



COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room
2850 Fairlane Court, Placerville, CA 95667
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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

DRAFT MINUTES

**Regular Meeting
March 27, 2014 – 8:30 A.M.**

CALL TO ORDER

Meeting was called to order at 8:32 a.m. Present: Commissioners Stewart, Pratt, Mathews, and Shinault; David Livingston-County Counsel; and Char Tim-Clerk of the Planning Commission.

ADOPTION OF AGENDA

Motion: Commissioner Pratt moved, seconded by Commissioner Shinault, and carried (4-0), to modify the agenda by moving Item #3 as the first 9:00am item since the applicant had requested a continuance.

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

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.)

1. (14-0384) Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of March 13, 2014.

END OF CONSENT CALENDAR

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

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

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

Roger Trout announced that the Draft EIR for the Targeted General Plan Amendment and Zoning Ordinance Update was released on March 24, 2014.

COMMISSIONERS' REPORTS

Commissioner Shinault stated that community meetings discussing the area plan have been occurring and topics include height restrictions and identifying particular areas for tourist accommodations.

Commissioner Pratt stated he was working on various Fire Safe Council items.

Commissioner Stewart announced that there will be an El Dorado Hills Town Hall meeting on April 2, 2014 at 6:30pm to discuss the Mather Airport DEIR that is currently in the public review comment period.

Commissioner Mathews stated that he received fast and friendly service from the County's Permit Center the previous day while there on personal business.

9:00 A.M. – TIME ALLOCATION

PUBLIC FORUM/PUBLIC COMMENT – None

AGENDA ITEMS

2. (14-0386) Hearing to consider a request to allow a nursery and landscaping business with outdoor sales and storage [Special Use Permit S11-0009/Planned Development PD11-0005/Green Valley Nursery and Landscape]* on property identified by Assessor's Parcel Number 124-301-03, consisting of 9.62 acres, in the north El Dorado Hills area, submitted by Don and Julie Devorss; 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), as incorporated in the Conditions of Approval and Mitigation;
- 3) Approve Planned Development PD11-0005, based on the Findings and subject to the Conditions of Approval; and
- 4) Approve Special Use Permit S11-0009 based on the Findings and subject to the Conditions of Approval.

(Supervisory District 1)

Tom Dougherty presented the item to the Commission with a recommendation for approval. He referenced the Staff Memo dated 03-25-14 which contained a new condition from Transportation regarding the Shadowfax Lane ingress/egress. Mr. Dougherty also indicated that he had received several public comments voicing various concerns with the project.

In response to Commissioner Pratt's request for background on the new condition listed in the Staff Memo dated 03-25-14, Dave Spiegelberg/Transportation stated that he had received a call from a local resident two days ago and the new condition was to address the 70 foot rigs coming into the property.

Dave Orosco, representing the property owner, thanked the staff and the Commission on working to address the neighbors' issues.

Barbara Orosco, property owner, made the following comments:

- Had been working towards this day for the past 10 years;
- Has been a difficult process, but trying to make it work;
- Nursery is a benefit to the community and is a positive addition in beautification and revenue for the County; and
- Requests the Commission approve the project.

Stan Iverson, Shadowfax Lane resident, made the following comments:

- Spoke to Mr. Spiegelberg regarding trucks on Shadowfax Lane;
- Exhibit L and Staff Report are not consistent with the project description;
- Business has been in operation for three years without a permit and has been slowly expanding;
- There are four businesses on the property;
- Exhibits F, G, and J don't show how it truly exists, which doesn't allow Transportation to properly review the site;
- Had been part of the group that had supported placing this property under a Planned Development;
- Traffic study may be required;
- Applicant states that 60% of their business comes from Sacramento and Placer Counties, so traffic direction should be reviewed;
- Standard 103C is applicable for the main entry;
- Since water is stubbed to property, inquired why a fire hydrant couldn't be placed there;
- Inquired on the required size of a water tank;
- If the property had a fire on it, the only way for residents to exit the area would be on Shadowfax Lane;
- Lighting needs to be addressed since a generator was used last winter to provide lights during Christmas tree sales;
- Parking needs to be addressed;
- El Dorado Hills APAC's recommended condition of having the permit regularly reviewed was not included;
- Environmental review is inadequate; and

- Inquired on the County's mechanism for compliance of the conditions since the applicant has been ignoring the County's compliance requests.

Betty Bernard, adjacent property owner, made the following comments:

- Applicants store piles of debris by creek, which is causing it to clog and back-up;
- Applicants have burn piles and the combination of the smoke, odor and truck fumes coming from property is causing issues;
- Difficult to exit neighborhood due to traffic; and
- Portable toilet odors drift to her outside deck area.

Tracy Iverson, Shadowfax Lane resident for 15 years, made the following comments:

- Business has been growing for the past three years;
- As realtor for a home located on Shadowfax Lane, has been receiving comments from buyers on concerns regarding fire hazards, debris, odors, traffic and lights coming from the business;
- Doesn't believe the applicants have paid any of the required fees, including business license fees;
- Shadowfax Lane is a private road that is being significantly impacted by the applicants; and
- Requested that all fees be retro-active for the past three years.

Amy Anders, commercial business owner and El Dorado County resident, representing the Friends of Green Valley, conducted a PowerPoint presentation and made the following comments:

- Supported the nursery and happy they are in the County, but issues need to be addressed in order for them to continue to be supported;
- A dedicated turn lane is needed;
- Spoke on stinkwort and distributed a handout on the invasive weed;
- Trash (i.e., small plant containers, labels) is getting into creek from the property and is becoming a pollution problem; and
- County does not do well on enforcement.

Chuck Hughes, applicant's agent-Sycamore Environmental Consultants, made the following comments:

- Spoke on General Plan Policy 7.3.3.4;
- Had conversations with County's Agriculture Department on stinkwort and how to address it for the project;
- Project is conditioned for pollution control run-off and a barrier fence;
- Spoke on flooding issue in area, high water mark and the riparian zone; and
- U.S. Army Corps of Engineers was contacted and stated it was a wetland swale and did not require a permit.

Sue Taylor made the following comments:

- Concerned with setbacks for the water channel;

- As part of goodwill, the applicants should clean up their previous business location where they left invasive weeds; and
- Sycamore Environmental Consulting does not have a very good track record.

Chair Mathews closed public comment.

Don and Julie Devorss/applicants made the following rebuttal comments:

- An upgraded portable toilet will be ordered once they get PG&E;
- Existing portable toilet is cleaned every Monday and Friday;
- Took care of the sign issue;
- On burn days, they burn pallets, branches and grass (*Clerk's Note: Don Devorss recanted Julie Devorss' inclusion of pallets*);
- Does have a business license, in addition to various other licenses;
- PG&E hook-up will eliminate need for generator during Christmas tree sales; and
- There is no debris clogging the creek.

Commissioner Stewart made the following comments:

- Spoke on delivery trucks using Shadowfax Lane;
- Confirmed there were 30 parking spaces but has seen plants placed in some of those spaces;
- Clarified the dust control processes used;
- Exhibits G & J seem to conflict with each other;
- Confirmed that shed is a well house and that the shade structures met the conditions;
- Confirmed that no landscaping was located within the wetlands setback;
- Confirmed with Transportation that trucks cannot cross double-yellow lines to access property;
- Suggested modifying Condition 19 to include raised pavement markers;
- Clarified Transportation's formula used on page 5 of Staff Report regarding traffic studies;
- Received clarification from staff that strawberry business was grandfathered in;
- Septic questions;
- Condition 27 and page 8 of the Staff Report seemed to differ;
- Confirmed with applicant and property owner that they understood all the conditions (Mr. Devorss confirmed that they would be in compliance within one year by having all the conditions met); and
- Suggested adding a new condition requiring a one-year review.

Commissioner Pratt stated that a Special Use Permit must be honored and if not, then they would be in violation; therefore, he didn't see the need for a one-year review.

Commissioner Shinault felt that due to the applicants' track record of showing disregard of authority, he would like to have the project conditioned for a one-year review.

Chair Mathews indicated that he would have no issues revoking the permit if they were not in compliance.

Mr. Spiegelberg spoke on Sacramento County's road improvements planned for Green Valley Road near the County line and that it was anticipated to cross the County line up to Sophia Parkway. He also spoke on El Dorado County's Stormwater Management Plan.

Chief Mike Lilenthal, El Dorado Hills Fire, spoke on allowing a water tank to protect existing structures, but Condition 26 may need to be modified as a fire hydrant would be required if additional buildings were placed on property. Commissioner Shinault stated that since Condition 22 requires a permanent restroom within one year, it would trigger Condition 26. Significant discussion ensued on Condition 26.

Chief Lilenthal informed the Commission that the County does not have to allow burning on a property and that the project could be conditioned as such in order to address neighbors' complaints on that issue.

LeeAnn Mila, Deputy Ag Commissioner, made the following comments:

- Applicant does not have a permit (Operator's ID) to spray pesticides, but the strawberry business does;
- Shadowfax Lane is an area already on the Department's radar for invasive weeds; and
- Applicant is participating in the program for weed-free delivery materials.

There was no further discussion.

Motion: Commissioner Stewart moved, seconded by Commissioner Pratt, 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), as incorporated in the Conditions of Approval and Mitigation; 3) Approve Planned Development PD11-0005, based on the Findings and subject to the Conditions of Approval as modified; and 4) Approve Special Use Permit S11-0009 based on the Findings and subject to the Conditions of Approval modified as follows: (a) Amend Condition 19 to add raised pavement markers; (b) New condition for Shadowfax Lane Ingress/Egress as shown in Staff Memo dated 03-25-14; (c) New condition restricting burning of materials on-site; and (d) New condition requiring a one-year review.

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

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 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 Commercial (C) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project consists of a retail nursery, landscape, and fruit and vegetable sales, which is consistent with the allowed uses for the C Zone District with an approved Special Use Permit and 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 commercial activities adjacent to a commercial 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 proposed use is interim in nature and the existing wells and water storage system are adequate to provide sufficient domestic and emergency water supply, and the site has sufficient area to support a septic system for sewage disposal;
 - 2.2.3 6.2.3.2 (adequate emergency vehicle ingress/egress) because conditions have been added as recommended by the El Dorado Hills Fire Department to assure adequate emergency vehicle ingress/egress; and

- 2.2.4 7.3.3.4 (impacts to wetlands) because Mitigation Measures BIO-1 to 3 have been included to reduce impacts to the unnamed intermittent stream.

3.0 ZONING FINDINGS

- 3.1 With an approved Development Plan and Special Use Permit, the project is consistent with the El Dorado County Zoning Ordinance designation of Commercial-Planned Development because the proposed project provides areas for office and indoor and outdoor sale uses pursuant to Section 17.32.020.B and 17.32.030.D of the Zoning Code.
- 3.2 The project is consistent with the El Dorado County Zoning Ordinance Development Standards because the existing buildings meet the development standards pursuant to Section 17.32.040 of County Code.

4.0 ADMINISTRATIVE FINDINGS

4.1 Special Use Permit Findings

- 4.1.1 The issuance of the permit is consistent with the General Plan because a Development Plan and Special Use Permit have been approved for the proposed uses, and the project is consistent with the General Plan Policies listed in Section 2.2.
- 4.1.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood because as conditioned and mitigated, the access, utilities, landscaping, and stream habitat restoration will provide a project compliant with applicable County Codes, as well as those of the El Dorado Hills Fire Department, California Fish and Wildlife, Army Corps, and California Water Quality Control Board standards.
- 4.1.3 The proposed use is specifically permitted by Special Use Permit pursuant to Zoning Ordinance 17.32.030.D, and Section 17.04.005.B by providing a Development Plan for Planning Commission approval.

4.2 Planned Development Findings

- 4.2.1 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.
- 4.2.2 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.

- 4.2.3 The project is being developed or conditioned to comply with all County Code requirements.
- 4.2.4 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, allowing for preservation of a the existing intermittent stream as dictated by the Army Corps regulations.
- 4.2.5 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.
- 4.2.6 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 Special Use Permit approval is based upon and limited to compliance with the approved project description, the following hearing exhibits:

Exhibit F.....	Plot Plan, dated July 22, 2011
Exhibit G.....	Site Plan, dated September 16, 2012
Exhibit H.....	Building Elevations
Exhibit I.....	Colored Building Elevation Photos (two pages)
Exhibit J.....	Landscaping, Parking, and Sign Plan, Sheet I, dated September 30, 2011
Exhibit K.....	Proposed Wetland Setback map dated December 5, 2013

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:

Nursery with outdoor sales and storage of landscape plants and bulk landscape materials, and outdoor growing areas, operation of a landscaping business, seasonal sales of Christmas trees and pumpkins, the growing and sales of fruit and vegetables, and the growing and sales of strawberries and vegetables.

The approved Development Plan shall include the following, located as shown on Exhibits F and G:

- a. One 12-foot by 47-foot modular building for an office and interior sales area. The exterior walls are covered with dark tan grooved plywood with white metal windows, doors, with white trim, and a flat roof;
- b. Up to six 15-foot by 30-foot shade structures proposed to shield some of the nursery plants constructed of dimensional lumber with the tops covered with shade fabric;
- c. One 12-foot by 13-foot strawberry stand constructed of dimensional lumber, sided with tan-colored grooved plywood, with a light brown pitched roof;
- d. One 4-foot by 6-foot shed located north of the stream constructed of dimensional lumber, sided with tan-colored grooved plywood, with a black pitched roof.
- e. One 10-foot by 16-foot storage shed located south of the stream constructed of dimensional lumber, sided with plywood, with a pitched roof.

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 Measures are required as a means to reduce potential significant environmental effects to a level of insignificance:

2. **BIO-1: Wetland Swale:** The applicant is required to submit an “as built” grading permit application for the entire portion of the parcel north of the strawberry patch within 60 days of a project approval. The grading plan shall include the following provisions:
 - a. The applicant shall obtain the appropriate permits from State and Federal agencies or any other agency that may be involved;
 - b. Best Management Practices that conform with the County’s California Stormwater Pollution Prevention Plan, issued by the State Water Resources Control Board for erosion and sediment control, shall be incorporated into the project development plans and implemented as approved by Building Services during the grading permit process.
 - c. No equipment shall be allowed within the water channel. Landscaping in the approved setback shall be removed (including shredded bark mulch, cobble, soil, rock berm, etc.).
 - d. A permanent barrier such as field fencing with t-posts, or similar barrier approved by Planning Services, shall be set on the north side of the intermittent stream.

The fencing shall be placed from the eastern to western property boundary but allow vehicular access across the existing driveway spanning the culvert.

- e. The applicants shall submit a re-vegetation/restoration plan for the previously disturbed area within the approved setback of nine to 23 feet, consistent with the General Plan Policy 7.3.3.4 Analysis of Setback to a Wetland Swale for the Green Valley, dated November 27, 2013, and the Proposed Wetland Setback map dated December 5, 2013.

Any seeded or planted vegetation shall be 1) native to California, and 2) previously documented from the area (such as previously reported from the project site or the nearby Mormon Island Wetland Preserve). The vegetation shall be considered re-established when the plant cover is similar to the area of the water channel that was not landscaped. Suitable species include Baltic rush (*Juncus balticus*), iris-leaved rush (*J. xiphioides*), spikerush (*Eleocharis macrostachya*), clustered field sedge (*Carex praegracilis*), or comparable species.

If seeding of the banks is included in the BMPs, any seeded vegetation shall be 1) native to the direct project vicinity or sterile, and 2) if native, previously documented from the area (such as previously reported from the project site or the nearby Mormon Island Wetland Preserve). Suitable species include blue wild rye (*Elymus glaucus*), creeping wild rye (*E. [=Leymus] triticoides*), foothill needlegrass (*Stipa [=Nassella] lepida*), lupines (*Lupinus* sp.), or comparable species.

Monitoring Responsibility: Planning Services and Building Services

Monitoring Requirement: The applicant shall include mitigations a-e above on the grading permit plans. Planning Services shall review the grading permit plans to ensure their inclusion prior to issuance of a grading permit. The Building Services field inspector shall verify compliance with said mitigations upon site inspection for the grading permit. Planning Services shall make a field inspection of the planted area prior to finaling the grading permit.

3. **BIO-2:** Streambed Alteration Agreement: A Streambed Alteration Agreement, pursuant to Fish and Game Code 1602, shall be obtained by the applicant from the California Department of Fish and Wildlife, if applicable.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall provide a copy of the 1602 Streambed Alteration Agreement to Planning Services prior to issuance of the grading permit. If it has been determined by Fish and Wildlife that said permit does not apply after their review of the development plans, the applicant shall provide Planning Services with verification from Fish and Wildlife that no Agreement is needed for the project, prior to issuance of an "as built" grading permit.

4. **BIO-3: Invasive Weeds:** Invasive weed control measures shall be implemented for stinkwort (*Dittrichia graveolens*) and tree tobacco (*Nicotiana glauca*). The County Department of Agriculture shall be consulted for appropriate control and disposal methods for these species. If manual or mechanical control is not feasible and herbicide is necessary, application will occur in compliance with applicable regulations, including regulations for application near water.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicants shall provide Planning Services proof of the applicants consultation with the County Department of Agriculture, as well provide a copy of the invasive weed control planned mutually developed with them, prior to issuance of a grading permit.

Planning Services

5. **Permit Implementation:** Implementation and approval of the project conditions must occur within 12 months of approval of this SUP/PD or as otherwise required by the specific time frames within 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.
6. **Condition Compliance:** Prior to issuance of certificate of occupancy 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.
7. **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.
8. **Building Permit:** An application for an “as built” building permit shall be submitted for the existing 12-foot by 47-foot modular office building within 60 days of approval of this special use permit.
9. **Landscaping:** The final landscape plan shall be consistent with Exhibit J 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 to occur prior to building permit final:
 - a. Completed, signed Model Water Efficient Landscape documents consistent with the new County Model Water Efficient Landscape Ordinance.

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

10. **Lighting:** No outdoor lighting is approved with this permit for the entire subject parcel, at the applicant's request. Should the applicants decide to add outdoor lighting in the future, a lighting plan shall be required, consistent with Zoning Ordinance Section 17.14.170, with pole lights, including their support structures, not to exceed 16 feet in height from ground level, and all lights shall be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. That plan shall be submitted to the Development Services Director to determine if it can be approved administratively or would require a revision to the Special Use Permit to be heard by the Planning Commission.
11. **Free-standing Sign:** One monument sign is approved and shall be comprised of two, four-foot by eight foot pieces of plywood joined like a triangle. The total square footage is 64 square feet. The sign shall be located where it will not conflict with the required site distance onto Green Valley Road, and shall be consistent with Exhibit J for location, materials, sizes and colors. No other free-standing signs, including roof-mounted signs, are permitted on the entire parcel, and all existing non-permitted signs shall be permanently removed prior to issuance of an "as built" building permit for the modular office building, and sign permit. No banner signs are permitted.
12. **Wall Signs:** Wall signs shall not exceed the maximum allowable 20 percent of wall coverage. No other wall signs are permitted and all existing non-permitted wall signs shall be permanently removed prior to issuance of an "as built" building permit for the modular office building, and sign permit.
13. **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 I) and include 30 standard spaces and two accessible spaces that are constructed in accordance with Title 24 of the current Building Code. The requirement for paving the parking area and interior roads is waived in favor of the application of a 2-inch thick layer of ¾-inch aggregate base grave provided that it conforms to the weight support requirements of Condition 36.
14. **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.

15. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,181.25 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.
16. **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

17. **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.

18. The applicant shall contact Planning Services one year from the project approval date with a review of the Special Use Permit with the Planning Commission.

El Dorado County Department of Transportation

18.19. **Green Valley Road Encroachment Improvement:** The applicant shall re-construct the current encroachment onto Green Valley Road per Design and Improvement Standards Manual (DISM) Standard Plan 103C with a 35 foot wide driveway. The warning sign at the west edge of the existing driveway shall be relocated to the east of the re-constructed driveway. The applicant shall apply for an encroachment permit within 60 days subsequent to the end of the ten-day appeal period and construction shall be completed within 180 working days. The improvements shall be constructed to the approval of DOT.

19.20. **Green Valley Road Striping Plan:** The owner shall prepare a striping plan that:

- a. Places cross striping in the existing median in Green Valley Rd. The striping shall start 20 feet west of the re-constructed driveway mentioned above and continue east to the beginning of the east bound left turn lane at Sophia Parkway.
- b. A striped “pork chop” with raised pavement markers shall be placed at the center of the re-constructed driveway mentioned above. The pork chop will create a visual deterrence to discourage west bound vehicles from crossing the striped median and entering the project from Green Valley Road. West bound vehicles will be able to utilize the existing left turn pocket at Shadowfax Lane and enter the project from the existing Shadowfax Lane entrance. The parcel owner shall consult with DOT on an acceptable “pork chop” design. The applicant shall apply for an encroachment permit within 60 days subsequent to the end of the ten-day appeal period and construction shall be completed within 180 working days. The improvements shall be constructed to the approval of DOT.

21. **Shadowfax Lane Ingress/Egress:** The access to the property from Shadowfax Lane shall be relocated to a minimum of 200 feet south of the southerly edge of Green Valley Road. Such access shall be constructed to El Dorado County Standard Plan 103C standards, with a reduction in width to "W"=28 feet in lieu of the 35 feet prescribed on

the Standard Plan. Said improvements shall be completed within 90 days of approval of the project.

Air Quality Management District

20.22. New Point Source: Prior to construction/installation of any new point source emissions units (i.e., gasoline dispensing facility, 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)

21.23. 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, daily hours of operations of each piece of equipment.

Environmental Health Division

22.24. Restroom: Chemical toilets shall be permitted for a period of one year from the date of this special use permit approval. Prior to the end of that one-year period, a permanent restroom facility shall be installed. An application for a building permit shall be submitted to Building Services and shall be finalized prior to expiration of that one-year period.

23.25. Wells: The private wells shall operate under permit and in compliance with Small Public Water System requirements for a Transient Noncommunity Water System. Permit requirements include a technical, managerial, and financial capacity report, including water quality and quantity testing. Water source capacity shall meet the required daily demand, along with the same daily demand required to be met in storage capacity. The well shall be constructed as a public water well with a minimum 50 foot annular seal under permit issued by the Environmental Health Division. The original well production report is required, accompanied by a plot plan signed by a licensed well driller. If the well was drilled after May 10, 1990, a separate well permit is required and must be finalized by the Environmental Health Division prior to issuance of the Building Permit.

24.26. Septic System: The applicant shall provide an onsite sewage disposal system design in compliance with County Code Section 15.32, to be reviewed and approved by the Environmental Health Division concurrently with the building permit for the restroom facility.

El Dorado Hills Fire Department

25.27. Fire Flow: The potable water system with the purpose of fire protection for this commercial development shall provide a minimum fire flow of 1,500 gallons per

minute with a minimum residual pressure of 20 psi for a two-hour duration. This requirement is based on a structure 11,300 square feet or less in size, Type V-B construction. All structures shall be fire sprinklered when greater than 3,600 square feet in accordance with NFPA 13 and Fire Department requirements. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department for review and approval prior to issuance of a building permit.

26.28. **Water:** The applicant shall install a portable water tank and fire hydrant in accordance with the El Dorado Hills Regional Fire Protection Standard D003 entitled Residential Rural Water Supply without a Purveyor (Tank). The hydrant shall be located within 150 feet of the modular office building and shall be installed and operating prior to building permit final. Future commercial development of the site will require a revised Planned Development and connection to El Dorado Irrigation District water facilities.

27.29. **Hydrant Location:** The applicant shall install Mueller Dry Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The exact location of the hydrant shall be determined by the Fire Department; and shall be located within 150 feet of the building (per El Dorado County Water District Ordinance 35).

28.30. **Hydrant Visibility:** In order to enhance nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and State Fire Safe Regulations. This shall be completed prior to building permit final.

29.31 **Fencing:** All fencing that backs up to wildland open space shall be required to use non-combustible type fencing.

30.32. **Gates:** Any gate shall meet the El Dorado Hills Fire Department Gate Standard B-002.

31.33. **Access Roads:** Approved fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility (in accordance with the El Dorado Hills Fire Department Emergency Apparatus Access Ways Standard B-003 and (per CFC Section 503.1.1). This shall be completed and approved by the Fire Department, prior to building permit final.

32.34. **Access Road Surfacing:** All fire apparatus access roads shall be an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 40,000 pounds. Alternative surfacing designs may be permitted provided that a Civil Engineer certifies the driveway will support a 40,000 pound load and be all-weather in accordance with State Fire Regulations. This shall be completed and approved by the Fire Department, prior to building permit final.

- 33.35. **Turnaround:** Each dead end fire apparatus access road greater than 150 feet shall have a turnaround constructed at its terminus (per CFC 503.2.5). All turn-a-rounds shall meet the California Fire Code Appendix D. This shall be completed and approved by the Fire Department, prior to building permit final.
- 34.36. **Fire Alarm:** Any building greater than 500 square feet shall be equipped with an approved fire alarm/detection system (per El Dorado County Water District Ordinance 35). This shall be installed and approved by the Fire Department, prior to building permit final.
- 35.37. **Knox Box:** A Knox Box is required for nighttime and afterhours access to the alarmed building. This shall be installed and approved by the Fire Department, prior to building permit final.
- 36.38. **Shade Structures:** Any shade structure, tent tops and sidewalls shall be made from fabric which has been flame resistant treated with an approved exterior chemical process by an approved application concern, or from inherently flame resistant fabric approved and listed by the State Fire Marshal, or approved equivalent. This shall be completed and approved by the Fire Department, prior to building permit final.
- 37.39. **Hazardous Refuse:** Hazardous refuse subject to ignition by spontaneous heating shall be stored separately from all other materials in approved noncombustible containers used exclusively for such storage, or secured in a manner approved by the Fire Chief.
- 38.40. **Combustible Material:** No combustible material shall be placed or stored within 10 feet of any building or structure (per CFC Section 304).
- 39.41. **Smoking Area:** Smoking shall be prohibited on the property except in approved designated smoking areas (per CFC Sections 310.2 and 301.8).
- 40.42. **Fire Pits:** Any fire pit used on the property shall comply with the California Fire Code.
- 41.43. **Addressing:** Addressing is required as described in accordance with the El Dorado Hills Fire Department Addressing of Buildings Standard B-001.
44. **Burning of Materials:** No burning of materials on site is allowed.

3. (14-0278) Hearing to consider request for a Specific Plan Amendment, Development Plan Amendment, and a Special Use Permit to allow a residential senior care facility, a Parcel Map creating one 14.8 acre and one 5.5 acre lot, and a Development Plan revision to the existing commercial property [Specific Plan Amendment SP13-0001/Planned Development Revision PD95-0002-R/Planned Development Revision PD95-0007-R/Parcel Map P12-0004/Special Use Permit S13-0017 El Dorado Hills Retirement Residence]* on property identified by APN 117-160-38, consisting of 20.30 acres, in the El Dorado Hills area, submitted by Lenity Architecture, LLC (Agent: Mark Lowen); and staff recommending the Planning

Commission forward a recommendation to the Board of Supervisors to take the following actions:

- 1) Adopt the Mitigated Negative Declaration prepared by staff based on the Initial Study;
 - 2) Adopt Specific Plan Amendment SP13-0001 based on the Findings and subject to the Amendments and Revisions document;
 - 3) Approve Planned Development Revision PD95-0002-R based on the Findings and subject to the Amendments and Revisions document;
 - 4) Approve Planned Development Revision PD95-0007-R based on the Findings and subject to the Conditions of Approval;
 - 5) Approve Parcel Map P12-0004 based on the Findings and subject to the Conditions of Approval; and
 - 6) Approve Special Use Permit S13-0017 based on the Findings and subject to the Conditions of Approval.
- (Supervisory District 1) (Cont. 02-27-14, Item 3)

Lillian MacLeod informed the Commission that the applicant was requesting the item be continued to the May 8, 2014 meeting.

Jim Wiley, applicant's agent, indicated that they were requesting a date certain as they had a very positive meeting with the adjacent property owner earlier that week. He informed the Commission that if it is determined that they would need more time as the May meeting approached, they would, at that point, request the item be continued off-calendar.

Commissioner Stewart suggested that since the public comment letters were focusing on the CG zoning, that the applicant clearly addresses that when the item is heard.

Chair Mathews closed public comment.

There was no further discussion.

Motion: Commissioner Pratt moved, seconded by Commissioner Stewart, and carried (4-0), to continue the item to the May 8, 2014 meeting.

AYES: Shinault, Stewart, Pratt, Mathews

NOES: None

ABSTAIN: Heflin

ADJOURNMENT

Meeting adjourned at 11:01 a.m.

APPROVED BY THE COMMISSION

Authenticated and Certified:

Walter Mathews, Chair