

FROM THE PLANNING COMMISSION MINUTES OF FEBRUARY 23, 2012

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. 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, they are aware that they will not have a full Commission at the next hearing, so the earliest that there may be a full Commission would be at the March 22, 2012, hearing.

10. SPECIAL USE PERMIT

b. 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)* [*Conceptual motion made on 2/9/12 and continued to 2/23/12 meeting*]

Aaron Mount summarized the Commission's conceptual action taken at the February 9, 2012 meeting and presented the Staff Memo dated February 22, 2012 which identified Findings for Denial.

Chair Pratt announced that the Commission had already closed public comment, had taken conceptual action and had directed staff to return with Findings. Therefore, the public's comments were limited to the new information only, which was the Findings for Denial.

John Pereira/applicant made the following comments:

- Ironic that Zoning Administrator, which the Ordinance calls to make the applicable analysis, found that a sign (12 x 40) at the proposed location was consistent with the General Plan and the Code doesn't allow the Planning Commission to make that analysis;
- Different people have different viewpoints and that is a problem;
- Findings rely on General Plan Policy 2.6.1.3, yet there is nothing in there that states that signs are prohibited;
- Based on all the Staff Reports and Findings regarding signs that he has found, the County's position in all of them was that if there was not a specific prohibition set forth in the General Plan then it was deemed consistent;

- Staff refers to Draft EIR Table 5.3.1, which doesn't prohibit signs, yet General Plan Policy 2.7 prohibits signs in a scenic corridor;
- Findings don't make sense and there is no discussion in them that indicates why a sign structure demonstrates any more of a blockage or scenic view issue than a 50-foot tall building in the same exact location, which is allowed by right;
- Problematic that Commission is carving out an exemption for signs, which is speech; and
- These comments also apply to S11-0005.

Mr. Mount clarified that pursuant to Zoning Ordinance 17.14.130, a commercial structure on that parcel would not be by right and would require Planning Commission review.

County Counsel Paula Frantz stated the Commission needed to determine if the Findings for Denial presented by staff accurately reflect the basis for their denial at the last hearing.

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner Mathews, and carried (4-0), to take the following actions: 1. Uphold the appeals; 2. Deny S11-0004 based on the Findings presented in the Staff Memo dated February 22, 2012; 3. Reject the Negative Declaration; and 4. Find that the project is Statutorily Exempt from CEQA.

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

[Clerk's Note: During the hearing of Item 10.d/S11-0006, County Counsel Paula Frantz notified the audience that the Commission had inadvertently not announced at the end of the motions for Items 10.b/S11-0004 and 10.c/S11-0005 that the action could be appealed to the Board of Supervisors within 10 working days.]