



# 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

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

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

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## **DRAFT MINUTES**

**Regular Meeting  
May 22, 2014 – 8:30 A.M.**

### **CALL TO ORDER**

Meeting was called to order at 8:30 a.m. Present: Commissioners Stewart, Pratt, Heflin, and Shinault; David Livingston-County Counsel; and Char Tim-Clerk of the Planning Commission.

### **ADOPTION OF AGENDA**

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

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

### **PLEDGE OF ALLEGIANCE**

**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.)

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

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

**1. (14-0662) Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of May 8, 2014.**

**This was Approved on Consent Calendar.**

**END OF CONSENT CALENDAR**

*[Clerk's Note: Commissioner Pratt arrived at 8:31am and took his seat on the Commission.]*

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

Lillian MacLeod announced that Development Services had recently hired a new Extra Help Planner, Bianca Dinkler. Ms. Dinkler had been a past Planning Services employee.

**COMMISSIONERS' REPORTS**

Chair Pro Tem Stewart spoke on the recent El Dorado Hills CSD survey on the old golf course which indicated a large contingent of the community would be interested in purchasing the property.

**PUBLIC FORUM/PUBLIC COMMENT** – None

**AGENDA ITEMS**

- 2. (14-0663)** Hearing to consider request to allow the construction of two 402 square-foot additions for classrooms, a 740 square-foot deck, and 75 new parking spaces and related landscaping and lighting [Special Use Permit Revision S76-0209-R-2/Rescue Church of Christ]\* on property identified by APN 069-290-12, consisting of 5.5 acres, in the Rescue area, submitted by Rescue Church of Christ (Agent: Aaron Hupcey); and staff recommending the Planning Commission take the following actions:
- 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
  - 2) Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measures in the Conditions of Approval; and
  - 3) Conditionally approve Special Use Permit S76-0209-R-2 based on the Findings and subject to the Conditions of Approval.
- (Supervisory District 4)

Tom Dougherty presented the item to the Commission with a recommendation for approval. He informed the Commission of typos in Condition 1 (incorrect sheet number) and Condition 9 (incorrect number of months and incorrect application type identified). He also recommended that the last sentence of Condition 9 be removed.

Aaron Hupcey, applicant's agent, was available for any questions.

Chair Pro Tem Stewart voiced concern on the amount of lighting that would be allowed after hours.

Pastor Phil Rembleski stated they used to have problems with loitering after hours and would like to have the ability to keep some lights on if that problem returned.

Chair Pro Tem Stewart closed public comment.

Chair Pro Tem Stewart indicated that he would like to decrease the amount of lighting allowed after hours to two lights.

Commissioner Shinault stated that with the height of the poles, two lights would not be adequate.

There was no further discussion.

**Motion: Commissioner Pratt moved, seconded by Commissioner Shinault, and carried (4-0), to take the following actions: 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; 2) Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measures in the Conditions of Approval; and 3) Conditionally approve Special Use Permit S76-0209-R-2 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition 1 to correct identified typo; (b) Amend Condition 6.a to change allowed parking lot lighting from 50 percent to 25 percent; and (c) Amend Condition 9 to correct identified typos and delete last sentence.**

**AYES: Heflin, Shinault, Pratt, Stewart**  
**NOES: None**  
**ABSENT: 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 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 that constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Division-Planning Services at 2850 Fairlane Court, Placerville, CA.

**2.0 GENERAL PLAN FINDINGS**

- 2.1 As proposed, the project is consistent with the Low Density Residential/Medium Density Residential (LDR/MDR) land use designations as defined within General Plan Policy 2.2.1.2 because the land use designations permit places of worship as residential support services with an approved special use permit.

- 2.2 As conditioned, 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 as conditioned and mitigated, it would be compatible with surrounding uses, have minimal impacts on visual resources, existing utilities, existing emergency response access and times, and will mitigate for the loss of special status plant species. There are adequate services to facilitate the site, such as water, power and telephone communication facilities. Adequate access and site design has been provided, and attention to design features ensures that the project fits within the context of the surrounding uses;

- 2.2.2 5.1.2.1 (adequate utilities and public services) because the project will connect to existing water, electrical, and telephone communication facilities currently existing within the parcel;

- 2.2.3 6.2.3.2 (adequate access) because the project will utilize existing driveways previously inspected by the Rescue Fire Protection staff for access and interior circulation;

- 2.2.4 7.4.1.6 (special status species) because the loss of special status plants has been adequately mitigated; and

- 2.2.5 7.4.4.4 (oak canopy) because the project includes a condition of approval that complies with Option A requirements.

**3.0 ZONING FINDINGS**

- 3.1 The proposed use is permitted by special use permit in the Estate Residential Five-Acre (RE-5) zone district, pursuant to Section 17.28.200.C provided that the administrative findings outlined below can be made by the Planning Commission.

- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance. The project has been proposed with sufficient access, lighting, and parking and would meet the development standard requirements contained in Section 17.28.210.

**4.0 ADMINISTRATIVE FINDINGS FOR A SPECIAL USE PERMIT**

**4.1 The issuance of the permit is consistent with the General Plan;**

As stated in more detail above in the General Plan section, the proposed project has been analyzed for consistency with the General Plan Policies listed above and is consistent with these policies.

**4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood;**

The proposed project will comply with the Development Standards of the RE-5 Zone District. The proposed Special Use Permit for the facilities complies with the requirements of Chapter 17.22, Special Use Permits, and the proposed use is not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, because the project has been designed to comply with setback requirements, provides for safe access, circulation, parking, and conservation of natural resources.

**4.3 The proposed use is specifically permitted by Special Use Permit pursuant to this Title.**

The proposed use is permitted in the RE-5 Zone District pursuant to 17.28.200.C of the Zoning Ordinance.

**Conditions of Approval**

**Planning Services Division**

1. **Project Description:** This Special Use Permit Revision is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the following hearing exhibits:

- Exhibit E .....Site Plan, Sheet C1.0, dated March 20, 2014
- Exhibit F.....Elevations, Sheet A2.1, dated October 21, 2013
- Exhibit G.....Preliminary Landscape Plan, Sheet ~~L1.0~~ L1.1, dated March 20, 2014
- Exhibit H.....Tree Replacement Plan (three pages)
- Exhibit I .....Rare Plant and Oak Canopy Mitigation Areas, Figure 10, March 2014

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.

Special Use Permit S76-0209 allowed for a 2,180 square foot, one story above grade and one below grade, assembly/classroom building and parking lot. Revision R-1 allowed the construction of the 3,360 square foot church building and expansion of the parking lot to 50 standard spaces with two accessible spaces. The current revision R-2 approval allows the construction of two 402 square-foot additions for classrooms and a 740 square-foot deck for the assembly/classroom building, 75 new parking spaces and related landscaping, and 14 pole lights for the parking lot perimeter, on the parcel currently identified by Assessor's Parcel Number 087-021-34.

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 the Mitigated Negative Declaration**

The following Mitigation Measure is required as a means to reduce potential significant environmental effects to a level of insignificance:

2. **BIO-1: Special Status Plant Species:** A Conservation Easement covering 0.67 acre is required as mitigation for special-status plants that will be lost when parking is expanded for this project. Within the easement, soil disturbance, grazing, irrigation and use of herbicides shall be prohibited. Removal of competing shrubs of chaparral species including chamise (*Adenostoma fasciculatum*), whiteleaf manzanita (*Arctostaphylos viscida*), hoary coffeeberry (*Rhamnus tomentella*), coyote brush (*Baccharis pilularis*) and buck brush (*Ceanothus cuneatus*) is required to aid the proliferation of the listed species. The easement shall be located as shown in Figure 10 of the addendum to the *Botanical Resources Report including Special Status Plant Survey and Oak Tree Survey, Preservation, and Replacement Plan* (March 27, 2014, Exhibit I). This requirement shall be shown on the grading permit plans.

### **Monitoring Responsibility: Planning Services**

**Monitoring Requirement:** Planning Services shall verify the inclusion of this requirement on the grading plans, prior to issuance of the grading permit. There shall be no final approval of the grading permit until Planning has verified the conservation easement has been approved by the County, a maintenance plan has been established, and the area has been developed as stated above.

1. ~~The revised site plan shall be submitted to the Planning Department where it shall be reviewed for completeness and compliance to County regulations.~~

- ~~2. Grading permit must be received from the El Dorado County Building Department prior to any further grading; and drainage and erosion control plans must also be submitted and implemented.~~
- ~~3. The parking lot shall be designed in compliance with County standards and must be improved to County standards.~~
- ~~4. The applicant shall receive clearance from the El Dorado County Public Works Department regarding existing encroachment onto Green Valley Road. All brush shall be removed from existing encroachment areas and shall be maintained to insure site visibility onto Green Valley Road.~~
- ~~5. The applicant shall receive clearance from the Environmental Health Department regarding septic system capability and design.~~
- 6.3. The proposed existing 3,360 square foot church building shall be limited to one story.
- 7.4. The proposal for a school has not been previously approved nor was the school applied for as part of the special use permit. A separate application is required for the establishment of a school.
5. **Landscaping:** The final landscape plan shall be consistent with Exhibit G 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 shall 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.

6. **Lighting:** All outdoor lighting shall conform to the Exhibit E, include 14 exterior light poles around the perimeter of the parking area, and comply with 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 E that does not have a specification sheet submitted with the building permit that specifically states that fixture meets the full cutoff standards, shall require a fixture substitution that meets that requirement. In addition, the following apply:
  - a. Any lighting for outdoor display areas shall be turned off within 30 minutes after the closing of the facility. No more than ~~50~~ 25 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.

- b. No pole light, including the support base, shall exceed 16-feet in height measured from its base at finish grade; and

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.

7. **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 Exhibit E, and include 75 additional standard spaces and three accessible spaces (one to be van accessible) that are constructed in accordance with Title 24 of the current Building Code.

8. **Oak Canopy Replacement:** The project will remove 0.07 acre of oak canopy. The applicant shall plant, maintain and monitor the required replacement of oak canopy as described in the Tree Replacement Plan in Exhibit H, and within the area shown in Rare Plant and Oak Canopy Mitigation Areas, Figure 10 (March 2014, Exhibit I). The replacement plan shall be included with the grading permit plans and Planning shall verify inclusion prior to issuance of the grading permit. The applicant shall schedule a site inspection with Planning Services for verification that the planting has occurred in compliance with the Plan prior to grading permit final.

9. **Permit Implementation:** Implementation and approval of the project conditions must occur within ~~12~~ 24 months of approval of this ~~Planned Development~~ Special Use Permit or as otherwise required by the conditions of approval. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval. ~~If all project-related conditions are not completed within that time frame, the project will be scheduled for revocation and commencement of the Code Compliance action.~~

10. **Condition Compliance:** Prior to issuance of a building and/or grading 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 building and /or grading permit final for verification of compliance with applicable Conditions of Approval.

11. **Processing Fees:** Prior to final approval of the grading and building permits, Development Services shall verify that all Development Services Department fees have been paid.

12. **Fish and Wildlife Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,181.25 Department of Fish and Wildlife fee prior to filing of the



Notice of Determination by the County. One check shall be made out to El Dorado County and shall include both amounts added together. No permits shall be issued until said fees are paid.

**13. 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 archeological resource”, contingency funding and a time allotment sufficient to allow recovering an archeological 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 archeological 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.

**14. 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.

15. **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.

#### **El Dorado County Transportation Division (EDCTD)**

16. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.

17. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.

18. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.

19. **Grading Permit / Plan:** If more than 250 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Transportation Division for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, the *Drainage Manual*, the *Off-Street Parking and Loading Ordinance*, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading

shall be completed to the satisfaction of EDCDT prior to occupancy clearance.

20. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Transportation Division. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Transportation Division shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
21. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Transportation Division. The Transportation Division shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
22. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report that meets the requirements provided in the El Dorado County Grading Ordinance to the El Dorado County Transportation Division for approval. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
23. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the issuance a building permit.

#### **Environmental Management-Environmental Health Division**

24. If any additional restroom facilities or other water fixtures are to be added, the applicant may need to have the septic system evaluated by a Registered Geologist, Registered Civil Engineer, or Registered Environmental Health Specialist.

#### **Environmental Management-Solid Waste & Hazardous Materials Division**

25. **Construction Waste:** The applicant shall comply with CALGreen Section: 5.408.1 Construction waste management, and recycle and/or salvage for reuse a minimum of 50 percent of the non-hazardous construction waste in accordance with Section 5.408.1.1,

5.408.1.2 or 5.408.1.3; or meet a local construction and demolition waste management ordinance, whichever is more stringent.

26. **Dumpsters:** The applicant shall provide sufficient space for both trash and recycling dumpsters. 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. Specifications for the required enclosure can be found at <http://www.eldoradodisposal.com/eldoradohills/commercial.htm>.

**El Dorado County Air Quality Management District (AQMD)**

27. **Fugitive Dust:** The project construction will involve grading and excavation operations that will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM<sub>10</sub>) in the form of dust. The project shall adhere to the regulations for fugitive dust emissions during the construction process. In addition, if a Grading Permit is required from the County, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction. (Rules 223 and 223.1)
28. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
29. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
30. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
31. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, Title 13, Article 4.8, Chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. An applicability flow chart can be found here: [http://www.arb.ca.gov/msprog/ordiesel/faq/applicability\\_flow\\_chart.pdf](http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf). Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
32. **New Point Source:** Prior to construction/installation of any new point source emissions units (e.g., emergency standby engine, etc.), Authority to Construct Applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501 and 523)
33. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be under permit from the California Air Resources Board

(CARB). A copy of the current portable equipment permit shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, and daily hours of operations of each piece of equipment.

**Rescue Fire Protection District**

34. **2010 California Building Code:** All new construction, including the new decking, shall comply with Chapter 7A of the 2010 California Building Code.
35. **Addressing:** Address numbers shall be visible from the street or road fronting the property or shall be placed on a monument sign at the entrance to the property.
36. **Fire Apparatus Access Roadways:** All required fire apparatus access roadways shall be marked in accordance with the California Vehicle Code and Rescue Fire Protection District Standards.
37. **Alarm System:** Every Group A building used for educational purposes shall be provided with a manual or automatic fire alarm system. Note: The Rescue Fire Protection District would prefer an automatic fire alarm system for this occupancy.

3. **(14-0664)** Hearing to consider request to utilize three bedrooms within an existing single-family dwelling for a bed and breakfast inn and to allow a 15 square-foot, free-standing lighted sign [Special Use Permit S14-0001/North Canyon Inn Bed and Breakfast]\*\* on property identified by APN 085-560-16, consisting of 1.86 acres, in the Camino area, submitted by Frances Rothwell; and staff recommending the Planning Commission take the following actions:
- 1) Find that the project is Categorical Exempt pursuant to CEQA Guidelines Section 15301; and
  - 2) Conditionally approve Special Use Permit S14-0001 based on the Findings and subject to the Conditions of Approval.
- (Supervisory District 3)

Tom Dougherty presented the item to the Commission with a recommendation for approval. He referenced Staff Memo dated May 7, 2014 which recommended that Conditions 15, 16, and 23 be deleted. Mr. Dougherty indicated that staff had received letters of support for the project.

Fran Rothwell, applicant, gave a brief history of the parcel and indicated that they own and live on the adjacent parcel. She stated that they felt a Bed and Breakfast Inn would be a benefit to the community.

Commissioner Shinault requested that Condition 6 be amended to delete the word “standard” and to include “per applicable codes”.

Chair Pro Tem Stewart voiced concern on the location and height of the sign. Discussion ensued on possible alternative locations. Dave Spiegelberg/Transportation stated that if the sign was moved to where it was within a County Right-of-Way, an encroachment permit would be required. In response to Ms. Rothwell inquiry if someone could direct them as to where it should be placed, Mr. Spiegelberg stated that if the applicant placed stakes down on the proposed location, they could have staff go by to look at it.

Chair Pro Tem Stewart closed public comment.

There was no further discussion.

**Motion: Commissioner Heflin moved, seconded by Commissioner Shinault, and carried (4-0), to take the following actions: 1) Find that the project is Categorical Exempt pursuant to CEQA Guidelines Section 15301; and 2) Conditionally approve Special Use Permit S14-0001 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition 6 as identified; (b) Delete Conditions 15, 16, and 23 as recommended in Staff Memo dated 05-07-14.**

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

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

### **Findings**

#### **1.0 CEQA FINDINGS**

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines. As conditioned the project is consistent with the residential development standards of the R2A Zone District for the existing structures, facilities and infrastructure. The use as a Bed and Breakfast Inn is by ordinance an expanded home occupation.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services Department, Planning Services Division at 2850 Fairlane Court, Placerville, CA.

#### **2.0 SPECIAL USE PERMIT FINDINGS**

##### **2.1 The issuance of the permit is consistent with the General Plan;**

The proposed project has been analyzed for consistency with General Plan Policies 2.2.5.21 (Compatibility) and 10.1.7.4 (Home Occupations) because the project seeks to use existing structures, would have minimal impacts on visual resources, existing utilities, and on the existing surrounding residences. There are adequate services to

facilitate the site, such as water, power, and solid waste disposal. The project would not add excessive lighting or noise impacts nor significantly affect biological resources. The project has been reviewed by the Agricultural Commission and found to be compatible with the surrounding agricultural uses. The project, as conditioned, is consistent with these policies and consistent with the General Plan Land Use Designation of Medium Density Residential which allows for Bed and Breakfast Inns with a Special Use Permit.

**2.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood;**

The proposed Bed and Breakfast Inn will comply, as conditioned, with the Development Standards of the R2A zone district. The proposed Special Use Permit, as conditioned, has been found to comply with the requirements of Chapter 17.22, Special Use Permits, and 17.14.220, Bed and Breakfast Inns, and the proposed use is not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, based on the conclusions contained in the staff report.

**2.3 The proposed use is specifically permitted by special use permit pursuant to this Title.**

The proposed use, as conditioned, is specifically permitted by special use permit in a residential zone district pursuant to 17.14.220, Bed and Breakfast Inns, of the El Dorado County Code.

**3.0 ADMINISTRATIVE FINDINGS**

**3.1 The proposed use, as conditioned, conforms to the Zoning Ordinance because the project meets all development standards for a Bed and Breakfast Inn in the R2A Zone District (17.28.340).**

**Conditions of Approval**

**Planning Services**

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

- Exhibit E .....Site Plan
- Exhibit F.....Floor Plan
- Exhibit G.....Front Entrance Sign and Light Fixture

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:

Special Use Permit to allow three bedrooms within four bedroom single-family dwelling to be utilized for a bed and breakfast inn. The fourth bedroom would be utilized by the applicant. The dwelling is existing and no new grading or construction is proposed. The existing well and septic system would be utilized. The facility is planned for year-round use with no special events. Breakfast will be served in the morning and a snack each afternoon to registered guests.

The 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.

2. **Site Improvements/Uses:** All site improvements and uses shall conform to Exhibits F through G. Changes in the uses and the structures and facilities shall require review by the Development Services Division Director to determine if the changes can be approved administratively or are substantial enough to require the submittal of a Special Use Permit revision application with review by the Planning Commission.
3. **Condition Compliance:** Prior to 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 by phase and in accordance with County, State, and federal law.
4. **Business License:** The applicant shall obtain a business license prior to initiation of the use.
5. **Outdoor Lighting:** All outdoor lighting shall conform to Section 17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation.

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.

6. **Parking:** Parking shall conform to the approved Site Plan (Exhibit E) and include two spaces at the existing garage for the owners and 3 ~~standard~~ spaces per applicable code for guests outside the garage.



7. **Sign:** A 15 square-foot, free-standing lighted sign shall be installed along North Canyon Road adjacent to the property entrance as shown in Exhibit E (Site Plan), mounted on a post, not to exceed ten feet in total structure height as measured from its base at finish grade. The sign shall be consistent with Exhibit G (Front Entrance Sign and Light Fixture). The light fixture used to illuminate the sign shall be shielded to prevent the light from shining off of the surface intended to be illuminated.
8. **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.

#### Environmental Health Division

9. **Food Facility:** The applicant shall submit a complete plan check for a food facility (Bed and Breakfast Inn), that shall be approved prior to initiation of the uses authorized by the Special Use Permit approval.
10. **Septic Facility:** The applicant shall have the existing septic system evaluated to determine whether additions will be necessary to support the increase in wastewater. This shall occur prior to initiation of the uses authorized by the Special Use Permit approval.
11. **Food Facility Water System:** The applicant shall obtain a food facility water system operating permit prior to initiation of the uses authorized by the Special Use Permit approval.
12. **Health Permit:** The applicant shall obtain a health permit for the Bed and Breakfast Inn prior to initiation of the uses authorized by the Special Use Permit approval.

#### El Dorado County Fire Protection District

13. **Application Fee:** The applicant shall submit an application fee of \$50.00.
14. **Site Plan Review Fee:** The applicant shall submit a plan review fee of \$150.00.
15. ~~**Sprinkler System:** The structure shall have a sprinkler system installed in accordance to NFPA 13, if one is not currently present, prior to initiation of the uses permitted by the special use permit.~~

16. ~~**Emergency Water Storage:** A minimum 5,250 gallon water tank shall be installed to meet the fire flow for the structure. The water tank shall meet the El Dorado County Fire Prevention Officer Standard and have access for fire department connection to the water tank prior to initiation of the uses permitted by the special use permit.~~
- 17.15. **Fire Alarm:** A fire alarm system and smoke detection system shall be installed in accordance with NFPA 72 and the California Fire Code prior to initiation of the uses permitted by the special use permit. Plans shall be submitted to the fire district for review and approval. The system shall include fire sprinkler monitoring, smoke detection in hallways, smoke alarms in sleeping rooms, occupant notification, and one manual pull station near the main entrance/exit(s).
- 18.16. **Carbon Monoxide:** Carbon monoxide detectors shall be installed near sleeping areas and on every level of the building prior to initiation of the uses permitted by the special use permit.
- 19.17. **Knox Box:** The applicant shall provide a High Security Knox Box with keys to the building prior to initiation of the uses permitted by the special use permit. Applications for the Knox Box and Knox gate padlock can be obtained at 4040 Carson Rd. Camino CA. for a fee of \$30.00 each.
- 20.18. **Knox Box Key:** The applicant shall provide a “Grand Master” key for the High Security Knox Box prior to initiation of the uses permitted by the special use permit.
- 21.19. **Fire Extinguishers:** Provide one 2A10BC fire extinguisher in the common area and on both floors of the building prior to initiation of the uses permitted by the special use permit. Travel distance is not to exceed 75 feet and fire extinguishers are to be mounted no higher than 5 feet.
- 22.20. **Site Addressing:** The applicant shall provide a site address visible from both directions of North Canyon Road with a minimum of 6-inch numbers in height prior to initiation of the uses permitted by the special use permit.
23. ~~**Driveway:** The driveway shall be designed to carry a 40,000 pound load.~~

## ADJOURNMENT

Meeting adjourned at 9:06 a.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:

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Rich Stewart, Chair Pro Tem