



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
Lewis Ridgeway, District 2
Tom Heflin, District 3
Brian Shinault, District 5

Char TimClerk of the Planning Commission

MINUTES

**Regular Meeting
October 23, 2014 – 8:30 A.M.**

CALL TO ORDER

Meeting was called to order at 8:34 a.m. Present: Commissioners Stewart, Ridgeway, Heflin, Mathews, and Shinault; David Livingston-County Counsel; and Char Tim-Clerk of the Planning Commission.

ADOPTION OF AGENDA

Motion: Commissioner Heflin moved, seconded by Commissioner Shinault, and carried (5-0), to approve the agenda as presented.

AYES: Stewart, Ridgeway, Shinault, Heflin, Mathews
NOES: None

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 Heflin moved, seconded by Commissioner Stewart, and carried (5-0), to pull Item #2 for discussion and approve the remaining Consent Calendar.

AYES: Ridgeway, Shinault, Stewart, Heflin, Mathews
NOES: None

1. (14-1374) Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of October 9, 2014.

This was Approved on Consent Calendar.

2. (14-1375) Hearing to consider a five-year review of an existing cellular telecommunications facility [Five-Year Cell Tower Review-Special Use Permit S04-0042-R/South Shingle Springs]** on property identified by Assessor's Parcel Number 087-300-77, consisting of 21.59, in the Shingle Springs area, submitted by Cingular Wireless; and staff recommending the Planning Commission take the following actions:

- 1) Find the project exempt from CEQA pursuant to Section 15061 (b)(3) of the CEQA Guidelines;
 - 2) Find that the five-year review of the telecommunication facility demonstrates the cell tower facility is in conformance with the Conditions of Approval for S04-0042-R; and
 - 3) Approve the modifications to the Conditions of Approval for S04-0042-R, based on the Findings and subject to the Conditions of Approval as presented.
- (Supervisory District 2)

Commissioner Stewart pulled the item from the Consent Calendar in order to request a new condition be added that contained the standard language regarding regular testing of equipment.

There was no further discussion.

Motion: Commissioner Stewart moved, seconded by Commissioner Shinault, and carried (5-0), to take the following actions: 1) Find the project exempt from CEQA pursuant to Section 15061 (b)(3) of the CEQA Guidelines; 2) Find that the five-year review of the telecommunication facility demonstrates the cell tower facility is in conformance with the Conditions of Approval for S04-0042-R; and 3) Approve the modifications to the Conditions of Approval for S04-0042-R, based on the Findings and subject to the Conditions of Approval as modified: (a) Add new condition containing standard language regarding testing of equipment.

AYES: Ridgeway, Heflin, Shinault, Stewart, Mathews
NOES: None

Findings

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CEQA FINDINGS

- 1.1 Staff has determined that, pursuant to CEQA Guidelines Section 15061(b)(3), that this action is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This is a five-year review as required by the conditions of approval for the existing telecommunications tower facility authorized under special use permit. The review of compliance with the conditions of approval for the special use permit, remedial measures to be taken, including modifications to the conditions, ensure compliance of the telecommunications facility with the special use permit and it can be seen with certainty that there is no possibility

that these actions in question may have a significant effect on the environment and is therefore not subject to CEQA.

- 1.2 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 Department, Planning Services, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 ADMINISTRATIVE FINDINGS

- 2.1 All conditions of approval have been met and the use of the telecommunications facility is in compliance.

Conditions of Approval

1. The authorization for the cellular communication facilities allowed by this permit is based upon and limited to compliance with the project descriptions and conditions of approval set forth below. Further, any deviations from the project(s) descriptions, 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 described approval will constitute a violation of the permit approval and may subject the authorized activities to revocation hearings.

The original project description is as follows: Construction of a new wireless communication facility consisting of a 100-foot steel mono-pole with 6 panel antennas, 3 mounted at a centerline of 100 feet and 3 mounted at 94 feet, and related ground equipment shelter placed within a 30-foot by 30-foot lease area, enclosed by a 6-foot chain link fence with barbed wire atop and a 12-foot wide gate on the east side of the enclosure. Access to the site is provided via a private driveway from the west side of South Shingle Springs Road, 2 miles north of the intersection with Latrobe Road in the Shingle Springs area. This special use permit authorizes maintenance personnel to visit the site approximately once or twice a month, at which time the facilities would be inspected to ensure proper operation and ongoing maintenance.

The approval of the special use permit revision (S04-0042-R) is based upon and limited to compliance with the approved project description, the following hearing exhibits, and Conditions of Approval set forth below:

- Exhibit E.....Site Plan
- Exhibit F.....Photos, Dated: July 7, 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.

The project description is as follows:

- a. Approval of the five-year review of the existing cellular telecommunications facility located at 6170 South Shingle Road in the Shingle Springs area.
2. All site improvements shall conform to the site plan and elevations, ~~attached as Exhibit Sheets T-1, A-1, A-2, A-3, and A-4, dated March 2, 2006. (Exhibit E and F)~~
3. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. Planning Development Services shall verify the painting of the structures prior to final inspection of the facility.
4. All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Planning Services requires that that all colors of the equipment enclosure and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
5. The applicant shall assume full responsibility for resolving television reception interference, if any, caused by operation of this facility. The applicant shall take corrective action within 30 days of receipt by Planning Services of any written television interference complaint.
6. All obsolete or unused communication facilities shall be removed by the applicant within six (6) months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Development Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.
7. ~~Due to the ever-changing technology of wireless communication systems, this special use permit shall be reviewed by the Planning Commission every five (5) years. At each five year review, the permit holder shall provide the Planning Commission with a status report on the then current use of the subject site and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless communications technology, and possible local or cumulative impacts, determine whether to: (1) Modify the conditions of approval in order to reduce identified adverse impacts; and (2) Initiate proceedings to revoke the special use permit, requiring the facility's removal, if it is no longer an integral part o the wireless communication system. By operation of this condition, it is the intent of the Planning Commission to reserve the right to modify existing or add new conditions, consistent with the language specified above. The failure of the Planning Commission to conduct or complete a five-year review in a timely fashion shall not invalidate this special use permit. The applicant shall pay a fee as determined by the Deputy Director of Planning to cover the cost of processing a five-year review.~~

Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Division every five years. At each five-year review, the permit holder shall provide the County Development Services Division with a status report on the then current use of the subject site and related equipment. The County Development Services Division shall review the status and determine whether to:

Allow the facility to continue to operate under all applicable conditions; or

Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.

By operation of this condition, it is the intent of the County to reserve the right to modify or add new conditions, consistent with the language specified above. The failure of the County to conduct or complete a five-year review in a timely fashion shall not invalidate the Special Use Permit. The applicant shall pay a fee determined by the Development Services Director to cover the cost of processing a five-year review.

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.
9. The developer and land owner 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 of El Dorado County concerning a Special Use Permit. The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.
10. The applicant shall be subject to a site plan review fee of \$50.00 payable to El Dorado County Fire Protection District. The site plan review fee shall be due to the District prior to commencement of any work performed.
11. The applicant shall construct a minimum 12-foot wide all weather access road with a vertical clearance of 13 feet 6 inches, and any turn in the road shall have a minimum inside turning radius of 40 feet. The road shall be capable of supporting a 40,000 pound load and shall not exceed a road grade of 16 percent. Road grades shall not exceed 16 percent. El Dorado County Fire Protection District shall review and approve the location and design of the access road prior to issuance of a grading permit.
12. The applicant shall provide a fire district approved turn-a-round within 50 feet of the project site.

13. The applicant shall provide a high priority "Knox" box with key to the equipment shelter.
14. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation 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 Storm Water Management Plan, the Off-Street Parking and Loading Ordinance, and the State of California Handicapped Accessibility Standards. A commercial permit is required.
15. The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed.
16. The applicant shall place a minimum of four-inch thickness of three-quarter inch Class II aggregate base along a 12 foot wide access easement from the leased area to the existing driveway.
17. The applicant shall provide adequate area at the leased area site for a vehicle to exit the site in a forward direction. If existing access way is determined to be adequate by the fire district, this condition shall be deemed fulfilled.
18. Generator maintenance: Any routine maintenance that requires running the generator or automatic cycling of the generator shall be performed between the hours of 9 a.m. and 3 p.m. Monday through Friday.

END OF CONSENT CALENDAR

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

Lillian MacLeod informed the Commission that the Board of Supervisors had increased the notification range to one mile for Environmental Impact Reports. She also introduced Rob Peters who was recently hired as an Associate Planner.

COMMISSIONERS' REPORTS

Commissioner Shinault announced that the Commission's special meeting in South Lake Tahoe on October 16, 2014 made it on the front page of the local newspaper.

Commissioner Stewart announced the recent passing of Norm Rowett, who was still actively involved with the community and would be greatly missed.

PUBLIC FORUM/PUBLIC COMMENT

Don Van Dyke expressed his disappointment in a broken process which included one Commissioner in a television campaign ad against local measures and other Commissioner clearly indicating that his mind was already made up on a project that is on today's agenda.

AGENDA ITEMS

3. (14-1376) Hearing to consider a Finding of Consistency with the El Dorado County General Plan for the acquisition of a 12.619-acre portion of the 122 acre Forebay Recreation Area pursuant to Government Code 65402 [GOV14-0003/Pollock Pines Recreation Park]** on property identified by Assessor's Parcel Number 101-330-77, consisting of (12.619-acre portion of) 122 acres, in the Pollock Pines area, submitted by El Dorado County; and staff recommending the Planning Commission find that the proposed property acquisition of a 12.619-acre portion of Assessor's Parcel Number 101-330-77 is consistent with the 2004 General Plan based on the Findings presented. (Supervisory District 5)

Gordon Bell presented the item to the Commission with a recommendation for approval.

Russ Fackrell, El Dorado County Facilities Manager, made the following comments:

- If a CSD exists, the County tries to have them manage the parks in their area;
- El Dorado Irrigation District is surplussing the property and they are required to offer the County first right of refusal;
- The County will retain and maintain the property until the community can take over the responsibility of it.

Chair Mathews closed public comment.

There was no further discussion.

Motion: Commissioner Stewart moved, seconded by Commissioner Mathews, and carried (5-0), to find that the proposed property acquisition of a 12.619-acre portion of Assessor's Parcel Number 101-330-77 is consistent with the 2004 General Plan based on the Findings presented.

AYES: Ridgeway, Heflin, Shinault, Mathews, Stewart

NOES: None

Findings

The Planning Commission finds the request for General Plan Finding of Consistency for the property acquisition by the El Dorado County Chief Administrative Office of the Pollock Pines Recreation Park is consistent with the General Plan policies.

1. Pursuant to Government Code Section 65402, the project has been found to be exempt from CEQA pursuant to Section 15060 of the CEQA Guidelines stating that the activity is not a project as defined under Section 15325(f) of the CEQA Guidelines.
2. The proposed site acquisition and existing land use is consistent with the policies in the El Dorado County General Plan. The Planning Commission finds that the proposed acquisition and existing land use is consistent with the 2004 General Plan Policies 9.1.1.1, 9.1.1.3, 9.1.1.7, 9.1.1.11.

Policy 9.1.1.1: The County shall assist in the development of regional, community, and neighborhood parks, ensure a diverse range of recreational opportunities at a regional, community, and neighborhood level, and provide park design guidelines and development standards for park development. The following standards shall be used as guidelines for the acquisition and development of park facilities:

Guidelines For Acquisition and Development of Park Facilities	
Park Types	Developed
Regional Parks	1.5 ac/1,000 population
Community Parks	1.5 ac/1,000 population
Neighborhood Parks	2.0 ac/1,000 population
<i>Specific Standards (Neighborhood and Community Parks)</i>	
Cameron Park Community Services District	5.0 ac/1,000 population
El Dorado Hills Community Services District	5.0 ac/1,000 population
Planned Communities	5.0 ac/1,000 population

The parkland dedication/in-lieu fees shall be directed towards the purchase and funding of neighborhood and community parks.

Finding: The proposed acquisition will utilize parkland fees for the purchase of the Pollock Pines Recreation Park.

Policy 9.1.1.3: Community parks and recreation facilities shall provide a focal point and gathering place for the larger community. Community parks are generally 10 to 44 acres in size, are for use by all sectors and age groups, and may include multi-purpose fields, ball fields, group picnic areas, playground, tot lot, multi-purpose hard courts, swimming pool, tennis courts, and a community center.

Finding: The existing park is considered a community park and serves the community of Pollock Pines. It is approximately 12.69 acres and includes a “senior center”, baseball diamond (with concession building, announcer’s stand, batting cages and bleachers), asphalt paved parking area, horseshoe pits, restrooms, and undeveloped woodland.

Policy 9.1.1.7: Encourage and support efforts of independent recreation districts to provide parks and recreation facilities. The joint efforts of Community Services Districts, independent recreation districts, school districts, cities, and the County to provide parks and recreation facilities shall also be encouraged.

Finding: The County's Chief Administrative Office is working with the El Dorado Irrigation District to continue providing recreational facilities in the community of Pollock Pines.

Policy 9.1.1.11: Focus park acquisition on recreation oriented facilities.

Finding: The proposed acquisition is consistent with focusing on recreation oriented facilities, as the park includes active recreation facilities including the baseball diamond and associated facilities as well as the horseshoe pits.

4. (14-1377) Hearing to consider revision to Condition of Approval #20 to allow an emergency vehicle access (EVA) off Mineshaft Lane to Lot 1 [Tentative Map Revision TM05-1398-R/Thousand Oaks]** on property identified by Assessor's Parcel Number 070-300-15, consisting of 7 acres, in the Shingle Springs area, submitted by Brad Dorkin; and staff recommending the Planning Commission take the following actions:

1) Find the project Exempt pursuant to Section 15162 of the CEQA Guidelines; and
2) Approve the revision to Tentative Map TM05-1398-R, based on the Findings and subject to the Conditions of Approval as presented.

(Supervisory District 4)

Lillian MacLeod presented the item to the Commission with a recommendation for approval.

Commissioner Stewart commented that the original application had been appealed and inquired as to what the issues had been. He also confirmed that Condition #13 was being removed as it had already been completed.

Chair Mathews closed public comment.

There was no further discussion.

Motion: Commissioner Shinault moved, seconded by Commissioner Stewart, and carried (5-0), to take the following actions: 1) Find the project Exempt pursuant to Section 15162 of the CEQA Guidelines; and 2) Approve the revision to Tentative Map TM05-1398-R, based on the Findings and subject to the Conditions of Approval as presented.

AYES: Ridgeway, Heflin, Stewart, Shinault, Mathews

NOES: None

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.~~
A Mitigated Negative Declaration was prepared and a Notice of Determination (NOD) was filed January 14, 2008. Under Section 15162 of the CEQA Guidelines, a subsequent or supplemental negative declaration is prepared only where it is necessary to explore the environmental impacts of a substantial change not considered in the original negative declaration. The request to allow emergency vehicle access only off an existing driveway does not rise to the level of a "substantial change" to the environmental review previously performed under the mitigated negative declaration. In addition, approval of the revision will ensure the existing driveway to Lot 1 will not require further improvement, thereby reducing environmental impacts that were previously analyzed for said improvements to less than significant.
- 1.2 The Planning Commission, in exercising its independent judgment, ~~has~~ reviewed the changes to the Mitigated Negative Declaration, including the clarifying text in the biological section, and the modification to the biological mitigation measures, including the deletion of MM BIO-1 and MM BIO-2 and the substitution of new MM BIO-1 for MM BIO-3. The Planning Commission ~~finds~~ found that the payment of the fee reduces the biological impacts to a less than significant level. The Planning Commission further ~~finds~~ found that the mitigation measures, as modified, are more protective of the environment than those previously proposed. The Planning Commission therefore ~~adopted~~ the revised Mitigated Negative Declaration based on the Initial Study prepared by staff ~~and as revised here today.~~
- 1.3 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 ~~Department~~ Division - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 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 their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, overall project density would be approximately 0.24 dwelling units per acre. This is consistent with the General Plan land use designation of MDR for the subject site as defined within General Plan Policy 2.2.1.2 because the MDR land use designation permits a maximum density of one dwelling unit per acre and parcel sizes that range from 1.00 to 5.00 acres.
- 2.2 Pursuant to General Plan Policy 7.3.3.4, the Planning Commission has reviewed detailed biological information, prepared by Sycamore Environmental Consultants on December 21, 2005, and has determined that a 25-foot minimum non-building setback from the identified ponds and wetlands at the subject site is sufficient to protect the water quality and habitat value of the man-made ponds and wetlands in this ephemeral drainage. A building setback of 25-feet from the ponds and wetlands will have a less than significant impact on the Northwestern Pond Turtle and no impact on the California Red-Legged Frog. Because the biological report was completed and submitted prior to the adoption of the *Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.3.3.4* on June 22, 2006, the report is considered adequate for the purposes of establishing consistency with General Plan Policy 7.3.3.4 in this case. As such, the tentative subdivision map is consistent with all applicable General Plan policies, including Policy 7.3.3.4.

3.0 ZONING FINDINGS

- 3.1 The subdivision contains two lots which are consistent with the development standards outlined in Section 17.28.080 of the Zoning Ordinance, including a minimum lot area of one acre. Proposed lot sizes range from 1.22 to 7.18 acres consistent with the minimum parcel sizes permitted under the Zoning Ordinance.
- 3.2 The existing residential uses at the subject site are permitted by right under Section 17.28.060.

4.0 ADMINISTRATIVE FINDINGS

4.1 Tentative Subdivision Map

- 4.1.1 *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County.*

As proposed, the revised tentative map conforms to the MDR General Plan land use designation and applicable General Plan policies including access, oak tree canopy retention, public water service, grading, transportation, fire protection and wastewater disposal.

- 4.1.2 *The site is physically suitable for the type and density of development proposed.*

The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately 0.24 dwelling units per acre.

- 4.1.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat.*

A Mitigated Negative Declaration (Exhibit A E) was prepared to assess project-related environmental impacts. Based on the Initial Study, the Planning Commission ~~finds~~ found that the project could have a significant effect on air quality, biological resources, cultural resources and hazards and hazardous materials. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration ~~has been~~ was prepared and certified. The proposed revisions will further reduce environmental impacts that were previously analyzed for access improvements to less than significant.

- 4.1.4 *The subdivision shall have adequate access to accommodate the proposed density.*

Access to Lot 1 will be provided by a driveway from St. Ives Court with emergency vehicle access only from Mineshaft Lane, while Lot 2 will be served by connecting to Mineshaft Lane. As such, the existing access points are sufficient to serve the two proposed lots.

- 4.1.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.*

The El Dorado County Fire Protection District reviewed the proposed tentative subdivision map and will require fire safe driveways and sprinkler systems. Fire issues, including emergency vehicle access to Lot 1 are addressed within the project's conditions of approval.

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 Irregularly shaped lots and frontage for lot two to be less than 100 feet as shown on the tentative map.

- 5.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.*

The irregular shape of the proposed lots does not permit the frontage of Lot 2 to be 100 feet.

- 5.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.*

Strict application of the design and improvement requirements would not permit the subdivision of the subject site because of its existing irregular lot shape.

- 5.1.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.*

The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the requested waiver will permit the re-configuration of an existing irregularly shaped lot. Because the lots will be served by existing access points, only minor traffic impacts will result from project implementation.

- 5.1.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.*

The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

Conditions of Approval

I. PROJECT DESCRIPTION

1. This tentative subdivision map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit ~~B~~ E "Revised Tentative Map," dated ~~July 12, 2007~~ January 10, 2008 and revised 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:

TM05-1398-R consists of a revision to the approved tentative subdivision map ~~to~~ that created two lots ranging in size from 1.22 to 7.18 acres on an 8.4 acre site. Water will be provided to the lots by the El Dorado Irrigation District and sewage disposal will be provided by individual on-site septic systems. A driveway from St. Ives Court will provide access to Lot 1 while Lot 2 will be served by connecting to Mineshaft Lane. The Mineshaft Lane driveway will be utilized by Lot One for emergency access only. The project will not result in direct impact to the El Dorado Bedstraw plants.

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 hereto. All plans (such as

Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. MITIGATED NEGATIVE DECLARATION CONDITIONS OF APPROVAL

2. To protect 123 existing El Dorado bedstraw plants, the applicant shall record a deed restriction on lot number one for the area, as shown on Revised Attachment 4 Exhibit E, "Deed Restriction Area," to include the existing El Dorado bedstraw plants prior to final map recordation. The deed restriction shall restrict tree removal, landscaping and other activities incompatible with the continued growth of the El Dorado bedstraw. (New MM BIO 1)

Monitoring: Planning Services staff shall review the deed restriction area prior to final map filing.

III. PROJECT CONDITIONS OF APPROVAL

Planning Services

3. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the finds is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review the grading plans prior to the issuance of a grading permit.
4. In the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified pursuant to *Section 7050.5* of the *Health and Safety Code* and *Section 5097.98* of the *Public Resources Code*. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall review the grading plans prior to the issuance of a grading permit.
5. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
6. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the final map.
7. The subdivider shall be subject to a \$150.⁰⁰ appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.

8. The final map shall include a 25-foot non-building setback from all ponds and a 25-foot non-building setback from all wetlands at the subject site as delineated on Exhibit ~~B~~ E. A 100-foot setback from all ponds and wetlands shall be shown for septic systems.
9. Prior to final map approval, the applicant shall provide proof of legal access to Mineshaft Lane for the proposed lots.
10. This revised tentative map shall expire within 36 months from date of approval unless a timely extension has been filed.
11. All fees associated with the tentative subdivision map shall be paid prior to recording the final subdivision map.
12. 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, as provided in Section 66474.9(b) of the Government Code.

The subdivider 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 of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

County shall notify the subdivider of any claim, action, or proceeding and County will cooperate fully in the defense.

- ~~13. The applicant shall submit to Planning Services a \$50 recording fee and a \$1,876.75 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.~~

Air Quality Management District

- ~~13~~13. Prior to the start of project construction, an asbestos dust mitigation plan (ADMP) shall be submitted with appropriate fees to and approved by the Air Quality Management District (AQMD).
- ~~14~~14. If naturally occurring asbestos is encountered during project construction, all project driveways and roads shall be paved or require the application of a minimum of three inch depth asbestos free gravel.
- ~~15~~15. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

- ~~17~~16. The applicant shall contact the AQMD prior to commencement of any burning. Burning of vegetative wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
- ~~18~~17. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
- Application of water on disturbed soils and unpaved roadways a minimum of three times per day;
 - Using track-out prevention devices at construction site access points;
 - Stabilizing construction area exit points;
 - Covering haul vehicles;
 - Restricting vehicle speeds on unpaved roads to 15 miles per hour; and
 - Replanting disturbed areas as soon as practical and other measures, as deemed appropriate to the site, to control fugitive dust.

Department of Transportation Division

- ~~19~~18. The applicant shall obtain an encroachment permit for and construct a Standard Plan 103B-1 driveway connection onto the cul-de-sac of Mineshaft Lane ~~and Standard Plan 103B-1 driveway connection onto the cul-de-sac of St. Ives Court.~~
- ~~20~~19. An ~~non~~emergency-vehicular access only restriction shall be placed across lot 2 for lot 1 with the filing of the final map.
- ~~21~~20. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, 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.
- ~~22~~21. Any import or export to be deposited within El Dorado County shall require an additional grading permit for that offsite grading.
- ~~23~~22. The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
- ~~24~~23. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the ~~Department of Transportation~~ Division with the drainage and geotechnical reports in PDF format and the record drawings in TIF format.

El Dorado County Fire Protection District

~~25~~24. Driveways serving ~~each home~~ Lot 2 and providing the emergency vehicle access to Lot 1 ~~are to~~ shall be ~~40~~12-foot wide, have a 13-foot six-inch vertical clearance, and be capable of supporting a 40,000 pound load with an all-weather surface. If a driveway becomes longer than ~~300~~ 150 feet in length, a fire-safe turnaround will be required subject to fire district review and approval. Driveways in excess of 200 feet in length and less than 20 feet in width shall be provided with turnouts in addition to turnarounds.

~~26~~25. Any future proposed project gates are subject to fire district approval.

Surveyor's Office

~~27~~26. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval; or the developer shall have the surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit shall be coordinated with the County Surveyor's Office.

5. (14-0767) Hearing to consider the construction of a wireless telecommunication facility consisting of a 65-foot mono-oak tower with 12 panel antennas, 2 microwave dishes, equipment shelter and related ground equipment [Special Use Permit S13-0014/AT&T Silva Valley Parkway Cellular Site (Mono-Oak)]* on property identified by Assessor's Parcel Number 121-190-35, consisting of 3.2 acres, in the Serrano El Dorado Hills Specific Plan area, submitted by AT&T Mobility; and staff recommending the Planning Commission take the following actions:

- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff; and
- 2) Approve Special Use Permit S13-0014 based on the Findings and subject to the Conditions of Approval.

(Supervisory District 1) (Cont. 09-11-14, Item 3)

Joe Prutch distributed a Staff Memo dated October 22, 2014 recommending revisions to Condition 15 which would allow the Commission to move forward and take action on the project as the applicant was still working with adjacent property owners on civil matters. Since Parker Development did not want to go back to hearing until the issues had been resolved, the applicant was requesting a continuance to the December 11, 2014, meeting.

Alan Fink, applicant's agent, stated he was still trying to get buy-in from everyone and even if the Commission approved the project today, it would not move forward until that happened. He was fine with either continuing it to a date-specific or having the Commission take action today.

County Counsel David Livingston stated that ultimately it was the Commission's decision on how to proceed and they can get input from the applicant if they choose.

Chair Mathews closed public comment on the continuance request.

The Commission was in agreement to move forward and take action on the item today.

Chair Mathews re-opened public comment on the project.

There was no public comment.

Chair Mathews closed public comment.

There was no further discussion.

Motion: Commissioner Mathews moved, seconded by Commissioner Stewart, and carried (5-0), to take the following actions: 1) Adopt the Negative Declaration based on the Initial Study prepared by staff; and 2) Approve Special Use Permit S13-0014 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition #15 as identified in the Staff Memo dated 10-22-14.

AYES: Ridgeway, Heflin, Shinault, Stewart, Mathews

NOES: None

[Clerk's Note: At the November 13, 2014 meeting, at staff's request, the Planning Commission's motion was clarified and amended to include a Staff Memo dated September 9, 2014, which had been presented at the September 11, 2014 meeting and had been the intent to be included in the motion.]

CLARIFIED/AMENDED MOTION:

Motion: Commissioner Heflin moved, seconded by Commissioner Stewart, and carried (5-0), to take the following actions: 1) Adopt the Negative Declaration based on the Initial Study prepared by staff; 2) Approve Special Use Permit S13-0014 based on the Findings and subject to the Conditions of Approval; 3) Approve the revisions to the Conditions of Approval as presented in the Staff Memo dated September 9, 2014; and 4) Approve the revisions to Condition of Approval #15 as presented in the Staff Memo dated October 22, 2014.

AYES: Ridgeway, Shinault, Stewart, Heflin, Mathews

NOES: None

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

Findings

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 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 Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 The project is consistent with the Open Space (OS) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project consists of a telecommunications tower, which is consistent with the allowed uses for the OS Zone District 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 Policy 2.2.5.21 (compatibility with surroundings) because as conditioned, it would be compatible with surrounding uses, have minimal impacts on visual resources, existing utilities, existing emergency response access and times, and will create noises at insignificant levels. There are adequate services to facilitate the site, such as water, power and telephone communication facilities. The project provides improved cellular service for phone, as well as internet and emergency communications to the El Dorado Hills area;
 - 2.2.2 Policy 5.1.2.1 (adequate utilities and public services) because the project will connect to existing electrical and telecommunication facilities currently existing within the parcel;
 - 2.2.3 Policy 6.2.3.2 (adequate access) because the project will utilize an existing paved driveway surface for access; and
 - 2.2.4 Policy 6.5.1.7 (noise exposure) because the project will have noise levels anticipated to comply with the County's standards listed in Table 6-2 in the General Plan that limit acoustical noise emission levels.

3.0 ZONING FINDINGS

- 3.1 The project site is zoned Open Space (OS), which allows wireless communication facilities with an approved special use permit, provided they follow standards and permitting requirements defined in Section 17.14.210 of the County Code. These standards include screening, compliance with setbacks, and proper maintenance.

- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because sufficient screening, setbacks, and maintenance have been provided.

4.0 SPECIAL USE PERMIT FINDINGS

4.1 The issuance of the permit is consistent with the General Plan.

The proposed use is consistent with the policies and requirements in the El Dorado County General Plan, as discussed in the General Plan and Special Use Permit sections of this Staff Report. The proposed use is consistent with all applicable policies as set forth in Finding 2.0.

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

The use will not significantly conflict with the adjacent uses as the ground-support equipment will be buffered from view by a seven-foot tall CMU split face block wall, and the tower antennas will be buffered by the mono-oak “branches”. The view of the tower will be buffered by the existing trees and the water tanks. As conditioned, the project is anticipated to result in insignificant environmental, visual, and noise impacts to surrounding residents and school. The proposed use is not anticipated to create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. At one percent or less of the public safety standard established by the FCC, the risk of Radio Frequency (“RF”) emissions to the surrounding public is remote.

4.3 The proposed use is specifically permitted by Special Use Permit.

The proposed use complies with the requirements of County Code Section 17.14.210.E through J (facility requirements/analysis) and 17.68.060 (minimum yard setbacks for OS Zone District).

Conditions of Approval

Planning Services

- 1. This Special Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

Exhibit E-1Site Plan, Sheet A-0; ~~November 22, 2013~~ July 29, 2014
Exhibit E-2Enlarged Site Plan, Sheet A-1; ~~November 22, 2013~~ July 29, 2014

Exhibit E-3.....	Equipment Floor Plan, Sheet A-1.1; November 22, 2013 <u>July 29, 2014</u>
Exhibit E-4.....	East and West Elevation, Sheet A-2; November 22, 2013 <u>July 29, 2014</u>
Exhibit E-5.....	North and South Elevation, Sheet A-3; November 22, 2013 <u>July 29, 2014</u>
Exhibits F-1 to F-3.....	Revised Visual Simulations
Exhibit G.....	Trench Location Photos (three pages)

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.

Approval of the Special Use Permit allows the construction and operation of a new multi-user wireless communications facility to support cellular transmission within the existing 3.2-acre parcel identified by Assessor's Parcel Number 121-190-35, and consisting of the following:

- a. Up to 12 panel antennas mounted at the centerline of 55 feet on a 65-foot tall mono-oak pole, with the top branches not to exceed 65 feet;
- b. Two microwave dishes;
- c. One 15-foot by 24-foot ground equipment shelter within a 25 foot by 34 foot AT&T lease area to house equipment cabinets and associated equipment;
- d. One 7-foot tall CMU split face block wall constructed around the perimeter of the ground equipment shelter, with one 42 inch wide access gate;
- e. One, 5-foot wide utility easement for undergrounding the electrical and telecommunications utilities for a distance of approximately 800 feet between the north corner of the equipment shelter to the east side of Silva Valley Parkway, to be located as shown on Sheet A-0.

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 hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Development Services Division (Planning)

2. **Expiration:** Pursuant to County Code Section 17.22.250, implementation of the project shall occur within twenty-four (24) months of approval of this permit, otherwise the permit becomes null and void. 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.

3. **Responsibility for Interference:** The applicant shall assume full responsibility for resolving television reception interference or other electrical interference caused by the operation of this facility. The applicant shall take corrective action within 30 days of the receipt of any written complaint.
4. **Co-locating:** For co-location purposes, no further review by the Planning Commission shall be required provided that all ground-mounted equipment is located within the proposed lease area, and that there shall not be an increase in overall height of the tower and branches.
5. **Facility Appearance and Screening:** All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color to comply with the screening requirements of Section 17.14.210.F of the County Code. The pole shall have simulated bark, and the RF antennas shall be painted with non-reflective paint and maintained to match the color of the branch needles. All antennas shall either be covered with antenna socks that shall match the color and texture of the branch leaves or painted to match the color of the branch leaves. The “branches” shall be installed with random lengths that create an asymmetrical appearance conforming to the shape of a natural oak tree. No antenna shall project out past the “branch” tips. Planning Services shall verify the painting of all structures prior to final inspection and approval of the facility.
6. **Facility Maintenance:** All improvements associated with the communication facility, including equipment shelters, antennae, and fencing shall be properly maintained at all times. Colors of the panels, equipment enclosure, and other improvements visible to the public shall be maintained to ensure the appearance remains consistent.
7. **Conditions Compliance:** Prior to issuance 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. The applicant shall also schedule an inspection by Planning Services prior to Building Permit final for any Building Permit for verification of compliance with applicable Conditions of Approval.
8. **Obsolete Equipment:** All obsolete or unused communication facilities shall be removed within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project conditions.
9. **Five-Year Review:** Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Department every five years. At each five-year review, the permit holder shall provide the Development Services Department with a status report on the then current use of the subject site and related equipment. Development Services shall review the status and determine whether to:

- a. Allow the facility to continue to operate under all applicable conditions; or
- b. Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.

By operation of this condition, it is the intent of County to reserve the right to modify or add new conditions, consistent with the language specified above. The failure of the County to conduct or complete a five-year review in a timely fashion shall not invalidate the Special Use Permit. The applicant shall pay a fee determined by the Development Services Director to cover the cost of processing a five-year review on a time and materials basis.

10. **Compliance Responsibility:** The operator (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.
11. **Payment of Processing Fees-Development Services:** The applicant shall make the actual and full payment of Planning and Building Services processing fees for the special use permit and building permits prior to issuance of a building permit.
12. **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.

13. **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.

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 developer and land owner 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 of El Dorado County concerning a special use permit.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

15. **Agreement for Cabrito Drive Access & Utility Easements:** The applicant shall work with Serrano HOA, Parker Development, Inc. and Buckeye School District to reach an

agreement(s) for the use of Cabrito Drive off-site property for access to the cell tower facility and utility easements. A copy of said agreement(s), or letter from Serrano HOA all parties involved, stating that an agreement has been met, shall be delivered to Planning Services prior to issuance of a building permit for the tower.

Environmental Management-Solid Waste and Hazardous Materials Division

~~15~~16. **Hazardous Materials:** Under the CUPA programs, if the operation will involve the storage of reportable quantities of hazardous materials (55 gallons, 500 pounds, 200 cubic feet) for backup power generation, a hazardous materials business plan for the site must be submitted to the Community Development Agency/Environmental Management Division and applicable fees paid.

Air Quality Management District

~~16~~17. **Asbestos Dust:** Current county records indicate this subject property is located within the Asbestos Review Area. An Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to project construction. (Rules 223 and 223.2) if the project will move more than 20 cubic yards of earth or requires a Grading Permit. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions asbestos hazard mitigation during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.2.

~~17~~18. **Paving:** Project construction may involve road development and shall adhere to AQMD Rule 224 Cutback and Emulsified Asphalt Paving Materials. (Rule 224).

~~18~~19. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.

~~19~~20. **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. Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.

~~20~~21. **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~~22. **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.

El Dorado Hills Fire Department

- ~~22~~23. The structure shall have a fire department approved KNOX box installed to contain the master key to open all exterior doors. KNOX box order forms are available at El Dorado Hills Fire Department, located at 1050 Wilson Blvd., El Dorado Hills, CA 95762.
- ~~23~~24. Any access gate(s) shall have a fire department approved KNOX box padlock installed to allow for emergency access.
- ~~24~~25. A KNOX Key shunt system shall be installed to terminate power to generators, if installed.
- ~~25~~26. The applicant shall provide and maintain a minimum of one 2A 10B:C fire extinguisher. The extinguisher shall be mounted where readily available within the enclosure to the equipment.
- ~~26~~27. The applicant shall maintain a 30 foot clearance of dry weeds to a height of 2 inches or less around the structures, to be completed annually by June 1.

6. (14-1379) Hearing to consider request to create two parcels, rezone from Estate Residential Five-Acre (RE-5)/Estate Residential (RE-10) to Recreational Facilities (RF) for Parcel 1 only, and a Special Use Permit for an equestrian facility [Rezone Z04-0015/Special Use Permit S01-0011/Parcel Map P08-0036/Springs Equestrian Center]* on property identified by Assessor's Parcel Number 115-410-05, consisting of 146.42 acres, in the Rescue area, submitted by Dennis Graham; and staff recommending the Planning Commission recommend the Board of Supervisors 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 measures as presented;
 - 3) Approve Z04-0015 to rezone proposed Parcel 1 from Estate Residential Five-Acre (RE-5)/Estate Residential (RE-10) to Recreational Facilities (RF) based on the Findings as presented;
 - 4) Conditionally approve tentative Parcel Map application P08-0036, based on the Findings and subject to the Conditions of Approval as presented; and
 - 5) Conditionally approve Special Use Permit application S01-0011, based on the Findings and subject to the Conditions of Approval as presented.
- (Supervisory District 1)

Aaron Mount presented the item to the Commission with a recommendation to the Board of Supervisors for approval.

The Commissioners identified below made the following disclosures:

- Commissioner Heflin met with the applicant and did a site visit;
- Commissioner Stewart spoke to the applicant during an El Dorado Hills APAC meeting; and
- Commissioner Ridgeway did a site visit and stated that the email he had sent to several local residents mistakenly gave the perception that he had made up his mind on this project and that was not correct.

County Counsel David Livingston made the following comments:

- Spoke on the government codes regarding site visits and based on what several of the Commissioners just disclosed, there was nothing done inappropriately;
- Spoke on due process clause regarding public members' concerns on pre-judgment by one or more Commissioners and spoke on various court cases; and
- Stated that if the Commission remains open-minded during the hearing while taking public testimony, then there would be no determination of bias.

Commissioner Stewart commended the other Commissioners for conducting a site visit, with Commissioner Heflin responding that it is standard practice for Commissioners to talk to not only the applicants but also the opponents prior to a hearing.

Brian Holloway, applicant's agent, made the following comments:

- Thanked Mr. Mount for the Staff Report;
- Agreed with the Conditions of Approval and suggested a new condition be added to create a Good Neighbor Committee with the neighbors and the school which would have regular scheduled meetings to resolve any unintended consequences from the project; and
- Updated copy of project was distributed to the Commission and the audience.

Dennis Graham, applicant, in response to Commissioner Stewart's request, provided more information on the two equestrian centers that were used in the traffic study.

In response to Commissioner Stewart's inquiry on sewage connection, Casey Feickert, TSD Engineering, stated that not a lot of sewage would be generated at the site and during special events, portable toilets on trailers would be brought in.

Fred Sanford, Environmental Management, stated that in 2005, a perc and mantle test was done and the estimate from the Youngdahl report was that it would be the equivalent to a one to two bedroom house. He further stated that the store is the only building that would have plumbing.

Commissioner Ridgeway voiced concern on a business model that included four weddings a week, which far outweighed the horse shows.

Mr. Holloway responded that they were not anticipating the weddings to be conducted year-long and that it looked worse that what it would be. He stated that the weddings would be for members of the equestrian center. In addition, Mr. Holloway said that since noise was a concern, they conducted a simulation test with music and received feedback from the neighbors.

Chair Mathews inquired on the following:

- Building elevations and if they would be enclosed (i.e., barns);
- How much of the facility would be seen by the nearest neighbor in the subdivision;
- Amplified events;
- How is applicant addressing concerns on odors, flies, and wastewater; and
- Weddings are a big issue.

Mr. Graham made the following responses to Chair Mathews:

- Facilities would not be seen from Green Valley Road and there would be a filtered view from Deer Valley Road due to the large trees;
- Horse shows are very quiet in nature and although there would be amplified announcements, it would be at a low level due to the serene environment;
- Spoke on the various systems that would be used to address odors, flies, and wastewater; and
- Weddings would be held in the center of the project, would have the noise monitored during the event; would be catered, and requested four a week on the high side as it is very income producing.

Commissioner Heflin stated that since the development of the facility is already being phased in, he would like to consider also phasing in the number of weddings. Mr. Graham stated that their five year plan was aggressive and would be open to having a condition regarding weddings being phased in.

James Degner made the following comments:

- Lives across from the project site;
- Familiar with equestrian and ranch proposal;
- Can't believe this would ever be approved as proposed and is concerned that Commissioner Ridgeway's email was already showing support of this project;
- Have already submitted written comments;
- There has been no talk on the rezoning to commercialize the property;
- Property was originally considered a green belt;
- Spoke on the original proposal given to the neighbors by the applicant;
- Doesn't believe much of what he has heard as it isn't common sense;
- Public is here to tell you that they don't want this;
- Equestrian centers are going out of business;
- Critical question of this request is the rezone, the commercialization of the property;
- Can hear noise from other properties, including the school; and
- Believes that the Commission is putting a package together to approve.

Gary Craver made the following comments:

- He backs up to the site;
- Can see through the trees to see the school;
- Can hear noise from the school; and
- Major concern is the traffic and suggested one-way traffic through the site with different entrance and exit points.

Don Van Dyke, HOA President of Green Springs Ranch, made the following comments:

- Distributed packet of materials to the Commission;
- Spoke on original project that was submitted in 2012 which was a smaller version;
- Spoke on similar size projects that are located in rural areas;
- Green Springs Ranch HOA is not opposed to the equestrian center but is concerned on the size of the center and the number of events;
- This is a giant commercial activity;
- Members of the neighborhood visited other equestrian centers and found them to be very noisy;
- The issues are intensity, traffic, and noise;
- Deer Valley Road is the only entrance/exit point for 100 homes and they would have to share with the equestrian center;
- One of the projects used as a comparison is actually an equestrian lifestyle; and
- Met several times with applicant and he has made some minor changes.

Rita Moeller made the following comments:

- Lives directly across from project;
- Spoke on proposal vs what the applicant stated in testimony;
- Noise can be heard very well at night;
- Proposal is for four weddings every weekend until 10:00pm;
- Noise will travel throughout the neighborhood, including to Serrano;
- Understands applicant needs to make money, which is why he is requesting four weddings every weekend within four years;
- Has considered moving from her home before the weddings start;
- Concerned on manure removal and garbage company stated they would remove it three times a week;
- Spoke on number of members allowed;
- Porta-potties for brides?
- How many porta-potties will constantly be coming in/out for events;
- Project hasn't been thoroughly thought out; and
- This would be a commercial center next to a residential neighborhood of 100 homes.

Betty Peterson made the following comments:

- Lives across the street;
- Bought property 20 years ago so they could be rural;
- Original proposal sounded like a good addition but this new proposal is much larger;
- Most neighbors didn't know about the informal noise study;
- Big commercial center; and

- Phasing doesn't matter as the project will still be there after 5 years.

Cathy Keil made the following comments:

- Lives in the Ranch;
- No approval until noise and traffic are under control, no odor, and water quality;
- What is recourse if there are violations; who do they contact;
- Understands Deer Valley Road turn off- will remain status quo; and
- Has large trailer which is already difficult to enter/exit without swinging wide.

Ellen Van Dyke made the following comments:

- Green Springs Ranch resident;
- Widening of road doesn't include turn lanes;
- Met with applicant and County staff;
- As proposed today, would hugely impact the Ranch;
- Disagreed that all impacts have been mitigated;
- Supplemental traffic study looked at weekend events and is not comparable to weddings and special events;
- U.S. Army Corps of Engineers case is still open on the applicant;
- County staff has not acknowledged that this is too much for the site;
- Photo sim should be required of what project would look like as there is disagreement that you won't be able to see it; and
- Strongly opposed to project due to intensity of use.

Carol Davies made the following comments:

- Green Springs Ranch resident and borders project;
- Present when noise exercise was done by applicant and showed her that all sound is not created equal to a receiving ear;
- Non-stop constant lyrics of songs, even at a lower level than County standards, is intrusive and unacceptable;
- Original project was equestrian events but now it contains more events, including weddings from Friday evening to Sunday evening which is insane;
- Weddings and special events are non-equestrian events;
- Concerned on duration of noise due to four weddings a weekend and that is excessive; and
- Wants to be a good neighbor but aggressive proposed calendar is inconsistent with setting.

Olena Kucera made the following comments:

- Ranch resident;
- There is a commercial nature of the project;
- Equestrian center, per the applicant, doesn't bring in lots of money, which is why they are proposing weddings;
- Size of project and weddings are the concerns;
- Questioned if they would have any protection from construction noise on weekends;

- There is no requirement of having the receptions indoors;
- Original plan was nice;
- Phasing is a concern because the request is for a rezone, which is forever;
- Not going to make money if there is only one barn;
- If equestrian center doesn't work, what is the back-up plan and what would it be used for if it was sold; and
- Too big and intense for site.

Chair Mathews closed public comment.

Ken Andersen of KD Andersen, spoke on the several traffic studies they had prepared for the project.

Paul Bollard, Bollard Acoustical Consultants, spoke on the several studies they had prepared for the project and on the County's noise standards. He stated that audibility is not the subject of CEQA analysis.

Mr. Holloway made the following rebuttal comments:

- Appreciated the neighbors' testimonies, especially Mr. Van Dyke's as he has been candid, careful and polite during discussions;
- Will continue to meet with the Green Springs Ranch residents;
- Nothing has been done because they don't have approval yet;
- Spoke on if property was sold and a different project was to be placed on it;
- The suggested one way in and one way out is already in place;
- In response to concerns on the number of weddings, proposed to phase them in by having no weddings until Year 3, then one wedding per weekend until Year 5 which would then allow two weddings per weekend;
- Good Neighbor Committee should be first point of contact if there were any concerns on violations before the County got involved; and
- Major theme is that the project doesn't belong but what is more country than an equestrian center.

In response to Commissioner Heflin's request, staff spoke on the proposed zoning and what is allowed by right, review, and a Special Use Permit.

Commissioner Stewart made the following comments:

- Disclosed that in July 2012, he had written in support of the concept of the project, but had not been on the Planning Commission at the time;
- Still supports the concept but the project is not a rural recreational center but instead is a full blown heavy duty commercial use and is not appropriate for the area;
- Assumptions in traffic study are not accurate in regards to the comparisons used from Southern California;
- Would expect over 1,000 trips/day;

- Old El Dorado Hills golf course would be a more appropriate site due to the intense commercial activity in that area;
- Applicant can request removal from the Community Region;
- Doesn't take rezone requests lightly;
- El Dorado County residents need to be able to rely and count on the zoning; and
- Small, quaint equestrian center would be more appropriate.

Commissioner Shinault made the following comments:

- Noise from weddings seems to be a big concern;
- No discussion on where weddings would be held;
- To address the noise concern, all amplified music should be indoors;
- Lots of density and unsure if parcel can handle it;
- Project appears to be lacking in thought and design and there are still many questions left unanswered; and
- Need to decrease the size and address the issue of noise from weddings.

Commissioner Heflin made the following comments:

- Conditions of Approval are used to control a situation and this has a good set of Conditions, which is good protection;
- Public feels this is too intense;
- If approved and applicant violates the Conditions, the Commission would have another hearing to revoke the Special Use Permit;
- Good project but as the phasing takes place this becomes a large project;
- Conditions on noise, odors, traffic, etc.
- Ultimate size is the issue, but applicant has suggested to decrease the number of weddings; and
- Supports the concept.

Commissioner Ridgeway made the following comments:

- Supports the concept; and
- Concerned if he was a resident of that area due to the intensity of traffic.

Commissioner Mathews made the following comments:

- Agreed with Commissioner Stewart;
- Challenging site for this project;
- Too many questions on noise and odors;
- Footprint doesn't encourage residents to have quiet enjoyment of their properties;
- Can't support it in its current form (i.e., size, noise, weddings);
- Good project for County;
- Drastic change to neighborhood;
- Would hate to vote against it if there could be mitigations placed; and

- There are a lot of “what ifs” and it may be benign but there are issues that haven’t been addressed.

County Counsel Livingston clarified the actions that the Commission could take and reminded them that this is a recommendation to the Board of Supervisors as it is a rezone request.

Mr. Graham made the following comments:

- Original proposal in 2003 was for 250 horses;
- Spoke on the number of horses;
- Had two Town Hall meetings;
- There are supporters of the project that live in the Ranch;
- Small, quaint center won’t make money and they would go out of business;
- Has tried to educate the public;
- If weddings are the bottleneck, he has suggested decreasing the number allowed; and
- He is fine with conditioning the project and can return to the Commission with what they would be proposing.

There was discussion on weddings, enclosed buildings and signalization on Green Valley Road.

County Counsel Livingston spoke on different options available to the Commission and suggested they may want to continue the item off-calendar as it appeared that might make the most sense.

Mr. Graham responded that he supported due process and requested that the item be continued off-calendar so he could continue to meet and educate the public on the project. He felt that they were not too far off from some resolutions.

Commissioner Stewart encouraged the applicant to have total transparency with the neighbors.

There was no further discussion.

Motion: Commissioner Stewart moved, seconded by Commissioner Mathews, and carried (5-0), to continue the item off-calendar.

AYES: Ridgeway, Heflin, Shinault, Mathews, Stewart
NOES: None

7. (14-1393) Clerk of the Planning Commission recommending the Commission elect a Second Vice-Chair for the remaining 2014 calendar, with the selection becoming effective at the next regular meeting.

Motion: Commissioner Heflin moved, seconded by Commissioner Mathews, and carried (5-0), to elect Commission Shinault as the Second Vice-Chair for the remaining 2014 calendar.

AYES: Stewart, Ridgeway, Shinault, Mathews, Heflin

NOES: None

ADJOURNMENT

Meeting adjourned at 12:04 p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:



Walter Mathews, Chair