



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

Walter Mathews, Chair, District IV
Alan Tolhurst, First Vice-Chair, District V
Lou Rain, Second Vice-Chair, District I
Dave Pratt, District II
Tom Heflin, District III

Char Tim Clerk of the Commission

MINUTES

Regular Meeting May 14, 2009 – 8:30 A.M.

1. CALL TO ORDER

Meeting was called to order at 8:34 a.m. Present: Commissioners Rain, Pratt, Heflin, Mathews, and Tolhurst; Paula Frantz-County Counsel; and Char Tim-Clerk of the Planning Commission.

2. ADOPTION OF AGENDA AND ADDENDUM

Motion: Commissioner Heflin moved, seconded by Commissioner Pratt, and unanimously carried (5-0), to adopt the agenda and addendum as presented.

AYES: Rain, Tolhurst, Pratt, Heflin, Mathews
NOES: None

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:** April 9, 2009

END OF CONSENT CALENDAR

Motion: Commissioner Rain moved, seconded by Commissioner Pratt, and unanimously carried (5-0), to approve the Consent Calendar.

AYES: Heflin, Tolhurst, Pratt, Rain, Mathews
NOES: None

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS
(Development Services, Transportation, County Counsel)

Pierre Rivas provided a summary of recent Board of Supervisor's actions regarding current planning:

- Z06-0018/PD06-0016/P06-0018/Granade: This item was approved.
- Z06-0005/TM06-1408/PD06-0006/Alto, LLCC: This item was approved.
- Z07-0043/TM07-1458/Miginella: This item was approved.

Peter Maurer provided a summary of recent Board of Supervisor's actions regarding long-range planning:

- General Plan Implementation Workshop-Agricultural Issues: This meeting was well-attended and Planning received clear direction from the Board with the Zoning Ordinance being the number one priority. The goal is to have a draft version available by the summer, with hearings starting by the end of the year.
- Mixed Use Development Workshop/Special Meeting: The Board concluded that since modifications have been made to this item by the Board and stakeholders, it should be re-reviewed by the Planning Commission.

6. COMMISSIONERS' REPORTS

Commissioner Rain indicated that he had attended the Mixed Use Development Workshop and it had been a very good meeting.

Commissioner Pratt stated that he had attended the Economic Development/Ag Issues Workshop and had found it very interesting. He requested that once the Interim Guidelines for General Plan Policy 8.1.3.1 are completed, that the Commission receive a copy of them. Commissioner Pratt also inquired if the on-line version of the minutes contained all of the CEQA findings for each project since some of the meeting minutes did not appear to be very long. In addition, he stated that he found a small typo in the discussion text on page 8 of the approved April 9, 2009, minutes and requested that it be corrected.

Commissioner Heflin announced that the Board considering to change the Economic Development Committee into a volunteer committee with one-year terms.

9:00 A.M.

PUBLIC FORUM/PUBLIC COMMENT – None

7. SITE PLAN REVIEW

SPR09-0001/Carson Creek Corporate Center submitted by PAC/SIB, LLC/SCOTT HODSON (Agent: Warren Consulting Engineers/Thomas Fassbender) for a Finding of Consistency with General Plan Policy 7.3.3.4 for reduction of the 100 foot perennial stream setback and 50 foot wetland setback to permit grading activity within said setbacks and within the perennial stream and wetland areas as approved under a US Army Corps of Engineers

Nationwide Permit #39. A Finding of Consistency would allow the reduction of riparian setbacks for site grading and improvements under Permit #190993. The property, identified by Assessor's Parcel Numbers 117-210-28, -30, -41 & -43, consisting of 63.92 acres, is located on the north side of Golden Foothill Parkway, at the intersection with Latrobe Road in the El Dorado Hills Area, Supervisorial District II.

Mike Baron presented the item to the Commission with a recommendation to find the request consistent with the General Plan. He also distributed an applicant-supplied map to the Commission.

Commissioner Tolhurst informed staff that on the new map sent to them from the Planner (under memo dated 4/23/09), it stated 6 bio-treatment swales and it should be 7.

Scott Hodson, applicant, stated that they had negotiated the setbacks with the U.S. Army Corps of Engineers and that the following concessions had been made: (1) 24 acres of preservation area; (2) Endowment for maintenance of preservation area; (2) In-lieu fees for three wetlands; and (3) Preservation and mitigation expenses for the fairy shrimp. In addition, Mr. Hodson and an associate conducted a brief presentation utilizing the project's maps displayed on the walls.

Commissioner Tolhurst inquired on the intermittent stream and was informed by the applicant's associate that it is a man-made watercourse (i.e., drainage ditch). Commissioner Tolhurst requested clarification on which version of Exhibit E was the correct one as they have received three different versions.

No further discussion was presented.

Motion: Commissioner Rain moved, seconded by Commissioner Tolhurst, and unanimously carried (5-0), to find that the proposed reductions in setbacks from riparian areas are consistent with the intent of General Plan Policy 7.3.3.4 and the Interim Interpretive Guidelines for said Policy based on the above discussion, and based on the findings proposed by staff, subject to the conditions of approval as presented.

AYES: Heflin, Pratt, Tolhurst, Rain, Mathews

NOES: None

This action can be appealed to the Board of Supervisors within ten (10) working days.

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 not resulted from any act of the owner or applicant.*

The project site is bordered on the west side by Carson Creek (7.466 acres) and 3.659 acres of riparian area to the south.

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.*

Research and development campus type uses are found immediately to the south of the proposed impact area. The proposed grading and improvements would ensure that future locations of the structures would be located within areas that would minimize impacts to riparian areas as much as possible. The applicant has followed the process set forth by General Plan Policy 7.3.3.4 and the Interim Interpretive Guidelines for that Policy. Strict application of the provisions would deprive the applicant of the reasonable use of the land for commercial development.

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

To accommodate the proposed project, the riparian setback would be reduced to the minimum necessary to complete the required grading improvements to sufficiently protect Carson Creek as well as other riparian areas.

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.*

The reduction in setbacks from Carson Creek and riparian features as well as the approved fill of some riparian areas has been planned for sufficient protection of those remaining features and 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 proposed project has been designed in a manner to ensure that alternative setbacks would not have an adverse effect on Carson Creek and riparian areas. The project, therefore, is consistent with intent of General Plan Policy 7.3.3.4 by providing for an adequate setback for protection of natural and man-made wetlands, vernal pools, wet meadows, and riparian areas from impacts related to development for their importance to wildlife habitat, water purification, scenic values, and unique and sensitive plant life.

Conditions of Approval

1. The project is based upon and limited to compliance with the project description, the Staff Report exhibits marked Exhibits E, F, G, 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 finding of consistency with General Plan Policy 7.3.3.4, to allow site grading improvements, fulfill the requirements of Nationwide Permit #39, and import of soil from adjacent parcels (APN's 117-210-28, 117-210-30, 117-210-41 & 117-210-43). A finding of consistency serves to protect the integrity of the preserve and avoid unanticipated future impacts by not allowing roads, utility lines, trails, benches, equipment or fuel storage, grading, firebreaks, mowing, grazing, planting, discing, pesticide or herbicide use, burning, artificial water aeration systems/fountains, or other structures or activities shall be constructed or occur within the on-site mitigation preserve and avoidance areas without specific, advance written approval from the Army Corps of Engineers.

The Army Corps of Engineers permit does not authorize the applicant to take an endangered species, in particular the vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), or designated critical habitat. The authorization under the Army Corps of Engineers permit is conditional upon the applicant compliance with all of the mandatory terms and conditions associated with "incidental take" of the Biological Opinion (Fish and Wildlife Service Biological Opinion (Number 81420-2008-F-156, dated October 29, 2007)), which terms and conditions are incorporated by reference of the Army Corps of Engineers permit. Failure to comply with the terms and conditions associated with incidental take of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and would also constitute non-compliance with the Army Corps of Engineers permit.

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 concerning the site plan review, 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.

3. The applicant shall submit written evidence from the Army Corps of Engineers that the Nationwide Permit #39 has been issued, prior to grading permit issuance.

8. DESIGN REVIEW

DR00-0011/76 Gas Station/Circle K Mini Mart submitted by CONOCOPHILLIPS (Agent: Griffin Williamson) for a Design Review for a proposed 2,976 square foot Circle K mini-mart and a 76 gas station, with 6 fuel stations, for a total of 12 fueling positions, under a 4,000 square foot canopy. The property, identified by Assessor's Parcel Number 090-430-42, consisting of 0.64 acres, is located on the south side of U.S. Highway 50 at the southeast corner of the intersection of Mother Lode Drive and South Shingle Road in the Shingle Springs area, Supervisorial District II. (Environmental Impact Report (EIR) prepared)

Lillian MacLeod presented the item to the Commission with a recommendation of approval. She summarized the project's history which has spanned over 9 years and is detailed in the Staff Report. Three letters received late by staff were provided to the Commission for their review (Smith Engineering & Management [dated 5/11/09]; and 2 letters from Alfa Omega Associates [dated 5/12/09])

Chair Mathews made some general inquiries on the project (i.e., who was the appellant of original application; EIR; grading) and stated that there have been a number of "delay tactics" conducted by opponents of the project and after reading their letters, would like to know what the main concerns are besides traffic.

Laurie D'Alessandro representative of Convenience Retailers, LLC, indicated that they were the new property owners of the project and had purchased the property at the end of January 2009. It is their intention to continue moving forward where the project was left off and have retained the same consultants.

Griffin Williamson, applicant's agent, provided a brief description on the project design and indicated that they will provide tax-based revenue for the County.

In response to Commissioner Tolhurst's inquiry on the Staff Report stating that the project's colors had changed, Ahmad Ghaderi, applicant's agent, confirmed that during this long process, the colors had, in fact, changed to more beige-like colors. Commissioner Tolhurst requested that the color changes be reflected in the Staff Report and the conditions of approval.

Wanda Fulkerson voiced concerns over traffic; slope; necessity for more gas stations; and the potential for gas run-off contaminating well water. She asked that the request be denied and the project be moved to the other side of the freeway.

Dr. Dale Smith, representing the Friends of Shingle Springs Interchange, Inc., provided the following comments: (1) Request should not have been sent back to the Planning Commission; (2) Lodged formal protest on meeting notification—should have been a 30 day notice, but was only 15 days; (3) Not notified of change in ownership; (4) Recirculation is required; (5) Traffic study is required; (6) They are not waiving their opposition to CEQA; (7) The span of 9 years for this project was not the fault of the Friends of Shingle Springs Interchange, Inc.; (8) This project will be appealed to the Board of Supervisors; and (9) Cannot trade public safety for money.

[Clerk's Note: Dr. Smith provided a script of his presentation for the file as he was unable to present it in its entirety due to time limitations.]

Commissioner Tolhurst referenced Daniel. Smith's letter regarding Caltrans' standards and County Standards on distance from ramp intersections and requested clarification as to what distance is required. Eileen Crawford/DOT referenced the January 5, 2009 Caltrans letter (provided as an attachment to Mr. Smith's letter) which showed Caltrans commenting that the advisory standard of 100 feet beyond the ramp intersection is acceptable and Ms. Crawford indicated that the project meets those standards. In addition, the County engineer can waive the County standards and she referenced condition #10 which requires a deceleration lane improvement for the project.

Mr. Griffin and Mr. Ghaderi responded to comments brought forth by Dr. Smith, Ms. Fulkerson and the letters recently received from the public.

Commissioner Rain requested clarification on Dr. Smith's comment that this item required a 30 day notice that was not provided. County Counsel Paula Frantz stated that a 10 day notice is required for hearing notices. A 30 day notice is provided for the public comment period on CEQA documents. This particular project had already provided the 30 day public comment period and today's meeting only required the 10 day notice.

Patrick Angell/PMC informed the Commission that a clerical error (i.e., four figures missing) was discovered in the Environmental Impact Report (EIR). Although the error of not including these figures does not change the final analysis of the document, for purposes of public disclosure, he would like the opportunity to provide them in an errata sheet to the EIR. County Counsel Frantz suggested a continuance for 30 days.

No further discussion was presented.

Motion: Commissioner Tolhurst moved, seconded by Commissioner Heflin, and unanimously carried (5-0), to continue the item to the June 25, 2009, meeting.

AYES: Rain, Pratt, Heflin, Tolhurst, Mathews
NOES: None

9. SPECIAL USE PERMIT

a. S08-0024/Cool Boat, RV, and Self-Storage submitted by ROGER MUSSO (Agent: Bill Dalton) to allow the construction of up to eight buildings totaling 21,050 square feet for storage of boats, recreational vehicles (RVs) and self-storage of miscellaneous items. The eight buildings are proposed to be constructed in six phases and would ultimately contain 163 enclosed storage units. The property, identified by Assessor's Parcel Number 071-500-45, consisting of 3.76 acres, is located on the east side of State Route 49, approximately 500 feet north of the intersection with State Route 193 in the Cool area, Supervisorial District IV. (Negative declaration prepared)

Tom Dougherty presented the item to the Commission with a recommendation of approval. He stated that one public comment letter was received addressing concern with condition #16.

Bill Dalton, applicant's agent, was available for any questions.

Commissioner Tolhurst inquired on the signs and it was determined that Staff Report Exhibit L2 was incorrect, however the conditions of approval were correct. The exhibit should indicate 2 signs being fastened on the chain link fence and the third note should be removed.

Chair Mathews referenced the public comment letter from Cool Mini-Storage dated April 24, 2009, regarding concerns of a road maintenance agreement and inquired what happens if they don't agree to it. Mr. Dalton indicated that an agreement has not yet been proposed or circulated yet and that it was for future maintenance only as the capital improvements would be done by the applicant.

Eileen Crawford/DOT, in reference to condition #16, said that it does not require neighbors to join in the road maintenance agreement, but does requires that an entity be created since the road is not County-maintained.

Mark Mills, owner of Cool Mini-Storage, stated that he is not in opposition to the project, but has concerns over the road maintenance agreement as he has had conflicts with neighbors and he is the smallest parcel off that private road. He also voiced concerns on condition #12 with the different phases and that there were no conditions regarding hazardous waste, even though RVs carry diesel, LPG gas, and sewage.

Commissioner Pratt commented that any hazardous waste accidents would probably fall under liability insurance and not under the Commission's authority.

County Counsel Paula Frantz suggested that the wording "it is recommended that" be removed from condition #40 as it is atypical language for conditions of approval.

No further discussion was presented.

Motion: Commissioner Pratt moved, seconded by Commissioner Mathews, and unanimously carried (5-0), to: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and 2. Approve Special Use Permit S08-0024 based on the findings proposed by staff, subject to the conditions as modified, to include: (a) modify condition #40 by removing "it is recommended that"; and (b) modify Staff Report Attachment L2 as follows: 2nd note: modify to 2 signs; and 3rd note: remove.

AYES: Rain, Heflin, Tolhurst, Pratt, Mathews

NOES: None

This action can be appealed to the Board of Supervisors within ten (10) working days.

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 proposed special use permit project, as conditioned, will not have a significant effect on the environment. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA. The map amendment project have been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15305 (a) of the CEQA Guidelines which states that minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel are exempt.
- 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 conditioned, the proposal is consistent with the intent of General Plan Policies 2.1.2.1 (Rural Center boundaries), 2.1.2.2 (Rural Center definition), 2.1.2.3 (Rural Center purpose), 2.2.5.2 (review for General Plan consistency), 2.2.5.21 (compatibility with surroundings), 2.8.1.1 (lighting impacts), 5.1.2.1 (adequate utilities), 5.7.1.1 (adequate emergency water and related facilities), 6.2.3.2 (adequate access), 7.4.4.1 (rare plants), 7.4.4.4 (oak canopy), 10.1.5, 10.1.5.1, 10.1.5.2, and 10.1.5.4 (encouragement of economic opportunities), and 10.2.1.6 (use of existing infrastructure) because the project would have minimal impacts on visual resources, existing utilities, and on existing emergency response times. There are adequate services to facilitate the site, such as water, power and solid waste. The project provides a storage alternative to the Cool/Pilot Hill area.

3.0 Zoning Findings

- 3.1 The project is zoned General Commercial - Design Control (CG-DC) which allows retail mini-storage use with approval of a Special Use Permit. The 3.76-acre parcel would comply with the minimum development standards for parcels located within the CG zone District pursuant to Section 17.32.200 of the Zoning Code for minimum lot area of 10,000 square feet. With the removal of the existing turnaround easement shown on Parcel Map 30-71, with an approved Certificate of Correction, the proposed eight metal storage buildings, would comply with Section C for minimum lot width of 60 feet, and minimum yard setbacks of ten feet front and five on the sides and rear.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because sufficient landscaping, lighting, and parking have been provided.

4.0 Special Use Permit Findings

- 4.1 **The issuance of the permit is consistent with the General Plan.** The applicant's proposal has been determined to be in compliance with County regulations, addressing environmental issues and health and safety concerns. As discussed above, the proposal is consistent with the applicable General Plan Policies and all potential project-related environmental issues, and the benefits to the community have been evaluated. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.
- 4.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood,** based on the conclusions contained in the staff report. The use will not conflict with the adjacent uses as it will be buffered from view by landscaping and brown slatted chain link fencing and the minimal grading and foundation work will not cause significant environmental impacts. The project will fit within the context of the surrounding commercial land uses adjacent to the project site and result in insignificant environmental, visual, noise, and traffic impacts to surrounding residents and businesses. Further, the new facility would provide storage services to the Cool and Pilot Hill communities. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the construction of the eight storage buildings, will not have a detrimental affect nor be injurious to the neighborhood.
- 4.3 **The proposed use is specifically permitted by special use permit pursuant to** a 1988–1989 Planning Services interpretation made by the Planning Director at that time and the required findings detailed above can be made by the Planning Commission.

Conditions of Approval

Planning Services

1. This special use permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A through P dated May 14, 2009, 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:

Approval of the Special Use Permit allows construction of a phased project. The following shall be constructed in six phases: Eight storage buildings and associated Recreational Vehicle (RV) / boat, and customer parking spaces, landscaping, fencing and roadway improvements.

Phase	Buildings	Square Footage	Storage Units	Details/Components of Each Phase
Project portion of the parcel north of Northside Drive is below:				
1	Building A	3,400	26	The landscaping on the north of the parcel and all road improvements shall be completed. The 2 signs shall be installed on the chain link fence and brown plastic slats shall be installed. Two parking spaces, one handicap accessible for customers and 18 RV spaces shall be striped.
2	Building B	3,400	26	No additional parking or landscaping.
3	Building C	2,700	24	No additional parking or landscaping.
4	Building D Building E	2,000 1,875	13 14	Add one parking space for customers. Relocate 13 RV spaces to the south side of Northside Drive.
Project portion of the parcel south of Northside Drive is below:				
4				Add 6-ft tall chain link fencing with 2 access gates, and landscaping on the south side of the parcel. The fenced area shall be graveled.
5	Building F Building G	3,400 2,000	26 10	Stripe 2 parking spaces for customers, 1 handicap accessible. Retain the 13 RV parking spaces.
6	Building H	2,275	24	Add the final parking space for customers. Eliminate all RV parking.
Totals	8	21,050	163	

Planning Services Site Specific and Standard Conditions

2. All sign locations shall comply with Exhibit L1 and shall include two, 4-foot by 8-foot signs as shown in Exhibit L2. Both signs shall be mounted on the chain link fence on the north side of Northside Drive. No off-site signs are authorized by this permit. The sign plans shall be reviewed for compliance with the approved sign program by Planning Services prior to issuance of a building permit.

3. All outdoor lighting shall conform to the approved Exterior Lighting Plan (Exhibits K1, and K2), County Code Section 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Ten light fixtures as shown in Exhibit K2, are permitted for each building, three on each side, and two on each end. The final lighting plan shall be submitted for review and approval by Planning Services with the building permit application and shall be reviewed for conformance with the approved Exterior Lighting Plan shown in Exhibits K1, and K2 prior to issuance of a building permit. All lighting shall be activated with motion-sensor. No lighting for illumination of the two approved signs is included with this approval.

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. Building design, colors, building placement, and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with Exhibits F, G, H, I, K1, K2, L1, and L2. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require review and approval by the Planning Services prior to project modifications.

BUILDING PORTION	STYLE/COLOR	MATERIAL
Roof	Tan	Ribbed metal
Building Walls	Tan	Ribbed metal
Windows	None	
Doors	Gray	Role-up, metal doors

5. Parking shall be improved consistent with Chapter 17.18 of the County Code, including the April 14, 1993 California Accessibility Regulations. Parking shall conform to Exhibit G. The final total customer parking spaces at the finaling of Phase Six shall be six spaces. Parking shall consist of the customer parking spaces referred to in the table below and follow the sequencing of installation in said table:

Phase	Building and square footage.	Enclosed Storage Units Provided	Standard Spaces Required: (1 space plus 1 space per 30 units)	Standard Spaces Provided: (10 ft. x 18 ft.)	Handicap accessible spaces required and provided	RV storage spaces: (10 ft. by 35 ft.)
Project portion of the parcel north of Northside Drive is below:						
1	A: 3,400	26	2	1	1 of the spaces would be (van accessible)	18: Retain all previous RV parking.
2	B: 3,400	26	2	0	0	0
3	C: 2,700	24	3	1	0	0
4	D: 2,000 E: 1,875 Total: 3,875	13 14	0	0	0	Remove all RV spaces north of Northside

						Drive.
Subtotal						
				2	1	0
Project portion of the parcel south of Northside Drive is below:						
4			0		0	Add 13 new RV spaces.
5	F: 3,400 G: 2,000 Total: 5,400	26 10	2	1	1 of the spaces would be van accessible.	0
6	H: 2,275	24		1	0	Remove 13
Subtotal						
				2	1	
Totals	21,050	163	1 + (163 /30) = 5	6 (3 on each side of Northside Drive)	1 van accessible space each for both the north and south portions	Outside RV and boat parking eliminated.

6. 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.
7. The applicant shall make the actual and full payment of Planning Services processing fees for the Special Use Permit application prior to issuance of any County development permit.
8. The existing turnaround easement shown on Parcel Map PM30-71 shall be abandoned through the Map Amendment process with Planning Services. The location of the existing turnaround at the eastern edge of the subject parcel shall be accurately located on the map submitted with the Certificate of Correction request. No development permits shall be issued until Planning Services receives a copy of the recorded Certificate of Correction.
9. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of

the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

10. The applicant shall submit to Planning Services the Department of Fish and Game filing fee and noticing fee prior to filing of the Notice of Determination by the County. No County development permits shall be issued until said fees are paid.
11. 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.

The developer and land owner 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 Special Use Permit.

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

El Dorado County Department of Transportation

12. Access Road Improvements: The applicant shall construct and/or verify the project access road (Northside Drive) is consistent with Design Standard Plan 101B modified, a 24-ft wide roadway without curb, gutter, and sidewalk, from its connection at SR 49 to the project site. The improvements shall be completed to the satisfaction of the Department of Transportation prior to issuance of a building permit for Phase II (construction of a second building at the site).
13. Turnaround: The applicant shall construct and/or verify a turn around at the end of Northside Drive to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation prior to issuance of a building permit.
14. Easements: All applicable existing and proposed easements shall be shown on the project plans. The applicant shall modify the existing Road & Public Utilities Easement to include the turnaround.

15. Off-site Easements: Applicant shall provide all necessary recorded easements for any drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.
16. 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 a building permit.
17. Common Fence/Wall Maintenance: The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
18. 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.
19. 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.
20. 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 a building permit.
21. 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.
22. Grading Permit / Plan: A commercial grading permit may be required for the project based on the requirements of the County Grading Ordinance. If applicable, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Development Services Department for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off-Street Parking and Loading Ordinance", and the State of California Handicapped Accessibility Standards. 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 DSD prior to issuance of a building permit.

23. Grading Plan Review: If a Grading Plan is required, grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Development Services. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Development Services Department 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.
24. 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 Development Services shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
25. 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 Development Services. 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.
26. Drainage Study / SWMP Compliance: 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 Development Services.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include 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. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.

- The ultimate drainage outfall of the project.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. The improvements shall be completed to the approval of the Department of Transportation or Development Services prior to issuance of building permits.

27. Drainage (Cross-Lot): Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to issuance of a building permit.
28. 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.
29. 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.
30. 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.
31. 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

32. Applicant shall pay the Fire District a site/inspection review fee is \$ 150.00 prior to issuance of a building permit.
33. Preliminary hydrant locations are approved. All buildings during and after construction are required to have a hydrant within 150 feet of all points of the building. The Fire District shall approve the location of all hydrants prior to issuance of any County building permit.
34. The project shall be required to meet fire flow. Fire flow for this project is 1,500 gpm @ 20 psi for two hours. Documentation from GPUD shall be provided the Fire District to show that fire flow can be met, prior to issuance of final occupancy of any County building permit.
35. A 20-foot fire lane is to be maintained in the storage yard with Fire District approved turn-a-rounds or a loop. Said fire lane widths and locations shall be approved by the Fire District prior to issuance of any County building permit for the project.
36. Project gates shall be required to open with the "Knox" security system and with 3M opticom. Verification of the installation of said devices shall be received by the Fire District prior to issuance of final occupancy for Phase 1.
37. All buildings shall be required to have an addressable District approved NFPA 72 Fire Alarm System. Verification of the installation of said devices shall be received by the Fire District prior to issuance of final occupancy for any building permit.

Georgetown Divide Public Utility District (GDPUD)

38. Prior to final approval of any development permit for Phase 1, the applicant shall install all improvements to the existing treated water transmission and distribution system existing proximate to the subject parcel along Northside Drive. The improvements necessary will be determined by the District's standards, the applicant-submitted modeling study and by any comments received from any other agency pertinent to water supply. The water meter required to serve the project shall be applied and paid for prior to final approval of any building permit for Phase 1. The applicant shall be responsible for all expenses incurred by the District associated with this proposed development.
39. The applicant shall be required to submit evidence, to the GDPUD, that there has been coordination with the U.S. Fish and Wildlife Service (USFWS) on the project and that the USFWS has determined that the project has satisfactorily complied with the Endangered Species Act prior to deriving metered commercial water service.

California Department of Transportation (Caltrans)

40. To facilitate turning movements of larger recreational vehicles and trucks pulling boats at the existing driveway, ~~it is recommended that~~ the outbound lane shall be widened by 10

feet on the north side, and the centerline restriped so it is perpendicular to SR 49. This will reduce the skew of the driveway and provide more room for larger inbound vehicles. The location of the improvements required and all associated easements within the State right-of-way shall be accurately shown and described on the development plan and shall be reviewed and approved by Caltrans through the encroachment permit process. The improvements identified in the encroachment permit project plans shall be constructed prior to final approval of any development permit for Phase 1.

41. An encroachment permit shall be required for any work conducted in the State's right-of-way including sign placement, traffic control, light installation, culvert maintenance, or drainage pattern changes. A cost estimate for the work within the State's right-of-way will be reviewed to determine whether it triggers the need for a 'project funded by others' designation. For information regarding the Caltrans encroachment permit process, and/or to secure an application for any work that would be conducted in the State right-of-way, the applicant shall contact Encroachment Permits Central Office at (530) 741-4403. The improvements identified in the encroachment permit project plans shall be constructed prior to final approval of any development permit related to Phase 1.
42. The applicant shall request a "Notice of Completion" from the Encroachment Permit Office once all work related to the encroachment permit application has been completed as shown on the approved plans. A copy of proof of completion of all the above Caltrans requirements to their satisfaction shall be received by Planning Services prior to final approval of any County development permit

b. S09-0001/Diamond Springs Retail Center Monument Sign submitted by GRADO EQUITIES II, LLC (Agent: Mike Rathbun/Superior Electrical Advertising) to authorize construction of one nine-foot tall three-sided internally illuminated monument sign with 150 square feet of display area for the Diamond Springs retail center. The property, identified by Assessor's Parcel Number 054-342-35, consisting of 1.1 acres, is located on the north side of Pleasant Valley Road at the intersection with State Route 49 in the Diamond Springs area, Supervisorial District III. (Categorical Exemption pursuant to Section 15303(c) of the CEQA Guidelines) *[continued from 4/23/09 meeting]*

Jason Hade summarized the requested additional information that was provided to the Commission under staff's memo dated May 5, 2009. He informed the Commission in Attachment 3 of the memo, it shows a revised Exhibit E from the applicant, reducing the sign display area from 50 square feet to 33 square feet. Mr. Hade indicated that staff is recommending the following additional changes: (1) Remove conditions #4 and #5 as they are no longer relevant; and (2) Modify condition #1 to include the revised Exhibit E measurements.

Commissioner Pratt inquired on the sign plan in regards to analyzing the other signs in the area.

Bill Rankin/Quik Stop Market, reminded the Commission that they are just a tenant on the property and are only applying for themselves.

Commissioners Heflin and Pratt voiced concern regarding the size of the sign and the lettering size. Commissioner Heflin inquired if the applicant would be opposed to changing the lettering size from 12 inches to 9 inches and Mr. Rankin replied that they would be opposed to that reduction.

Mike Rathburn, applicant's agent, said that the topography and shape of the lot is why a three-sided sign is desired. He also indicated that signs with 9 inch lettering are closer to the road than what this sign will be.

It was stated that the table located on page 3 of the Staff Report needed to reflect the applicant's new proposal, as indicated in the revised Exhibit E.

Commissioner Tolhurst commented that the applicant has responded to the Commission's request for additional information and that no one spoke in opposition of the project at today's hearing.

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner Pratt, and unanimously carried (5-0), to: 1. Certify that the project is categorically exempt from CEQA pursuant to Section 15303(c) of the CEQA Guidelines; and 2. Approve Special Use Permit application S09-0001 based on the findings proposed by staff, subject to the conditions as modified to include: (a) modify condition #1 to reflect new sign dimensions; and (b) remove conditions #4 and #5.

AYES: Rain, Tolhurst, Pratt, Heflin, Mathews

NOES: None

This action can be appealed to the Board of Supervisors within ten (10) working days.

Findings

1.0 CEQA FINDING

1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15303(c) of the CEQA Guidelines which states that "construction and location of limited numbers of new, small facilities or structures" are exempt from further environmental review.

2.0 SPECIAL USE PERMIT FINDINGS

2.1 The issuance of the permit is consistent with the General Plan;

There are no specific policies that apply directly to the requested Special Use Permit for the monument sign; however, the absence of any policy that would restrict or prohibit the

use implies consistency, provided that the required findings of Chapter 17.22, Special Use Permits, of the Zoning Ordinance can be made.

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

The proposed three-sided monument sign will comply with the development standards of the Commercial zone and will comply with the signage requirements of the Zoning Ordinance. Although the proposed monument sign is three-sided, only one side of the monument sign will be visible at a time from Pleasant Valley Road or State Route 49. The sign will be compatible with existing surrounding signage and the proposed sign design features are consistent with those of the previously approved retail center. The Special Use Permit has been found to comply with the requirements of Chapter 17.22, Special Use Permits, and the proposed use is not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, based on the conclusions contained in the staff report.

2.3 The proposed use is specifically permitted by special use permit pursuant to this Title.

The proposed use is specifically permitted by Special Use Permit pursuant to Section 17.32.030.E of the Zoning Ordinance as the required findings detailed above may be made by the Planning Commission. The Special Use Permit will not nullify the conditions of approval or the findings of approval of the approved Design Review application DR05-0005.

3.0 ADMINISTRATIVE FINDINGS

3.1 The proposed use conforms to the Zoning Ordinance because the project meets all applicable development standards for a monument sign within the C zone district. The approval of this Special Use Permit will not nullify any of the conditions of approval or objectives of the approved Design Review application DR05-0005.

Conditions of Approval

El Dorado County Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E, dated April 23, 2009 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 authorizing the construction of a three-sided internally illuminated monument sign at the southwest corner of Diamond Springs Retail Center site, as shown on Exhibit E, site plan.

The sign shall conform to Exhibit E, "Proposed Monument Sign." The sign shall be constructed as follows:

Maximum Height: 9 6 feet
Sign area: ~~150~~ 33 square feet
Sign height: ~~6 feet 3 inches~~ 5 feet
Sign width: ~~8 feet~~ 6 feet 6 inches

The text, design materials, and colors shall conform to Exhibit E.

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.

The developer and land owner 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 Special Use Permit.

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

3. Prior to issuance of any permits, the applicant shall pay all Development Service fees.
- ~~4. The sign shall be setback a minimum of 10 feet from the Pleasant Valley Road and State Highway 49 right-of-way. Planning Services shall verify the setbacks on project plans prior to issuance of a building permit.~~
- ~~5. No lighting shall be permitted as part of this Special Use Permit.~~
- ~~64.~~ No additional advertising sign copy shall be permitted without prior approval by Planning Services.
- ~~75.~~ 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 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.

86. The applicant shall ensure the sign is properly maintained at all times. Any maintenance problems shall be addressed immediately.

El Dorado County Department of Transportation

97. The placement of this proposed sign shall not be within the existing right-of-way of Pleasant Valley Road.

California Department of Transportation (Caltrans)

108. An encroachment permit will be required for any work conducted in the State's right-of-way such as sign placement, traffic control, light installation, culvert maintenance, or drainage pattern changes.

10. PRESENTATION

Pierre Rivas presenting a viewing of the DVD titled "Community of Choices". (*approximately 30 minutes*)

No action taken.

11. ADJOURNMENT

Meeting adjourned at 11:37 a.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

Walter Mathews, Chair