



# COUNTY OF EL DORADO PLANNING COMMISSION

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

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

Char Tim .....Clerk of the Planning Commission

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## MINUTES

**Regular Meeting  
October 11, 2012 – 8:30 A.M.**

### **1. CALL TO ORDER**

Meeting was called to order at 8:31 a.m. Present: Commissioners Rain, Heflin, Pratt, Mathews and Shinault; Paula Frantz-County Counsel\*; and Char Tim-Clerk of the Planning Commission. [*\*Arrived at 8:38 a.m and was in attendance at the start of the public hearing portion.*]

### **2. ADOPTION OF AGENDA**

**Motion: Commissioner Mathews moved, seconded by Commissioner Rain, and carried (4-0), to adopt the agenda as presented.**

**AYES: Shinault, Rain, Mathews, Pratt**  
**NOES: None**  
**ABSENT: Heflin**

### **3. PLEDGE OF ALLEGIANCE**

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

**a. Minutes:** September 27, 2012

Staff Recommendation: Approve Meeting Minutes as presented

**END OF CONSENT CALENDAR**

**Motion: Commissioner Shinault moved, seconded by Commissioner Rain, and carried (4-0), to approve the Consent Calendar.**

**AYES: Mathews, Rain, Shinault, Pratt**  
**NOES: None**  
**ABSENT: Heflin**

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

Peter Maurer spoke on the contracts that are in process for several Specific Plans.

Eileen Crawford/DOT addressed the Pumpkin Pedal bike event that was occurring that weekend in South County. Chair Pratt expressed concern on the route selection and the placement of signs notifying the public of the upcoming event.

County Counsel Paul Frantz explained that the Board of Supervisors allowed the Sign Moratorium to lapse and directed staff to immediately begin work on creating a new Sign Ordinance.

**6. COMMISSIONERS' REPORTS**

Commissioner Shinault stated that October 15<sup>th</sup> is the grading/digging deadline for the Tahoe area and there was a big push right now to meet that deadline.

**9:00 A.M. – TIME ALLOCATION**

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

**8. DESIGN REVIEW**

**DR12-0003/Meyers Roadrunner Gas Station** submitted by THOMAS SWEENEY/SWEENEY ASSOCIATES [Agent: L.A. Perks Petroleum Specialists/Keith Perks] for a remodel of an existing fueling station facility to include the following structures/improvements: 1. A new 2,200 square foot canopy with four fuel pumps; 2. The re-facing of an existing 2,942 square foot convenience store and gas station office; 3. Removal of an existing 40 square foot freestanding fuel pricing sign; 4. A 100 square foot monument sign containing a 50 square foot fuel pricing display with four static non-moving 10" x 27" LED price panels and station logo; and 50 square feet of retail advertising; 5. The authorization of an existing nonconforming 913 square foot detached retail bike shop and a 320 square foot accessory storage container; and 6. Temporary tent shelters for outdoor bicycle display and service. The property, identified by Assessor's Parcel Numbers 034-270-10 and 034-270-16, consisting of 0.98 acre, is located on the east side

of U.S. Highway 50, approximately 50 feet north of the intersection with Apache Road in the Meyers area, Supervisorial District 5. [Project Planner: Tom Purciel] (Categorical Exemption pursuant to Section 15303(c) of the CEQA Guidelines)\*\*

Tom Purciel presented the item to the Commission with a recommendation for approval with a reduced sign size of 48 square feet. He stated that public comment had been received.

Commissioner Shinault made the following comments:

- TRPA records do not show the permits for property as being finalized (built);
- Felt this project was 2-phased: (1) Determine what is currently on site and approve that as a baseline; and (2) Approve new request after baseline has been determined;
- Not enough adequate information has been submitted for the Commission to make a determination;
- Site Plan is not stamped by a licensed professional;
- Slope of land is not properly addressed;
- Scaled drawings do not show what is on site; and
- Needs landscaping plan.

County Counsel Paula Frantz summarized the description and process of a Design Review.

Chair Pratt commented on the temporary tents and slope.

*[Clerk's Note: Tape recorder malfunctioned during staff's discussion with the Commission. An audible screeching noise was made and attempts to correct the problem by transferring the audio tape from one tape deck to the next failed. Therefore, a total of approximately 15-30 seconds of staff discussion was not recorded.]*

County Counsel Frantz provided information on the process for establishing a baseline for what is currently at the site.

Commissioner Rain commented that there was not enough information on the color schemes and elevations which caused him to have to guess on the project's design. He also expressed frustration on being provided 8 ½ x 11 black and white copies for a Design Review project.

Commissioner Mathews inquired if there was enough adequate information provided to staff.

Mike Murphy indicated that he owns the gas station but not the property. He stated that he has been working for over 4 years on this application and expressed concern on what staff had submitted for his project. He provided large-scale maps to the Commission for review of what he provided to staff last year which contained the information the Commission was wanting. Mr. Murphy also made the following comments:

- Was issued a permit by TRPA;
- Many issues have already been resolved by TRPA;
- Building has been there since 1960;
- Canopy location has moderate slopes on both sides but does not require a retaining wall; and

- Questioned Item #5 of project request as it occurred prior to his ownership.

The Commission recessed for 10 minutes to view the maps submitted by the applicant during the hearing.

The Commission confirmed that the maps provided by the applicant provided the details they needed. Significant discussion ensued on the slope issue and if the request included an expansion of use in regards to the pumps.

County Counsel Frantz spoke on the various determinations the Commission could make and their options if a retaining wall would be required by the Building Dept. She also provided an explanation regarding legal non-conforming uses lapsing over one year.

Chair Pratt indicated that although slight, the pumps could be an expanded use and is trying to capture the previous historical uses, which is why he felt that a Special Use Permit would make these uses clearly legal and would be the most prudent path to follow.

Significant discussion ensued on the temporary tent shelters and how it related to the bike shop. Mr. Murphy explained that his lease states he has control of the property and he inherited the existing lease with the bike shop.

Commissioner Mathews felt that a Special Use Permit would be more protection than the legal non-conforming use but did not want to stop the business from moving forward. He asked Mr. Murphy what his preference was on this issue. Mr. Murphy agreed that right now he is not protected from various agencies making independent decisions on what is and is not allowed. However, he would like to proceed with the legal non-conforming use as he has to show progress to the 76 gas company in order to maintain his current relationship with them.

Chair Pratt closed Public Comment.

Significant discussion ensued on whether the number of gas pumps was an expanded use. County Counsel Frantz read into the record Section 17.20.040 on non-conforming use and stressed caution on the wording of the Findings if the number of pumps was approved.

Peter Maurer stated that outdoor sales require a Special Use Permit and it appears based on Mr. Murphy's testimony that it has expanded over time. He suggested that if the Design Review is approved, that it be conceptual, and the tents would not be included in the approval.

Commissioner Rain stated that he would support going forward with a revised Design Review and would not request a Special Use Permit.

Commissioner Shinault commented that he was fine with the canopy but not with the other items as a baseline would need to be determined. He also felt that the shipping containers needed to be addressed.

Commissioner Mathews made the following comments:

- Supported project as defined but enough issues may halt it;
- Agreed with Commissioner Shinault regarding the shipping containers; and
- Understood County Counsel's comments on the number of pumps but supported the request.

No further discussion was presented.

**Motion: Commissioner Pratt moved, seconded by Commissioner Mathews, and carried (4-0), to conceptually approve Items #1, #3, and #4 of the project request and direct staff to return on October 25, 2012 with Conditions of Approval consistent with that and to include the modified sign size.**

Mr. Maurer stated that staff would also include Findings that the re-establishment of the fourth pump would be de minimus.

**AYES: Rain, Shinault, Mathews, Pratt**  
**NOES: None**  
**ABSENT: Heflin**

**9. ADJOURNMENT**

Meeting adjourned at 11:11 a.m.

APPROVED BY THE COMMISSION

Authenticated and Certified:



Dave Pratt, Chair