

FROM THE PLANNING COMMISSION MINUTES OF MARCH 27, 2014.

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**
ABSENT: **Heflin**

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