

## **FROM THE PLANNING COMMISSION MINUTES OF JULY 11, 2013**

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)**

**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.