



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
Rich Stewart, District 1
Brian Shinault, District 5

Char Tim Clerk of the Planning Commission

MINUTES

Regular Meeting July 11, 2013 – 8:30 A.M.

1. CALL TO ORDER

Meeting was called to order at 8:35 a.m. Present: Commissioners Stewart, Heflin, and Shinault; David Livingston-County Counsel; and Char Tim-Clerk of the Planning Commission.

2. ADOPTION OF AGENDA AND ADDENDUM

Chair Heflin announced that there had been a request from the applicant of Agenda Addendum Item 9, TM08-1477/Ridgeview Village Unit No. 9, to move the item so it is heard as the first item in the morning session. He stated that given the agenda had been distributed prior to the addendum and there were many public members in attendance for the other agenda items, he suggested leaving the agenda order as presented.

Motion #1

Motion: Commissioner Heflin moved, seconded by Commissioner Shinault, and carried (3-0), to retain the order of the agenda as presented.

AYES: Stewart, Shinault, Heflin
NOES: None
ABSENT: Pratt, Mathews

Motion #2

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

AYES: Shinault, Stewart, Heflin
NOES: None
ABSENT: Pratt, Mathews

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:** June 27, 2013

Staff Recommendation: Approve Meeting Minutes as presented

Commissioner Stewart clarified his discussion point located on page 3 of the minutes regarding automatic testing of generators and requested that the reference to "requirement" be changed. He indicated that the wording of the new condition regarding the automatic testing for the project that was being discussed was fine.

There was not a quorum of those present at the June 27, 2013 meeting in order to take action. Item was continued to the August 8, 2013 meeting.

END OF CONSENT CALENDAR

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

Peter Maurer stated that the Draft Sign Ordinance Update had been distributed for public review. Also, discussions have begun on how to handle large projects requesting General Plan Amendments.

6. **COMMISSIONERS' REPORTS**

Commissioner Stewart commented that the 4th of July event held at the Town Center in El Dorado Hills had been very good.

9:00 A.M. – TIME ALLOCATION

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

Prior to the beginning of the Public Hearing portion of the meeting, Chair Heflin announced that they did not have a full Commission, although they did have a quorum to make decisions. He stated that Commissioners Pratt and Mathews would not be present for today's 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 August 8, 2013, hearing.

8. **PLANNED DEVELOPMENT** (Public Hearing)

a. **PD90-0011-R-2/Prospectors Plaza Expansion** submitted by WRI GOLDENSTATE, LLC (Agent: Brian Kriz) for a revision of an approved development plan to allow the demolition of 9,500 square feet of existing multi-tenant shop space and the construction of a new 25,000 square foot single tenant retail space. Replacement of an existing freestanding multi-tenant sign with a pylon sign 50 feet high by 22 feet wide with a display area of approximately 484 square feet. The property, identified by Assessor's Parcel Number 327-290-60, consisting of 19.87 acres, is located on the west side of Missouri Flat Road immediately north of the intersection with U.S. Highway 50, in the unincorporated area of Placerville, Supervisorial District 3. *[Project Planner: Aaron Mount]* (Subsequent Negative Declaration prepared)*

Aaron Mount presented the item to the Commission with a recommendation of approval. He identified the following errors in the Initial Study:

- Page 13, Section VI.a: Wrong box is marked. The correct box is "Less Than Significant Impact".
- Page 14, Item c.: "Mitigated" should be deleted right before "Negative Declaration".

In response to Commissioner Shinault's inquiry if the "massive" sign met the County sign standards, Peter Maurer responded that the sign was part of the Planned Development application, the request was consistent with similar applicants and the plaza directly across from the project, and that the sign served multiple tenants.

Commissioner Stewart inquired if the illumination was 24 hours a day and commented on the traffic circulation in that area.

Eileen Crawford/Transportation stated that the subject area is a planned mega-shopping area and that Phase 1 had already been implemented, with Phase 2 to be starting which would include more improvements to that area.

In response to Commissioner Stewart's inquiry on if the Diamond Springs-El Dorado CAC commented on anything else besides the sign, Mr. Mount stated that they had commented on the structure. The structure would have to fit in with the existing architecture, therefore, it wouldn't be 100% compliant with the Missouri Flat Guidelines.

Brian Kriz/applicant's agent stated that they were excited about Ross being a tenant as it would bring life into the Center. He indicated that no tenants were removed in order to make room for Ross.

Chair Heflin closed public comment.

There was no further discussion.

Motion: Commissioner Shinault moved, seconded by Commissioner Stewart, and carried (3-0), to take the following actions: 1. Adopt the Subsequent Negative Declaration based on the Initial Study prepared by staff and to include the corrections of the identified errors; and 2. Approve Planned Development Revision PD90-0011-R-2, adopting the Revised Development Plan as the official Development Plan, based on the Findings and subject to the Conditions of Approval as presented.

AYES: Stewart, Shinault, Heflin
NOES: None
ABSENT: Pratt, Mathews

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

Findings

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Subsequent Negative Declaration together with the comments received during the public review process. The proposed 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 and is adequate for this proposal.
- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Commercial land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because the Commercial land use designation includes commercial retail as a compatible uses.
- 2.2 The proposal is consistent with the intent of General Plan Policies 2.2.1.2 (commercial uses), 2.2.5.21 (compatibility with surroundings), 2.8.1.1 (lighting impacts), TC-Xf (traffic levels), 5.7.1.1 (adequate emergency water and related facilities), 6.2.3.2 (adequate access), 9.1.2.4, 9.1.2.8, (non-motorized transportation) concerning the requirement for a planned development request, lighting glare, traffic impacts, potable and emergency water supply, and the inclusions of provisions that promote non-vehicular travel. Because of the project's provisions of adequate access, site design, and attention to architectural design features that are compatible with the surrounding uses and

consistent with the Missouri Flat Design Guidelines, it is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

3.1 The project is consistent with the El Dorado County Zoning Ordinance designation of Commercial because the proposed project provides areas for retail uses pursuant to Section 17.32.140 of the Zoning Code.

3.2 The project, as proposed and conditioned is consistent with the El Dorado County Zoning Ordinance Development Standards because the proposed building meets the development standards pursuant to Section 17.32.160 of County Code. Excess signage may be authorized under Chapter 17.02, Planned Developments, based on findings in Section 4.0.

4.0 ADMINISTRATIVE FINDINGS

4.1 Planned Development Findings

4.1.1 **The planned development zone request is consistent with the General Plan.** The planned development request is consistent with the General Plan because the application is for a commercial development, being developed to serve the residents, businesses and visitors, consistent with the Commercial land use designation, and is consistent with applicable policies as outlined in Finding 2.2.

4.1.2 **The proposed development is so designed to provide a desirable environment within its own boundaries.** The proposed development provides landscaping, lighting, pedestrian traffic, and subdued design features which will enhance the environment for the tenants within the retail development consistent with the Missouri Flat Design Guidelines and the existing development.

4.1.3 **Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.** The project is being developed or conditioned to comply with all County Code requirements except for the freestanding highway oriented sign. The freestanding highway oriented sign in excess of the maximum sign area is similar in size to other larger, multi-tenant commercial centers and will be consistent with the Missouri Flat Design Guidelines and adjacent highway oriented signs.

4.1.4 **The site is physically suited for the proposed uses.** The site is physically suited for the proposed uses since it is located within a business and commercial environment and the development area is concentrated along the existing road corridor in an existing retail center.

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

4.1.6 **The proposed uses do not significantly detract from the natural land and scenic values of the site.** The proposed uses do not significantly detract from the natural land and scenic values of the site since it is devoid of native trees and shrubs and the proposal will provide the required additional landscaping.

5.0 FINDINGS OF CONSISTENCY WITH THE MC&FP

5.1 The project is conditioned to require annexation into the Community Facilities District No. 2002-01 (Missouri Flat Area), therefore, the project is found to be consistent with the Missouri Flat Circulation and Funding Plan.

6.0 FINDINGS OF CONSISTENCY WITH THE MISSOURI FLAT DESIGN GUIDELINES

6.1 The project was analyzed for consistency with the applicable sections of the guidelines for the landscaping, lighting, architectural design, materials and colors of the buildings, trash enclosures, bike racks, and signs; and as conditioned, the project is found to be consistent with the Missouri Flat Design Guidelines and the existing development.

Conditions of Approval

Planning Services

1. This Development Plan approval is based upon and limited to compliance with the approved project description, the following hearing exhibits:

Exhibit G.....	Site Plan
Exhibit H.....	Site Plan Detail
Exhibit I.....	Site Photographs
Exhibit J.....	Floor Plan
Exhibit K.....	Front Elevation
Exhibit L.....	Rear & Side Elevations
Exhibit M.....	Landscape Plan
Exhibit N.....	Freestanding Pylon Sign Details
Exhibit O.....	Freestanding Sign Site Plan

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:

1. Development Plan to allow construction of the following:
 - a. Demolition of 9,500 square feet of existing multi-tenant shop space and the construction of a new 25,000 square foot single tenant retail space; and
 - b. Replacement of an existing freestanding multitenant sign with a pylon sign 50 feet high by 22 feet wide with a display area of approximately 484 square feet.

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

Conditions from PD90-0011

- ~~1. Project proponents to pay appropriate traffic impact mitigation fees of \$4.80 per square feet.~~
- ~~2. Plans for all wall signs shall be reviewed and approved by the Planning Division.~~
23. All roof-mounted items shall be fully screened.
- ~~4. The property management shall diligently pursue implementation of an employee parking area in the stalls at the rear of the main building.~~
- ~~5. Any further grading shall comply with the "El Dorado County Erosion Control Requirements and Specifications."~~
- ~~6. The location of structures shall conform to the Official Development Plan. Any changes to the Official Development Plan and related documents shall be reviewed by the Planning Director for determination of substantial compliance. Any change which does not substantially comply shall be subject to review by the Planning Commission pursuant to section 17.04.070 of the County Code.~~
37. All parking stalls that backup to the building columns shall be full-sized stalls.
- ~~8. Road impact fees for the expansion areas shall be paid to the Planning Division at the building permit stage; fees will be subject to those in place at the building permit stage.~~
- ~~9. Project proponent to install two on-site signs at the southern most exit of the development stating that this exit design, materials, text, etc., must be approved by the Department of Transportation.~~

10. ~~A condition of approval for a building permit for "Shop 6 Pad G" will be the construction of a free right turn lane to southbound Missouri Flat Road at the northern most exit from the development. This lane would be an addition to the existing one lane inbound and one lane outbound.~~

Planning Services

4. **Conditions Compliance:** 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. The written description for each tenant improvement shall state how it complies with the whole project parking tally as discussed in Condition 9 below.
5. **Site Improvements:** 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 all Exhibits listed in Condition 1 above. Minor variations may be permitted; however, any major changes in the design and location of building, building elevations, landscaping, trash enclosure, bike racks, access driveways, or parking shall require review and approval by Planning Services prior to project modifications.
6. **Landscaping:** The final landscape plan shall be consistent with Exhibit M; and comply with Zoning Code Chapter 17.18.090 and General Plan Policies 7.3.5.1 and 7.3.5.2; and be approved by Planning Services prior to issuance of a building permit. The following additional information would need to be submitted prior to final inspection of installed landscaping:
- a. Completed, signed Model Water Efficient Landscape documents consistent with the new County Model Water Efficient Landscape Ordinance.
 - b. A filed copy of an irrigation audit report or survey approved by El Dorado Irrigation District with the Certificate of Completion.

The applicant shall install and maintain the landscaping in accordance with the approved final landscaping plan in perpetuity.

7. **Lighting:** All outdoor lighting shall conform to Section 17.14.170 of the Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Any light fixture shown on Exhibit I-1 that does not have a specification sheet submitted with the building permit that specifically states that fixture meets the said full cutoff standards, shall require a fixture substitution that meets that requirement. In addition, the following apply:

- a. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.
- b. Any lighting for outdoor display areas shall be turned off within 30 minutes after the closing of the business. No more than 50 percent of the parking lot lighting may remain on during hours of non-operation. Any security lighting on the buildings shall be designed with motion-sensor activation.
- c. Pursuant to page 3.43 the Missouri Flat Design Guidelines, no pole light shall exceed 15-feet in height.

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.

8. **Signs:** All signage installed as part of the project shall demonstrate consistency with the approved Sign Plan as shown in Exhibits N and O and for location, materials, sizes and colors. There shall be no unapproved signs and/or banners placed, mounted, displayed within the approved project area.
9. **Parking:** 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 the approved Site Plan (Exhibit G). Any tenant improvement use that causes the total approved number of parking spaces to be exceeded shall not be approved until such time as additional parking is legally created, reviewed, and then approved by Planning Director or designee.
10. **Hold Harmless Agreement:** 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 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 by El Dorado County. County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

11. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,156.25 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.
12. **Archeological Resources:** The following shall be incorporated as a note on the grading/improvement plans:

In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a "unique archaeological resource", contingency funding and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archaeological mitigation takes place.

If the find is determined to be a "unique archeological resource", the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a "nonunique archeological resource".

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit

13. **Human Remains:** The following shall be incorporated as a note on the grading/improvement plans:

In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with

this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit

Transportation Division

14. **Community Facilities District Annexation:** The owner shall enter into an agreement in recordable form with the County that obligates the property to participate in the Community Facilities District No. 2002-01 (Missouri Flat Area) (CFD), which is the financing district approved by the El Dorado County Board of Supervisors for the Missouri Flat Area, at such time in the future that the County processes an annexation of territory into the CFD. The agreement shall be executed by the property owner and approved by the County prior to the issuance of any building permits. The financing obligation shall run with the property's title and bind all future assignees and/or successors in interest in the subject property.

Should timing of building permit review process coincide with an annexation process underway by the County, the applicant may participate in said process in lieu of entering into an agreement, provided the annexation election has been held, the property owner, for subject application, voted in favor of being annexed, and the annexation election is successful.

Solid Waste & Hazardous Materials Division

15. **Solid Waste:** All refuse collection/storage areas (enclosures shall include room for both trash and recycling dumpsters. The enclosures shall be accessible to service trucks. All solid waste, including animal waste must be stored in trash containers with tight fitting lids and hauled from the site at least once every seven days for proper disposal.

Diamond Springs-El Dorado Fire Protection District

16. **Sprinklers:** Provide a set of sprinkler plans with calculations showing the design of the system with an additional Fire Department Connection. The plans shall be reviewed and approved prior to finaling of the building permits.
17. **Street Address:** Provide a street address that is a minimum 16 inches high with a 1 ½ inch stroke on a contrasting background. The address shall be installed high enough on the building to be visible from the street. The address shall not be obstructed by maturing vegetation. The exact location of the address shall be approved by the Fire District prior to installation and finaling of building permits.
18. **Knox Box:** Provide a High Security Knox Box for the project if one is not already present prior to finaling of the building permit. It must be mounted at a near the right side of the main entrance at a height of approximately 5 feet from grade or other approved

location by the fire district. Applications are available Diamond Springs fire station located at 501 Main St. Diamond Springs.

19. **Fire Lanes:** Maintain all fire lanes with painted red curbs. White five inch lettering stating "FIRE LANE-NO PARKING" shall be painted along each red curb every 25 feet including turn-arounds where appropriate; Red curbing shall also be painted 15' on each side of fire hydrants. Contact the Fire District for fire lane approval.

b. PD09-0005/Macauley Construction Headquarters submitted by RICHARD MACAULEY (Agent: Peter Thorne/BT Consulting) for a phased development plan for a construction company headquarters and facility consisting of a 1,680 square foot office building, 616 square foot caretaker's residence, 1,817 square foot storage and maintenance shop, storage and material yard, parking, landscaping, and two portable storage containers as Phase 1. Phase 2 would allow construction of 4 additional industrial-use buildings totaling 30,057 square feet, parking, and landscaping. Signage includes three 80 square foot monument signs located at the three entrances to the proposed development. The property, identified by Assessor's Parcel Number 319-260-51, consisting of 6.00 acres, is located on the north side of Greenstone Cutoff Road, at the intersection with Greenstone Road in the El Dorado area, Supervisorial District 3. *[Project Planner: Aaron Mount]* (Mitigated Negative Declaration prepared)*

Aaron Mount presented the item to the Commission with a recommendation of approval. He distributed a Staff Memo dated July 10, 2013 recommending amendments to Conditions 1, 3, 5, 10, and 19. Mr. Mount identified an error on page 1 of the Initial Study in which the Project Title box identified the wrong project number. He also indicated that the applicant's agent was requesting the Transportation Division to allow phasing of the Transportation conditions.

Commissioner Stewart made the following comments:

- Inquired on the unpermitted development; and
- Requested more history on the wetlands.

Peter Thorne/applicant's agent provided the reason and intent for the application and made the following comments:

- Parcel was split prior to applicant purchasing it and the grading had been done on the other parcel;
- Environmental analysis confirmed that there was no wetlands;
- Oak Woodlands condition is not clear with phasing; and
- Pond was a man-made feature and had been surveyed.

Jeff Little, Sycamore Environmental Consultants, provided some historical background on the property and also stated that the Wetlands Delineation Survey had been prepared for the larger project and since then the parcels had been split and are now owned by separate parties.

Carol Louis stated she was protesting the project and made the following comments:

- Negative Declaration did not address the air quality, traffic quality, water, hazardous materials, toxic waste and noise;
- This is in violation of County, State, and Federal laws and ordinances;
- Lives down the road from the project site and travels past it on a regular basis;
- Provided historical background on site;
- In 2003, there was a request to rezone the property and the environmental report identified the Elderberry bush, beetle, and the wetlands (pond);
- When the applicant purchased the property in 2005, it was required by law that the environmental report be provided to him;
- When activity began on the property, had assumed that the proper permits had been obtained, but noticed that the oak trees and Elderberry bushes had disappeared;
- Applicant is “gaming” everyone;
- Applicant is wanting the County to “ok” everything that was done without permits;
- Applicant is not a good neighbor for Greenstone Road;
- Oak trees were cut down without permits and now the wood is decaying on the property;
- Adjacent property owners have diminished property values due to the impacted viewshed;
- Applicant wants violations to be overlooked and to be given a free pass;
- Requested that within 30 days the site be upgraded to standard levels;
- Due to the applicant’s past actions, requested the Commission deny the project as he would not adhere to the codes and regulations; and
- El Dorado County needs to have a higher standard.

Mr. Thorne made the following rebuttal comments:

- There are mitigation measures addressing all the issues, including the Elderberry bushes;
- Requested Ms. Crawford address the transportation issues;
- Two-inch water meter has always been in place and this project would be required to add a fire hydrant; and
- Commented on the viewshed and stated that there is a nearby property zoned Industrial.

Mr. Little distributed a handout (e-mail) regarding the Elderberry bush and stated that the County is requiring mitigation measures on it.

Mr. Mount responded that the emails were general and not project-specific in the discussions and that there had been no formal review or official letter received from Fish and Wildlife Services.

Eileen Crawford/Transportation made the following comments:

- Project does not require a traffic analysis;
- County bridges are reviewed and rated by CalTrans and the bridge in question had not been identified for service; and
- Transportation is in agreement with applicant’s request for phasing the Transportation conditions.

Mr. Mount confirmed with Ms. Crawford that Conditions 16, 17, 18, and 19 would be part of Phase 2.

Rich Macauley/applicant made the following comments:

- Purchased property in 2007;
- There are temporary office trailers;
- Cut wood located on property was brought from another property and would be donated;
- Felt he was being accused by Ms. Louis; and
- Is trying to be a good neighbor.

Chair Heflin closed public comment.

In response to Commissioner Stewart's inquiry on if there were any grading conditions, Ms. Crawford explained that when there is only a single parcel, it comes under Building and, historically, Transportation conditions are heavier than Building's as they handle projects that have two or more parcels.

Commissioner Stewart stated that the Elderberry beetle habitat appeared to be speculative and would like to see the condition amended to state the applicant needed to obtain credits. He also inquired on the frequency of monitoring the replacement of the oak trees.

Chair Heflin stated for the benefit of the public, it was important to recognize that this project had been there a long time and was before the Commission today for mitigation and to get the property back into shape. He expressed agreement with staff's proposal on how to address the Elderberry bush mitigation measure.

Mr. Little stated that the Fish and Wildlife Service had approved two Elderberry banks and the applicant would just need to purchase credits from one of them and provide it to Fish and Wildlife Services. He stated that a "credit" was a one-time purchase equivalent to 5 bushes.

Commissioner Shinault was in agreement with Commissioner Stewart's request for the applicant to obtain credits for the Elderberry bush mitigation.

Commissioner Stewart assured the public that the applicant must still comply with the County noise standards.

There was no further discussion.

[Clerk's Note: During the motion, discussion ensued between Commissioner Stewart and staff on amending Condition 3 further to include the phasing plan. County Counsel David Livingston read into the record proposed language.]

Motion: Commissioner Stewart moved, seconded by Commissioner Shinault, and carried (3-0), to take the following actions: 1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff and to include correction of the project number on Page 1 of the Initial Study; 2. Adopt the Mitigation Monitoring Program in accordance with

CEQA Guidelines, Section 15074(d), as incorporated in the Conditions of Approval and Mitigation Measures as amended; and 3. Approve Planned Development PD09-0005, based on the Findings and subject to the Conditions of Approval amended as follows: (a) Amend Conditions 1, 3, 5, 10, and 19 as identified in Staff Memo dated July 10, 2013; (b) Amend Condition 3 further by including identified language addressing the phasing plan; (c) Amend Condition 2 by deleting wording in the first sentence of the Monitoring Requirement section after the word "credit" and remove the word "Alternatively" from the beginning of the second sentence; (d) Amend Conditions 16, 17, and 18 by adding "for Phase 2" at the end of the last sentence; and (e) Amend Condition 19 further by adding "Prior to the issuance of any permit for Phase 2" in the beginning of the first sentence.

AYES: Shinault, Stewart, Heflin
NOES: None
ABSENT: Pratt, Mathews

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

Findings

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made pursuant to Section 66472.1 of the California Government Code:

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 Through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 The project is consistent with the Industrial (I) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project consists of a phased development plan for a construction company headquarters and facility, which is consistent with the allowed uses for the Industrial land use designation and the Industrial zone district with an approved Development Plan.
- 2.2 As conditioned, mitigated and with adherence to County Code, the project is consistent with all applicable Policies of the General Plan, including:
- 2.2.1 2.2.5.21 (compatibility with surroundings) because the project concentrates the industrial activities adjacent to a industrial parcel, and limits the traffic and interior circulation and potential noise within that area.
- 2.2.2 5.1.2.1 (adequate utilities and public services), 5.2.1.2 (water for emergency), 5.2.1.4 (available domestic water), 5.7.1.1 (adequate emergency water and related facilities), because the project will connect to EID for water service.
- 2.2.3 5.3.1.7 (public wastewater treatment) because a septic evaluation has been approved by Environmental Management for Phase One as a transitional use. Phase Two will be required to connect to public sewer system as required by 5.3.1.1.
- 2.2.4 6.2.3.2 (adequate emergency vehicle ingress/egress) because conditions have been added as recommended by the Transportation Division to assure adequate emergency vehicle ingress/egress.
- 2.2.5 7.4.1.6 (loss of important habitat) because mitigation measures have been included to reduce impacts to habitat for listed species.
- 2.2.6 7.4.4.4 (impacts to oak woodlands) because mitigation measures have been included to reduce impacts to the removed oak woodland habitat.

3.0 ZONING FINDINGS

- 3.1 With an approved Development Plan, the project is consistent with the El Dorado County Zoning Ordinance designation of Industrial-Planned Development because the proposed project provides areas for indoor and outdoor industrial uses and a dwelling for a caretaker pursuant to Section 17.34.202.A, .B, and .C of the Zoning Code.
- 3.2 The project is consistent with the El Dorado County Zoning Ordinance Development Standards because the existing and proposed buildings meet the development standards pursuant to Section 17.34.040 of County Code.

4.0 ADMINISTRATIVE FINDINGS

4.1 Planned Development Findings

- 4.1.1 The planned development request is consistent with the General Plan because the application is for an industrial development, being developed to allow uses that would be permitted include manufacturing, processing, distribution, and storage, consistent with the Industrial land use designation, and is consistent with applicable policies as outlined in Finding 2.2.
- 4.1.2 The proposed development is mitigated and conditioned to provide a desirable environment within its own boundaries. As conditioned, the proposed development provides landscaping, lighting, parking and interior circulation, and design features which will fit adequately within the local commercial district.
- 4.1.3 The project is being developed or conditioned to comply with all County Code requirements. The proposed modifications to the Industrial zone district are justified by design of the project. The project will construct three monument signs in excess of the maximum sign area that will be low in profile and match the design of the proposed buildings. The proposed septic system for phase one is justified as phase one is a transitional use and future development will be required to connect to public sewer.
- 4.1.4 The site is physically suited for the proposed uses since it is located within a business, commercial environment and the development area is concentrated along the existing roads, thereby reducing conflicts with nearby residential uses.
- 4.1.5 As conditioned, adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities. All required utilities are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads, and utilities.
- 4.1.6 The proposed uses do not significantly detract from the natural land and scenic values of the site since it will provide the required landscaping and restore the riparian habitat, enhancing the natural environment.

Conditions of Approval

- 1. This Development Plan approval is based upon and limited to compliance with the approved project description, the following hearing exhibits:

- Exhibit G.....Site Plan
- Exhibit H.....Building Elevations
- Exhibit IPreliminary Grading and Drainage Plan
- Exhibit JLighting Plan
- Exhibit K.....Landscaping Plan