



# COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room  
2850 Fairlane Court, Placerville, CA 95667  
<http://www.edcgov.us/planning>  
Phone: (530) 621-5355 Fax: (530) 642-0508

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

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## DRAFT MINUTES

**Regular Meeting  
August 13, 2015 – 8:30 A.M.**

### CALL TO ORDER

Meeting was called to order at 8:32 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

Commissioner Pratt requested that a moment of silence be held after the Pledge of Allegiance for fallen firefighter Michael Hallenbeck.

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

**AYES: Pratt, Shinault, Heflin, Miller, 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 Miller, and carried (5-0), to pull Item #3 and approve the remaining items on the Consent Calendar.**

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

\*abstained from Item #1

\*\*abstained from Item #2

1. **15-0879** Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of July 23, 2015.

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

2. **15-0807** Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of July 9, 2015. [Cont. 07/23/15, Item #1]

**This was Approved on Consent Calendar with Commissioner Shinault abstaining.**

3. **15-0868** Hearing to consider a Finding of Consistency with the El Dorado County General Plan for the acquisition of real property pursuant to Government Code 65402 [GOV15-0002/Rare Plant Mitigation Land Acquisition - Allocation of Ecological Preserve Special Revenue Funds - Cameron Meadows Phase 2] on property identified by Assessor's Parcel Number 070-011-48 (portion), consisting of 22.165 acres, in the Cameron Park area, submitted by El Dorado County; and staff recommending the Planning Commission find that the acquisition of real property, Cameron Meadows Phase 2, by the County for the purposes of protection of and mitigation for impacts to Gabbro Soil rare plants is consistent with the El Dorado County General Plan, pursuant to Government Code Section 65402. (Supervisorial District 4)

Item was pulled from consent by Commissioner Heflin for discussion.

Joe Prutch presented the item and referenced the two public comments received.

Staff addressed concerns voiced by Commissioner Pratt regarding fire safety.

Alan Ehr Gott spoke on the property and the Federal grant money being used to acquire the property.

Chair Stewart closed public comment.

There was no further discussion.

**Motion: Commissioner Pratt moved, seconded by Commissioner Miller, and carried (5-0), to find that the acquisition of real property, Cameron Meadows Phase 2, by the County for the purposes of protection of and mitigation for impacts to Gabbro Soil rare plants is consistent with the El Dorado County General Plan, pursuant to Government Code Section 65402.**

**AYES: Heflin, Shinault, Miller, Pratt, Stewart**

**NOES: None**

**END OF CONSENT CALENDAR**

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

Dave Defanti, Long Range Planning Division, spoke on the Targeted General Plan Amendment-Zoning Ordinance Update item that will be coming before the Commission later in the month.

Roger Trout, Development Services Division, spoke on the Board of Supervisor's approval on recent items forwarded to them from the Commission.

**COMMISSIONERS' REPORTS**

Commissioner Pratt spoke on concerns from residents living at the bottom of Marshall Grade regarding the removal of the speed limit signs. Dave Spiegelberg/Transportation stated he would refer this to their Traffic Operations Unit.

Commissioner Heflin noted that this year's National Night Out was very nice.

Chair Stewart stated that the El Dorado Hills CSD was very busy with the public input they were receiving regarding the parks. He also noted that with the start of the new school year, the traffic on Green Valley Road has increased.

**PUBLIC FORUM/PUBLIC COMMENT** – None

**AGENDA ITEMS**

**4. 15-0880** Hearing to consider the Verizon Co-Location revision project [Special Use Permit Revision S04-0008-R]\*\* to allow co-location of equipment; up to four outdoor equipment cabinets and a backup emergency generator; two 6-foot utility easements; perimeter chain-link fencing; and access from a 15-foot non-exclusive access easement on property identified by Assessor's Parcel Number 323-230-12, consisting of 20.06 acres, in the Placerville area, submitted by Verizon Wireless; and staff recommending the Planning Commission take the following actions:

- 1) Find the project is Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures); and
  - 2) Approve Special Use Permit Revision S04-0008-R based on the Findings and subject to the Conditions of Approval as presented.
- (Supervisory District 3)

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

There was no further discussion.

**Motion: Commissioner Miller moved, seconded by Commissioner Heflin, and carried (5-0), to take the following actions: 1) Find the project is Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures); and 2) Approve Special Use Permit Revision S04-0008-R based on the Findings and subject to the Conditions of Approval as presented.**

**AYES: Pratt, Shinault, Heflin, Miller, Stewart**

**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 Although collocation of wireless telecommunication facilities is not specifically listed in Section 15303 of the CEQA Guidelines, the items listed in Section 15303 are similar to collocation of wireless communication equipment at an existing facility. Staff has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines. Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- 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 Division, Planning Services, at 2850 Fairlane Court, Placerville, CA.

#### **2.0 GENERAL PLAN FINDINGS**

- 2.1 The project is consistent with the Agricultural Lands land use designation and Agricultural District (-A) overlay designation of the subject site as defined by General Plan Policy 2.2.1.2, and as further verified by the determination made by the El Dorado County Department of Agriculture Weights and Measures.
- 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 not create noise at

significant levels. The project provides improved cellular service for phone, as well as internet and emergency communications to the Cold Springs 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 5.6.1.4 (special use permit required for community telecommunication facilities) because the General Plan permits telecommunication facilities in residential areas under a special use permit;
- 2.2.4 Policy 6.2.3.2 (adequate access) because the project will utilize an existing paved driveway access from Cold Springs Road; and
- 2.2.5 Policy 6.5.1.7 (noise exposure) because the proposed equipment cabinets and back-up generator have been analyzed by the noise assessment prepared by Hammett & Edison, Inc., dated May 11, 2015, which demonstrates that 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 Estate Residential (RE-10) which allows wireless communication facilities with an approved Special Use Permit, provided they follow standards and permitting requirements defined in Section 130.14.210 of the Zoning Ordinance. Section 130.14.210.F.2 allows exceptions to the applicable zoning district setbacks where locating the facility inside those setbacks is the most practical and unobtrusive location possible for the proposed site. The project proposes a ten-foot encroachment into the required 30-foot setback identified in the RE-10 zone. The proposed lease area expansion was designed in the most practical and unobtrusive location due to the location of existing access roads and site topography.

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 set forth in Finding 2.1.

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

The proposed use would not 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. The project's contribution is less 1.5 percent of the public safety standard established by the FCC. Therefore, the risk of Radio Frequency ("RF") emissions to the public is remote.

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

The project parcel is located within the Estate Residential (RE-10) zone. The proposed co-location is permitted in the RE-10 zone pursuant to Subsection 130.14.210.D.4.

**Conditions of Approval**

Revisions to the existing conditions approved under S04-0008 are shown in strikeout/underline format.

**El Dorado County Planning Services**

This special use permit approval is based upon and limited to compliance with the approved project description and 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:**

1. A Special Use Permit to construct the following within a 900 square foot lease area within property known as APN 323-230-12:
  - a. A 107.5-foot steel monopine;
  - b. Six panel antennas mounted at a centerline of 98.1 feet;
  - c. Six panel antennas mounted at a centerline of 88 feet.
  - d. A prefabricated ground equipment shelter with air conditioning units;
  - e. A sublease area with seven equipment cabinets enclosed by 6 foot high chain link fence with 1 foot barbed wire top; and,
  - f. A backup generator.

The entire lease area shall be enclosed by a 6-foot-high chain link fence with a 10-foot-wide gate on the north side of the enclosure.

~~The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures 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.~~

The previously approved uses of S04-0008 remain unchanged and all conditions remain in full force and affect.

Revision S04-0008-R consists of the following:

This Special Use Permit revision is based upon and limited to compliance with the project description, staff report exhibits A through J, and 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 shall constitute a violation of permit approval.

Verizon Wireless is requesting a minor revision to Special Use Permit S04-0008 to allow co-location of eight 6-foot antennas (two per sector), eight diplexers, four RRUS12 (1 per sector), and one raycap at the 71-foot centerline; up to four outdoor equipment cabinets with equipment cover and other supporting equipment, and a 30kW backup emergency generator on a 6-foot by 25-foot concrete pad; two separate 6-foot utility easements for connection to existing monopine and existing utility pole; perimeter chain-link fencing to match existing; and access from a 15-foot non-exclusive access easement containing an existing paved driveway and approved fire turn-around.

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.

### **PROJECT CONDITIONS**

2. All site improvements shall conform to the site plan and elevations attached as Exhibit D of S04-0008 and Exhibits A through J of S04-0008-R.
3. 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 leased area and provided that any one of the proposed carrier installs no more than 12 panel antennas per carrier at any one time, and that there shall not be an increase in overall height of the tower and branches~~the project is not determined to constitute a substantial change of the physical dimensions of the tower or base station as identified by the criteria set forth in section 6409 of the Spectrum Act (codified at 47 U.S.C. 1455).

4. All equipment shelters, cabinets or other auxiliary structures shall be painted in a matching color. The pole shall have simulated bark, and the branches shall be extended down the pole below the existing canopy. Planning Services shall verify the painting of all structures prior to final inspection and approval of the facility.
5. 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.
6. 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.
7. All obsolete or unused communication facilities shall be removed within six (6) 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 condition.
8. 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 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.

#### El Dorado County Building Services

9. The applicant shall obtain a building permit from the El Dorado County Building Services for project facilities prior to the commencement of construction.



El Dorado County Department of Transportation

10. If more than 1 acre of land shall be disturbed while installing the wireless facility, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department 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 “off-Street Parking and Loading Ordinance”, and the State of California Handicapped Accessibility Standards.
11. 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.
12. The applicant shall place a minimum of 4-inch thickness of three quarter-inch class 2 aggregate base along a 12-foot wide access easement from the leased area to Cold Springs Road. If existing access way is determined to be adequate by the Fire District, this condition shall be deemed fulfilled.
13. 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 is determined to be adequate by the Fire District, this condition shall be deemed fulfilled.
14. The El Dorado County Fire Protection District shall review the site and access road for accessibility and turnaround area requirements.

El Dorado County Fire Protection District

15. The project shall comply with the following requirements of the El Dorado County Fire Protection District:
  - a. The applicant shall pay a site plan review fee of \$50.00.
  - b. The applicant shall provide an approved Fire District turn-around within 150 foot of the project site.
  - c. The access roads shall have a 13-foot 6-inch vertical clearance and be capable of supporting a 40,000 pound load.
  - d. The minimum turning radius shall be 25 feet.
  - e. The road grades shall not exceed 15 percent.
  - f. The applicant shall provide high-priority “knox” access for the gate and prefab shelter.
  - g. The gates to the facility shall comply with the Fire Prevention Officers standard.
  - h. The applicant shall provide a fire extinguisher in the shelter, minimum 2A10BC.
  - i. The District may impose additional requirements depending on building construction and use.

El Dorado County Resource Conservation District

16. The applicant shall be required to comply with the District's Erosion Control Requirements and Specifications, which include but shall not be limited to the following:
  - a. The applicant shall implement erosion and sediment control measures during construction. Suitable measures include permanent seeding of disturbed areas (excluding areas that will be covered by the 2-inch crushed gravel) and straw rolls around the perimeter of the work site.
  - b. The applicant shall control non-storm water discharges (e.g. wash water), potentially hazardous materials such as hydraulic fluid from construction vehicles and paint materials, and all potential pollutants on the construction site.

**S04-0008-R Additional Conditions**

Planning Services

17. **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.
18. **Tree Protection:** Tree protection measures for the 16-inch oak tree as identified in arborist report, dated April 9, 2015, shall be integrated into the construction design of the co-location.
19. **Lighting:** All outdoor lighting shall conform to Exhibits F, Sheets A-3 and A-4, and Section 130.14.170 of the Zoning Ordinance, and shall be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Any light fixture that does not have a specification sheet submitted with the building permit that specifically states that the fixture meets the full cut-off standards, shall require a fixture substitution that meets that requirement.
20. **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.
21. **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.

22. **Payment of Processing Fees:** 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.

23. **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

24. **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 inspections 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.

25. **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.

#### Environmental Management Division

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

#### County of El Dorado Air Quality Management District

27. Fugitive Dust: The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM<sub>10</sub>) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, if the project requires a Grading Permit, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction. (Rules 223 and 223.1).
28. Paving: Project construction may involve road development and shall adhere to AQMD Rule 224 Cutback and Emulsified Asphalt Paving Materials. (Rule 224).
29. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.

30. 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](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.

31. New Point Source: Prior to construction/installation of any new point source emissions units (i.e., emergency standby engine greater than 50hp, 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).

**NOTE: The Specifications for the Generac SD030 30kW Diesel Generator Set online appears to indicate the proposed engine is 51 HP.(See attached, page 5 near bottom).**

32. 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, daily hours of operations of each piece of equipment.

5. **15-0881** Hearing to consider the Swansboro Verizon Wireless Cellular Tower (Mono-Pine) project [Special Use Permit S15-0001]\* to allow the construction of a wireless telecommunication facility on property identified by Assessor's Parcel Number 085-010-06, consisting of 39.75 acres, in the Mosquito/Swansboro area, submitted by Verizon Wireless; 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 S15-0001 based on the Findings and subject to the Conditions of Approval as presented. (Supervisory District 4)

Aaron Mount presented the item to the Commission with a recommendation of approval. He referenced the public comments received.

Mark Lobaugh/Epic Wireless, applicant's agent, made the following comments:

- Provided history on project;
- Location is an under-served area;
- Aware of the letters of opposition but project has also received public support;

- Proposed site is close to road because there is a ridge and that site provided them screening ability;
- Topography played a significant role in the proposed location as it is the flattest area before it dramatically drops off;
- Would be agreeable to moving the site back by 5 feet; and
- Nearby National Forest/BLM land is inaccessible and there is no power nearby.

Anthony Webb, resident, made the following comments:

- Lives above the project site and has been there since 1995;
- Requested the Commission reconsider this Special Use Permit;
- It's very quiet out there and sound travels very far;
- Proposed tower would be 300 feet from his home and cause an obstruction of his views;
- Tower is 25 feet from the road and if lightning struck it, it would fall across the road that he and the other residents would need to access in order to escape any fire danger;
- Property owner of proposed site won't be affected because it's vacant land; and
- Neighbors do the upkeep on the private, graveled road that is accessed by 12 homes.

Joyce Rademacher made the following comments:

- Country graveled road is used only by the residents;
- No industrial-type trucks go on that road;
- Industrial business is being brought to a quiet residential area where it is not welcomed;
- This has caused stress to the residents;
- Tower will not blend into the environment;
- Needs to be moved back and applicant should help maintain the road;
- Signs (i.e., stop sign, "not a county maintained road) have been put up in the wrong locations;
- Resistant to construction of any building next to the road;
- Will ruin aesthetics for at least 3 families that live next to the proposed site;
- Poorly chosen location;
- This winter may be an El Nino and the road will be impacted, so it should be paved by the applicant;
- This is a dead-end road and lightning will be attracted to the tower and residents that live near the top of the hill will be in trouble in an emergency situation;
- Industrial effects, including health concerns, is an issue; and
- Residents will suffer so a property owner can make lots of money.

Don Wagner, resident, made the following comments:

- Bought property 1 ½ years ago;
- Proposed site location should be moved farther up the mountain;
- This will affect his property value as he is so close to the tower;
- His grandchildren are not allowed to stay at his house for very long periods due to the parents' concerns on potential health issues; and
- Requested the Commission do a site visit.

Marty Desmond, resident, made the following comments:

- Agreed with all of the previous speakers' comments;
- The property owner of the proposed site owns the entire 40 acres, yet the tower is being proposed next to the road because that location is more convenient for the applicant;
- Better for the community if the location is moved;
- The local fire response team is a volunteer fire department;
- There are no water facilities for fire danger proposed for the project;
- Will attract crime due to the copper components;
- Property values will decrease;
- Large generators will be holding significant amounts of diesel on-site; and
- Noise issues.

Rich Wanner, resident, made the following comments:

- Proposed location is next to a road and across from a house;
- Agreed with all of the previous speakers' comments;
- Respects other neighbors and this is a tight knit community that is fighting this proposed tower;
- Quality of life will be intruded by this tower;
- This is an easy, quick, and cheap spot for the applicants to place the tower;
- Requested the Commission do a site visit; and
- Asked the Commission to deny the project.

Loretta Webb, resident, made the following comments:

- Not against progress but against the location of this project;
- Last year the neighborhood was evacuated due to the King Fire;
- Strangers would be using the private road;
- Voiced concern on potential fire dangers;
- This has caused extreme stress to her and she is now on prescription medication to help her cope; and
- Requested the Commission deny the project.

Kaiva Darrian, absentee property owner, distributed her statement and read it into the record. She also stated that they have created a road association.

Sue Taylor suggested continuing the item so the applicant could work with the neighbors on a new location for the tower.

Chair Stewart closed public comment.

Mr. Lobaugh made the following rebuttal comments:

- Applicant doesn't want to pose any undue stress to the neighbors;
- Met with many of the neighbors regarding the possibility of using their property for a proposed site and is surprised at their opposition now;
- Spoke on lightning concerns;

- Spoke on road issues;
- Stated they would repair any damages done to the road during the construction phase;
- Had explored the possibility of contributing to a road association but none existed;
- Maintenance tech would be using a pick-up truck during the occasional maintenance trips;
- Provided suggestions for noise mitigation and aesthetics;
- Spoke on the signs being a mitigation measures requirement by Transportation and would be required regardless of this proposed project; and
- Agreeable to continuing the item to review if the location could be moved back.

Lillian MacLeod explained the various reviews staff would be required to do if a new location was proposed.

Doug Picard, Verizon Radio Engineer, made the following comments:

- Verizon has provided benefits to the County and is interested in being a good neighbor;
- Some statements have been overblown due to emotions;
- Spoke on the process used to select a location and the search ring used for the area;
- Bald Mountain co-location project is currently in the works but it wouldn't be able to cover this area;
- Doesn't want to cause undue hardship to the neighbors; and
- Can move the tower back but it would have to be taller due to the topography and it still would need to be by power.

Commissioner Heflin was disappointed with the submitted Alternative Site Analysis and stated that a legitimate site analysis was needed in order to make the findings for this project.

Commissioner Miller felt that in the interest of the neighbors, the Commission needed to be confident that there wasn't another acceptable location to cover that area.

Commissioner Pratt made the following comments:

- Appreciative of applicant expanding services throughout the County, particularly the rural areas;
- Identified a significant typo in the Staff Report;
- Suggested item be continued off-calendar;
- Suggested reconfiguring the proposed site with outdoor equipment and away from the residents, even if the same parcel was used;
- Alternative Site Analysis needs to have other sites outside of the neighborhood;
- Need to address the road maintenance element;
- Time needs to be provided to the neighbors to allow them to finish creating the road association; and
- Spoke on the coverage map.

Chair Stewart spoke on a water tank being located on the project site and inquired on any needed tower lights for airplane safety.



Mr. Lobaugh suggested a continuance to allow them to look at re-designing the project.

There was no further discussion.

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

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

**6. 14-1210** Hearing to consider Ordinance OR14-0001/Public Notification of Land Development Applications and Public Hearings\*\* to amend County Code Titles 120 and 130 expanding the public notification of public hearings for land development applications; and staff recommending the Planning Commission recommend the Board of Supervisors take the following actions:

- 1) Find that the proposed Zoning and Subdivision Ordinance amendments are exempt from CEQA pursuant to State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), and 15378; and
- 2) Adopt Ordinance OR14-0001 amending County Code Sections 120.24.085, 120.48.065, 130.04.015, 130.10.020, 130.10.040, and 130.22.200 expanding the public notification of public hearings for land development applications.

*Public Comment: C. Langley, L. Parlin, K. Beal, S. Taylor*

**Motion: Commissioner Pratt moved, seconded by Commissioner Miller, and carried (5-0), to recommend the Board of Supervisors take the following actions: 1) Find that the proposed Zoning and Subdivision Ordinance amendments are exempt from CEQA pursuant to State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), and 15378; 2) Adopt Ordinance OR14-0001 amending County Code Sections 120.24.085, 120.48.065, 130.04.015, 130.10.020, 130.10.040, and 130.22.200 expanding the public notification of public hearings for land development applications; and 3) Add a QR Code and the County website to the notification signs posted on-site.**

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

### **Proposed Amendments**

Staff proposes ordinance amendments listed below, with deletions from existing County Code shown by ~~strikeout~~ and additions shown with underline:

#### **1. Subdivisions Ordinance (Title 120)**

This code amendment would apply to all Subdivisions (except condominium conversions):

**“120.24.085. - Notice requirements and procedure.**

- A. Action by the Planning Commission pursuant to Section 120.24.075.A shall be made after a public hearing for which notice has been given as follows:
1. Mailed or delivered at least ten days prior to the hearing to the applicant and all owners of real property as shown on the latest equalized assessment roll within ~~five hundred feet (500')~~ one thousand feet (1,000') of the property which is the subject of the hearing excluding condominium conversions. Expanded notice would be required as follows:
    - a. 2,640 feet (half a mile) notice for residential applications creating between 300 through 999 lots;
    - b. 5,280 feet (one mile) notice for residential applications creating 1,000 lots or more;
  2. Physical posting of notice on the property proposed for development so as to be visible to the public;
  3. For land development with 300 dwelling units and larger, the project application may require a public outreach plan, as determined by the Development Services Division Director, to be conducted by the applicant to further provide early public notice and input on the development application, subject to review and approval by the Development Services Division Director; and
  42. Published once in at least one newspaper of general circulation at least ten (10) days prior to the hearing.”

This Code amendment would apply to all residential Parcel Maps except condominium conversions:

**“120.48.065. - Notice requirements and procedure.**

- A. Action by the Development Services Division Director pursuant to Section 120.48.060.A shall be made after a public hearing for which notice has been given as follows
1. Mailed or delivered at least ten (10) days prior to the hearing to the applicant and all owners of real property as shown on the latest equalized assessment roll within ~~five hundred feet (500')~~ one thousand feet (1,000') of the property which is the subject of the hearing with the exception of condominium conversions.”
  2. Published once in at least one (1) newspaper of general circulation at least ten days prior to the hearing.”

**2. Zoning Ordinance (Title 130):**

This Code amendment would apply to all Planned Developments:

**“130.04.015. - Notice requirements and procedure.**

- A. Action by the Planning Commission pursuant to Section 130.04.005.B.1 shall be made after a public hearing for which notice has been given as follows:

1. Mailed or delivered at least ten (10) days prior to the hearing to the applicant and all owners of real property as shown on the latest equalized assessment roll within ~~five hundred feet (500')~~ one thousand feet (1,000') of the property which is the subject of the hearing or:
  - a. 2,640 feet (half a mile) notice for residential applications creating between 300 through 999 lots;
  - b. 5,280 feet (one mile) notice for residential applications creating 1,000 lots or more;
2. Physical posting of notice on the property proposed for development so as to be visible to the public;
3. For land development with 300 dwelling units and larger, the project application may require a public outreach plan as determined by the Development Services Division Director, to be conducted by the applicant, to further provide early public notice and input on the development application, subject to review and approval by the Development Services Division Director; and
42. Published once in at least one newspaper of general circulation at least ten (10) days prior to the hearing.”

This code amendment would apply to all Zoning changes (rezoning):

**“Sec. 130.10.020. - Commission hearing.**

Following the filing of a verified petition as provided for in Section 130.10.010.A, the executive secretary of the Planning Commission shall designate the time and place of the public hearing on the petition as may be required by law, and shall give notice of the hearing as required by law, subject to the provisions under Section 130.04.040.

The failure of any property owner to receive such notice shall not invalidate the proceedings.”

**“130.10.040. - Board hearing.**

- A. Upon receipt of the report from the planning commission, the clerk of the board of supervisors shall set the matter for public hearing after notice thereof and of the proposed amendment, given as provided by law, and in addition thereto shall give notice of the time and place of the hearing by mail to all property owners within ~~500~~ one thousand feet of the property proposed to be rezoned, excluding condominium conversions, and:
  1. 2,640 feet (half a mile) notice for residential applications creating between 300 through 999 lots;
  2. 5,280 feet (one mile) notice for residential applications creating 1,000 lots or more;
  3. Physical posting of notice on the property proposed for development so as to be visible to the public; and
  4. For land development with 300 dwelling units and larger, the project application may require a public outreach plan as determined by the

County, to be conducted by the applicant, to further provide early public notice and input on the development application, subject to review and approval by the Development Services Division Director.

The notice shall state the location and present zoning of the property and the nature of the proposed amendment. The notice shall be mailed at least ten days prior to the date of the hearing. The failure of any property owner to receive the notice shall not invalidate the proceedings.

After the conclusion of the hearing, the board of supervisors may adopt the amendment or any part thereof as approved by the planning commission or take any other action it deems appropriate and consistent with the general plan. (~~Ord. 3806 §15, 1988: prior code §9470(d).~~)”

This code amendment would apply to all Specific Plans:

**“130.22.200. - Notice of hearings.**

Notice for all hearings held pursuant to this chapter shall be given in accordance with the provisions of Government Code Section 65091 (Ord. 4589 §§2, 5, 2001) and as follows:

A. Action by the approving authority shall be made after a public hearing for which notice has been given as follows:

1. Mailed or delivered at least ten (10) days prior to the hearing to the applicant and all owners of real property as shown on the latest equalized assessment roll within one thousand feet (1,000’) of the property which is the subject of the hearing.
2. Published once in at least one newspaper of general circulation at least ten (10) days prior to the hearing.
3. For Specific Plans the following notification applies:
  - a. 2,640 feet (half a mile) notice for residential applications creating between 300 through 999 lots;
  - b. 5,280 feet (one mile) notice for residential applications creating 1,000 lots or more;
  - c. Physical posting of notice on the property proposed for development so as to be visible to the public;
  - d. For land development with 300 dwelling units and larger, the project application may require a public outreach plan as determined by the Development Services Division Director, to be conducted by the applicant, to further provide early public notice and input on the development application, subject to review and approval by the Development Services Division Director.”

7. **15-0936** Hearing to consider the Kniessel Auto Collision Center revision project [Special Use Permit Revision S07-0011-R-2/Planned Development Revision PD95-0016-R-5]\*\* to revise an approved Special Use Permit and Development Plan to amend the hours of operation from 7:30 AM to 5:30 PM Monday through Friday to 7:00 AM to 7:00 PM Monday through

Friday and 8:00 AM to 3:00 PM on Saturday on property identified by Assessor's Parcel Number 070-280-64, consisting of 3 acres, in the Shingle Springs area, submitted by Kniesel's Auto Collision Centers, Inc.; and staff recommending the Planning Commission take the following actions:

- 1) Adopt the Addendum to the previously approved Negative Declaration prepared by staff; and
- 2) Approve Special Use Permit Revision S07-0011-R-2 and Planned Development Revision PD95-0016-R-5 based on the Findings and subject to the Conditions of Approval as presented. (Supervisory District 4)

Aaron Mount presented the item to the Commission with a recommendation of approval. He informed the Commission on an error that was identified regarding the hours of operation. The current permit's approved Conditions of Approval are silent on the days of operation, which thereby allows the applicant to be open 7 days a week. This revision will expand the hours of operation, but shorten the days of week they are able to operate.

David Becker, applicant's agent, made the following comments:

- Spoke on the history of the project's days of operation;
- Spoke on nearby businesses and the highway;
- Have tried at great lengths to identify the adjacent neighbor's complaints;
- Understands the annoyance;
- This is a good use that needs to be promoted;
- Suggested to continue the item for two weeks so the Commission could do a site visit and if they detect an odor, then to vote "no" on the item;
- Business is located in a transitional environment in which customers live nearby but work outside of the area and the expanded hours would allow them to interface with the customers;
- Spoke on the types of activities that would be done in the expanded hours; and
- Agreeable to some accommodations to limit hours they could work on vehicles.

Lillian MacLeod read into the record proposed language for Condition of Approval #2 to address Commissioner Heflin's concern that the Conditions weren't clear regarding use.

Lori Parlin made the following comments:

- There are still some toxin solvents that are used;
- Applicants are not a good neighbor;
- This has been going on for 3 years and referenced a log that she had submitted for the record;
- Mr. Becker has never been on her property to detect the odors;
- Has been trying to get the applicants to be good neighbors;
- They now have 2 paint booths and the noise is continuous;
- The fans are a nuisance;
- The Special Use Permit is in violation every day;
- They have broken any trust when they first opened and she refuses to speak to Mr. Becker as he belittles her concerns;

- Spoke on AQMD's comments;
- Spoke on repeated exposure to toxin odors;
- In 2007, the Negative Declaration was used for this project and spoke on various sections of the document;
- Business is impacting the adjoining neighborhood;
- AQMD has done nothing to alleviate the issues;
- Code Enforcement has done nothing to enforce the Conditions (i.e., vehicles being parked in lot, hours of operation);
- Tom Kniesel, owner, doesn't speak to her;
- Business could make some changes in order to be a good neighbor;
- Applicant should not be allowed to impact the neighborhood any further;
- Don't allow the extension; and
- Neighbor who has asthma gets attacks due to the fumes.

Cheryl Langley made the following comments:

- Don't expand the hours, but if approved, a full EIR should be done to fully evaluate the issues;
- Prioritize the needs of the residents; and
- If the business needs to expand, perhaps they should move.

Diane Connelly stated that she is a friend of Ms. Parlin and although she no longer lives in the area, when she visits Ms. Parlin, she has smelled the odors while on her property.

Sue Taylor made the following comments:

- Being by the freeway doesn't justify the other issues;
- Believed parcel was residential prior to it being changed for a gym and doubted that the intention was for this type of commercial use;
- Shorter hours and keeping cars stored was a mitigation measure for the residents and now the applicant wants to make changes;
- Code Enforcement doesn't do much;
- Residents will lose evenings and weekends; and
- Applicant should look for another location if they want to expand.

Kim Beal made the following comments:

- Has been a Cameron Park resident since 1966;
- Supports the request; and
- This will secure future tax base, which is consistent with the County's economic desires.

Chair Stewart closed public comment.

Mr. Mount clarified that the previously approved environmental document was a Negative Declaration and it did not have any mitigation measures, just Conditions of Approval.

Tom Kniesel, applicant, made the following comments:

- Aware and sensitive of the complaints;
- Has sat on the roof of his building while cars were being painted in an attempt to detect any odors;
- Has offered to sit at Ms. Parlin's house in an attempt to detect odors;
- They are far below the set standards;
- He is still open to talk with Ms. Parlin;
- Has worked diligently to not have cars sit in the parking lot and the proposed expanded hours would assist with that;
- Has five shops and only the Shingle Springs location is not open on Saturdays;
- Saturdays are typically not a heavy traffic day at his other shop locations;
- Would like to remediate the issue if he could find it and has never had these types of complaints at his other shops, which some have residences that are closer than Ms. Parlin's; and
- Has been thanked by other neighbors for being a good neighbor.

Lisa Petersen/AQMD made the following comments:

- Spoke on responses to nuisance complaints and that they respond to all complaints received;
- AQMD has been to applicant's site 26 times since 2012;
- There are 2 complainants and typically a neighborhood that size would require at least 5 complainants to be considered a "nuisance";
- Staff unable to detect odors coming from applicant's site;
- Spoke on applicant's Health Risk Assessment done in 2009 by consultants;
- Kniesel's VC emissions are so low and the only reason for the scrutiny is due to the complaints received and this is typically not done with other businesses;
- Applicant and herself have researched add-ons for emission control for smell but it would have added to the noise, was not aesthetically pleasing and was very expensive; and
- Currently, there is no cause to require mitigation measures on the applicant.

Chair Stewart was not sure if he agreed with the Findings as this is an industrial use next to a residential area and even if only one resident is negatively affected, then that is a cause for concern.

County Counsel David Livingston defined the analysis for the Commission, spoke on the project's environmental document and read into the record CEQA language.

Significant discussion ensued on the work hours and uses allowed during those times.

There was no further discussion.

**Motion: Commissioner Shinault moved, seconded by Commissioner Miller, and carried (4-1), to take the following actions: 1) Adopt the Addendum to the previously approved Negative Declaration prepared by staff; and 2) Approve Special Use Permit Revision S07-0011-R-2 and Planned Development Revision PD95-0016-R-5 based on the Findings and**

**subject to the Conditions of Approval as modified: (a) Amend Condition #2 to clarify the hours allowed for specific uses within the 7:00 AM to 7:00 PM Monday through Friday and 8 AM to 3 PM on Saturday hours of operation with the following language: “No employees shall work on vehicles or operate pneumatic tools before 7:30 AM or after 6:00 PM Monday through Friday and before 9:00 AM or after 2:00 PM on Saturday. Use of the spray booths for painting shall be limited to 7:30 AM to 5:30 PM Monday through Friday. No paint spraying shall be allowed on Saturday.”**

**AYES: Heflin, Pratt, Miller, Shinault**  
**NOES: Stewart**

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 The project is a minor revision to expand the hours of operation. An addendum to the Negative Declaration has been prepared evaluating the proposed hours of operation as it pertains to CEQA Section 15164(a). The addendum concludes that no new impacts are anticipated with the expanded hours of operation.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in custody of the Development Services Department-Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

#### **2.0 General Plan Findings**

- 2.1 The proposed project is consistent with Policies 6.5.1.2 and 6.5.1.3 regarding noise levels.

#### **3.0 ADMINISTRATIVE FINDINGS**

##### **3.1 Special Use Permit S07-0011 Findings**

- 3.1.1 *The issuance of the permit is consistent with the general plan.*

The special use permit revision request is consistent with the General Plan because the application for extended hours is consistent with the Commercial land use designation and is in conformance with the applicable General Plan policies and noise levels.

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



As examined in the previous Negative Declaration and the Addendum analyzing this revision, no significant impacts have been found related to public health, safety, or welfare and as proposed would not be injurious to the neighborhood.

3.1.3 *The proposed use is specifically permitted by special use permit pursuant to this Title.*

The existing auto body shop is located within the Commercial-Planned Development Zone District, which allows automobile repair through the issuance of a special use permit in compliance with Section 130.32.030.A of the El Dorado County Zoning Ordinance. The proposed special use permit revision would expand the hours of operation of the approved auto body shop from 7:30 AM to 5:30 PM (seven days a week) to 7:00 AM to 7:00 PM Monday through Friday and 8 AM to 3 PM on Saturday, closed on Sundays, and therefore is consistent with the Zoning Ordinance and is specifically permitted by special use permit.

**Conditions of Approval**

1. This planned development and special use permit revision is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits ~~E D-F~~, approved July 24, 2012 ~~November 8, 2007~~, and 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:

Request for a special use permit and planned development revision to allow a conversion of an existing 18,320 square foot sports complex into an auto body shop with 16 service bays and a maximum of 25-30 employees. Hours of operation are 7:00 AM to 7:00 PM Monday through Friday and 8 AM to 3 PM on Saturday ~~proposed to be 7:30 AM to 5:30 PM~~. Interior modifications include 16 service bays with equipment including frame measurement machines, alignment racks, and paint booths. Parking and storage of all vehicles that are being serviced will be inside the facility. Exterior modifications to the building include two roll up doors on the west side for vehicle entrance. Outside storage of any parts or materials shall not be allowed. An existing enclosure on the south east end of the building will contain air compressors. A total of 61 parking spaces are proposed, three of which are handicapped.

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.

### El Dorado County Planning Services

2. No employees shall work on vehicles or operate pneumatic tools before ~~7:00 AM~~ 7:30 AM or after ~~7:00 PM~~ 6:00 PM Monday through Friday and before 9:00 AM or after 2:00 PM on Saturday. Use of the spray booths for painting shall be limited to 7:30 AM to 5:30 PM Monday through Friday. No paint spraying shall be allowed on Saturday.
3. The exterior rollup doors shall be closed except for moving of vehicles or parts in and out of the building.
42. The proposed free standing pole sign shall be a maximum 84.5 square feet and a maximum height of 5 feet. No moving signs of any type are allowed.
53. New and existing roof mounted equipment shall be painted to match the existing building colors.
64. The proposed entrance doors shall be constructed of materials and colors that are consistent with the existing materials and colors.
75. All existing lighting shall conform to Section §17130.14.170 of the Zoning Ordinance County Code and be fully shielded 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 Planning Services.
86. All vehicles waiting to be serviced are to be parked/stored inside the facility or within the confines of the stacked parking area shown on the site plan. During working hours, any vehicle left at the facility to be serviced shall immediately be located to the stacking area. Should a vehicle be left at the facility during hours when the facility is closed, such vehicles shall immediately be removed to the stacking area upon the opening of the facility. The operator shall designate a location, to be shown on the site plan, to the rear of the parking area for vehicles that might be deposited during hours when the facility is closed. The operator shall communicate to all local towing companies that when depositing vehicles during such hours when the facility is closed, such vehicles shall be left at the rear of the parking area.
97. The final landscape plan shall meet Zoning Ordinance Section Code Chapter 17130.18.090, and General Plan Policies 7.3.5.1, 7.3.5.2 and 7.4.4.4. The final landscape plan and Water Conservation Landscape Standards form shall be provided to, and then

approved by the ~~Deputy Planning~~ Development Services Division Director or designee, the prior to issuance of a building permit. Applicant shall install and maintain landscaping in accordance with the approved final landscaping plan in perpetuity or unless otherwise modified through any future permit.

#### **El Dorado County Department of Transportation**

- ~~8. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in conformance with the County of El Dorado DISM, the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off Street Parking and Loading Ordinance", and the State of California Handicapped Accessibility Standards.~~
- ~~9. The applicant shall irrevocably offer to dedicate the 25 foot wide non-exclusive road and public utility easement for the on-site portion of Crosswood Drive, prior to occupancy of this project. This offer will be rejected by the County.~~
- ~~10. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.~~

#### **El Dorado County Fire Protection District**

- ~~101. Site review fee of \$150 shall be paid prior to issuance of building permits.~~
- ~~12. Existing sprinkler system will need to be upgraded for this use prior to finaling of building permits.~~
- ~~13. During the building review process the following plans will need to be submitted: building, alarm, sprinkler, and suppression system (paint booth).~~
- ~~114. The project is required to meet fire flow. Fire flow for this project is 1750 gpm @ 20 psi for two hours, with an approved fire sprinkler system.~~
- ~~15. Show documentation from EID (FIL) that fire flow can be met.~~

#### **El Dorado County Environmental Management**

- ~~16. A hazard materials business plan and an air quality plan shall be subject to review and approval of the district prior to initiation of the use.~~

#### **Planned Development (PD95-0016)**

- ~~12. All structures, signs, parking, operating hours, and other site improvements shall conform to the submitted plans except for those modified herein.~~

- ~~132.~~ A removable steel bollard shall be installed just beyond the trash/propane enclosure at the building's eastern elevation.
- ~~3.~~ ~~Wild Chaparral Drive shall be improved on site to Standard Plan 101A.~~
14. An 8-foot high block wall shall be constructed along the northerly property line of the project site from the nearest property corner to five-feet short of the drainage swale.
15. The parking area shall be widened an additional 6 feet to enable the space necessary for a pedestrian walk. The pedestrian walk shall be 6-feet wide and bisect the main parking island running in a north/south direction.
16. The access shall be limited to run 50 feet along the east elevation and shall be marked NO PARKING in the area of the trash/propane enclosure.
17. An in-ground bicycle rack with locking devices shall be installed near the front of the building.
18. Any emergency exits shall be equipped with alarms to preclude uses other than emergency exiting.
19. Landscape plans shall conform with the water conservation landscape standards pursuant to Resolution No. 69-93. Said plans must be submitted, reviewed, and approved by Planning staff prior to issuance of building permits. The plan shall include a minimum of ten, 15-gallon trees to be located along each side of the north and south elevations.
- ~~10.~~ ~~County standard "No parking", "School Bus Stop", "Private Road", and "Not a Through Road" signs shall be installed on Crosswood Drive by July 31, 2012 to the satisfaction of the Department of Transportation.~~

**8. 15-0882** Revocation Hearing on Special Use Permit S78-0016 to determine if approved use ceased for greater than one year for any reason thereby causing the permit to expire by operation of law pursuant to Ordinance Section 130.22.260.A. Separately, if the Conditions of Approval have been violated or lack substantial compliance, the permit may be revoked pursuant to Ordinance Section 130.22.260.B. The property, identified by Assessor's Parcel Number 070-250-45, consisting of 2.96 acres, is located in the Shingle Springs area; and staff is recommending the Planning Commission take the following actions: 1) Find that the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15321; 2) Revoke S78-0016 as the conditions established for the issuance of the permit lack substantial compliance; and 3) Revoke S78-0016 as the use has ceased for a period of one year. (Supervisory District 4)

In response to Chair Stewart's request for an overview on the revocation hearing process, County Counsel David Livingston spoke on the provisions of a Special Use Permit and the revocation process.

Commissioner Heflin disclosed that he had done a site visit and met with the applicant.

Erik Martin distributed public comments to the Commission and made the following comments:

- His and his family's livelihood is at stake;
- Introduced those in the audience that are supporting him;
- Provided history on the property and the business;
- Mark Charlton had initiated the complaints and had provided public comment at the last hearing, but has since sold his house and moved away; and
- Confused on today's hearing for a revocation since the motion from the last meeting said he would return back regarding the Special Use Permit's expiration.

Nick Avdis of the Thomas Law Group and applicant's agent, made the following comments:

- Difficult matter since it involves applicant's livelihood;
- Paraphrased Jim Wassner's comments during his retirement speech at a Board of Supervisor's meeting regarding Code Enforcement activities and helping others;
- Facts should justify the conclusion;
- Applicant has a vested right in the Special Use Permit;
- This has caused untold stress created by a disgruntled neighbor who has since moved away;
- In June 2014, there were several meetings between the County and Brad Clark, applicant's agent, on various options and based on those discussions, Mr. Martin submitted a revision to the Special Use Permit but now the County is stating lack of substantial compliance and cessation of use;
- Acknowledged that the building footprint doesn't match the current building size, which is the size it was when Mr. Martin bought the property;
- Questioned if the site plan even valid anymore;
- Staff based their decision that the business was violating the operating hours on one email from Mr. Charlton but had no credible evidence;
- Special Use Permit runs with the land; and
- Basis for cessation of use is on a past owner's activities but has evidence stating welding use was still occurring on the property.

Commissioner Pratt stated that this was a technical issue on whether the Special Use Permit expired and was not a vendetta against Mr. Martin and he was offended by Mr. Avdis' statements. He is supportive of continuing the business but the history of the property is choppy and it appears there was a break in use. Commissioner Pratt is interested in getting Mr. Martin on the right track and moving forward.

Kendra Martin, applicant, made the following comments:

- At the site, they run the business and live there;
- This has caused much stress and they have been unable to make future plans;
- Previous property owner, Mr. Mirande, was very business-savvy and unsure why they are even here except for an email that was supposedly sent from Mrs. Mirande;
- Mr. Charlton had canvassed the area spreading misinformation;

- Had to continuously defend themselves against Mr. Charlton's allegations;
- Husband bought property from Mr. Mirande because he was his boss and he had a Special Use Permit;
- Closest neighbors are their biggest supporters; and
- Their fate of their future lies in the Planning Commission's hands.

Brad Clark, applicant's agent, made the following comments:

- Shocked that this Special Use Permit is up for termination as he thought they were working with the County on this;
- Property has had a Special Use Permit for almost 40 years;
- If revoked, they will challenge it because they wanted to work with the County on this sliver of a technicality on non-use that may or may not have happened;
- This is completely unnecessary as there is no evidence that use stopped;
- Questioned how Mr. Martin would have even known that the Special Use Permit may have been invalid due to a possible non-use for a short time 20 years prior to him purchasing the property; and
- Mr. Martin has conducted business at that site for 10 years and it is unreasonable to take his livelihood away on a sliver of a technicality that may or may not have occurred.

Efren Hernandez, resident, made the following comments:

- No problem with the applicant;
- Doesn't hear the noise; and
- Had neighbor that started this issue and is now gone.

Mike Yorba, closest neighbor, made the following comments:

- No problems;
- Applicant is a good neighbor; and
- Approved of what he is doing.

Chris Chaloupka, resident, made the following comments:

- Former Planning Commissioner;
- Special Use Permit runs with the land and should be talking on updating the permit and not revoking it;
- Activity is very unobstructive;
- Supports applicant; and
- Has lived there since 1986 and building was at its current size back then.

Logan Brown, Mr. Martin's nephew, stated he has been there for 2 years and Mr. Martin was a life changer for him.

Chair Stewart closed public comment.

Commissioner Miller stated the burden of proof of lapse of use should be on the County, not the applicant, and he doesn't see any evidence.

Commissioner Shinault made the following comments:

- Need to define “continuous use”;
- 25-30 years ago, this may have happened and logic states that some type of metal fabrication activity was there, even if only for the tractors and other equipment on the property;
- Complaints started a couple of years ago out of the blue;
- Saw no proof that there wasn’t continuous use; and
- Can’t support the revocation.

Commissioner Heflin agreed with Commissioner Shinault and saw no basis to revoke the permit.

Commissioner Pratt wanted to see Mr. Martin move forward and felt the permit needs to be updated. He recommended denying the revocation.

Chair Stewart stated that from a legal standpoint, the permit may have lapsed at some point on a legal technicality. He would prefer to not revoke the permit but to instead move forward with the next agenda item.

There was no further discussion.

**Motion: Commissioner Miller moved, seconded by Commissioner Heflin, and carried (5-0), to deny the revocation.**

**AYES: Pratt, Shinault, Heflin, Miller, Stewart**

**NOES: None**

**9. 15-0222** Hearing to consider the Tunnel Electric revision project [Special Use Permit Revision S78-0016-R]\*\* to allow expansion of a home occupation to include three employees in addition to the property owner. If Special Use Permit S78-0016 is revoked, this request for a revision to the permit would be considered moot. The property, identified by Assessor’s Parcel Number 070-250-45, consisting of 2.96 acres, is located in the Shingle Springs area, submitted by Erik Martin; and staff recommending the Planning Commission take the following actions:

- 1) Find that the project is Categorical Exempt pursuant to CEQA Section 15301; and
- 2) Approve Special Use Permit Revision S78-0016-R based on the Findings and subject to the Conditions of Approval as presented. (Supervisory District 4)

Aaron Mount presented the item to the Commission with a recommendation of approval and referenced Condition #7.

Commissioner Pratt stated that at the last hearing, there had been discussion on limiting large size delivery trucks and he would like to have more conversation on this.

Erik Martin, applicant, stated that he supports the Conditions of Approval with the exception of the requirement that employees must reside on the property (Condition #1.g).

Discussion ensued on large truck deliveries and hours/days of operation.

Nick Avdis, applicant's agent, stated that Conditions #1.d and #6 were inconsistent.

County Counsel David Livingston read into the record clarifying language for Condition #1.d.

Carol Lewis made the following comments:

- Has been a small business owner;
- The County allows residential areas to have businesses and not all of them are good neighbors; and
- When current neighbors sell or can't sell their property due to this project, then there will be a problem.

Mike Yorba stated that people need to do their own research when buying property.

Efren Hernandez stated there is one truck every 2 weeks and the trucks have no issues entering/exiting the area.

Kendra Martin said there isn't a lot of noise, even on the weekends as they live there and they have a small child.

Chair Stewart closed public comment.

Commissioner Pratt questioned if more clarity was achieved with the revised Special Use Permit than the original one. If the permit does runs with the ownership of the land, then it's important on the hours of operation and truck size restriction to avoid what happened in the last agenda item.

Chair Stewart felt strongly on only a Monday-Friday operation.

Mr. Mount provided clarification on the building size and spoke on the building location.

Lillian MacLeod suggested deleting Condition #1.h since the building size was unknown and would still need to comply with Condition #5. She also recommended adding a new condition requiring the posting of the business license on-site.

There was no further discussion.

**Motion: Commissioner Heflin moved, seconded by Commissioner Miller, and carried (4-1), to take the following actions: 1) Find that the project is Categorically Exempt pursuant to CEQA Section 15301; and 2) Approve Special Use Permit Revision S78-0016-R based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition #1.d as identified; (b) Amend Condition #1.g as identified; (c) Delete Condition #1.h; (d)**



**Amend Condition #3 (old Condition #2) to clarify hours/days of operation; and (e) Add new condition requiring posting of business license on-site.**

**AYES: Pratt, Shinault, Miller, Heflin**

**NOES: Stewart**

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 pursuant to Section 66472.1 of the California Government Code:

#### **1.0 CEQA FINDINGS**

- 1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines as the project consists of expansion of an existing use within an existing structure. As conditioned, the project is consistent with the residential development standards of the R1A Zone District for the existing structures which required only ministerial permits. Any unpermitted additions will be required to meet current standards. The use as an expanded home occupation was previously approved and the expansion of use has been found to be consistent with the Zoning Ordinance and therefore complies with these exemptions.
- 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 Community Development Agency-Planning Division at 2850 Fairlane Court, Placerville, CA.

#### **2.0 GENERAL PLAN FINDINGS**

- 2.1 The project is in compliance with Policies 2.2.5.21 and 10.1.7.4 concerning compatibility of home occupations with adjacent residential uses. The uses were previously approved by S78-0016 and the addition of three employees that reside at the site would not have additional impacts. Conditions of approval related to clients by appointment only, limited commercial deliveries, and screened outdoor storage will ensure the residential character of the neighborhood is protected.
- 2.2 The project is in compliance with Policies 6.5.1.2, 6.5.1.6, and Table 6-2 concerning compatibility of noise emanating from the home occupation with adjacent residential uses. An acoustical analysis was completed for the site and concluded that the normal industrial activities associated with the home occupation do not produce sounds that exceed the General Plan requirements for decibel levels in Table 6-2.

#### **3.0 ZONING FINDINGS**

- 3.1 The project, as proposed and conditioned, complies with Sections 130.22.500 and 130.28.070 of the Zoning Ordinance that regulate special use permits and uses allowed by special use permit within the R1A zone district, respectively, as described in the Analysis section of the staff report. The uses were previously approved by S78-0016 and the expansion consists of an additional three employees that reside at the site, outside storage, and limited commercial deliveries. .
- 3.2 In compliance with Zoning Ordinance Section 130.22.250, implementation of the project must occur within 24 months of approval of this Special Use 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.
- 3.3 In compliance with Zoning Ordinance Section 130.22.540, the approving authority may approve or conditionally approve a special use permit if the proposed use would not be detrimental to the public health, safety and welfare or injurious to the neighborhood and the proposed use is specifically permitted by special use permit. As discussed in the staff report, the project, as conditioned, conforms to these provisions.

#### **4.0 ADMINISTRATIVE FINDINGS FOR A SPECIAL USE PERMIT**

- 4.1 The issuance of the permit is consistent with the General Plan and Zoning Ordinance, as discussed under Sections 2.0 and 3.0.
- 4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.
- 4.3 The proposed home occupation expansion is specifically permitted by special use permit under Section 130.28-070.G and is subject to the development standards within 130.28.080. The project and associated materials have been reviewed in accordance with these regulations.

#### **Conditions of Approval**

1. This Special Use Permit is based upon and limited to compliance with the project description, the Staff Report exhibits marked Exhibit E, and 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, as approved and revised, consists of the following:

- a. A steel fabrication shop in an accessory building. This includes but is not limited to the use of power tools such as welding, machining, metal forming.

- ~~b. Wiring of control panels and power distribution panels.~~
- ~~c. Operation of a forklift for loading and unloading purposes.~~
- ~~d. Storage of miscellaneous materials including steel, wire, and hardware within the shop building, except as indicated below.~~
- ~~e. Clerical operations in the shop office to manage on and offsite business operations.~~
- ~~f. Meeting with clients at the shop office by appointment only.~~
- ~~g. Three employees that reside on the project parcel in addition to the property owner.~~
- ~~h. An increase in workshop size to 5,100 square feet.~~

**S78-0016 Conditions of Approval**

- ~~21. Development is to be consistent with the site plan (Exhibit E).~~
- ~~32. Operational hours from 7:00 A.M. to 5:00 P.M. Monday through Friday and 9:00 A.M. to 4:00 P.M. on Saturday.~~
- ~~43. Structure to be painted earth colors.~~
- ~~4. The use is exclusively for the applicant, not to include employees, and not transferrable with the sale of the property.~~

**Community Development Agency – Development Services Division-Planning**

- ~~5. The operation of a steel fabrication shop shall be subject to the business license requirements of Chapter 5.08. The business license shall be posted in a conspicuous place within the shop building at all times~~
- ~~56. All code enforcement cases shall be closed within six months of approval of this Special Use Permit. All building permits required by these code enforcement actions shall be finalized within six months of approval of the Special Use Permit.~~
- ~~67. All storage of material related to this permit shall be screened from view from adjoining property and road rights-of-way or easements.~~
- ~~78. One commercial heavy-truck delivery or shipping trip per day shall be allowed to the project site.~~
- ~~89. Noise: If complaints about noise emanating from the site are received from one or more residences adjacent to the project parcel, the applicant shall be required to submit a revised acoustical analysis to Planning Services for review. If the analysis shows that noise levels within the active use areas are not consistent with the General Plan Noise Element the applicant shall be required to modify the noise sources in order to meet the required decibel levels.~~

910. Lighting: All outdoor lighting shall conform to Section 130.14.170 and be fully shielded 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 Planning Services.

1011. Hold Harmless: 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.

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

### **Environmental Management Division**

112. Hazardous Materials: Applicant must comply with all regulations pertaining to storage of hazardous materials and hazardous waste, including, but not limited to, reporting to the California Environmental Reporting System (CERS), employee training and documentation of training, and disposal records for any hazardous waste generated at the facility.

113. Solid Waste: Provide sufficient space for both trash and recycling dumpsters. All solid waste, including animal waste must be stored in trash containers with tight fitting lids and hauled from the site at least once every seven days for proper disposal.

### **El Dorado County Air Quality Management District**

114. Surface Coating/Solvent Use: If the combined use of solvents and surface coating material will exceed one gallon per day, the applicant must stop use and apply for an Authority to Construct/Permit to Operate from AQMD. (Rule 501.1.J)

115. Point Source of Pollution: Any existing or proposed point source of emissions, e.g., emergency standby engine greater than 50hp, water or air heaters/boilers exceeding one MMBTU/hr, abrasive blasting operation, etc., must have a valid Permit to Operate. If so, or if the facility emits through any and all processes more than two pounds of pollutants per day, 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)

- ~~1516.~~ 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 if a grading permit is required by the County or if the project moves more than 20 cubic yards of soil. (Rules 223 and 223.2). 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.
- ~~1617.~~ Paving: Any asphalt paving or road development shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
- ~~1718.~~ Painting/Coating: The project may involve the application of architectural coating, which shall adhere to AQMD Architectural Coatings (Rule 215).
- ~~1819.~~ 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](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.
- ~~1920.~~ Portable Equipment: All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (CARB). A copy of the current portable equipment registration 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, daily hours of operations of each piece of equipment.

10. 12-1203 Community Development Agency, Long Range Planning Division, presenting a public scoping meeting on the draft Environmental Impact Report (EIR) for the proposed General Plan Biological Resources Policy Upgrade and Oak Resources Management Plan to inform interested parties about the proposed project, and to provide agencies and the public with an opportunity to provide comments on the scope and content of the EIR.

*Public Comment: R. Hargrove, C. Lewis, C. Burcin, J. Hidal, S. Bernstein, R. Lewis, R. Stewart*

**No action taken.**

**ADJOURNMENT**

Meeting adjourned at 5:23 p.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:

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Rich Stewart, Chair

DRAFT