

S11-0008/China Hill Road Industrial Building – As approved by the Planning Commission on December 8, 2011

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 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines that *consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination*. As conditioned the project will not be expanding the structures or uses beyond what currently exists.
- 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 Division at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 As conditioned, the proposal is consistent with the intent of 2.2.5.21 (compatibility with surroundings), 6.2.3.2 (adequate access), and 6.5.1.2 (noise exposure), and 8.2.2.2 (adverse impacts on surrounding lands), concerning compatibility with the surrounding neighborhood, and access and public safety. As conditioned, the project provides adequate access, parking and site design that insure compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above. The El Dorado County Department of Transportation has determined that traffic impacts will be less than significant, and the El Dorado County Fire Protection District has determined adequate emergency access exists.

3.0 ZONING FINDINGS

- 3.1 The project site is zoned Single Family Two Acre residential (R2A). The existing structure and uses are nonconforming as they are not consistent with the uses allowed by the R2A zone district; however they are consistent with Chapter 17.20 of the Zoning Ordinance.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance as the building and uses were legal at the time of inception.

4.0 SPECIAL USE PERMIT FINDINGS

- 4.1 **The issuance of the permit is consistent with the General Plan.** The applicant’s proposal has been determined to be in compliance with County regulations, addressing environmental issues and health and safety concerns. The proposed use is consistent with the policies and requirements in the El Dorado County General Plan, as discussed in the Staff Report, and known potential project-related environmental issues, and the benefits to the community have been evaluated. Therefore, the Planning Commission 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,** based on the conclusions contained in the Staff Report. The use will not conflict with the adjacent uses as they will be wholly contained within the building. After review of the submitted site plan and upon consultations with responsible agencies, it has been determined that the continued industrial uses at the project site are not anticipated to have a detrimental affect nor be injurious to the neighborhood.
- 4.3 **The proposed use is specifically permitted by Special Use Permit.** The uses are specifically permitted by Chapter 17.20 of the Zoning Ordinance, as they were initiated when the zoning and land use allowed them.

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 ESite Plan

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:

Approval of the Special Use Permit to memorialize the nonconforming uses at the project site that have historically taken place within the existing 16,257 square foot structure. The following uses are allowed:

Light Manufacturing
Light Industrial

Storage
Printing
Machine Shop
Cabinet Shop
Wine Storage

All uses shall take place wholly within the existing 16,257 square foot building. No permanent storage shall take place outside of the structure. Expansion beyond the uses listed above will require a revision to this Special Use Permit.

2. **Caretaker Residence:** A residence for a caretaker, watchman, or person primarily employed in the industrial uses of the premises ~~and their immediate family~~ may be constructed on the project parcel. No persons shall reside within the existing 16,257 square foot structure.
3. **Expiration:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four 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.
4. **Project Conformance:** The applicant shall be 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 ultimately the responsibility of the property owner. Project improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with Exhibits listed in Condition of Approval 1 above. ~~Minor variations are allowed, however, any major changes in any element of the approved project shall require review and approval by the Development Services Director. The Director shall decide if the changes can be approved administratively or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit. This review shall always occur prior to any approved project modifications.~~
5. **Lighting:** All exterior lighting shall comply with County Code Section 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Security lighting shall be activated with motion-sensor or timer.

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 Planning Services.
6. **Notice of Exemption Fee:** A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El

Dorado County Planning Services prior to the issuance of any development permit being issued on the project parcel.

7. **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.