

FROM THE MINUTES OF AUGUST 9, 2007

8. APPEAL (Public Hearing)

Temporary Use Permit TUP07-0011: Request submitted by STEPHAN C. VOLKER, representing Voices for Rural Living/Chrysan M. Dosh, appealing approval of a temporary use permit which would allow a temporary construction yard for the Shingle Springs Rancheria-U.S. Highway 50 Interchange construction and is limited to two portable offices and associated parking. The property, identified by Assessor's Parcel Number 319-220-18, is zoned Estate Residential Five-acre (RE-5), consists of 34.63 acres, and is located on the west side of Shingle Springs Drive, at the intersection of U.S. Highway 50 and Shingle Springs Drive in the **Shingle Springs area**, Supervisorial District IV.

Staff: Jonathan Fong recommended denial of the appeal. Ed Knapp, County Counsel, was present for this item.

Commissioner Mathews asked the size of the construction yard. Mr. Fong referred the Commission to Exhibit D. This yard would be for the storage of equipment. Gina Hunter said the request states the site is for storage of construction materials. Commissioner Mathews asked what happens if they go beyond the uses allowed under the temporary use permit, and what if items not permitted are stored on the site. Paula Frantz, County Counsel, said if items are left on the site or items stored that are not covered under the permit, it would become a Code Enforcement issue.

Mr. Fong said the Wetland Report was not required with the temporary use permit but submitted for additional information. Elaine Crawford, Department of Transportation, said the Wetland Report is required if you disturb more than an acre of land whether you are near a stream or not.

Commission Mac Cready asked if there are oak trees on the site. Chair Knight replied there are not. Commissioner Mathews asked if the hours of operation are defined. Chair Knight said they are 7:00 a.m. to 7:00 p.m. He commented the temporary use permit would remain in force until Caltrans accepts the interchange, and the site would then be abandoned and cleaned up.

Referring to Condition 7, Commissioner Mac Cready asked what is considered a minor variation. Mr. Fong explained.

Commissioner Mathews asked if CC Meyers has another permit. Mr. Fong explained there is another yard by the Greenstone off-ramp. Commissioner Mathews presented some photographs showing a site off Mortara Circle that appears to be a storage yard.

Mr. Fong referred to Condition 3. stating the encroachment should be Shingle Springs Road and not Greenstone Road.

Commissioner Machado said this is a temporary use permit. It is not a change in zoning. On the map provided by staff there is a temporary use permit that was granted on the other site for construction trailers. That permit was not appealed. He feels this is a more appropriate location to store these types of items. He would like to know how many days a week they will be operating. On Condition 5, he wants to make sure the neighbors 500 feet away are not bothered by night lighting.

Stephan Volker said if this were a discretionary permit, an initial study would have been prepared. They believe this is a discretionary permit approval. The neighbors are concerned this site could be used for a future casino site.

Ron Briggs, Supervisor District IV, would like to know what is going to be on the site. He agrees with Stephan Volker that this is way beyond ministerial. What kind of equipment will be stored? What kind of fuel will be on the site? Will there be explosives? What about hazardous materials? Does the entire 40 acres get all the fill material? Does this parcel abut the Rancheria? The temporary use permit states 7:00 a.m. to 7:00 p.m. The Tribe has stated they are going to operate 24-7. The Wetland permit states the permit expired early 2007. Is there a current permit? We need to protect our neighbors.

Art Marinaccio stated it needs to be pointed out that if something is approved, the construction related activities are also approved. He does not believe that is true in this instance. There have been many hearings for projects on this site. We need to look at the information from those hearings.

Thelma White, resident on Shingle Springs Drive, said they purchased their property about one year ago and plan to retire there. They do not feel a construction yard is compatible with the family orientated area they have. She does not feel a temporary use permit should be for storage of material off-site. They feel a precedent will be set once the commercial use is established on this property.

Paula Frantz, County Counsel, said the reason staff has told people this is a standard permit is because it is. It is a construction yard to store materials for the construction of the interchange. Interchanges are allowed in all zone districts. This property is adjacent to the interchange. This is not the construction yard for the Rancheria but for the interchange only.

Chair Knight asked that the representative from CC Meyers explain their contract. How long will they be there?

Howard (?) and Mike Willis were present. Howard said their contract is for the construction of the interchange on Highway 50. They have nothing to do with construction of the casino. He explained the location of the interchange. They are doing some widening of Highway 50, construction of three bridges, etc. They plan to fence approximately two acres and not disturb more than an acre of land. There will be no earth material stored on the site. They plan to clear the weeds and rocks. Wood panels, beams, diesel fuel, hydraulic fluids, etc., would be on-site. They have a hazardous permit from the County and State. They are under the oversight of

Caltrans. The temporary use permit would expire at the conclusion of the project which would be October 2008. You will not be able to tell they have been there once they are gone. They are not working 24 hours a day on their project. That may be on the casino. Their typical hours are 7:00 a.m. to 3:00 p.m./6:30 a.m. to 3:00 pm. There will not be a lot of activity on the subject site. They do not have an electric hookup. There will be no explosives on the site.

Commissioner Machado asked how they will get the beams to the bridge site. Howard replied they would be using Highway 50.

Commissioner Machado asked if they considered using any of the Rancheria properties for their operation. Howard said they have a very limited footprint and area they can enter.

Mr. Willis said the photographs of Mortara Circle have nothing to do with their operation.

A man from the audience said this permit should not be approved.

Tony Spitari said they say the hours say 7:00 a.m. to 7:00 pm. But they are working all night now. A private individual would not be able to work all night.

Donna Armis commented you have to consider the noise pollution. She objects to the permit being approved.

A man from the audience has dealt with CC Meyers, and they do a very good job; but a construction yard is not appropriate in this area.

Leslie Erickson asked how high the obstruction will be. This is something that is not residential going into a residential area.

Judy Mathat said CC Meyers is one of the most respected companies in the state. They are going to put the site back to what it was when they leave.

Supervisor Briggs asked that the use be limited to the Rancheria.

Howard said they do work at night on the interchange. The only access to the Rancheria would be off Grassy Run and Green Springs.

The public hearing was closed.

Ms. Frantz said this is a temporary use permit for construction staging for a road project. These permits are issued ministerially through Planning. You can place standard conditions on a ministerial permit. Roads, highway, and interchanges are allowed in any zone district.

Commissioner Mathews agrees with Supervisor Briggs. He does not like moving the noise west. He feels there is a site on tribal lands where this use could be located.

Commissioner Machado would like to delay action so the applicant can speak to the tribe about a location on their site. He would like to see if CC Meyers can find an on-site location rather than this site.

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED BY THOSE PRESENT, IT WAS MOVED TO CONTINUE TUP07-0011A TO THE MEETING OF SEPTEMBER 13, 2007, TO GIVE CC MEYERS TIME TO EXPLORE THE POSSIBILITY OF PLACING THE STORAGE YARD ON THE RANCHERIA PROPERTY.