

FINDINGS

Special Use Permit Revision S94-0008-R-3/El Dorado MRF Renovation Planning Commission/November 8, 2018

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 Mitigated Negative Declaration together with the comments received and considered 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 proposal. The project would impact Air Quality, Biological, Geologic, Hazardous, Hydrologic and Noise.
- 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 Planning and Building Department - at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 establishes an appropriate range of land use types and densities within the County. The Industrial (I) land use designation establishes areas suitable for a range of light and heavy industrial uses.

Rationale: The project has an Industrial (I) General Plan Land Use Designation. The project is surrounded by Industrial and Commercial development to the north, east, west, and south west and has high density residential development to the southeast. The site is within the Diamond Springs community region of the county. The proposed project is compatible with the land use designation and is an existing use.

2.2 The project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utility to be impacted by that development.

Rationale: The project was reviewed by the El Dorado County Department of Transportation and El Dorado Irrigation District (EID) for adequate public services capacity. The facility currently exists and is connected to existing electrical facilities, water, sewer and public services currently within the parcel. The project is not expected to result in an increased need for public services.

2.3 The project is consistent with General Plan Policy 5.1.2.2.

General Plan Policy 5.1.2.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The proposed project is located within moderate fire hazard area. The Diamond Springs-El Dorado Fire Protection District was given the opportunity to comment and have provided conditions of approval for the project.

2.4 The project is consistent with General Plan Policy 6.2.3.2.

General Plan Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: In compliance with Policy 6.2.3.2, the project will utilize existing roads accessed off Highway 49/Diamond Road. The El Dorado County Transportation Department and the Diamond Springs-El Dorado Fire Protection District reviewed the application materials and do not require additional site access or improvement to the existing roads. The site plans were reviewed for emergency ingress and egress capabilities and building plans will be additionally reviewed by El Dorado County and the Diamond Springs-El Dorado Fire Protection District for compliance with County and fire codes during the plan check process.

2.5 The project is consistent with General Plan Policy 7.4.4.4.

General Plan Policy 7.4.4.4 requires all new non-exempt development projects that would result in impacts to oak resources must adhere to the standards of the Oak Resources Management Plan (ORMP).

Rationale: The proposed project includes the removal of individual oak trees. The Oak Resources Management Plan (ORMP) allows for the exemption of mitigation fees for trees that are diseased or dying. The project is proposing impacts to two oak trees including one oak tree that has been determined to be dead, diseased or dying and one interior live oak with a diameter of 13 inches at breast height pursuant to the arborist report prepared April 24, 2018. Applicable in-lieu mitigation fees will be collected prior to building and grading permit issuance.

3.0 ZONING FINDINGS

3.1 The project is consistent with Title 130.

The parcel is zoned Light Industrial (IL). The project has been analyzed in accordance with Zoning Ordinance Section 130.23.020 (Industrial/R&D Zones Use Matrix) for allowable uses and 130.23.030 (Development Standards) for minimum lot size, widths and building setbacks.

Rationale: The proposed project is consistent with the Light Industrial (IL) zoning designation as Intensive Public Utility Service Facilities are allowed within the IL zone with the approval of a conditional use permit. The project has been analyzed in accordance with Zoning Ordinance Section 130.23.030 (Development Standards) for height and building setbacks. Setbacks within the IL zoning designation are ten feet for the front setback, five feet for the sides and 30 feet for the rear where abutting residentially zoned parcels, otherwise there is a ten foot rear setback.

3.2 The project is consistent with Chapter 130.30.040: Height Limits and Exceptions.

Chapter 130.30.040 requires that all structures comply with the building height requirements established for the zone which the lot is located unless a Development Plan or Conditional Use Permit is approved allowing additional height.

Rationale: The MRF is located within the Light Industrial zone (IL) and proposes buildings with a maximum height of 52 feet. The IL zone allows for building heights of 50 feet. This project is a revision to an existing special use permit (now referred to as a conditional use permit) and the additional height would be allowable through permit approval.

3.3 The project is consistent with Chapter 130.35: Off-Street Parking and Loading.

Chapter 130.35 of the Zoning Ordinance establishes off-street parking and loading requirements for developments.

Rationale: The MRF is a use not specifically listed within the off-street parking and loading requirements. Uses by the public for this facility typically consist of dropping off materials without long term parking. Access to the MRF is to be renovated with a new Gate House with two scales and alternative points of access to the site for free drop-off, collection trucks and a bypass lane. This has been designed to reduce the current queuing stacks at the current facility. Due to the unique nature of this use coupled with how the facility is not anticipating increasing the level of service. Existing parking will be increased from 48 parking spaces to 54 parking spaces. Planning Staff finds that off-street parking is adequate for this project.

3.4 **The project is consistent with Chapter 130.39.070: Oak Tree and Oak Woodland Removal Permits-Discretionary Development Projects.**

Section 130.39.070 of the Zoning Ordinance establishes standards for implementing the County's Oak Resources management Plan (ORMP) in compliance with General Plan Policy 7.4.4.4.

Rationale: The proposed project includes the removal of individual oak trees. The Oak Resources Management Plan (ORMP) allows for the exemption of mitigation fees for trees that are diseased or dying. The project is proposing impacts to two oak trees including one oak tree that has been determined to be dead, diseased or dying and one interior live oak with a diameter of 13 inches at breast height pursuant to the arborist report prepared April 24, 2018. Applicable in-lieu mitigation fees will be collected prior to building and grading permit issuance.

3.5 **The project is consistent with Section 130.40.250.D.**

Section 130.40.250.D.1 requires that Public Utility Infrastructure shall be subject to Planning Commission approval of a Conditional Use Permit where the construction of the public utility infrastructure creates a potential safety or health hazard to adjacent property owners, present or future, as determined by the Director.

Rationale: This project is a revision to an existing special use permit and includes the handling of hazardous materials such as hazardous household waste; therefore, is subject to review by the Planning Commission, the decision-making body.

4.0 CONDITIONAL 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 General Plan as discussed in the General Plan section of the Staff Report. The proposed use is consistent with all applicable policies as set forth in Finding 2.0 above.

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

The use currently exists and is proposing a revision to include increased covered and enclosed space so that handling of materials can occur completely within a building, thus reducing litter and stormwater. As conditioned, the project is anticipated to result in less than significant environmental impacts to neighboring residents. While the facility will continue to handle hazardous household waste (HHW), HHW will be contained within the proposed structures and 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.

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

As discussed in Section 3.1 above, the existing use is specifically permitted in accordance with Zoning Ordinance Table 130.23.020 subject to approval of a conditional use permit. The MRF was established through Special Use Permit S94-0008 and has continually remained in operation. The applicant has submitted an application with the Planning and Building Department for a revision to the existing special use permit.