



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

MINUTES

**Regular Meeting
March 12, 2015 – 8:30 A.M.**

CALL TO ORDER AND RECESS INTO CLOSED SESSION

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

[Clerk's Note: Commissioner Pratt arrived at 8:36 a.m. and took his seat on the Commission.]

ADOPTION OF AGENDA

Motion: Commissioner Miller moved, seconded by Commissioner Heflin, and carried (3-0), to approve the agenda as presented.

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

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.)

Chair Stewart pulled Item #1 for discussion on two minor changes.

Motion: Commissioner Heflin moved, seconded by Commissioner Miller, and carried (3-0), to approve the remaining item (Item #2) on the Consent Calendar.

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

1. **15-0220** Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of February 26, 2015.

Chair Stewart identified the following corrections: a) Item #3 (Motion #4), vote should be 4-1, with Stewart listed under “Noes”; and b) Item #5, include text stating Chair Stewart left his seat on the Commission and didn’t participate in the workshop.

Motion: Commissioner Heflin moved, seconded by Commissioner Miller, and carried (3-0), to approve the meeting minutes of February 26, 2015 with the identified changes to Items #3 and #5.

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

2. **10-0298** Hearing to consider a Finding of Consistency with the El Dorado County General Plan for a General Vacation of a portion of Old Sienna Ridge Road in El Dorado Hills pursuant to Government Code Section 65402 [GOV15-0001] on property identified by Assessor's Parcel Number 123-570-03, in the El Dorado Hills area, submitted by Serrano Associates, LLC; and staff recommending the Planning Commission find that the request for a General Vacation of a portion of Old Sienna Ridge Road in El Dorado Hills is consistent with applicable policies of the adopted 2004 El Dorado County General Plan in accordance with Government Code Section 65402. (Supervisory Districts 1 and 2)

This was Approved on Consent Calendar.

END OF CONSENT CALENDAR

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

Dave Spiegelberg, Transportation Division, stated they recently hired an Assistant in Civil Engineering, which had been vacant for approximately one year. The new staff member will start on March 23, 2015.

COMMISSIONERS' REPORTS

Commissioner Pratt attended a town meeting on the Dollar General Store proposed in Georgetown and stated that there are members of the public that are not in support of this project.

PUBLIC FORUM/PUBLIC COMMENT – None

AGENDA ITEMS

3. 15-0221 Hearing to consider a request to rezone from Research and Development-Design Control (R&D-DC) to Research and Development-Planned Development (R&D-PD); Development plan to include six commercial condominium lots from four existing commercial structures; and Tentative parcel map creating seven lots ranging in size from 0.116 acre to 2.115 acres [Rezone Z14-0010/Planned Development PD14-0007/Parcel Map P14-0005/Quail Commerce Center]** on property identified by Assessor's Parcel Number 117-060-35, consisting of 3.101 acres, in the El Dorado Hills area, submitted by FJM Palms Associates; and staff recommending the Planning Commission recommend the Board of Supervisors to take the following actions:

- 1) Find that the project is Categorically Exempt pursuant to CEQA Guidelines Section 15301 (k);
 - 2) Approve Rezone Z14-0010 based on the Findings as presented;
 - 3) Conditionally approve Planned Development PD14-0007, as the official Development Plan, based on the Findings and subject to the Conditions of Approval as presented; and
 - 4) Conditionally approve Tentative Parcel Map P14-0005 based on the Findings and subject to the Conditions of Approval as presented.
- (Supervisory District 1)

Rob Peters presented the item to the Commission recommending the Commission recommend approval to the Board of Supervisors.

Bobbi LeBeck, applicant's agent, stated this was an existing use and spoke on the parking options available.

In response to Chair Stewart's inquiry on what the request was accomplishing since the site was already developed, Jennifer Navarro, property manager for applicant, stated that one of the tenants, which occupies an entire building, has shown interest in purchasing the building and this request would allow that to occur.

Lillian MacLeod stated that this is considered a commercial condominium project and the County has processed quite a few of them.

County Counsel David Livingston made the following comments:

- This would be changing the labeling and allowing the parcels to be sold off;
- Read into the record the Civil Code on commercial condominiums; and
- Spoke on common area interest.

Johnny Ribeiro made the following comments:

- Identified himself as the individual that originally developed the property in question;

- He had brought this project to the Planning Commission in 2003 for the same thing and it was denied due to a lack of parking;
- He is the President of the Quail Park EDH Maintenance Association, which controls the easement where the applicant is getting the 23 additional parking spaces;
- He is still the declarant of the parking easement property which gives him control;
- He is the managing member of the parcel that is adjacent and behind the subject property;
- Always the intent for the parking easement to be temporary until the development of the adjacent parcel that is behind the subject property and then the additional parking would be added permanently by doing a Boundary Line Adjustment;
- This easement is non-exclusive and is not in perpetuity;
- This easement can be changed to other uses and that is stated in the Reciprocal Agreement;
- The easement can be extinguished if the use is changed and there is no longer parking available;
- The easement has not been used for parking for the last several years as it has been fenced off due to illegal dumping and unwanted activities occurring at night;
- In 2003, Planning determined the project to be Light Industrial use requiring one parking space for every 400 square feet, which equaled to 108 required spaces, but now Planning is only requiring 99 parking spaces even though the project has not changed;
- County can't control the amount of parking that is required by the tenants unless there is an improvement permit request submitted to Building;
- Current tenants (9-12 vehicles) are parking on Sunglow and Suncast roads during the work week;
- He has developed 5 projects in the business park and all were parceled except for this one due to lack of parking;
- A similar project with same exact uses was developed on Golden Foothill Parkway, which the applicant owns now, and the additional parking was included;
- This project does not meet the parking requirements; and
- If approved, additional conditions should be added to reflect how the project was originally designed, which were Buildings 1132 and 1136 to have no more than 30% of office space, Building 1140 to have no more than 78% of office space, and Building 1144 to have no more than 23.5 % of office space.

Chair Stewart closed public comment.

Ms. Navarro made the following rebuttal comments:

- Umpqua Bank is the owner of the parking easement property and a Reciprocal Agreement is in place;
- In the two years she has been the manager, they have not used the parking easement and have been at or close to 100% occupancy in all of the buildings; and
- They have 76 parking spaces with 24 off-street parking spaces, along with the 23 additional spaces from the parking easement.

County Counsel Livingston made the following comments regarding easements:

- It is interest in real property that runs with the land;

- Very rare to see an exclusive easement and the parking spaces are not guaranteed;
- Could be abandoned with the consent of both parties; and
- Significant discussion ensued with the Commission on easements.

There was no further discussion.

Motion: Commissioner Heflin moved, seconded by Commissioner Pratt, and carried (4-0), to recommend the Board of Supervisors to take the following actions: 1) Find that the project is Categorical Exempt pursuant to CEQA Guidelines Section 15301 (k); 2) Approve Rezone Z14-0010 based on the Findings as presented; 3) Conditionally approve Planned Development PD14-0007, as the official Development Plan, based on the Findings and subject to the Conditions of Approval as presented; and 4) Conditionally approve Tentative Parcel Map P14-0005 based on the Findings and subject to the Conditions of Approval as presented.

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

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 Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA) in compliance with Section 15301(k) (“Existing Facilities” of the CEQA Guidelines) that allows “subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt.” The project consists of the creation of six commercial condominium lots and a common area lot from the previously developed site containing four existing commercial structures.

1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department, Planning Services, at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

2.1 The project site is located within the El Dorado Hills Community Region. General Plan Policy 2.1.1.7 requires development within the Community Regions only in accordance with all applicable General Plan Policies. The General Plan Land Use map designates the

project site as Research & Development (R&D). According to General Plan Table 2-1 (Planning Concept Areas and Land Use Designation Consistency Matrix), the R&D land use designation is considered appropriate for and is consistent with the Community Region Planning Concept Area.

- 2.2 As proposed, the project is consistent with General Plan Policy 2.2.1.2 and the General Plan Land Use designation of Research & Development (R&D) that is meant to “provide areas for the location of high technology, non-polluting manufacturing plants, research and development facilities, corporate/industrial offices, and support service facilities in a rural or campus like setting which ensures a high quality, aesthetic environment.” This designation is considered appropriate for the business park/employment center concept. The subject property has been developed to adequately serve the proposed request to create six commercial condominium lots and a common area lot from the previously developed site containing four existing commercial structures.
- 2.3 The project is consistent with all applicable Policies of the General Plan. As conditioned, the proposal is consistent with the intent of the following Policies:
- 2.3.1 Policy 2.2.1.5 (Building Intensities) because the existing 32 percent Floor Area Ratio (FAR) is less than the allowed 50 percent FAR in the Research & Development Land Use Designation;
- 2.3.2 2.2.3.1 (Planned Development (-PD) Combining Zone District) because the project includes a rezone of the lot to include the -PD combining zone to carry out the non-residential planned development consisting of the creation of six commercial condominium lots and a common area lot from the previously developed site containing four existing commercial buildings;
- 2.3.3 5.1.2.1 (adequate utilities and public services), 5.2.1.2 (water for emergency), and 5.2.1.4 (reliable water) because the site is located in the El Dorado Hills Community Region and is already adequately served by the El Dorado Irrigation District. The El Dorado Hills Fire Department recommended conditions of approval have demonstrated there is adequate water for fire protection.

3.0 ZONING FINDINGS

- 3.1 The project is consistent with the Research & Development (R&D) Zone District because the proposed project provides areas for service, office, warehouse and various other uses in compliance with Section 130.35.020. With an approved rezone from Research and Development-Design Control (R&D-DC) to Research & Development-Planned Development (R&D-PD), along with an approved Development Plan, the project would be allowed to deviate from the development standards of the R&D Zone because the PD combining zone would allow the flexibility to create the commercial condominium lots less than the minimum lot area, exceeding the building coverage, less than the minimum lot width, and with zero setbacks.

4.0 PLANNED DEVELOPMENT FINDINGS

- 4.1 The Planned Development zone request is consistent with the General Plan because the proposed request to rezone the property from Research and Development-Design Control (R&D-DC) to Research & Development-Planned Development (R&D-PD) remains consistent with the R&D General Plan land use designation. The project creates commercial condominium units to provide areas for high technology, research and development facilities, corporate/industrial offices, and support service facilities consistent with the land use designation. The proposed Development Plan is consistent with applicable General Plan policies as outlined in section 2.0 General Plan Findings above.
- 4.2 The proposed development is so designed to provide a desirable environment within its own boundaries. The existing structures are architecturally appealing and the site provides attractive landscaping and adequate parking and lighting. The proposed project would subdivide the existing lot and four existing structures into six commercial condominium lots and one common area lot. No physical alterations would occur to the subject property.
- 4.3 The proposed exceptions to the standard requirements of the zone regulations are justified by the design of the project. A Planned Development application is required to facilitate the conversion of the site and existing structures to the proposed commercial condominium lots and common area lot to allow for individual ownership. The request includes exceptions to the standard requirements for zone regulations pertaining to minimum lot area, building coverage, minimum lot width, and minimum setbacks. Staff has determined that the request to accommodate the condominium conversion and common space proposal is justified by the project design because it would not impact existing on-site development. The existing site improvements would accommodate individual ownership.
- 4.4 The site is physically suited for the proposed uses. The project site contains existing buildings located in the El Dorado Hills Business Park and within the R&D Zone District designed for high technology, non-polluting manufacturing plants, research and development facilities, corporate/industrial offices, and support service facilities in a campus-like setting. Conversion of the existing lot and structures into commercial condominium lots and a common area lot does not degrade the physical suitability of the site.
- 4.5 Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities. The project site is currently served by EID public water and sewer services. No alteration or intensification would occur that would require additional services or road improvements.
- 4.6 The proposed uses do not significantly detract from the natural land and scenic values of the site. The existing development is compatible with the surrounding land use improvements. The subject property is developed and does not negatively impact any natural or scenic features of the site.

5.0 TENTATIVE PARCEL MAP FINDINGS

- 5.1 The proposed Parcel Map, including design and improvements, is consistent with the General Plan policies and land use map as it would create parcels utilizing the existing approved development on the project site which was previously permitted and is consistent with the General Plan as outlined in Section 2.0 above.
- 5.2 The site is physically suitable for the type and densities of development proposed because the parcel map would not change the type of development nor increase the density of the project site. The project would make use of the existing previously permitted structures and existing exterior site improvements. The project would not result in additional improvements to the site.
- 5.3 The design of the division will not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. The project site is developed with four existing commercial structures and includes existing parking, landscaping, and lighting site improvements. The proposed subdividing of the property does not result in any new development or site improvements. This project is categorically exempt from CEQA as outlined in section 1.0 above.
- 5.4 The design of the division or the type of improvements is not likely to cause serious public health hazards that were not already reviewed against the Building Code requirements ensuring public safety.

Conditions of Approval

- 1. **Project Description:** This Rezone, Development Plan, and Parcel Map approval is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the following Exhibits:

Exhibit E	Tentative Map; December 2014
Exhibit F	Conceptual Site Plan - Required Parking Calculation by Unit; December 2014
Exhibit G	Reciprocal Easement and Maintenance Agreement (3/8/2005)

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

The project description is as follows:

- a. Rezone from Research & Development–Design Control (R&D-DC) to Research & Development–Planned Development (R&D-PD);

- b. Development plan to include six commercial condominium lots from four existing commercial structures, with the seventh lot to be commonly owned for landscaping, shared parking, and shared access; and
- c. A tentative parcel map creating seven lots ranging in size from 0.116 acres to 2.115 acres on a 3.101-acre site. The lot descriptions are as follows:

Lot Number	Size in Acres	Size in Square Feet	Number of Units	Current Building Address
1	0.146	6,358	1	1140 Suncast Lane
2	0.329	14,337	12	1144 Suncast Lane
3	0.133	5,794	7	1132 Suncast Lane
4	0.133	5,794	5	1132 Suncast Lane
5	0.116	5,036	5	1136 Suncast Lane
6	0.13	5,669	5	1136 Suncast Lane
7	2.115	135,096	Common Area	Common Area

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Development Services Department (Planning)

- 2. **Map Time Limits:** The map shall remain in effect for three years from the date of approval. If the final map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.
- 3. **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 applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, or employees from any claim, action, or proceedings against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County. County shall notify the applicant of any claim, action, or proceeding and County shall cooperate fully in the defense.

4. **Parking Tally:** Prior to any issuance of a tenant improvement/building permit, the applicant shall provide a parking tally of all existing and proposed parking for the Quail Commerce Center which shall be kept by the Development Services Division to ensure the proposed uses will not result in a requirement for more parking than the 99 allowed spaces under the approved development plan.
5. **Access and Maintenance Agreement:** A joint access and parking agreement shall be provided to ensure continued access and maintenance of the parking to all property owners within the development. A copy of said agreement shall be provided to Planning Services for review and approval by the County, and the approved agreement shall then be recorded prior to filing of the Parcel Map.
6. **Lighting:** All outdoor lighting shall conform to Section 130.14.170 of the Zoning Ordinance and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation.
7. **Landscaping:** Landscaping is required to meet Section 130.18.090 of the Zoning Ordinance.
8. **Consistency with Approved Plans:** All landscaping improvements, building locations, building orientations, building elevations, and materials shall comply with the approved development under commercial grading permit number 142377, and building permit numbers 142686, -690, -692 and -694, along with the approved Tentative Parcel Map (Exhibit E). All buildings on the site shall remain architecturally consistent.
9. **Signage:** Wall-mounted signage meeting the standards of the R&D Zone District may be administratively approved by the Development Services Director. Any changes to existing, or any future new free-standing signage may be approved by the Development Services Director if minor. Major modifications shall be subject to a revision to the development plan.

El Dorado Hills Fire Department

10. All curbs that are not designated parking stalls shall be painted red and marked with the words "fire lane – no parking" every 25 feet. This shall be white letters on a red background.
11. The fire hydrant located in the southwest corner of the parking lot next to the trash enclosure is currently positioned so that it is obstructed by parked vehicles. This hydrant shall be removed and remounted to be positioned away from the parking stall.
12. All fire hydrants, fire department sprinkler connections, and post-indicating valves shall be repainted "safety white" enamel.
13. Adjacent to all hydrants, the roadway shall be marked with a blue reflective marker.

El Dorado County Surveyor

14. All survey monuments must be set prior to the filing the Parcel Map.
15. Situs addressing for the project shall be coordinated with the El Dorado Hills Fire Protection District and the County Surveyors Office prior to filing the Parcel Map.
16. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that “all conditions placed on P 14-0005 by (that agency) have been satisfied.” The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

4. 15-0232 Hearing to consider a request for a fitness center and outdoor uses [Special Use Permit S14-0003/Heritage Carson Creek Fitness Center Phase 2 Unit 1]** on property identified by Assessor’s Parcel Number 117-570-03, consisting of 4.888 acres, in the El Dorado Hills area, submitted by Lennar Homes of California; and staff recommending the Planning Commission take the following actions:

- 1) Find that the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15182 and
 - 2) Conditionally approve Special Use Permit S14-0003 based on the Findings and subject to the Conditions of Approval as presented.
- (Supervisory District 2)

Aaron Mount presented the item with a recommendation for approval. He referenced the Staff Memo dated March 10, 2015 which included a revised site plan and a new proposed monument sign.

Don Barnett, applicant, was available for questions.

Chair Stewart closed public comment.

Chair Stewart clarified that there were no homes in the vicinity and no adjacent development. He also inquired on the 100 year flood plain.

There was no further discussion.

Motion: Commissioner Pratt moved, seconded by Commissioner Miller, and carried (4-0), to take the following actions: 1) Find that the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15182 and 2) Conditionally approve Special Use Permit S14-0003 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition #1 as shown in the Staff Memo dated March 10, 2015.

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

ABSENT: Shinault

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 FINDING

- 1.1 The project is a recreation center as a component of a residential project, as contemplated in the adopted Carson Creek Specific Plan, subject to the certified Environmental Impact Report (EIR) and mitigation measures in the Mitigation Monitoring Reporting Program. Therefore, the project is exempt from the requirements of CEQA pursuant to Section 15182. No further environmental analysis is necessary.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department, Planning Services, at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

The project site is designated Adopted Plan in the General Plan. This land use category recognizes areas for which specific land use plans have been prepared and adopted. These plans (e.g., specific plan or community plan) are accepted and incorporated by this reference, and the respective land use map associated with each such plan is hereby adopted as the General Plan map for each such area. The project site is within the Carson Creek Specific Plan (CCSP).

Recreational facilities were anticipated and reviewed in the Carson Creek Specific Plan and the Environmental Impact Report. Specific Plan. Policy 9.1.1.3 of the CCSP states, "Recreation facilities shall provide a focal point and gathering place for the larger community". The project parcel was conceptually approved for a recreation/community center in approval of the tentative subdivision map.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 17

The use is allowed by Special Use Permit within the CC3K CCSP zone district has been found to be consistent with the development standards for the CC3K and Zoning Ordinance requirements for setbacks, parking, lighting, and landscaping.

4.0 ADMINISTRATIVE FINDINGS FOR A SPECIAL USE PERMIT

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

The proposed recreation center is consistent with the Carson Creek Specific Plan and therefore is consistent with the General Plan.

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

Recreational facilities were anticipated and reviewed in the Carson Creek Specific Plan and Environmental Impact Report. Therefore, the proposed uses would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood

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

The proposed use is a use allowed by Special Use Permit in the CC3K CCSP zone district.

Conditions of Approval

1. **Project Description:** This Special Use Permit approval is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the following hearing Exhibits:

Exhibit G	Applicant Submitted Project Description
Exhibit H	<u>Revised Site Plan</u>
Exhibit I	Floor Plan
Exhibit J	Preliminary Grading and Drainage Plan
Exhibit K	Elevations
Exhibit L	Landscape Plan
Exhibit M	Landscape Plant List
Exhibit Q	<u>Monument Sign</u>

Any deviations from the project description, conditions, or exhibits shall 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:

The project is for an active, senior adult, recreation facility that will be situated on approximately 4.8 acres. The recreation facility will consist of:

- A. A 4,605 square feet in size recreation building consisting of a work out room, aerobics room, bathrooms, locker rooms, and offices.
- B. Outdoor amenities will include one pool, one spa, ~~two~~ three lighted tennis courts, four lighted pickleball courts, central outdoor gathering area, and barbeques. Optionally the pool may be covered.
- C. An area for other passive uses to be determined based on needs assessments of future owners. This area will most likely contain horseshoe pits, shuffleboard courts, bocce courts, and putting green.
- D. The community center will be available to community homeowners and their guests only, and will be maintained by the Carson Creek Homeowners Association. Hours will be based on homeowners needs.

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.

2. **Building Permits:** Building permits shall not be issued until Final Map TM04-1391-F-3 for Carson Creek Phase 2 Unit 1 is recorded. Building permit issuance is subject to approval by El Dorado County Development Services and approval by the El Dorado Hills Fire Department pertaining to water supply and road access.
3. **Grading Permits:** Site grading permits may be issued after approval of this Special Use Permit.
4. **Sales office:** Portions of the recreation center structure may be used as a sales office during development of the remaining phases of the Carson Creek Specific Plan.
5. **Sports Lighting:** Outdoor sports lighting at the recreation facility shall be turned off by 9:45 p.m.
6. **Amplified Sound:** Outdoor public address systems shall be turned off by 9:45 p.m.
7. **Lighting:** All outdoor lighting shall conform to Section 130.14.170 of the Zoning Ordinance, and 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 fixture meets the full cutoff standards, shall require a fixture substitution that meets that requirement. In addition, the following apply:
 - a. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.

- b. No more than 50 percent of the parking lot lighting may remain on during hours of non-operation. Any security lighting on the buildings shall be designed with motion-sensor activation.
- c. No pole light shall exceed 16-feet in height measured from ground level.

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.

- 8. **Landscaping:** As part of the building permit process, the applicant shall submit for approval a final landscape plan in substantial compliance with the preliminary plan including compliance with the County water conserving landscape standards and the CCSP. Landscaping within the 100-year flood plain of Carson Creek shall conform to the native species list found within Section 4.15 of the specific plan.
- 9. **Condition Compliance:** Prior to issuance of certificate of occupancy 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.
- 10. **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 applicant 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 by El Dorado County. County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

- 11. **Permit Implementation:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (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.
- 12. **Archeological Resources:** The following shall be incorporated as a note on the grading/improvement plans:

In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a "unique archaeological resource", contingency funding and a time allotment sufficient to allow recovering an archaeological 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 archaeological mitigation takes place.

If the find is determined to be a “unique archeological resource”, the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a “nonunique archeological resource”.

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

13. **Human Remains:** The following shall be incorporated as a note on the grading/improvement plans:

In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

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

14. **Fire Flow:** The potable water system with the purpose of fire protection for this commercial development shall provide a minimum fire flow of 1,500 gallons per minute with a minimum residual pressure of 20 psi for a two-hour duration. This requirement is based on a structure 11,300 square feet or less in size, Type V-B construction. All structures shall be fire sprinklered in accordance with NFPA 13 and Fire Department requirements. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department for review and approval.
15. **Hydrants:** This development shall install one (1) Dry Barrel fire hydrant conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The exact location of the hydrant shall be determined by the Fire Department; and shall be located within 150 feet of the building.
16. **Hydrant Visibility:** In order to enhance nighttime visibility, the hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and State Fire Safe Regulations.
17. **Sprinkler Connection:** Any fire department connection to the sprinkler system shall be positioned so as not to be obstructed by a parked vehicle.
18. **Fencing:** All fencing that backs up to wildland open space shall be required to use non-combustible type fencing.
19. **Roads:** All fire apparatus access roads shall be an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.
20. **Entrance Turning Radius:** Fire apparatus turning radius is 56' outside and 40' inside. The main entrance shall be revised to allow for this access.
21. **Landscaping:** The landscaping plan shall be revised to remove trees that will impede fire apparatus access when fully grown. Fire Apparatus require 13'6" vertical clearance.
 - A. The main entrance needs to be evaluated for this access.
22. **Fire Alarm:** Any building greater than 500 square feet shall be equipped with an approved fire alarm/detection system.
23. **Knox Box:** A Knox Box is required for nighttime and afterhours access to the alarmed buildings.
24. **Weed abatement:** If the property is not fully landscaped, all weeds located on the property shall be cleared down to 2" by June 1st each year.

25. **Addressing:** Addressing is required as described in the in accordance with the El Dorado Hills Fire Department Addressing of Buildings Standard B-001.
26. **Traffic Calming:** This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway.
27. **Parking:** The only authorized parking will be in the designated parking spaces shown on the plans. All curbs shall be painted red with the words “No Parking - Fire Lane.”
28. **Construction Plans:** A PDF electronic copy of all plans shall be provided to the fire department for electronic storage and use for engine company pre-fire planning. Please send the electronic copy to mlilienthal@edhfire.com.
29. **Fire Protection Systems**
 - A. Installation of all on-site fire protection systems shall be in accordance with NFPA 24 and Fire Department Standards.
 - B. All on-site fire protection systems shall be tested in accordance with the requirements of NFPA 24 and shall be witnessed by the Fire Department.
 - C. The installing contractor, or sub-contractor, for all on-site fire protection systems shall notify the Fire Department at least 24 hours in advance of requesting a date and time for inspections.
 - D. If plastic pipe is installed for fire protection systems, the pipe used shall be C-900 Class 200.
 - E. After installation, rods, nuts, bolts, washers, clamps, and other restraining devices, except truss blocks, used on-site fire protection systems shall be cleaned and thoroughly coated with an acceptable corrosion-retarding material.
 - F. The section of private fire service piping within five feet of the building foundation and the fire sprinkler riser shall be ductile iron piping.

El Dorado County Air Quality Management District

30. **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 (PM10) 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, 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)
31. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
32. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.

33. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
34. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. An applicability flow chart can be found here: http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf. Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
35. **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.

Community Development Agency-Environmental Management Division

36. **Pool:** The pool planned for Heritage Carson Creek Fitness must comply with all required public swimming pool regulations (California Code of Regulations, Title 22, Chapter 20; California Health & Safety Code, Division 2.5, Chapter 3; California Building Code, title 24, Part 2, Volume 2; Virginia Graeme Baker Pool & Spa Safety Act, etc.). A service request and plans for the proposed pool must be submitted to and approved by the El Dorado County Environmental Management Division before beginning construction of the pool. Once operating, an annual health permit will be required for the Heritage Carson Creek Fitness pool.
37. **Commercial Kitchen:** Any commercial kitchen facilities are installed in the fitness center will be required to meet the standards of the California Retail Food Code. Examples of commercial kitchen facilities are snack bars, coffee shops, prepackaged food stores, and restaurants. Any commercial kitchen facilities will be required to have an annual health permit issued by the El Dorado County Environmental Management Division.

5. **15-0222** Hearing to consider a request to allow expansion of a home occupation to include three employees in addition to the property owner [Special Use Permit Revision S78-0016-R/Tunnel Electric]** on property identified by Assessor's Parcel Number 070-250-45, consisting of 2.96 acres, 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.

Erik Martin, applicant, made the following comments:

- Distributed a handout to the Commission;
- Spoke on the history of the parcel, the Special Use Permit, and the events leading up to today's hearing;
- Spoke on his family business;
- Business has grown and he has a second facility in Gilroy where all the large equipment is stored;
- Has gone through the neighborhood and has spoken with approximately 75% of the residents regarding his project and the majority are in support;
- County considers his wife and nephew, who live on the property, as employees since they work at the business;
- When he purchased the property, had heard that a Special Use Permit ran with the property;
- Environmental Management has been on-site and has no issues; and
- Files an annual plan with the County and State for the oxygen tanks that are located on-site.

Mark Charlton made the following comments:

- Distributed PowerPoint handouts and conducted a PowerPoint presentation, with reference to photos spanning the past 15 months alongside Mineshaft Court;
- 70-100 semi-trucks come in every year;
- Disputed the validity of the original Special Use Permit as there has not been continual annual use and County had even sent out a Cease and Desist letter, although that was eventually withdrawn;
- Spoke on the legal issues;
- Challenged the CEQA exemption;
- This is an expired Special Use Permit;
- Not a home occupation;
- Noise from semi-trucks and forklifts; and
- Entrance to Mineshaft Court is a difficult entry.

Frank Kopita made the following comments:

- Spoke on history of noise, which has increased;
- People on Mineshaft Court have problems with the noise; and
- If revision request is granted, how much more would the applicant expand as the business has grown significantly from the original permit.

Mike Yorba made the following comments:

- Lives next to the applicant's accessory building;
- Has had no problems; and
- When he bought his home, it was disclosed that there was a business located nearby.

Efren Hernandez stated he has had no problems with the applicant and doesn't hear the trucks or forklifts.

Diane Carlton made the following comments:

- Lives on Whispering Pines and works at home; and
- The request is not an issue and it has only been an irritant to have employees parking near their homes, however, has the same concerns regarding expansion as a previous speaker.

Ramona Hernandez made the following comments:

- Gets more noise and traffic from the students attending the nearby Ponderosa High School;
- Commercial traffic is not on a regular basis in neighborhood; and
- Applicant is a pleasant neighbor.

Chris Chaloupka made the following comments:

- Former Planning Commissioner for District 4;
- From his property, he can see the activity level on the applicant's property and it is very intermittent;
- Noise is not an issue and dogs make more noise than the applicant; and
- Moved there in 1986 and building was already there and had always known there was business activity going on there.

Chair Stewart closed public comment.

Mr. Martin provided the following rebuttal comments:

- Spoke on the revocation statute;
- Happy that neighbors came out to support him;
- Confirmed that business hours are Monday through Friday and that he works on his own projects during the weekend;
- Clarified that the photos showing large metal deliveries are "milk runs", in which the delivery company will combine multiple orders in a particular area onto one truck and make separate stops;
- He gets 1-2 truck deliveries per week since he is job-oriented which dictates the number of supply deliveries needed;
- There is no road association or road agreement;
- Understood that he is using the road more than others and has no problem doing maintenance, which he has done in the past;
- Is aware that anything that happens to the road is being blamed on his business activity but doesn't have a problem with doing what is right;
- All parking is on-site as it is a 3 acre parcel;

- Spoke on the open Code Enforcement case which resulted in not everything being up to code when he purchased the property and he is in the process of getting it into compliance;
- Road is 30 feet wide and delivery trucks enter his property to load/unload and turn around;
- Trying to mitigate in order to be a good neighbor; and
- Has second access on Whispering Pines.

Chair Stewart made the following comments:

- Spoke on continual use and this project has factual issues;
- Voiced concern that original Special Use Permit was on a larger parcel and would need to look at today's situation; and
- Still trying to clarify continual use of activity.

Commissioner Heflin stated the need to determine if there was a cessation of activity.

Commissioner Pratt made the following comments:

- Applicant needs to utilize delivery trucks that are less than 50 feet from tip to tip;
- Special Use Permits run with the land and would cessation of activity cause expiration of permit;
- Inquired on who would do the research as the Conditions of Approval of the original Special Use Permit are very vague;
- This is a legal, technical issue and feels it is beyond the Commission's scope;
- Holding for future uses is interesting comment as applicants are told to put everything in a Special Use Permit application that they would eventually want to do; and
- Clarity is needed on this legal issue.

Significant discussion ensued on factual issues, continual use of the Special Use Permit, and options for next steps.

Chair Stewart understood the need to determine if the Special Use Permit is valid, but until such a hearing is scheduled, wanted to ensure the applicant would be able to continue his operation. He encouraged the applicant to begin talks with the neighbors on what types of Conditions of Approval (i.e., road agreement) that could work with everyone.

There was discussion on the revocation process, with Commissioner Pratt stating he was struggling with the word "revocation" because the Commission needed to confirm or deny that the Special Use Permit has expired. Chair Stewart inquired if there was any way to structure things so there would be no gap to the applicant if the Commission determined the Special Use Permit had expired.

Roger Trout stated that staff would attempt to return back to the Commission with item no later than 90 days and, in the meantime, the applicant could continue business.

There was no further discussion.

Motion: Commissioner Heflin moved, seconded by Commissioner Pratt, and carried (4-0), to continue the item off-calendar to coincide with the hearing on the expiration determination of the original Special Use Permit.

AYES: Miller, Pratt, Heflin, Stewart

NOES: None

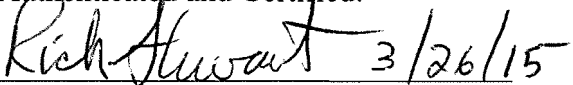
ABSENT: Shinault

ADJOURNMENT

Meeting adjourned at 11:01 a.m.

APPROVED BY THE COMMISSION

Authenticated and Certified:



Rich Stewart, Chair