



COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room
2850 Fairlane Court, Placerville, CA 95667
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Rich Stewart, Chair, District 1
Dave Pratt, First Vice-Chair, District 4
Brian Shinault, Second Vice-Chair, District 5
Gary Miller, District 2
Tom Heflin, District 3

Char Tim Clerk of the Planning Commission

DRAFT MINUTES

**Regular Meeting
May 14, 2015 – 8:30 A.M.**

CALL TO ORDER

Meeting was called to order at 8:33 a.m. Present: Commissioners Stewart, Miller, Heflin, Pratt, and Shinault; David Livingston-County Counsel; and Char Tim-Clerk of the Planning Commission.

ADOPTION OF AGENDA

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

AYES: Miller, Shinault, Heflin, Pratt, Stewart
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 Pratt moved, seconded by Commissioner Shinault, and carried (5-0), to approve the Consent Calendar as presented, with Commissioner Heflin abstaining from Item #1.

AYES: Miller, Heflin*, Shinault, Pratt, Stewart
NOES: None

***Abstained from Item #1**

1. **15-0559** Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of April 23, 2015.

This was Approved on Consent Calendar, with Commissioner Heflin abstaining.

2. **15-0560** Hearing to consider a request for a five-year review of an existing cellular telecommunications facility [Five-Year Review-Special Use Permit S00-0007-R-2/North El Dorado Hills]** on property identified by Assessor's Parcel Number 125-100-06, consisting of 3.43 acres, in the El Dorado Hills area, submitted by T-Mobile Wireless; and staff recommending the Planning Commission take the following actions:

1) Find Special Use Permit S00-0007-R-2 to be exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines;

2) Find that based on this five-year review period, the approved telecommunication facility substantially conforms to the Conditions of Approval for S00-0007;

3) Remove Condition of Approval number 7 as follows:

~~7. Due to the ever changing technology of wireless communication systems, this special use permit shall be reviewed by the El Dorado County Planning Commission every five 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 property and related equipment. The Planning Commission shall review the status report and, based on an assessment of the information provided, current wireless technology, and possible local or cumulative impacts, determine whether to: (1) Modify the conditions of approval in order to reduce identified adverse impacts; and/or (2) 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.~~

4) Add a new Condition of Approval as follows:

8. 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.

(Supervisory District 1)

This was Approved on Consent Calendar.

3. **15-0561** Hearing to consider a request for a five-year review of an existing cellular telecommunications facility [Five-Year Review-Special Use Permit S04-0050-R/Fresh Pond Monopine]** on property identified by Assessor's Parcel Number 009-640-03, consisting of 14.19 acres, in the Pollock Pines area, submitted by SBA Communications Corporation; and staff recommending the Planning Commission take the following actions:

1) Find Special Use Permit S04-0050-R to be exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines;

2) Find that based on this five-year review period, the approved telecommunication facility substantially conforms to the Conditions of Approval for S04-0050/SPR10-0003;

3) Modify Condition of Approval number 13 as follows:

13. 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~~ Division with a status report on the then current use of the subject site and related equipment. ~~The Development Services Division shall review the status and present that report to the approving authority with a recommendation determine~~ whether to: (A) Allow the facility to continue to operate under all applicable conditions or modify the conditions of approval in order to reduce identified adverse impacts; 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.

4) Add a new Condition of Approval:

Planning Services

20. 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.

(Supervisorial District 2)

This was Approved on Consent Calendar.

4. 15-0562 Hearing to consider a request for a five-year review of an existing cellular telecommunications facility [Five-Year Review-Special Use Permit S09-0015-R/New Coloma Monopine]** on property identified by Assessor's Parcel Number 088-420-06, consisting of 5 acres, in the Coloma area, submitted by SBA Communications Corporation; and staff recommending the Planning Commission take the following actions:

1) Find Special Use Permit S09-0015-R to be exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines;

2) Find that based on this five-year review period, the approved telecommunication facility substantially conforms to the Conditions of Approval for S09-0015;

3) Modify Condition of Approval number 6 as follows:

6. Native landscape In accordance with a new landscaping plan to be submitted within 90 days, native or non-native shrubs and trees shall be planted around the entire fenced area as shown in Exhibit E-10. All landscaping associated with the wireless telecommunications facility shall be properly maintained and shall be irrigated when necessary to promote and maintain growth. Dead or dying vegetation shall be removed. Applicant shall install and maintain landscaping in accordance with the approved landscaping plan in perpetuity or unless otherwise modified through any future permit. Proof that the landscaping has been installed as described shall be

received by Planning Services ~~prior to issuance of final occupancy.~~ within 90 days following landscape plan approval.

4) Modify Condition of Approval number 12 as follows:

12. Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services ~~Department~~ Division every five years. At each five-year review, the permit holder shall provide the Development Services ~~Department~~ Division with a status report on the then current use of the subject site and related equipment. The Development Services Division shall review the status and present that report to the approving authority with a recommendation determine whether to: (A) Allow the facility to continue to operate under all applicable conditions or modify the conditions of approval in order to reduce identified adverse impacts; 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 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 Division Director to cover the cost of processing a five-year review on a time and materials basis.

5) Add a new Condition of Approval:

Planning Services

28. 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.

(Supervisorial District 4)

This was Approved on Consent Calendar.

END OF CONSENT CALENDAR

DEPARTMENTAL REPORTS AND COMMUNICATIONS – None
(Development Services, Transportation, County Counsel)

COMMISSIONERS' REPORTS

Commissioner Shinault attended a recent Meyers Area Plan Update meeting which had a very good turnout of approximately 100 people. He commended the organizers of the meeting and felt that a lot of comments were received.

Commissioner Heflin attended a recent El Dorado Irrigation District meeting on water rights.

Commissioner Miller announced that the applicants for the Rancho Olivo Vineyards project withdrew their appeal to the Board of Supervisors on the Commission's denial of their Special Use Permit revision.

Chair Stewart had spoken with County Counsel on following the same practice as the Board of Supervisors when accepting staff's recommendations on a project. He requested his fellow Commissioners consider accepting staff's recommended actions by just stating in the motion "move the item as recommended by staff" instead of listing each recommended action.

PUBLIC FORUM/PUBLIC COMMENT – None

AGENDA ITEMS

5. 15-0563 Hearing to consider a request to allow up to 100 special events per year, including, but not limited to, weddings, charitable events, and live music, for up to 320 guests per event on two adjacent parcels at the David Girard Winery [Special Use Permit S10-0011/David Girard Vineyards]* on property identified by Assessor's Parcel Numbers 089-030-23 and 089-030-24, consisting of 41.52 and 20 acres, respectively, in the Gold Hill area, submitted by David Girard; and staff recommending the Planning Commission take the following actions:

- 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
 - 2) Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measures in the Conditions of Approval as presented; and
 - 3) Approve Special Use Permit S10-0011 based on the Findings and subject to the Conditions of Approval as presented.
- (Supervisory District 4)

Joe Prutch presented the item to the Commission with a recommendation of approval.

Discussion ensued between the Commission and staff on the number of events being requested vs what is allowed by right.

David Girard, applicant, made the following comments:

- Amphitheatre is located on a hillside and projects noise to the south as residences are located on the north side;
- Previously had used a tent which couldn't contain the noise;
- Past events included bands using speakers which faced them so they could hear the music, but now the current practice is for band members to use ear buds;
- They require all bands to comply with the County's Noise Ordinance;
- Explained that in the past when they have had big events they were able to control the noise when unamplified; and
- Gave examples of week day events;

County Counsel David Livingston read into the record Ranch Marketing and special events.

Commissioner Pratt made the following comments:

- The challenge is always the weddings and limiting the number and they are hard to monitor but are audited by the neighbors; and
- If there is an overlay of a Special Use Permit and the Winery Ordinance, the Winery Ordinance is no longer applicable and it may be necessary to add language from the Winery Ordinance to the Special Use Permit conditions.

Maureen Carter, representing Women's Fund El Dorado, spoke on the group and their pleasant experience with the David Girard Vineyards when they found themselves displaced from their fundraising event venue due to the King Fire.

Barbara Winje, resident, distributed a letter from the Altmeyers and made her own following comments:

- Spoke on her experience with noise issues from outdoor events; and
- Amplified noise is the issue.

Chair Stewart closed public comment.

County Counsel Livingston read into the record proposed language to preface Conditions 4, 5, 6, and 7.

Mr. Prutch read into the record proposed language to modify Condition 1.

In response to Chair Stewart's inquiry on receiving written public comment during the hearing, County Counsel Livingston stated that items could be submitted up to action being taken by the Commission and the documents are considered part of the record.

In response to Chair Stewart's concern that traffic was considered a less than significant impact, Dave Spiegelberg/Transportation stated that significant impacts were measured in the General Plan policies. He also spoke on TIM Fees, which had been calculated as commercial use by the square footage and collected during the Building Permit process.

Chair Stewart made the following comments:

- Inquired on if one of the parcels was sold;
- Spoke on the number of events and the two separate parcels; and
- Voiced concern on the 100 special events, in addition to the smaller events that were allowed and the need to consider the neighbors and the impact this will have on the whole community.

Commissioner Heflin would like a review within one year, which the Commission has requested with other projects. He is not excited on the constant noise but believed the applicant's statements that he would take care of the noise. He also wanted to ensure that agriculture is the main business and not the venue.

Chair Stewart would like to see a record of events (i.e., number of people, etc.) if a one-year review was required.

Commissioner Shinault concurred with the one-year review and spoke on his experience with having multiple parcels combined. He stated that the amphitheater was the difficult part and was his only issue; however, he felt it has been taken care of.

Commissioner Pratt stated that this was all about noise management.

Chair Stewart made the following comments:

- Would like to decrease the number of events to 50 and then have the applicant request for more after the one-year review;
- Preferred to slowly ratchet up the number of events;
- Concerned on noise complaints that were still coming in from neighbors even after the structure had been built;
- There are two different issues: nuisance issue and the concern that in 20-30 years from now, there will be a different owner; and
- Wanted to start slow.

There was no further discussion.

Motion: Commissioner Pratt moved, seconded by Commissioner Miller, and carried (5-0), to take the following actions: 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; 2) Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measures in the Conditions of Approval; and 3) Approve Special Use Permit S10-0011 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition 1 to include language read into the record; (b) Add language prior to Condition 4 to include language read into the record; and (c) Add new condition requiring a one-year review.

AYES: Heflin, Shinault, Miller, Pratt, Stewart

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 Mitigated 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 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.

- 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 As proposed, the project is consistent with the General Plan which designates the subject site as Agricultural Lands with an Agricultural District overlay (AL-A) because the requested types of special events on the winery parcel (APN 089-030-23) and the amphitheater parcel (APN 089-030-24) are compatible with wineries and because the events are accessory to agricultural uses of the land.

- 2.2 As conditioned, and with adherence to County Code, the proposal for additional special events on the winery parcel (APN 089-030-23) and the amphitheater parcel (APN 089-030-24) are consistent with the following General Plan policies:

2.2.5.21 (land use compatibility) because as conditioned, the project provides agricultural/winery uses compatible with the surrounding agricultural lands;

6.2.3.2 (adequate emergency access) because of the review and conditioning of the project by El Dorado County Fire Protection District for emergency ingress/egress capabilities;

6.5.1.2, 6.5.1.7 (noise impacts) because conditions of approval have been included to ensure that the noise levels for the amplified sound and music proposed for special events will not exceed General Plan noise thresholds; and

8.2.2.2 (impacts to agriculturally-zoned lands) because the proposal for both parcels, as conditioned, would be compatible as many of the surrounding parcels are involved in commercial agricultural use, such as grazing and vineyards.

3.0 ZONING FINDINGS

- 3.1 The parcel identified by APN 089-030-23 is zoned Exclusive Agricultural (AE) and upon fulfillment of the conditions, would comply with the development standards required under Section 130.36.090 of the Zoning Ordinance for all County permitted structures, as well as Chapter 130.14.200 of the Winery Ordinance.

- 3.2 In compliance with Table 130.14.200.B.3 of the Zoning Ordinance, AE zoning allows the increase in special events and in people per event with an approved special use permit provided the parcel is in an agricultural district. The RE-10 zoning district does not, but

staff finds that the parcels and uses are linked due to same ownership and shared vineyards, access, and parking. The parcel identified by APN 089-030-24 is zoned Estate Residential Ten-Acre (RE-10) and upon fulfillment of the conditions and approval of this special use permit, would comply with the development standards required under Section 130.70.110 of the Zoning Ordinance for all County permitted structures, as well as Chapter 130.14.200 of the Winery Ordinance. Further, the Agricultural Commission has recommended that the amphitheater structure can be used for special events in conjunction with those special events on parcel 089-030-23, similar to those uses requiring a special use permit in Section 130.70.100.C of the Zoning Ordinance.

4.0 SPECIAL USE PERMIT FINDINGS

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

The applicant's proposal, as conditioned, is in compliance with County regulations, addressing environmental issues and health and safety concerns. All project-related environmental issues have been evaluated. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.

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

As conditioned, the uses will not conflict with the adjacent uses as it will be contained, for the most part, within an accessory building (Viticulture Galleria building) or outdoors at the amphitheater structure and is conditioned to comply with General Plan noise policies. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the up to 100 special events and up to 320 guests, with strict compliance with General Plan established noise standards and noise mitigations, will not have a detrimental affect nor be injurious to the neighborhood.

4.3 The proposed use is specifically permitted by special use permit.

Zoning Ordinance Section 130.36.070 allows APN 089-030-23 (winery parcel) to have wineries and wine tasting facilities, in compliance with the provisions of Section 130.14.200. The Winery Ordinance, Section 130.14.200.B2, allows the winery parcel to have special events that exceed the provisions of 130.14.200.C.3.a and b with a special use permit. Zoning Ordinance Section 130.70.100.C allows APN 089-030-23 (amphitheater parcel) to have limited special events in compliance with Section 130.14.200.C.a and b with a special use permit. Because the two parcels are under the same ownership and operated as a single entity with shared vineyards, parking and access, the Agricultural Commission recommended at a public hearing on March 11, 2015, that the amphitheater parcel could have special events in conjunction with the winery parcel and that both parcels could share the special events.

Conditions of Approval

Planning Services

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

Exhibit EOverall Site Plan
Exhibit E-1Viticulture Galleria Site Plan
Exhibit INoise Impact Assessment, September 19, 2012

Conditions of Approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Special Use Permit to allow up to 100 events per year for up to 320 guests per event on APNs 089-030-23 and 089-030-24. Special events that have less than 50 persons at one time shall not count against the total number of events allowed. The hours of operation shall be 9:00 a.m. to 10:00 p.m. Areas for events include winery and tasting room, Viticulture Galleria building, outdoor amphitheater, paved and overflow gravel parking lots, and the vineyards. The following activities are included as events:

Marketing Events: Wine dinners, seminars, live music, release parties, cooking classes, wine tasting classes, cheese and wine pairings, grape stomp, open house, passport, and barrel events;

Special Events: Live music concerts, charitable events, and facility rentals for weddings, celebrations, corporate events, art shows, meetings, and mixers; and

The combined number of events for both parcels 089-030-23 and 089-030-24 shall not exceed 100 per year. The number of employees for each event would vary depending on the event.

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.

Conditions from the Mitigated Negative Declaration

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

2. **MM Noise 1:** For the outdoor amphitheater, limit hourly average Leq sound levels at the mixing board to 80 dBA. The LMAX, with meter set to “slow” response, shall be limited to 95 dBA at the mixing board.

Monitoring Responsibility: Applicant

Monitoring Requirement: Applicant shall assure that the mixing board operator is not exceeding these maximum levels at all times.

3. **MM Noise 2:** Use the Viticulture Galleria building for all concerts where Leq sound levels are expected to exceed 80 dBA at the mixing board. This would most likely mean that amplified sound systems would be required to be indoors with the doors and windows to remain closed at any time music is played. For indoors at the Viticulture Galleria building, limit hourly average Leq sound levels at the mixing board to 95 dBA. The LMAX, meter set to “slow” response, shall be limited to 110 dBA at the mixing board.

Monitoring Responsibility: Applicant

Monitoring Requirement: Applicant shall assure that the mixing board operator is not exceeding these maximum levels at all times.

One or more of the following Mitigation Measures shall be implemented as necessary to assure compliance with General Plan noise standards and to reduce potential significant environmental effects to a level of insignificance.

4. **MM Noise 3:** The applicant may change the concert schedule to end all higher output concerts by 7:00 p.m. where daytime limits of 7:00 a.m. to 7:00 p.m. are 5 dBA less restrictive. For the outdoor amphitheater, limit the mixing board hourly Leq levels to 85 dBA. For indoors at the Viticulture Galleria building, limit the mixing board hourly Leq levels to 100 dBA.

Monitoring Responsibility: Applicant

Monitoring Requirement: Applicant shall assure that all higher output concerts end by 7:00 p.m. and shall assure that the mixing board operator is not exceeding any maximum levels for the venue.

5. **MM Noise 4:** The applicant may eliminate stage monitor speakers and instead use in-ear monitors. Eliminating speakers aimed toward the nearest noise sensitive receptors should reduce sound levels at the adjacent residences.

Monitoring Responsibility: Applicant

Monitoring Requirement: Applicant shall assure that stage monitor speakers are eliminated and instead use in-ear monitors.

6. **MM Noise 5:** Use speakers with a smaller and more controllable coverage pattern for all outdoor concerts. The preferred system would be a digitally controlled array. Experiment with different module and DSP configurations to provide the optimal coverage and limit sound levels at noise sensitive receptors. A traditional speaker cabinet with horn-loaded mid/high frequency drivers may also reduce spillover of sound beyond the audience area. Use the optimum coverage pattern for the audience size and mounting height/location. Mount or hang the cabinets above the front of the stage and aim cabinets toward the ground at the rear row of the audience. Using more speakers with smaller coverage patterns at closer distances to audience seats and lower output levels is preferred to using a single speaker to cover the entire audience.

Monitoring Responsibility: Applicant

Monitoring Requirement: Applicant shall assure that the proper speakers are utilized and positioned correctly for all outdoor concerts.

7. **MM Noise 6:** An acoustical barrier could be used behind the stage at the amphitheater to reduce sound levels aimed at residents to the north and west. Due to aesthetic concerns, a tempered clear glass wall may be the only material option that provides an unobstructed view while maintaining the mass required for a sound wall. Speakers must remain at the original height, approximately six feet above the stage, to benefit from the barrier. Barrier height shall be a minimum of eight feet above the stage level and extend at least five feet beyond the edge of the stage on both sides. The wall must be continuous along its length and width with no gaps in the construction including at the ground. Any gaps must be sealed airtight with caulking.

Monitoring Responsibility: Applicant

Monitoring Requirement: If an acoustical barrier is used, the applicant shall provide proof that building permits were obtained and the barrier was built to the above specifications.

Planning Services

8. **Site Improvements:** All site improvements shall conform to Exhibit E. Changes in the uses and in the structures/facilities as approved shall require review by Planning Services to determine if the changes can be approved administratively or are substantial enough to require the submittal of a Special Use Permit revision application with review by the Planning Commission.

9. **Condition Compliance:** The applicants shall submit a narrative that clearly states how each Condition of Approval has been, or will be satisfied. Prior to initiation 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 said initiation for verification of compliance with applicable conditions of approval.

10. **Parking:** Parking shall be provided as shown in Exhibit E, and as follows:

Parking Stall Standard	No. of Spaces Required
Standard Space	127 minimum
Accessible Spaces	a) 2 at the Tasting Room, 1 with van accessibility b) 2 at the Viticulture Galleria, 1 with van accessibility

11. **Site Lighting:** All exterior lighting shall conform to Section 130.14.170 requiring full shielding pursuant to the Illumination Engineering Society of North America’s (IESNA) full cut-off designation. Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of the Development Services Director or his designee.

12. **Noise:** The applicant is responsible for monitoring all sound levels and enforcing time restrictions for all events occurring on the subject parcels for compliance with the El Dorado County General Plan noise standards and the mitigation set forth above. No events shall be permitted past 10:00 p.m.

13. **Archeological Resources:** The following shall be incorporated as a note on any 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”.

Development Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

14. **Human Remains:** The following shall be incorporated as a note on any 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.

Development Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

15. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or processing 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, which action is brought within the time period provided for in Section 66499.37 of the California Government Code.

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

16. This special use permit is valid for both parcels, designated by APN's 089-030-23 and 089-030-24, as one winery. If either parcel is sold separately the use permit is subject to review by the Planning Commission. Should the winery cease operation, the special use permit would no longer be valid.
17. The small portion of the winery parcel that protrudes along the north boundary, measuring 100 by 100 feet, can only be used as a parking lot or picnic area.
18. If an event held within the Viticulture Galleria building is to have people seated at tables then the event shall be limited to 299 persons.

El Dorado County Fire Protection District

19. Fire access roads 20 to 29 feet in width shall be posted on both sides as a Fire Lane, with no parking allowed on either side of the roadway. Fire access roads 30 to 35 feet in width shall be posted on one side as No Parking Lane, with parking allowed only on the opposite side of the roadway. Fire access roads 36 feet wide and greater may allow parking on both sides of the roadway. The applicant shall submit proof of compliance with this condition prior to initiation of any use authorized by this permit.

Planning Commission

20. This Special Use Permit shall be reviewed by the Planning Commission after the first full year of operation following the special use permit approval. The applicant shall supply to the Commission the number and types of all events held, the number of guests at each event, and which facilities were used in each event and whether amplified or non-amplified music was used. This information shall be delivered to Planning Services by July 1, 2016.

6. 15-0564 Hearing to consider the following requests: (1) Rezone a 7-acre portion from One-Acre Residential (R1A) to One-Acre Residential-Planned Development (R1A-PD); (2) Development plan to allow for design flexibility in the development standards of the One-Acre Residential zone; and (3) A special use permit revision to allow alteration of the existing mortuary chapel, crematory, and administration structure; alteration of existing monument sign; a 3,604 square-foot addition; and reconfiguration of the required parking [Rezone Z14-0011/Planned Development PD14-0009/Special Use Permit Revision S94-0002-R/Green Valley Mortuary and Cemetery]** on property identified by Assessor's Parcel Number 102-030-28, consisting of 8.6 acres, in the Rescue area, submitted by Paul Phipps and Dennis Hamilton; and staff recommending the Planning Commission recommend the Board of Supervisors take the following actions:

- 1) Find that the project is Categorically Exempt pursuant to CEQA Guidelines Section 15301(e)(2);
 - 2) Approve Rezone Z14-0011 based on the Findings as presented;
 - 3) Conditionally approve Planned Development PD14-0009, as the official Development Plan, based on the Findings and subject to the Conditions of Approval as presented; and
 - 4) Conditionally approve Special Use Permit Revision S94-0002-R based on the Findings and subject to the Conditions of Approval as presented.
- (Supervisorial District 4)

Rob Peters presented the item to the Commission with a recommendation of approval to the Board of Supervisors.

Discussion ensued on the zoning remaining residential. Commissioner Pratt stated that the County should do a retro-fit, not the applicant, in having this parcel designated to the correct zoning.

John Bellingham, representing Sabrina Holt/owner of the Bass Lake Golf Course, which is adjacent to the project, made the following comments:

- Supported the project but there were serious existing problems;
- Project has inadequate parking as Ms. Holt's parking lot is used during services;
- Ms. Holt's parking lot is being ruined by the drainage that is coming from the project's site, which is located higher than her parcel; and
- If project is allowed more signs, she would be interested in obtaining more for her business.

Chair Stewart closed public comment.

Mr. Peters stated that although the project is an addition, there won't be an expansion of use. He referenced Exhibit G, the parking lot configuration, and as proposed, would still be in compliance.

Commissioner Miller concurred that the golf course parking lot is being used as an overflow parking during large-attended services at the project site.

Commissioner Pratt stated that the overflow parking issue should be addressed as the golf course and the three residences located on the same street are being impacted. He stated that there are places to route people in unique circumstances.

The Commission inquired if the applicant was present in the audience prior to concurring to continue the item off-calendar to address the overflow parking.

There was no further discussion.

Motion: Commissioner Pratt moved, seconded by Commissioner Heflin, and carried (5-0), to continue this item off-calendar to address issues raised during the hearing.

AYES: Miller, Shinault, Heflin, Pratt, Stewart
NOES: None

7. 15-0608 Community Development Agency, Long Range Planning Division requesting the Planning Commission select no more than two Commissioners to participate in a demonstration of a digital LED (light emitting diode) electronic message sign. The demonstration will be on the evening of Thursday, May 14, 2015, at 8:30 p.m. Exact location to be determined.

Shawna Purvines explained that the sign demonstration would only occur once and, therefore, needed the Commission to select two representatives to attend in order to avoid violating the Brown Act. She stated that the demonstration would be at the Big O Tires Placerville store, located across from the fairgrounds. Ms. Purvines indicated that County staff would be present during the demonstration.

County Counsel David Livingston stated that no one is being precluded from the demonstration, but since there would be less than a quorum there, it was not being handled like a public meeting, but more like an Ad Hoc advisory meeting. He also spoke on the Brown Act.

Chair Stewart closed public comment.

Commissioners Miller, Pratt and Shinault stated that they were unavailable to attend the demonstration. Commissioner Stewart indicated he would like to participate, with Commissioner Heflin also wanting to attend, but unsure if he would be available.

There was no further discussion.

Motion: Commissioner Stewart moved, seconded by Commissioner Miller, and carried (5-0), to select Commissioner Stewart to participate in the demonstration with the optional attendance of Commissioner Heflin, if available.

AYES: Heflin, Pratt, Shinault, Miller, Stewart
NOES: None

8. 15-0610 Community Development Agency, Long Range Planning Division presenting an update on the Biological Policy Update process and next steps.

No action taken.

ADJOURNMENT

Meeting adjourned at 11:16 a.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

Rich Stewart, Chair