



COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room
2850 Fairlane Court, Placerville, CA 95667
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Phone: (530) 621-5355 Fax: (530) 642-0508

Dave Pratt, Chair, District 2
Walter Mathews, First Vice-Chair, District 4
Alan Tolhurst, Second Vice-Chair, District 5
Lou Rain, District 1
Tom Heflin, District 3

Char Tim Clerk of the Planning Commission

MINUTES

Regular Meeting
February 9, 2012 – 8:30 A.M.

1. CALL TO ORDER

Meeting was called to order at 8:36 a.m. Present: Commissioners Pratt, Heflin, Mathews, and Tolhurst*; Paula Frantz-County Counsel; and Char Tim-Clerk of the Planning Commission.
[*Arrived at 8:47 a.m. and took his seat on the Commission.]

2. ADOPTION OF AGENDA

Motion: Commissioner Heflin moved, seconded by Commissioner Mathews, and carried (3-0), to adopt the agenda as presented.

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

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: January 26, 2012

Staff Recommendation: Approve Meeting Minutes as presented

END OF CONSENT CALENDAR

Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (3-0), to approve the Consent Calendar.

AYES: Heflin, Mathews, Pratt

NOES: None
ABSENT: Rain, Tolhurst

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

Pierre Rivas had no items to report for Current Planning.

Peter Maurer provided a report on the following items for Long-range Planning:

- TRPA Regional Plan Update: Provided a historical summary of events and identified the effects when the Update is finally approved.

6. **COMMISSIONERS' REPORTS** – None

RECESS TO CLOSED SESSION

Prior to recessing to Closed Session, County Counsel Paula Frantz announced that, as identified on the agenda, Closed Session was to confer with Legal Counsel pursuant to Government Code Section 54956.9(b) on "Significant Exposure to Litigation". However, since the agenda being posted, litigation has been filed and, therefore, Closed Session was also pursuant to Government Code Section 54956.9(a), "Existing Litigation: Pereira vs County". Once returning from Closed Session, County Counsel Frantz stated there was nothing to report out.

9:00 A.M. – TIME ALLOCATION

Prior to the beginning of the Public Hearing portion of the meeting, Chair Pratt announced that they did not have a full Commission today, although they did have a quorum to make decisions. He stated that Commissioner Rain had significant health issues in his family and would not be present for today's hearing or the next hearing. Historically, the Commission, as a courtesy, has allowed applicants before the Commission to request their item be continued to be heard by a full Commission. That request must be made before the item is started. Once the hearing is started, the applicant may not request a continuance on the grounds of not having a full Commission. At this time, the earliest that there may be a full Commission would be at the March 8, 2012, hearing.

Commissioner Pratt also announced the time limits for public testimony.

7. **PUBLIC FORUM/PUBLIC COMMENT** – None

8. **REZONE**

Z04-0016/Village P submitted by EDH 52 PARTNERS to rezone the northern 51.45-acre portion of subject property from One-Family Residential (R1) to Commercial-Planned Development (C-PD). The property, identified by Assessor's Parcel Number 122-720-09, consisting of 57.78 acres, is located at the northeast corner area of Tong Road and Silva Valley

Parkway, in the El Dorado Hills area, Supervisorial District 1. [*Project Planner: Mel Pabalinas*] (Negative declaration prepared)*

Mel Pabalinas presented the item to the Commission with a recommendation of approval to the Board of Supervisors. He made reference to the public comments and agency comments received for this item, which were distributed to the Commission.

Mike McDougall/applicant's agent commented that staff had prepared a thorough and comprehensive Staff Report.

Eva Tak stated that she lives approximately 1 ½ blocks away from this project and made the following comments:

- Project will impact the neighborhood and the residents' quality of life;
- Project will change the make-up and character of the area;
- There is no commercial north of Hwy 50;
- Approval of this commercial project will cause other commercial projects to move into the off-ramp area, which will increase noise, etc.; and
- Project will cause light pollution.

Sue Taylor voiced concern on a rezone to Commercial with no proposed development and with an environmental document stating "no impacts". She felt that an EIR is required and inquired if any portion of the project was located within the historic Clarksville designation area.

Art Marinaccio did not like a rezone with a Planned Development that didn't have any proposed development attached. He stated that this violates General Plan policies 2.6.1.4 and 2.2.5.6 and read them into the record. Mr. Marinaccio said that this is premature and there is no compelling reason to rezone the parcel now.

Lindsey ? stated that she was unaware of this project although she commutes in that area on a daily basis and was here for another project on the agenda. She inquired why she was not notified. She also felt that this would cause traffic congestion.

Mr. McDougall stated that the rezone would put the parcel in conformance with the General Plan and the Planned Development would require it to return to the hearing process. He also stated that all cultural resources and environmental reviews would be conducted prior to returning.

Commissioner Mathews liked the Planned Development aspect as it would force the project to return back to them.

Commissioner Tolhurst felt that Mixed Use Development would be a "plus" and not a "minus".

Commissioner Heflin stated that the Planned Development portion protected the public.

County Counsel Paula Frantz spoke on the meeting notification process. She stated that the General Plan designation for this parcel is Commercial and that this is a consistency rezone. She spoke on Mr. Marinaccio's comments and also stated that there are no new impacts for this

rezone and site-specifics would be reviewed for individual projects. County Counsel Frantz indicated that the CEQA analysis was adequate for this rezone.

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner Mathews, and carried (4-0), to recommend the Board of Supervisors take the following actions: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and 2. Approve Rezone Z04-0016 based on the Findings as presented.

AYES: Heflin, Mathews, Tolhurst, Pratt

NOES: None

ABSENT: Rain

Findings

1.0 CEQA FINDINGS

El Dorado County prepared an Initial Study in evaluation of potential environmental impacts. A Negative Declaration has been determined given that there is no substantial evidence contained in the project record that would indicate that this project has the potential to significantly degrade the quality of the environment. The negative declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.

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

2.0 ADMINISTRATIVE FINDINGS

2.1 General Plan

The project site is within the El Dorado Hills Community Region planning concept area of the county and has a land use designation of Commercial under the adopted El Dorado Hills Specific Plan and General Plan. This land use designation anticipates commercial development. The proposed zone change to Commercial-Planned Development (C-PD) is consistent with these land use designations. The rezone has been evaluated for conformance to applicable General Plan policies including Land Use Element Policies 2.2.5.2, 2.2.5.3, 2.2.3.1, 2.2.6.1, 2.2.6.2 and Public Services and Utilities Element Policies 5.2.1.3 and 5.2.1.4. Future development of the site shall be further reviewed for consistency with applicable policies including project intensity, consistency with the surrounding uses, site, architectural designs, circulation and utility layout, and preservation of natural and cultural resources.

2.2 Zoning

The project site is currently zoned One-Family Residential which is inconsistent with the underlying Commercial land use designation in EDHSP and General Plan. The zone change to Commercial would be consistent with land use designation and anticipated commercial development. The Planned Development (-PD overlay) would require future development be reviewed for conformance to applicable development and design standards.

9. GENERAL PLAN AMENDMENT/REZONE/PLANNED DEVELOPMENT/TENTATIVE MAP

A08-0015/Z08-0039/PD08-0025/TM08-1485/Tilden Park submitted by REAL RETURNS LLC for the following: 1. General Plan Amendment to change the land use designation from Medium Density Residential (MDR) to High Density Residential (HDR) and Commercial (C); 2. Rezone from One-Acre Residential (R1A) to One-Family Residential-Planned Development (R1-PD), Commercial-Planned Development (C-PD), and Open Space-Planned Development (OS-PD); 3. Planned Development with the intention to allow clustering of lots and allow building within setbacks required for One-Family Residential (R1); 4. Tentative Map and phasing plan to create 14 single family residential lots, ranging in size from 5,151 to 9,590 square feet (total of 2.97 acres), two commercial lots, which would be 3.28 acres and 4.94 acres in size, and two open space lots totaling 35,506 square feet (0.82 acre); and 5. Design Waivers have been requested for the following: (a) The roadway width for Crosswood Drive along the project frontage be reduced from 28 feet to 18 feet from edge of pavement to edge of pavement with type 2 vertical curb, gutter and sidewalk on the project side only; (b) The roadway width for Crosswood Drive offsite from the project to Wild Chaparral Drive be reduced from 28 feet to 18 feet from edge of pavement to edge of pavement with one-foot shoulders; and (c) Frontage improvements, including curb, gutter and sidewalk, along Crosswood Drive be eliminated. The property, identified by Assessor's Parcel Numbers 070-280-59 and 070-280-60, consisting of 12.01 acres, is located approximately 500 feet from the northwest corner of the intersection of Crosswood Drive and Wild Chaparral Drive, in the Shingle Springs area, Supervisorial District 4. [*Project Planner: Shawna Purvines*] (Mitigated negative declaration prepared)* [*continued from 10/27/11 & 12/08/11 meetings*]

Shawna Purvines notified the Commission that the applicant was requesting a continuance to a date-specific hearing but that staff was recommending it be continued off-calendar which would then require it to be re-noticed when it returned back to the Commission.

Craig Sandberg/applicant's agent stated that the continuance request was based on the oak tree mitigation in regards to the recent court ruling on Option B. They were in agreement with staff's recommendation of an off-calendar continuance.

Marsha Burch, representing "Stop Tilden Park", said they were not in favor of the continuance request as there were issues with the Mitigated Negative Declaration and this was prolonging the process.

Bill Hubbard stated that their group had asked for a continuance at a previous hearing and the Commission and applicant had been against it, but now the roles were reversed.

George Turnboo felt the environmental document was ridiculous in regards to the traffic and requested that continuance not be granted.

Sue Taylor identified this project's agent as the same agent for Creekside and felt that the Commission was defending developers over the public's interest. She requested that the Commission listen to the public and not grant the continuance request.

Mr. Sandberg/applicant's agent informed the Commission that they had initiated discussions on conducting an EIR and continuing the item for 30-60 days would not be adequate time. He also stated that by requesting off-calendar, it would require a new public notice being sent out.

Sam Parlin stated that at the December 8, 2011 hearing, the applicant had requested a continuance to today's hearing. Time and money are being spent on this, and, therefore, requested that no continuance be granted.

Commissioner Tolhurst stated that the public has said that there was not enough mitigation regarding the traffic and an EIR would analyze that problem in addition to the oak tree mitigation.

Commissioner Mathews informed the audience that the Commission had received their e-mails and he has reviewed them. He does not want to push a project forward when it would be better to take more time to analyze it and have more discussions. Commissioner Mathews also made reference to the recent court ruling not allowing Option B for oak tree retention. He also announced that if there was anyone not on the mailing list for this project and they wanted to be notified when it returned to the Commission, they were to contact Planning.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (4-0), to continue A08-0015/Z08-0039/PD08-0025/TM08-1485/Tilden Park off-calendar.

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

10. SPECIAL USE PERMIT

Prior to hearing the Special Use Permit items, Chair Pratt announced that the Commission would be hearing each item individually and requested the public focus their comments on the specific item being heard.

a. Appeals submitted by DYANA ANDERLY and DON RICKETTS of the claim made by the applicant that the permit was “deemed approved” on December 30, 2011 due to the alleged failure of the County to meet statutory time limits pursuant to the California Permit Streamlining Act (Government Code Section 65920 et. seq.) of **Special Use Permit S11-0004/Sunset Lane Off-Premise Advertising Sign** AND to consider said Special Use Permit submitted by JOHN DAVID PEREIRA to construct a lighted 14 ft. by 48 ft. (672 sq. ft.) off-premises advertising sign on property identified by Assessor’s Parcel Number 090-430-09, consisting of 1.22 acres, and is located on the north side of Sunset Lane, approximately 600 feet east of the intersection with Mother Lode Drive along the south side of U.S. Highway 50, in the Shingle Springs area, Supervisorial District 4. [*Project Planner: Aaron Mount*] (Negative Declaration prepared)*

Aaron Mount presented the item to the Commission and stated that staff was recommending the size of the sign be limited to 480 square feet (as shown in Condition #1) and that the permit be valid for 7 years (as shown in Condition #2).

John Pereira/applicant questioned whether the Commission was the appropriate jurisdictional authority for the appeal. He stated that his permit can only be approved by the Zoning Administrator or the Planning Commission and appeals on those hearing bodies go to the Board of Supervisors. He made reference to a letter he sent the previous day to County Counsel on this issue.

County Counsel Paula Frantz stated that the applicant had sent notice to the County regarding the permits being “deemed approved” due to Planning Services’ failure to act. Although Special Use Permits are heard by either the Zoning Administrator or Planning Commission, these two bodies did not hear the Special Use Permits submitted by Mr. Pereira. Projects approved by the Planning Director or designee are appealed to the Planning Commission and the appellant has the right to then appeal to the Board of Supervisors. County Counsel Frantz also said that yesterday was the first time the applicant made the inquiry on jurisdictional authority. She also stated that the Permit Streamlining Act is very clear that any approval has to be made by a decision-making body and, therefore, the hearing was on an appeal on an item that the Planning Commission was only allowed to hear.

Commissioner Mathews requested that they recess into Closed Session to confer with Legal Counsel on the issue of jurisdiction. County Counsel Frantz announced that that the request was appropriate and they would be recessing into Closed Session pursuant to Government Code Sections 54956.9(a) and (b). County Counsel Frantz reported out of Closed Session that Mr. Pereira’s concerns on jurisdiction were discussed and while they acknowledged that the applicant challenges this body’s jurisdiction to hold the appellate hearings today, it is the County’s position that they do have the authority to hold these hearings and they also acknowledged that the applicant’s appearance today did not remove his right to question the issue of jurisdiction in subsequent proceedings and that he did not need to raise it in the two subsequent applications.

Mr. Pereira proceeded with his presentation and stated that the permit was “deemed approved” by State law and it trumps any local jurisdiction. He made the additional comments:

- Provided a timeline regarding CEQA determination and stated that the County’s website showed the CEQA determination being changed very recently;

- Was present only to discuss the sustenance of the signs as they were already “deemed approved”;
- Only saw opposition letters displayed in the back of the room even though there were support letters submitted;
- CalTrans has approved the project;
- County staff has been in contact with CalTrans in the past week to discuss project;
- Three-fourths of the Staff Report contained General Plan elements that are not in the Land Use element;
- Staff Report did not identify any Ordinance or Resolution that limits sign size;
- Application complies with the General Plan;
- Did not support staff’s recommended conditions and stated that the wrong codes were cited for Condition #2;
- Indicated that many of his comments applied to all three applications and would make additional site-specific comments for each one;
- Disagreed with downward signs as it was contrary to industry standards;
- Can’t indemnify the County;
- Signs, as applied for and “deemed approved”, are consistent with the General Plan as proposed and referred to a memo to the Commission from County staff Lillian MacLeod and a two-page analysis to the Commission from County staff Roger Trout stating that the sign regulations were unclear and encouraged the Commission to amend them.

Art Marinaccio made the following comments:

- Project is not Categorical Exempt;
- Ordinance has been in place since the 1960s requiring design review to resolve visual issues on any property adjacent to a State Highway;
- Proposed use requires a Special Use Permit which provides a right to regulate;
- Read into the record General Plan Policy 2.2.5.2;
- 15 years ago an Ad Hoc Committee made up of Shingle Springs residents agreed that downtown Shingle Springs would have a railroad concept and that there would be no more billboards on Hwy 50 in the Shingle Springs area;
- Planning Commission has the authority to deny the applicant’s request;
- Scenic resources are not protected;
- If there is no screening, then project does not comply with the Ordinance; and
- Not enough environmental review and the Commission should uphold the appeal which would then be appealed to the Board of Supervisors, which is the hearing body that the applicant wants.

Dyana Anderly/appellant stated that she is a professional Planner and a member of the Cameron Park Design Review Committee and she appealed the project so their voice could be heard. She made the following comments:

- Applicant’s notice was flawed as the project is not Categorical Exempt and the notice was not correct in how the size was stated;
- Negative Declaration doesn’t adequately address the cumulative impacts of all three signs;

- If applicant insists on 672 square feet and staff's recommendation is a smaller size, then the Commission should deny the request; and
- Special Use Permit is used to assure compatibility.

Tim Costello, 18 year resident, lives off of Ponderosa Road and made the following comments:

- Sign is too big and is out of character with the community;
- Lighting component is significant as he will be able to see the lights from his house;
- Concerned on the subject matter the sign would advertise as it is near a high school and it would go to the highest bidder;
- According to applicant, signs will be focused on the "Bay Area to Tahoe" drivers but the local community is the one that has to live with them; and
- The scenic corridor, Crystal Range, would be significantly impacted.

[Clerk's Note: Tape recorder malfunctioned during Brad Pearson's testimony. An audible screeching noise was made and after the transfer of the audio tape from one tape deck to the next, the recorder button did not depress properly and, therefore, a total of approximately 1-2 minutes of Mr. Pearson's testimony was not recorded.]

Brad Pearson made the following comments:

- Building Permit is needed;
- Applicant is "bullying" the Commission when this really is discretionary by the Commission;
- There are already existing billboards in the area and applicant's requests would double the number of them;
- At the very least, the item should be continued to determine the legality issue;
- Crystal Range viewshed would be impacted;
- Significant public opposition; and
- EIR is needed due to the sensitive area and the applicant is requesting a lot in a small area that has an important viewshed.

Jane Layton spoke on viewshed issues.

Pat Dyer opposed the project and challenged the applicant's claim that the billboards would bring business to the County. She felt that approving this project would set a precedence.

Deb Jensen, El Dorado Arts Council, stated that a significant amount of time and money has been spent promoting El Dorado County as a destination due to the viewshed.

Ben Tresser stated they have a billboard and it would be hypocritical to oppose the project but the proposed signs are "monster boards". He also stated that his billboard promotes primarily local businesses.

Kathleen Newell, professional photographer, stated the area has incredible viewsheds and the signs would create a detrimental impact. She also felt that due to the internet, billboards are a trend that is slowly fading away.

Bob Smart indicated that he had sent an opposition letter and that the general consensus of the community is to oppose the sign.

Kirk Smith stated that the area has a special character and historical flavor that the proposed sign would destroy.

George Turnboo opposed the project and felt that approving the sign would then allow others to place signs in the area.

Mr. Pereira made the following rebuttal comments:

- Commended the public voicing their views and requested the same right;
- If the signs are not wanted, then staff needs to be directed to create a sign ordinance;
- Opposes a decrease in the size of the sign as his proposed size is allowed by the State and there is no basis for staff's recommendation; and
- Requests that the rules be applied fairly.

Commissioner Tolhurst stated that he couldn't support the project as presented after listening to public testimony. He also felt the Negative Declaration was flawed in regards to the aesthetics environmental impact and read into the record Scenic Vistas.

Commissioner Mathews felt that the environmental document did not address the scenic element and at a minimum should require an EIR. He also disagreed with staff in that the document in front of him didn't provide the evidence he needed to make their determination.

Commissioner Heflin agreed that the Staff Report was lacking and applauded the public for their testimony, which convinced him that an EIR would be needed for this site as it is inconsistent with the General Plan.

Chair Pratt referenced Staff Report Exhibit G which only showed an "after" picture and did not show what was being hidden by the placement of the sign and he spoke on a "rolling blockage" effect. He was not in favor of the size and height of the proposed sign. He also stated he was in support of an EIR due to the visual elements.

A motion by Commissioner Heflin, seconded by Commissioner Mathews was made to uphold the appeal and deny the project and Negative Declaration. Roger Trout, Development Services Director, stated that occasionally when the Commission reaches this point in the hearing they consider taking a conceptual action in order to allow staff to return with Findings. County Counsel Frantz concurred. The Commission agreed to change the motion to "conceptual" and informed staff that the Findings could not be made as the aesthetics environmental impact was more significant than what was stated in the environmental document.

Before taking final action of the motion, County Counsel requested that if they broke for lunch, to not close this item so she could ensure that the applicant would be aware of his rights to appeal.

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner Mathews, and carried (4-0), to conceptually uphold the appeal and deny S11-0004 and the Negative Declaration.

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

[Clerk's Note: Item was not closed after the voting and Commission broke for lunch recess.]

County Counsel Frantz announced that Item 10.a was still open at her request. She announced that today's motion was conceptual and staff indicated that they would be able to return with Findings for the February 23, 2012 hearing for final action, which would be when the appeal period would begin. She also wanted to address Mr. Pereira's previous comment that he did not see the support letters in the back of the room. County Counsel Frantz indicated that the copies had been replenished and also verified that the support letters were in the Commission's agenda packets. She also stated that items submitted today were also available in the back of the room.

Chair Pratt closed Item 10.a.

b. Appeals submitted by DYANA ANDERLY and GARY & KILEEN WARDLAW of the claim made by the applicant that the permit was "deemed approved" on December 30, 2011 due to the alleged failure of the County to meet statutory time limits pursuant to the California Permit Streamlining Act (Government Code Section 65920 et. seq.) of **Special Use Permit S11-0005/Mother Lode Drive Off-Premise Advertising Sign AND** to consider said Special Use Permit submitted by JOHN DAVID PEREIRA to construct a lighted 14 ft. by 48 ft. (672 sq. ft.) off-premises advertising sign on property identified by Assessor's Parcel Number 090-430-15, consisting of 0.46 acre, and is located on the north side of Mother Lode Drive, approximately 1,000 feet east of the intersection with South Shingle Road along the south side of U.S. Highway 50, in the Shingle Springs area, Supervisorial District 4. *[Project Planner: Aaron Mount]* (Negative Declaration prepared)*

Chair Pratt re-iterated a previous announcement that the public should focus their comments on the specific item being heard.

County Counsel Paula Frantz clarified for the record that John Pereira has the same jurisdictional issue with this hearing as the previous one and the County has stated that by the applicant not bringing it up again is in no way deemed a waiver of that claim.

Aaron Mount presented the item to the Commission and stated that staff was recommending the size of the sign be limited to 480 square feet (as shown in Condition #1) and that the permit be valid for 7 years (as shown in Condition #2).

John Pereira/applicant deemed the comments he made on his previous application (S11-0004) were applicable to this permit. He stated the only additional comment he wanted to address was the environmental issue because he believed it needed to be restated. He provided an example of

a recent Special Use Permit in the residential area of Cameron Park and that it was Categorically Exempt. He went through the timelines of his project and stated he proceeded for 11 months under representation from the Lead Agency that a particular environmental determination had been made on authority that the Lead Agency could make that determination. Mr. Pereira explained that all of the CEQA time limits had been passed and his project was continually delayed to the point of being offensive to the First Amendment.

Dyana Anderly/appellant stated that the project was not Categorically Exempt, there was significant visual impact, and that the project was not compatible with the surroundings.

Robert Wheatly, representing appellants Gary and Kileen Wardlaw, voiced concern on the proposed size and height of the sign and how it related to the existing smaller signs that currently advertise local businesses. He felt that the Commission needed to look at the cumulative impacts of all the signs and requested that the application be denied and the appeal upheld.

Bo Palley commented that the Wardlaws have the largest and tallest sign in the County and it would still be bigger than the applicant's proposed sign.

Art Marinaccio requested that the same courtesy given to the applicant be provided to the public which is to have their testimony be officially part of the record for all three applications (S11-0004, S11-0005, and S11-0006). Mr. Pereira concurred with the request to incorporate comments made on the previous application when the Commission is considering each individual application. County Counsel Frantz informed the audience that since their previously spoken generalized comments would be considered part of the record for each application, any additional public comment should be specific to the application before the Commission.

Mr. Marinaccio made the following comments:

- In response to the applicant's comment in the morning that the support letters were not available, he assured the applicant that he was able to obtain copies in the morning of all the comments submitted, both in support and opposition;
- Very specific rules were put in place in the 1970s regarding the scenic corridor but before that there was an Ordinance that required design review for aesthetics on all parcels adjacent to State Highways; and
- An aesthetics analysis has not been done for this project.

Kirk Smith requested that the Commission create a policy to protect the special characteristics of El Dorado County and to not allow billboards unless there was a compelling reason to do so. He also stated that although there may be a large existing sign, that does not make it right to approve more. Mr. Smith said that the term "undeveloped property" was inaccurate because it was developed by nature, which is part of California's beauty. He opposed the project.

Brad Pearson described the site in question and commented on the 6 inch setbacks. He also stated that the size and height of the sign would not only obstruct the Crystal Range view, but also other views, too.

Kathleen Newell/resident opposed the project.

Mr. Pereira made the following rebuttal comments:

- Described the Shingle Springs overpass area to rebut the comment that his project would block views;
- Area is in an urban corridor; and
- Comments on not allowing his sign supports his claim regarding his First Amendment rights.

Commissioner Mathews considered this application having the most nuisance, distraction and blight to the area. He appreciated the income potential and the need for signs and preferred to mitigate issues in lieu of voting against a project. However, the number one business for El Dorado County is tourism and he is not in support of having a sign in one of the best viewsheds of the County.

Commissioner Tolhurst stated he had the same comments as stated in the previous application (S11-0004) regarding aesthetics environmental impacts. He disagreed that the site was in an urban area and felt it was not compatible with the area after hearing public testimony.

Commissioner Heflin stated that the aesthetics was an issue.

Chair Pratt had similar comments from the previous application (i.e., no before/after photos, "rolling blockage"). He also voiced concern on the interface with the neighbors and the minimal setbacks.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (4-0), to conceptually uphold the appeal and deny S11-0005 and the Negative Declaration.

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

Commissioner Mathews informed staff that the Findings for approval could not be made as the aesthetics environmental impact was more significant than what was stated in the environmental document. Chair Pratt announced that the item would be brought back on February 23, 2012 with the Findings for Denial.

c. Appeal submitted by DYANA ANDERLY of the claim made by the applicant that the permit was "deemed approved" on December 30, 2011 due to the alleged failure of the County to meet statutory time limits pursuant to the California Permit Streamlining Act (Government Code Section 65920 et. seq.) of **Special Use Permit S11-0006/Coach Lane Off-Premise Advertising Sign AND** to consider said Special Use Permit submitted by JOHN DAVID PEREIRA to construct a lighted 14 ft. by 48 ft. (672 sq. ft.) off-premises advertising sign on property identified by Assessor's Parcel Number 109-211-03, consisting of 0.87 acre, and is located on the north side of Coach Lane, approximately 400 feet east of the intersection with Cameron Park

Drive along the south side of U.S. Highway 50, in the Cameron Park area, Supervisorial District 2. [Project Planner: Aaron Mount] (Negative Declaration prepared)*

Aaron Mount presented the item to the Commission and stated that staff was recommending the size of the sign be limited to 200 square feet (as shown in Condition #1) and that the permit be valid for 7 years (as shown in Condition #2).

John Pereira/applicant made the following comments:

- Cameron Park area is one of the major off-ramp areas in El Dorado County;
- Identified a sign on Cambridge and a Mansour sign as being off-premise signs with no Special Use Permits, no CEQA and no complaints;
- Identified the Food for Less sign (20 x 50) as having no complaints received;
- Identified a semi-truck with a sign that is illegal and has never been cited;
- Objects to inconsistent standards that allow illegal signs but stops someone from putting up lawful signs;
- Denying this project based on CEQA aesthetics is not appropriate; and
- Sign is in the proper zone in a Commercial area that has no viewshed and doesn't block any views.

Mark Harris, Cameron Park Design Review Committee, provided a history of their process for design guidelines and this particular application.

Art Marinaccio made the following comments:

- Although there may not be final design guidelines approved by the Committee or the Board of Supervisors that does not mean that there aren't guidelines in place (i.e., Design review requirement);
- Viewshed of all State Highways is important;
- Important that the Commission reject the Negative Declaration; and
- Agreed with the applicant on the concerns with the permitting and regulatory structure of the County.

Pat Dyer opposed the project and stated that local businesses are either seasonal or mom & pop establishments and that there are no aesthetics value with the billboard.

Bob Wheatly, Cameron Park resident, stated that no good would come out of the billboard and that Hwy 50 was a decent corridor.

Sue Taylor commended Shingle Springs and Cameron Park for establishing a group to create design guidelines and suggested a moratorium on billboards. She questioned Staff Report Exhibit G and the sign sizes.

Dyana Anderly stated she was choosing to speak as a resident instead of as the appellant. She stated the proposed location wouldn't be beneficial to east-bound traffic and that the project was not compatible with the surrounding area. Ms. Anderly said that the applicant does not want a smaller sign and requested the Commission deny the application.

Brad Pearson spoke on the existing JimBoy's Tacos sign and how close it would be to the proposed sign location. He stated that the public would have to drive underneath the proposed sign. He felt more sign enforcement was needed and requested the project be denied.

Kathleen Newell opposed the project as it brought visual blight and more clutter to the area.

Jane Layton, resident and member of the Cameron Park Design Review Committee, stated that Cameron Park is engaged in developing guidelines on how the community wants to evolve. She made the additional following comments:

- Will decrease the quality of life;
- In favor of private property rights but need to look out for the public good;
- Public doesn't want to look like Rancho Cordova;
- Suggested a moratorium until design guidelines can be adopted; and
- Addressed illegal signs.

Bo Palley questioned if the Cameron Park "Special Place to Live" sign had a Special Use Permit. He said by allowing them to have a sign and then deny him was applying the rules differently and that was why there was a Federal lawsuit.

Mr. Pereira stated he has the same right to put up a sign and the Cameron Park Design Review Committee's recommendation was made in violation of the Brown Act and is, therefore, null and void. He described emails containing comments made three weeks prior to the hearing with the Cameron Park Design Review Committee.

Commissioner Heflin asked for clarification on the size of the Shell sign for a visual perspective.

Commissioner Tolhurst had the same comments as the previous applications.

Commissioner Mathews said this was an area where a sign like this should be placed and staff is recommending a smaller size. He stated that the applicant made good points on the illegal signs. Commissioner Mathews felt the sign size did not blend with the other signs.

Chair Pratt voiced concern with the size and height of the proposed sign, but had fewer issues than the other two applications. He was concerned that it was going in eight feet from the other sign.

Commissioner Tolhurst felt there was not enough information in the environmental document.

County Counsel Paula Frantz stated that the Commission had the authority to seek a continuance in order to obtain more information from the applicant.

Commissioner Mathews would like to see other options on size and height prior to making a determination and that he was not completely opposed to this project.

Commissioner Heflin stated that this project had some possibilities but that the size was too big.

[Clerk's Note: Commissioner Tolhurst left the meeting at 2:50 p.m.]

Commissioner Mathews suggested continuing the item. He understood the common viewpoint of not cluttering the skyline.

County Counsel Frantz stated that the applicant had previously stated he was not willing to accept staff's recommendation of 200 square feet and the Commission needed to ask the applicant if he is willing to reconsider.

Mr. Pereira agreed to discuss options without waiving any rights. He explained that he did make the same offer to the Cameron Park Design Review Committee and was willing to work with Planning and return in two weeks.

Chair Pratt indicated that he would like to see more photo sims at the proposed size with multiple angles and inquired if the sign could be smaller.

No further discussion was presented.

Motion: Commissioner Pratt moved, seconded by Commissioner Mathews, and carried (3-0), to continue S11-0006 to the February 23, 2012 meeting.

AYES: Heflin, Mathews, Pratt

NOES: None

ABSENT: Rain, Tolhurst

CLOSED SESSION

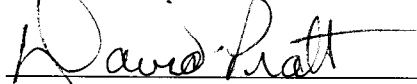
11. Conference with Legal Counsel – **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: Special Use Permits S11-0004, S11-0005, and S11-0006 (Off-Premise Advertising Signs in the Cameron Park/Shingle Springs area). Number of potential cases: (3).

12. **ADJOURNMENT**

Meeting adjourned at 2:55 p.m.

APPROVED BY THE COMMISSION

Authenticated and Certified:



Dave Pratt, Chair