan where it states this use would be consistent.

Ms. Crawford explained traffic credits and traffic studies.

Commissioner Tolhurst asked the number of multifamily units that would be allowed on the property. Chair Knight replied 40 units.

Ms. Frantz said under the current zoning the ball fields could be constructed by right.

Ms. Hunter commented that in the traffic study they did analyze 220 students with the ball fields.

Commissioner Mathews would not want a ball field next to his property but understands why the church would like to put it in. He feels it is not an appropriate use in this area. If it gets approved with the church only using the fields, why would they build it? Commissioner Tolhurst said they have the right to put in a ball field. The public use is the question.

Commissioner Mac Cready would like to see the use restricted to church uses or uses other than sport leagues.

Commissioner Machado suggested the addition of several conditions, i.e., that the multi-purpose ball field shall not be used by organized sport leagues for practice or games; there is to be no commercial use of the field whatsoever; the hours of use will be from 9:00 AM to 6:00 PM; a six-foot cyclone fence shall surround the entire field property, with gates; and signage shall be installed around the perimeter of the field stating "This field for church use only. No organized sport leagues allowed."

There was no further input.

**MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONCEPTUALLY APPROVE Z06-0038 AND S98-0013R BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS AS MODIFIED AND CONTINUE THESE APPLICATIONS TO THE**

CONSENT CALENDAR ON NOVEMBER 8, 2007, TO ALLOW STAFF TIME TO MODIFY THE CONDITIONS..

**13. GENERAL PLAN UPDATE**

**Public Review Draft Oak Woodland Management Plan**

This item was continued from the meeting of October 11, 2007.

Staff: Monique Wilbur presented the Commission with a memo on this item and a copy of the draft plan which will be considered by the Board next Tuesday. No action was taken.

**14. ZONING ORDINANCE UPDATE - None**

**15. DEPARTMENT OF TRANSPORTATION - None**

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

**17. DIRECTOR'S REPORTS**

Larry Appel informed the Commission regarding Reasonable Use Determinations the department would like to handle at staff level. A letter would be sent to the applicant stating why the request has been approved and the findings that have been made.

**18. ADJOURNMENT**

Meeting adjourned at 4:15 p.m.

APPROVED BY THE COMMISSION

Authenticated and Certified:

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John Knight, Chair

