



EL DORADO COUNTY PLANNING COMMISSION

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

Alan Tolhurst, Chair, District V
John MacCready, First Vice Chair, District II
Dave Machado, Second Vice Chair, District III
John Knight, District I
Walter Mathews, District IV

Char Tim Clerk of the Commission

MINUTES

Regular Meeting October 9, 2008 – 8:30 A.M.

1. CALL TO ORDER

Meeting was called to order at 8:40 a.m. Present: Commissioners Knight, MacCready, Mathews, Machado* and Tolhurst; Paula F. Frantz, County Counsel; and Char Tim, Clerk of the Planning Commission.

(*Clerk's Note: Commissioner Machado arrived at 8:43a.m. and was not present for Items 1-4.)

2. ADOPTION OF AGENDA

MOTION: COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER KNIGHT, AND UNANIMOUSLY CARRIED (4-0), IT WAS MOVED TO ADOPT THE AGENDA AS PRESENTED.

3. PLEDGE OF ALLEGIANCE

4. **CONSENT CALENDAR** (All items on the Consent Calendar are to be approved by one motion unless a Commission member requests separate action on a specific item.)

- a. **Minutes:** September 25, 2008

END OF CONSENT CALENDAR

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACCREADY, AND UNANIMOUSLY CARRIED (4-0), IT WAS MOVED TO ADOPT THE CONSENT CALENDAR.

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS

(Clerk's Note: Mr. Machado arrived at 8:43am and took his seat on the Commission.)

Larry Appel summarized for the Commission the following actions taken at the Board of Supervisors' hearing on October 7, 2008:

- Building permits that were active May 30, 2008, have been provided a one-year extension without any additional fees added.
- Resolution of Intention for amendments to Open Space in the General Plan was approved. Discussion on this item will be presented at the October 23, 2008 Planning Commission hearing. During this item at the Board hearing, a memo from Supervisor Sweeney was also presented. The memo made reference to the recent decision by the Board to deny the Farren project and stated that staff should not use that decision as a basis when processing the other four projects in that area but instead review on a case-by-case basis.
- The Board of Supervisors made the finding that specific projects will provide a significant community benefit by providing affordable housing and awarded TIM Fee offsets.
- Z07-0036/Buda application, which was recommended for approval by the Planning Commission, was denied by the Board of Supervisors. The comment that was made was that although the General Plan indicated Multi-family, public services were not in place, particularly the sewer not being adequate for Multi-family.
- Z07-0035/TM07-1449/Cordero Ranch applications, which were recommended for approval by the Planning Commission, were approved by the Board of Supervisors with a 4-1 vote.
- The final Ad Hoc Committee's recommendations were presented, which are available on-line, and staff was directed to return to the Board on November 18, 2008 with implementation recommendations.

6. COMMISSIONERS' REPORTS

(Clerk's Note: Commissioners' Reports was presented at the end of the meeting.)

Commissioner MacCready requested staff to agendize a workshop in the near future to discuss Community Regions (*reference Item 9.c discussion*).

9:00 A.M.

PUBLIC FORUM/PUBLIC COMMENT

Ken Greenwood of Straight Shot Consulting spoke regarding the Central Concrete Plant. At the request of Commissioner Machado for a response to Mr. Greenwood's comments, County Counsel stated that it had been determined by Code Enforcement that there were no violations and there is no appeal process for this determination. It was confirmed that staff has provided written notification of this determination.

A gentleman had questions regarding the application process to sub-divide a family-owned 35 acre parcel in Kelsey that is zoned RE-10.

7. SPECIAL USE PERMIT

S08-0010/Veerkamp Backyard Nursery submitted by ROBERT and MARIE VEERKAMP to allow an expanded home occupation consisting of an approximately 8,550 square-foot outdoor nursery to propagate and grow native and drought tolerant plants. No employees or retail sales will be conducted on-site. An existing paddock structure will be converted into a garden shed. The property, identified by Assessor's Parcel Number 071-271-23, consisting of 5.33 acres, is located on the south side of Overton Road, approximately 1,000 feet west of the intersection with Cherry Acres Road, in the **Cool area**, Supervisorial District IV. (Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines)**

(Clerk's Note: Commissioner Mathews was not present for this item as he left to assist a member of the public.)

Robert Peters presented this item to the Commission with a recommendation for approval.

The applicant was not present.

Commissioner Machado commented that this was a good project.

No further discussion was presented.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACHADO, AND UNANIMOUSLY CARRIED (4-0), IT WAS MOVED TO: 1. FIND THAT THE PROJECT IS EXEMPT PURSUANT TO CEQA GUIDELINES SECTIONS 15061(B)(3); AND 2. APPROVE SPECIAL USE PERMIT S08-0010 SUBJECT TO THE CONDITIONS IN ATTACHMENT 1, BASED ON THE FINDINGS IN ATTACHMENT 2.

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

Findings

The special use permit may be approved or conditionally approved based on the following findings:

1.0 CEQA FINDING

1.1 Staff has determined that the proposed project will have no significant impact on the environment and is Exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to *Section 15061(b)(3)* as staff has determined with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The project proposal includes an outdoor nursery to propagate and grow

native and drought resistant plants in the least sensitive are of the property and impacts to the environment are not anticipated with the approval of this special use permit.

- 1.2 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 As proposed, the project is consistent with the Medium-Density Residential (MDR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the MDR land use designation establishes areas suitable for detached single-family residences with larger lot sizes which enable limited agricultural land management activities.

- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 and 10.1.7.4 concerning land use compatibility and encouraging and permitting home occupations that are compatible with adjacent land uses. It has been determined that the project is consistent with the General Plan. The proposed expanded home occupation for an outdoor nursery has been designed to be compatible with the existing residential character of the neighborhood and adjacent land uses, specifically the single-family residence immediately east of the proposed nursery, therefore, the proposed project is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The subject site is zoned Single-Family Two-Acre Residential (R2A) which permits expanded home occupations requiring special considerations which will not change the residential character of the premises or adversely affect the other uses permitted in a residential area by Special Use Permit in the Single-Family Two-Acre Residential (R2A) zone district, pursuant to Section 17.28.330(I). After obtaining the Special Use Permit, the proposed use would be consistent with the provisions of the R2A zoning district and is not anticipated to change the residential character of the premises or adversely affect the other permitted uses in the residential area.

- 3.2 The existing residential use at the subject site is permitted by right under Section 17.28.320(A). As proposed, the project meets all applicable development standards contained within Section 17.28.340 of the El Dorado County Zoning Ordinance.

4.0 ADMINISTRATIVE FINDINGS

- 4.1 *The issuance of the permit is consistent with the General Plan;*

It can be found the proposed use is consistent with the Policies 2.2.5.21 and 10.1.7.4 of the 2004 El Dorado County General Plan, as discussed in the General Plan section of the staff report and in the General Plan Findings sections above.

- 4.2 *The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood;*

The proposed use would not create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the support materials submitted by the applicant and the discussion and conclusions contained in the staff report. The adjacent neighbor immediately east of the proposed nursery area has submitted a letter in support of the proposed special use permit request (see Exhibit G).

- 4.3 *The proposed use is specifically permitted by a special use permit pursuant to this Title.*

Section 17.28.330(I) of the County Code allows expanded home occupations requiring special considerations which will not change the residential character of the premises or adversely affect the other uses permitted in a residential area subject to approval of a Special Use Permit by the Planning Commission pursuant to Section 17.22.500 et seq.

Conditions

I. PROJECT DESCRIPTION

1. This special use permit approval is based upon and limited to compliance with the approved project description, the Planning Commission hearing exhibits marked Exhibit A through G dated October 9, 2008, 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:

Special Use Permit allowing an expanded home occupation consisting of an approximately 8,550 square-foot outdoor nursery to propagate and grow native and drought tolerant plants (see Exhibit E). An existing paddock structure will be converted into a garden shed. A six (6) foot deer fence (five (5) foot no-climb fence with two (2) stands of smooth wire above) is proposed to enclose the nursery area and separate the nursery from the adjoining neighbor to the east. Associated on-site activities will include primarily potting, watering, and organization of plant stock. The applicant proposes to use a self-contained water system to minimize water use and avoid runoff, and use of pelletized, slow-release fertilizers. No pesticide use will be used. No grading or tree removal is proposed. No exterior lighting is proposed. No signage is proposed. The applicant proposes off-site wholesale and off-site sales at local farmer's markets. The applicant will utilize personal vehicles for all distribution. No employees are proposed, and no retail sales will be conducted on-site. No customers are permitted on-site, except by appointment only for wholesale purposes.

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 must be submitted for review and approval and shall be implemented as approved by the County.

II. PROJECT CONDITIONS OF APPROVAL

Planning Services

2. 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.

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

3. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
4. In accordance with CEQA § 15064.5, should previously unidentified paleontological resources be discovered during construction, the project sponsor is required to cease work in the immediate area until a qualified paleontologist can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall ensure that all construction personnel understand the need for proper and timely reporting of such finds and the consequences of any failure to report them.
5. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American

in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).

6. Any deviations to the approved Special Use Permit shall require an approved revision processed through Planning Services.
7. The applicant shall obtain a building permit to legitimize the existing paddock structure, obtain a building permit for the modification of the existing paddock into the garden shed, or the structure shall be removed entirely.
8. Prior to issuance of any permits or conducting of on-site nursery activities, the applicant shall pay all Development Services fees in full.
9. Prior to issuance of a building permit or conducting of on-site nursery activities, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.

El Dorado County Environmental Management – Air Quality Management District

10. Prior to the start of project construction, an Asbestos Dust Mitigation Plan (ADMP) shall be submitted with appropriate fees to and approved by the Air Quality Management District (AQMD).
11. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construction applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.
12. Burning of vegetative wastes that result from “Land Development Clearing” must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
13. The proposed project is within the Asbestos Review area; therefore the District will require the paving of any road or the application of a minimum of three (3) inches in depth, asbestos free gravel.

Georgetown Divide Public Utility District

14. The owner is responsible for any up-grades to the existing service which may be necessary as a result of additional use related to the proposed project.

15. The nature of the proposed activity will require cross-connection control through the installation of an approved backflow prevention assembly. A reduced pressure principal backflow prevention assembly would be required.

8. PLANNED DEVELOPMENT

PD08-0002/Hilltop Tree Service Storage Yard submitted by ERIC HILL to allow a development plan to utilize an existing 11,900 square-foot graded parking area for tree service vehicle and equipment storage and to use a mobile home as a caretaker residence. The property, identified by Assessor's Parcel Number 078-040-17 consisting of 3.92 acres, is located on the northeast side of Pleasant Valley Grange Road, approximately 150 feet north of the intersection with Pleasant Valley Road in the **Pleasant Valley area**, Supervisorial District II. (Categorically exempt pursuant to Sections 15301(a), (d) and 15304(a) of the CEQA Guidelines)**

(Clerk's Note: Commissioner Mathews was present for the presentation of the item and discussion with staff, but left at 10:04am.)

Tom Dougherty presented this item to the Commission with a recommendation for approval. He distributed a memo with a recommended addition to the conditions of approval which addressed fuel storage. In addition, Mr. Dougherty provided a copy of a letter received from Carl Borrowmane opposing the project.

Prior to leaving, Commissioner Mathews provided his thoughts on the project, which are as follows: (1) the property has been zoned Industrial for a long time; (2) likes that the project is a PD, as it brings it to the Planning Commission for review; and (3) considers the proposed use as very light industrial and considers the area a good location for it.

Eric Hill, applicant, stated that he started the business in 1999. The wood chips are shipped out or chipped on location, but the public can also pick them up themselves. Mr. Hill also stated that the area is a high fire area and that a fire hydrant will be located close by, which will also be accessible to the fire department.

Commissioner Machado requested staff to make the conditions very clear that the applicant can repair equipment on-site, but that there will be no chipping conducted on-site.

Ken Greenwood, representing a neighbor, distributed a letter to the Commission and summarized it as follows: (1) against the Planned Development; (2) project should not have been exempt from CEQA; (3) a Noise Study should be conducted; (4) site plan was not properly prepared; (5) project is inappropriate for the site; and (6) project's file does not have any documentation showing that DOT responded to request for comments.

Maria Douchanicz, a neighbor, distributed a letter to the Commission which expressed some of her concerns with the project.

Art Marinaccio stated that the economic element of the General Plan should be reviewed. He also stated that he disagrees with Mr. Greenwood because an incredible amount of review has been conducted on this project and that it should be approved today.

Mr. Dougherty responded to comments brought up by the public regarding a portable saw mill being proposed. He stated that originally the applicant had submitted a Special Use Permit (for the portable saw mill) along with the PD application. However, the applicant withdrew the Special Use Permit application. The withdrawn application would remain in the file, which is part of Department protocol.

Pierre Rivas informed the Commission that staff is comfortable with the Categorical Exemption as this project is for storage of equipment and is an appropriate use for the type of zoning of the property.

Commissioner Knight encouraged Mr. Hill to be a good neighbor in regards to the potential dust and noise.

There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACHADO, AND CARRIED BY A VOTE OF 3-1 (MACCREADY), IT WAS MOVED TO: 1. CERTIFY THAT THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO SECTIONS 15301(A), (D), AND 15304 (A) OF THE CEQA GUIDELINES; AND 2. APPROVE DEVELOPMENT PLAN PD08-0002, AS THE OFFICIAL DEVELOPMENT PLAN, SUBJECT TO THE CONDITIONS OF APPROVAL IN ATTACHMENT 1, BASED ON THE FINDINGS IN ATTACHMENT 2, AND TO INCLUDE MODIFICATION OF CONDITION #1 AND THE ADDITION OF CONDITIONS FOR FUEL STORAGE AND SUBMITTAL OF A REVISED SITE PLAN.

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

Findings

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CEQA Findings

- 1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301(a) of the CEQA Guidelines Sections 15301 (a), (d) and 15304 (a) of the CEQA Guidelines. Section 15301 applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Section 15304 applies to minor alterations to land consisting of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve

removal of healthy, mature, scenic trees except for forestry or agricultural purposes including but not limited to grading on land with a slope of less than 10 percent.

- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

- 2.1 As proposed, the project is consistent with the Industrial land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because the Industrial land use designation permits *uses which support on-site agriculture, timber resource production, mineral extraction, or other resource utilization* which would include the proposed storage of support equipment for residential/commercial tree services and related small-scale logging operations and therefore could be found to conform to the General Plan land use designation of Industrial as a compatible use.

- 2.2 The proposal is consistent with all applicable Policies of the General Plan including 2.2.3.1, 2.2.5.21, 5.1.2.1, 5.7.1.1, 6.2.3.2, 7.4.4.4, General Plan Objective 10.1.5 and Policies 10.1.5.1, 10.1.5.2, and 10.1.5.4 concerning the requirement for a planned development request, compatibility with the surrounding parcels, available utilities or the ability to provide them, emergency access capability, and water availability for wildfire suppression, insignificant impacts on oak canopy, and support of an existing business. As conditioned, the project provides adequate access, site design, and conditions of approval that ensure compatibility with the surrounding uses, supporting utilities would be available as water, power and available solid waste disposal services exist at the site, is anticipated to remove oak trees over six inches in diameter, adequate emergency response capabilities, and therefore is consistent with the General Plan policies identified above.

3.0 Zoning Findings

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards because the proposed building meets the development standards pursuant to section 17.34.020 for minimum lot area, maximum building coverage, height and setbacks required.

4.0 Administrative Findings

4.1 Planned Development PD08-0002 Findings

- 4.1.2 *The planned development zone request is consistent with the General Plan.* The planned development request is consistent with the General Plan because the application is for a parking/storage area supporting resource utilization, consistent with the Industrial land use designation, and is consistent with applicable policies as outlined in Finding 2.2.

- 4.1.3 *The proposed development is so designed to provide a desirable environment within its own boundaries.* The proposed development plan provides subdued design features which will be typical for an industrially-zoned parcel within the Pleasant Valley area.
- 4.1.4 *Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.* The project is being developed or conditioned to comply with all County Code requirements.
- 4.1.5 *The site is physically suited for the proposed uses.* The site is physically suited for the proposed uses since it is located within an industrial environment.
- 4.1.6 *Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.* As conditioned, all required utilities would be available for the proposed uses, including, but not limited to, water supply, adequate sewage disposal area, roads, power, phone and solid waste disposal services.
- 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 does not propose to remove oak trees over six-inches in diameter, and the driveway and parking/storage area have been previously graded.

Conditions

1. This planned development is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-K2, approved October 8, 2008 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:

Development Plan for the use of an existing approximately 11,900 square-foot graveled parking area for the storage, servicing, and parking of tree service related equipment. The project includes the wood waste recycling of wood chips in the form of sales only and the use of a permanent mobile home for a caretaker for the protection of the equipment. The use of equipment for chipping and milling of wood products, tree branches and logs is to occur off site. No on-site chipping or processing shall occur.

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 must be submitted for review and approval and shall be implemented as approved by the County.

Planning Services Site Specific and Standard Conditions

2. All outdoor lighting submitted as part of the building permit for the existing mobile home shown on the site plan in Exhibit G, shall be reviewed and approved by Planning Services prior to issuance of the building permit. Said lights shall conform to Section 17.14.170 of the County Code 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. All security lighting shall be designed with motion-sensor activation.
 - b. No pole lights shall exceed fifteen feet in height from finished grade to the top of the pole.

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.

3. Parking shall be improved consistent with Chapter 17.18 of the County Code, including the April 14, 1993 California Accessibility Regulations. The uses will be evaluated during the building permit process prior to issuance of a building permit to ensure that parking will be available for each use that had been authorized by the approval of PD08-0002. The parking and storage areas shall conform to the site plan shown in Exhibit G and shall include a minimum of seven spaces marked and reserved for employee parking spaces and one shall be marked for handicap parking. The building permit for the mobile home shall show a minimum of two parking spaces not in tandem.
4. Prior to issuance of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition of approval imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.
5. The applicant shall make the actual and full payment of Development Services Department processing fees for planned development application prior to issuance of any development permit.
6. During all grading and construction activities in the project area on the proposed parcels, an archaeologist or Historian approved by the Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent

and/or future parcel owner shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.

7. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
8. 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 County Department of Transportation

9. **Off-site Access Improvements:** The applicant shall construct and /or verify that the off-site portion of the access roadway, from the project boundary to Pleasant Valley Road, meets the requirements of El Dorado County Standard Plan 101A a 20-foot roadway with an asphalt paved or double-chip seal surface. (If double-chip sealed, the structural section shall be 2 inches double chip seal over 6 inches of Class II aggregate base). No curb, gutter, or sidewalks are required. The applicant shall provide an exhibit to DOT, Planning, and the Fire District that shows that the access roadway complies with the DISM and Fire Safe Regulations. The improvements shall be completed to the satisfaction of the Department of Transportation prior to issuance of any development permit (building permit) or commencement of use.
10. **Road & Public Utility Easements:** The applicant shall provide a 40-foot wide non-exclusive road and public utility easement for the access roadway from the end of the existing 40-foot wide easement for Pleasant Valley Grange Road to the project site and northward along the western boundary line of the project parcel. These easements must be recorded prior to issuance of any development permit or commencement of use. Slope easements shall be included as necessary.

11. Turnouts: The applicant shall provide turnouts on both sides of the one-lane culvert on the access roadway. The turnouts may be constructed of the same surface material as the improved roadway, or may be 6 inches of Class II aggregate base. The improvements shall be completed to the satisfaction of the Department of Transportation prior to issuance of any development permit or commencement of use.
12. Signs: The applicant shall provide "One Lane Bridge" signs on either end of the one-lane culvert. The improvements shall be completed to the satisfaction of the Department of Transportation prior to issuance of any development permit or commencement of use.
13. Easements: All applicable existing and proposed easements shall be shown on the project plans.
14. Signage: The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to issuance of any development permit or commencement of use. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
15. Maintenance Entity: The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to issuance of any development permit or commencement of use.
16. Water Quality Stamp: All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
17. Construction Hours: Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
18. DISM Consistency: The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to issuance of any development permit or commencement of use.
19. Road Improvement Agreement & Security: The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of

- the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to issuance of any development permit or commencement of use.
20. Import/Export Grading Permit: Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
 21. Grading Permit / Plan: If more than 50 cubic yards of earth movement are required for improvements, 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. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of the DOT or the applicant shall obtain an approved improvement agreement with security, prior to issuance of any development permit or commencement of use.
 22. Grading Plan Review: Grading and improvement 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. 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.
 23. RCD Coordination: 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.
 24. Soils Report: At the time of the submittal of the grading or improvement plans, 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 and address, 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.

25. Drainage Easements: Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans.
26. NPDES Permit: At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant 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 Federal Clean Water Act and the California Water Code. 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 County, prior to building permit issuance, and by state law must be done prior to commencing construction.
27. Off-site Improvements (Security): Prior to issuance of any development permit or commencement of use, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
28. Off-site Improvements (Acquisition): As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
 - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

In addition to the agreement the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

29. Electronic Documentation: 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 drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
30. TIM Fees: The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

El Dorado County Fire Protection District

31. The applicant shall submit review fee of \$120.00.
32. Fire flow for this project is 1,000 gpm @ 20 psi for two hours or an approved NFPA residential sprinkler system shall be installed in the mobile home.
33. A fire hydrant will be required for this project within the subject parcel. The location of the hydrant shall be reviewed and approved by the Fire District prior to installation.
34. All project gates must comply with Fire Prevention Officer's standards, as determined by the Fire Protection District.
35. High-priority "Knox" access with keys for emergency access must be provided to the Fire Protection District prior to building occupancy.
36. Access roads shall be 20-feet wide with an all-weather surface capable of supporting a 75,000 pound load

El Dorado County Building Services Division

37. The existing mobile home shown in Exhibits G and J5 shall be subject to the issuance of a building permit from the El Dorado County Building Division. It shall be either the existing or new one but must be located in the location shown on the approved development plan.

El Dorado County Environmental Management Department/Hazardous Materials Division

38. For the storage of reportable quantities of hazardous materials (55 gallons), including the fuel tank, prior to commencing any use of the fuel tank the owner/operator must:
 - a. Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
 - b. Train all employees to properly handle hazardous materials and wastes.

- c. Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

El Dorado County Air Quality Management District

39. All portable, internal combustion engines (over 50 horse powers) must be registered with the California Air Resources Board or permitted with the El Dorado County Air Quality Management District prior to issuance of any development permit.

Planning Commission

40. Fuel storage shall meet the Fire Code. A gravity fed filling tank is not permitted.
41. A revised site plan shall be submitted to Planning Services that identifies the area to be designated for storage of chipped material subject to the required approval of Planning Services and the El Dorado County Fire Protection District, prior to issuance of any development permit.

9. GENERAL PLAN AMENDMENTS

- a. **A08-0002** initiated by EL DORADO COUNTY to consider amending Policy 8.1.3.1 of the 2004 General Plan, which is one of several policies designed to protect agricultural uses by preventing incompatible development from being established adjacent to agriculturally zoned property. Policy 8.1.3.1 establishes a 10-acre minimum parcel size for residential lots being created adjacent to agricultural land. The proposed general plan amendment would provide flexibility for the decision makers on a subdivision to determine if buffers limiting the parcel size to something larger than otherwise permitted by the land use designation are warranted. (Negative Declaration prepared)* *[continued from September 25, 2008 meeting]*

Monique Wilber presented this item to the Commission with a recommendation to the Board of Supervisors for approval. A revised Exhibit A was distributed to the Commission for their review, which included additional criteria that was added after receiving Agricultural Commission and public input. Ms. Wilber stated that no comments were received from the State Clearinghouse.

Bill Stephans, Agricultural Commissioner, informed the Commission that based on discussions with Planning staff this morning, he was recommending that the last sentence of #5 of the revised Exhibit A be deleted. Mr. Stephans explained that the Agricultural Commission is a proponent of this recommended amendment and from March – May 2008 has been reviewing the criteria. It is important to have established criteria when analyzing projects.

Valerie Zentner, El Dorado County Farm Bureau, supports the proposed change and criteria. She indicated that this will be a good basis for the Agricultural Commission to make good decisions.

Art Marinaccio made the following comments: (1) the CEQA review was inadequate; (2) this is far removed from where it should be and needs to be re-reviewed; (3) the Agricultural Commission is an advisory Commission only; (4) Planning staff met with the Agricultural Commission to discuss what they wanted; and (5) this is not what the Board of Supervisors requested, but instead is what the Agricultural Commission wants.

It was determined that there had not been a motion by the Board of Supervisors directing staff to implement this change. Instead it was a decision that occurred at the joint meeting of the Planning Commission and Agricultural Commission which was held earlier this year.

Sue Taylor stated that she is overwhelmed by the whole process (i.e., planning and zoning problem). She felt that the majority of the county residents are not even aware that there are General Plan land use maps available for review and that she is worried about the agricultural community.

Cindy Schaefer said that there is a lack of understanding of the General Plan and the zoning. The zoning has not been comprehensively updated in 30 years, which makes it difficult for the General Plan land use designation. Ms. Schaefer feels that some of the reviews need to be eliminated.

Chris Alarcon said that during these budgetary times, we can't afford to have staff burdened with unnecessary reviews and that the General Plan should be taken in totality. He stated that if the zoning is archaic, then the land use designation should be reviewed. Mr. Alarcon stated that the process needs to be streamlined and the current proposal would be burdensome and contains language that would open the County to litigation.

Various handouts were provided to the Commission for illustrative purposes and to propose an alternate solution to streamline the process for General Plan Policy 8.1.3.1.

Jim Brunello stated that the land use designation trumps the archaic agricultural zoning.

Kathye Russell felt that this needs to be reduced to something that is workable and that their proposal meets that. She stated that she would be interested in discussing their proposal further with the agricultural community and staff. Ms. Russell stated that from a processing perspective, it is necessary to have predictability and have a simplified and streamlined road map. General Plan Policy 8.1.3.1 is huge and affects a large amount of land.

Dave Pratt, Agricultural Commissioner, said that the Agricultural Department's analysis and the Agricultural Commission's comments should have been included in the staff report. He indicated that the majority of the conflicts are based on bad zoning and that we need to fix the zoning, which would include rezoning parcels that have rolled out of the Williamson Act Contract. Mr. Pratt stated that staff's proposal assists the Agricultural Commission in fixing the problem.

Mr. Stephans stated that even though there is no current agricultural operation on a parcel, if there is potential and it is zoned agricultural, it needs to be reviewed. He also stated that the

Agricultural Commission has never held up a Planning project and that they make every effort to agendaize a project for the next meeting.

Commissioner Machado said that the Planning Commission had wanted to fix the problem of parcels adjacent to ag-zoned land being required to go through the Agricultural Commission when they wanted to build, etc. The resolution is not to continue having applicants be required to go through the Agricultural Commission.

Chair Tolhurst felt that the issues were streamlining, zoning, and General Plan conflicts.

Mr. Stephans recommended that the Commission postpone their decision today to allow him time to return to the Agricultural Commission to determine if there are some cases that could be reviewed at the Agricultural Department level instead of the Agricultural Commission.

Commissioner Knight requested Mr. Stephans to include him in any meetings that are set up with interested parties on this subject.

There was no further input.

MOTION: COMMISSIONER MACCREADY, SECONDED BY COMMISSIONER TOLHURST, AND UNANIMOUSLY CARRIED (4-0), IT WAS MOVED TO CONTINUE ITEM TO THE DECEMBER 11, 2008, HEARING TO ALLOW THE AGRICULTURAL COMMISSION TIME TO DISCUSS STREAMLINING THE PROCESS.

b. **A07-0010/OR08-0002/Parcel Size Exception** initiated by EL DORADO COUNTY. The purpose of the Parcel Size Exception amendment to the General Plan and Zoning Ordinance would allow this ordinance to be implemented in limited cases where the strict application of residential densities to an individual property zoned in an otherwise compatible district would preclude. Staff is recommending the amendment of four General Plan policies and additional language to Zoning Ordinance, section 17.14.120. Policy 2.2.5.5; Parcel Size Exception, would be modified to include language found in General Plan Policy 2.2.5.12 (this policy would be eliminated), clarifies the correlation with the Zoning Ordinance and eliminates the potential of creating lots smaller than allowed by other policies requiring specific setbacks and buffers to adjoining parcels. Policy 2.2.1.2 would be updated to include a description of allowable density, found in policy 8.1.1.8, for parcels designated Agricultural Lands and Table 2-2 of Policy 2.2.1.3 would be updated to include a footnote clarifying the relationship of policy 5.2.3.5 to the proposed amendments. Zoning Ordinance section 17.14.120 would be updated to include limitation on parcels created of less than 4.5 acres when ground water dependent and eliminates the potential of creating parcels inadequate to meet specific setbacks and buffers, bringing 17.14.120 into conformity with General Plan policies. (General Plan EIR/SCH No. 2001082030)

Shawna Purvines presented this item to the Commission with a recommendation to the Board of Supervisors for approval.

The Commission expressed some concern over the proposed language for Policy 2.2.1.2 in regards to “allowable density shall be two residential dwelling units”. Ms. Purvines explained that it was “clean-up” language to make it consistent with other policies. However, staff recommended that this policy be removed from the proposed amendments to allow time to reconsider the language for that policy. The Commission agreed with the suggestion.

Valerie Zentner, El Dorado County Farm Bureau, supports the proposed amendments, particularly the addition of Policy 2.2.5.5(D) and 14.14.120(C)(3).

There was no further input.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER TOLHURST, AND UNANIMOUSLY CARRIED (4-0), IT WAS MOVED TO: 1. FIND THAT THE PROPOSED POLICY AMENDMENT DOES NOT CREATE ANY NEW OR CHANGED IMPACT FROM THAT ANALYZED IN 2004 GENERAL PLAN EIR; 2 .RECOMMEND THE BOARD OF SUPERVISORS APPROVE GENERAL PLAN AMENDMENT A07-0010, AMENDING POLICIES 2.2.1.3, TABLE 2-2; AND 2.2.5.5; AND DELETING POLICY 2.2.5.12, AS SHOWN IN ATTACHMENT 2, BASED ON THE FINDINGS CONTAINED IN ATTACHMENT 1; and 3. RECOMMEND THE BOARD OF SUPERVISORS APPROVE ZONING ORDINANCE AMENDMENT OR08-0002 TO 17.14.120, AS SHOWN IN ATTACHMENT 2, BASED ON THE FINDINGS CONTAINED IN ATTACHMENT 1.

Findings

1.0 CEQA Findings

- 1.1. The proposed General Plan policy amendment will not create any new or changed environmental impacts from those identified in the 2004 General Plan Environmental Impact Report.
- 1.2. No subsequent EIR is required for the General Plan policy amendment pursuant to §15162 of the State CEQA Guidelines because the proposed amendment is not a substantial change that would cause new significant effects or increase the severity of previously identified effects; substantial changes in the circumstances under which the plan was adopted have not occurred; and there is no new information regarding potential impacts that were not identified during the preparation of the previous EIR.

2.0 General Plan Finding

- 2.1. The proposed policy amendment is consistent with the General Plan Land Use Element goals and objectives in that it will provide for the maintenance of the rural and open character of the County and will distribute growth and development in a manner that maintains the rural character of the County utilizing infrastructure in an efficient, cost-effective manner,.

c. **A08-0001/OR08-0001/Mixed Use Development** initiated by EL DORADO COUNTY. The purpose of the Mixed Use Development section of the County Zoning Ordinance is to further development that incorporates a range and variety of uses within a single development site while encouraging residents to work, shop and recreate close to where they live, and in some instances, take advantage of non-automobile oriented transportation methods, minimizing vehicle miles traveled. The following sections are included: A. Amendments to section 17.32 (Section I), B. Amendments to section 17.32 (Section II), C. Amendments to section 17.32 (Section IV) allowing for Mixed Use Development in these designated areas, and D. Addition of Design Guidelines in Section 17.14, providing standards to be analyzed by application of a Design Review, and shall be approved based on design standards outlined in the ordinance. (Negative Declaration prepared/SCH#2001082030)*

(Clerk's Note: Chair Tolhurst left the meeting after staff presentation and First Vice-Chair MacCready took over duties as Chair.)

Shawna Purvines conducted a PowerPoint presentation on this item to the Commission with a recommendation to the Board of Supervisors for approval.

Chair Tolhurst stated that there may be a tendency for horizontal development, which he felt could be ugly and does not consider it as mixed use.

Valerie Zentner, El Dorado County Farm Bureau, supports Mixed Use Development in Rural Centers. However, she does have concern with the proposed amendment regarding the Community Regions, particularly the Camino/Pollock Pines area. Ms. Zentner stated that she was uncomfortable with the level of development being proposed for Mixed Use in Community Regions (i.e., increasing units from 10 to 24). She suggested that perhaps there could be special rules for Community Regions that are located in Agricultural Districts.

Sue Taylor expressed concern regarding the density for the Camino Community Region.

Ms. Purvines did explain to the Commission and audience members that the Design Review process was added to address Supervisor Sweeney's concerns regarding Mixed Use Development by right.

C.J. Freeland stated that the Public Housing Authority supports the proposed amendment as it addresses the direction given by the Board of Supervisors and it helps the County meet its responsibilities adopted in the Housing Element which are required by state law.

Commissioner Knight felt that Mixed Use Development works best in highly dense urban areas.

Commissioner Machado was agreeable to the proposed amendment and thought that staff had done a good job. He felt that Mixed Use Development needs to be vertical development with residential above commercial.

Commissioner MacCready suggested that this item be continued to allow input from Commissioners Tolhurst and Mathews, who were absent.

There was no further input.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACCREADY, AND UNANIMOUSLY CARRIED (3-0), IT WAS MOVED TO CONTINUE ITEM TO THE NOVEMBER 13, 2008, MEETING.

10. **GENERAL PLAN UPDATE** – None
11. **ZONING ORDINANCE UPDATE** – None
12. **DEPARTMENT OF TRANSPORTATION** – None
13. **COUNTY COUNSEL’S REPORTS** – None
14. **DIRECTOR’S REPORTS**

(Clerk’s Note: Director’s Report was presented during Departmental Reports and Communications.)

Roger Trout introduced himself as the new Director of Development Services. Mr. Trout informed the Commission that the Department’s budget was not looking good, particularly with the low number of Building permits being submitted and that there may be possible staff reductions.

Mr. Trout informed the Commission that the draft Winery Ordinance was presented to the Agricultural Commission yesterday (October 8, 2008) and was scheduled to be heard by the Planning Commission at the November 13, 2008, hearing. The Commission requested staff to e-mail the draft Winery Ordinance prior to the meeting as soon as it is available for review.

15. **ADJOURNMENT**

Meeting adjourned at 2:50p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

Alan Tolhurst, Chair