



# 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  
Gary Miller, First Vice-Chair, District 2  
Brian Shinault, Second Vice-Chair, District 5  
Jeff Hansen, District 3  
James Williams, District 4

Char Tim ..... Clerk of the Planning Commission

---

## **DRAFT MINUTES**

**Regular Meeting  
February 25, 2016 – 8:30 A.M.**

### **CALL TO ORDER**

Meeting was called to order at 8:36 a.m. Present: Commissioners Stewart, Miller, Hansen, Williams and Shinault; David Livingston-County Counsel; and Char Tim-Clerk of the Planning Commission.

### **ADOPTION OF AGENDA**

**Motion: Commissioner Shinault moved, seconded by Commissioner Miller, and carried (5-0), to approve the agenda with the amendment of taking separate actions on each Consent Calendar item.**

**AYES: Hansen, Williams, Miller, Shinault, 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.)

**1. 16-0028** Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of January 14, 2016. [cont. 01/28/16, Item #1]

**Motion: Commissioner Miller moved, seconded by Commissioner Shinault, and carried (3-0), to approve the meeting minutes of January 14, 2016.**

**AYES: Shinault, Miller, Stewart**  
**NOES: None**  
**ABSTAIN: Hansen, Williams**

**2. 16-0117** Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of January 28, 2016

**Motion: Commissioner Williams moved, seconded by Commissioner Miller, and carried (3-0), to approve the meeting minutes of January 28, 2016.**

**AYES: Miller, Williams, Stewart**  
**NOES: None**  
**ABSTAIN: Hansen, Shinault**

**END OF CONSENT CALENDAR**

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

In response to Chair Stewart's inquiry on the status of the Silva Valley Interchange, Dave Spiegelberg/Transportation stated he would look into it.

**COMMISSIONERS' REPORTS**

Commissioner Shinault stated that there were a lot of potholes on Highway 50, so he is anticipating significant roadwork to occur this spring.

Chair Stewart welcomed Jeff Hansen, new Commissioner for District 3. He commented that the revisions recently approved by the Commission for the Green Valley Mortuary were already underway. Chair Stewart announced that the El Dorado Hills Fire Station would be having an open house now that the remodeling had been completed.

Commissioner Hansen stated he was pleased to be on the Commission and looked forward to working with everyone.

**PUBLIC FORUM/PUBLIC COMMENT** – None

**AGENDA ITEMS**

**3. 16-0040** Hearing to consider the House of Prayer Full Gospel Church project [Special Use Permit Revision S97-0011-R] to allow the expansion of the existing church, the addition of classrooms and offices, and a second building on property identified by Assessor's Parcel Number 060-550-11, consisting of 10.00 acres, located in the Garden Valley/Spanish Flat area, submitted by House of Prayer Full Gospel Church; and staff recommending the Planning Commission take the following actions: 1) Accept the previously-adopted Negative Declaration based on the Initial Study prepared by staff; and 2) Approve Special Use Permit Revision S97-

0011-R based on the Findings and subject to the Conditions of Approval as presented.  
(Supervisory District 4)

Jennifer Franich presented the item to the Commission with a recommendation for approval. She stated that one public comment had been received regarding concerns on traffic safety, noise, and erosion.

Rick Hoskins, applicant, responded to inquiries from the Commission on classrooms and if there was to be an expanse of activities.

Dave Spiegelberg/Transportation explained why a traffic study was not required and spoke on the good site distance on Highway 193.

John Daniels, Garden Valley resident and neighbor of project, made the following comments:

- Applicant has been a good neighbor;
- Appreciated the Commission's thoroughness in their questions;
- Concerned about this considerable development being requested;
- Felt that this was very extravagant in the extension of the footprint;
- Traffic is a problem on weekends and has clocked motorcycles speeding at 100mph in that area; and
- Concerned on the development of a school.

Chair Stewart closed public comment.

In response to Commissioner Williams' inquiry on what would protect immediate neighbors from a school if it was developed there, Ms. Franich referred to language in the Conditions of Approval from the original Special Use Permit that was now Condition #3.

Discussion ensued between Chair Stewart and the applicant regarding hours of operation and outdoor activities. County Counsel Dave Livingston suggested omitting reference to Exhibit G and revise wording in Condition #3 to state 7:00am – 7:00pm.

Mr. Hoskins explained that the expansion was due to the realization that they had built it too small when they moved in 16 years ago. They have since been trying to adapt and had finally decided to move forward with an expansion. He explained that they have been in the area for 30 years, had received no complaints, and had no intention of having a daycare or a school.

Ms. Franich read into the record proposed language for Condition #3.

Chair Stewart inquired on erosion and run-off as stated in the public comment.

There was no further discussion.

**Motion: Commissioner Shinault moved, seconded by Commissioner Miller, and carried (5-0), to take the following actions: 1) Accept the previously-adopted Negative Declaration**

based on the Initial Study prepared by staff; and 2) Approve Special Use Permit S97-0011-R based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition #3 as identified.

**AYES:** Hansen, Williams, Miller, Shinault, Stewart  
**NOES:** None

This action is appealable to the Board of Supervisors with 10 business days.

### **Findings**

#### **1.0 CEQA FINDINGS**

1.1 El Dorado County has considered the previously adopted Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County, was completed in compliance with CEQA, and is adequate for this project. According to CEQA Guidelines 15162, when a negative declaration has been adopted for a project, no subsequent Negative Declaration shall be prepared for that project unless the lead agency determines that:

- a) Substantial changes are proposed in the project that will involve new significant environmental effects or substantially increase in the severity of previously identified significant effects.

Rationale: The project would allow an addition to an existing church in a residential area. The existing building comprises 5,830 square feet, including 2,767 square feet of worship area and 2,854 square feet of office area. Phase I of the proposed project would include additions to the existing building, consisting of a foyer totaling 412.5 square feet and 2,050 square feet of classrooms. Phase II, proposed for construction at a later date, comprises an expansion of the parking lot, a courtyard, and a new building to include classrooms, nursery, offices, and a kitchen/dining area. The total new floor area for both phases would be 12,062.5 square feet. Although the project revision includes changes to the site and an expansion of use, these changes would not produce any new significant effects or substantially increase the severity of any previously identified impacts. All impacts were determined to be less than significant, and the revision would not result in any impacts that would be considered significant. Standard conditions of approval and subsequent permit requirements would avoid any significant environmental effects.

- b) Substantial changes occur with respect to the circumstances under which the project is undertaken that involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Rationale: The existing church was approved with a special use permit, as required in the land use designation and zone in which the site is located. The same provisions are still applicable. The physical and environmental setting is not substantially different from that in which the original project was approved, and the project would not involve any new or more severe effects that were not involved in the original approval. Additional regulations have been adopted by the county with respect to some environmental impact areas, however, these regulations would only serve to better protect the environment as they are applicable to all projects and would apply even without the identification of mitigation measures. Conditions of approval and subsequent permit requirements would avoid any significant environmental effects. The project revision includes changes to the site and an expansion of use, however the revision would not result in any impacts that would be considered significant.

c) New information of substantial importance shows:

- The project will have one or more significant effects not discussed in the previous negative declaration;
- Significant effects previously examined will be substantially more severe than shown in the previous Negative Declaration;
- Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects, but the project proponents decline to adopt them; or
- Mitigation measures or alternatives which are considerably different from those analyzed in the previous document would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt them.

Rationale: There is no substantial evidence that the project or a project mitigation measure agreed to by the project proponent, may have a significant effect on the environment. No significant impacts to the environment as a result of this project were identified in the original initial study, and therefore there are no significant impacts that would be more severe as a result of the revision. There were no mitigation measures identified in the previous document, as there were no impacts resulting from the project that needed to be mitigated. Conditions of approval and subsequent permit requirements would avoid any significant environmental effects. As such, there were no mitigation measures that were determined to be infeasible at the time, but that would be feasible today. There were no mitigation measures identified throughout the review of the revision which are considerably different from any standard conditions or project components identified in the previous document. The project revision includes changes to the site and an expansion of use, however the project would not involve any new or more severe effects that were not involved in the original

approval, and the revision would not result in any impacts that would be considered significant.

- 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 at 2850 Fairlane Court, Placerville, CA, 95667.

## **2.0 GENERAL PLAN FINDINGS**

### **2.1 The project is consistent with General Plan policy 2.2.1.2.**

The Rural Residential land use designation establishes areas for residential and agricultural development, with limited infrastructure and public services. Typical uses include single family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. The allowable density for this designation is one dwelling unit per 10 to 160 acres. This designation is considered appropriate only in the Rural Regions.

Rationale: The El Dorado County General Plan designates the subject site Rural Residential. The site is zoned RE-10, which restricts parcel size to at least 10 acres and allowable uses to include single-family dwellings, and including other compatible uses with a special use permit. This use is consistent with the intent of the Rural Residential land use designation.

### **2.2 The project is consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The site contains an existing church surrounded by rural residential development and small-scale agriculture along Highway 193. Churches are generally regarded as compatible uses in residential areas, providing gathering spaces and contributing benefits to public health, safety, and welfare. The church is existing, and the additions have been designed to visually blend with the surroundings. Conditions of approval limiting the use of the facility to church-related activities and prohibiting the conversion of the building to a school or daycare will maintain the compatibility of the use with the surroundings.

### **2.3 The project is consistent with General Plan Policy 5.1.2.1.**

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

Rationale: The project was reviewed by the County Transportation Division, Garden Valley Fire Protection District, Georgetown Divide Public Utility District,

and Black Oak Mine School District for adequate public services capacity. The new construction will utilize existing electrical facilities and public services. The expansion of the church facilities may necessitate additional septic system capacity. Environmental management may require expanded wastewater treatment facilities, which would be determined at the time of building permit. The project would not generate a substantial increase in solid waste, however, the project would be required to comply with construction and demolition debris recycling standards during the construction phase and follow CalGreen requirements during operation.

**2.4 The project is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The proposed project is within a high fire hazard area. Standards for construction and vegetation maintenance will apply during the construction and operation phases of the project.

**2.5 The project is consistent with General Plan Policy 6.2.3.2.**

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

Rationale: The original Special Use permit included review of the site plan for adequate access for emergencies. The Transportation Division and Georgetown Fire Protection District reviewed the application materials and do not require additional site access or improvement to the existing roads. Building plans for emergency ingress and egress capabilities will be reviewed by the Georgetown Fire Protection District for compliance with county and fire codes. Therefore, the project is in compliance with the General Plan Policy.

**2.6 The project is consistent with General Plan Policy 6.5.1.7.**

Policy 6.5.1.7, Noise Standards, require that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses.

Rationale: Noise levels are not expected to increase as a result of the project, as the use of the site is not changing. Noise generated during construction and operation will be required to comply with the noise standards established in the General Plan.

**2.7 The project is consistent with General Plan Policy 7.1.2.1.**

General Plan Policy 7.1.2.1 directs that development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access.

Rationale: The existing structures are built on areas of the property that avoid any slopes exceeding 30 percent. The area proposed for new construction avoids slopes of 30 percent or more. The project is in compliance with the policy related to steep slopes.

**2.8 The project is consistent with General Plan Policy 7.4.4.4.**

According to policy 7.4.4.4 of the general plan, all new development projects that would result in soil disturbance on parcels that are over an acre and have at least 1 percent total canopy cover shall adhere to the tree canopy retention and replacement standards.

Rationale: The site contains some trees, but no trees are within the proposed area of construction. No oaks or other trees are proposed for removal. With the implementation of the conditions of approval, the project is consistent with policy 7.4.4.4 of the General Plan.

**3.0 ZONING FINDINGS**

**3.1 The project is consistent with Title 130.**

The project has been analyzed in accordance with Zoning Ordinance Section 130.70.110 (Development Standards) for minimum lot size, dimensions, buffers, and building setbacks. The project, as proposed, is consistent with the Zoning Ordinance because the project will comply with building setbacks and other applicable design standards.

Rationale: The parcel is zoned Estate Residential Ten-Acre (RE-10). The minimum lot size required is 10 acres. The subject parcel is 10.0 acres in size. No maximum building coverage is specified for the RE-10 zone. The maximum building height is 45 feet for this zone. The proposed new building is two stories tall and approximately 30 feet in height. The minimum property line setback is 30 feet on all sides. The proposed additions to the church building and the new construction will be located at least 30 feet from the edge of the unnamed 50-foot-wide non-exclusive easement located along the southern property line of the subject parcel, and will exceed the setback requirement on all other sides.

**3.2 The project is consistent with Chapter 130.18: Off-Street Parking and Loading.**

Section 130.18.060 of the Zoning Ordinance establishes off-street parking requirements by use. Churches and other places of public assembly are required to have 1 parking space per 4 seats or 1 space per 300 square feet of gross floor area, whichever provides



the higher amount of parking. Offices require 1 space per every 250 square feet, and schools require 1.5 spaces per classroom. The number of handicapped parking spaces is calculated based on the total number of spaces, with 76 to 100 spaces requiring 4 handicapped spaces, per the California Building Code.

Rationale: The existing building is 4,709 square feet in size and seats a total of 239 people requiring a total of 60 parking spaces ( $239 \text{ seats} / 4 = 60$ ). There are currently 70 parking spaces with two of the spaces designated as handicapped parking spaces. Although the assembly area is not proposed to be expanded, the proposed project has additional office area totaling approximately 1400 square feet and eight classrooms. Approximately 78 spaces will be needed to accommodate the additional office and classroom areas, with 4 of these spaces designated as handicapped spaces. An additional 8 spaces will be needed beyond the existing parking capacity. The current site plan has included additional parking areas to accommodate the multiple phases of the project. A condition of approval will require the submittal of a parking plan in conformance with parking standards prior to issuance of a building permit.

**3.3 The project is consistent with Title 130.18.090.**

Section 130.18.090 requires that at the time of development of any off-street parking that landscaping and buffering be provided in accordance with an approved Landscape Plan.

Rationale: A landscape plan was submitted and approved as part of the development of the site. With the additional parking areas, landscaping and buffering is needed along the southern side of the church building to comply with 130.18.090. The condition of approval requiring the submittal of a landscape plan in conformance with Section 130.18.090 has been updated to require an updated Landscape plan prior to issuance of a building permit.

**3.4 The project is consistent with Title 130.16.**

Section 130.16.030 specifies that conforming signs that change messages, but do not alter the size, location, or illumination are exempt from sign permit requirements.

Rationale: The original special use permit authorized one 4 foot by 5 foot, unlighted sign on 4 inch by 4 inch posts with the top of the sign approximately 6 feet above grade. A condition was also included to specify lighting for the sign were proposed, it must be designed so as to not allow any glare or light escape off-site, and that lighting may be approved by the Planning Director as a minor expansion as long as the lighting complies with the above requirement. There are no changes to the sign proposed, and the existing sign is allowed by Section 130.16.

**4.0 SPECIAL USE PERMIT FINDINGS**

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

Rationale: As discussed above in Section 2.0 General Plan Findings, the special use permit is consistent with the applicable policies and requirements in the El Dorado County General Plan.

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

Rationale: The use will not significantly conflict with surrounding uses. The proposed church expansion will comply with the Development Standards of the RE-10 zone district. The proposed use is consistent with the surrounding neighborhood which includes agriculture and large-lot single-family residences. The project is not expected to result in any changes to the current use or condition of the site. As conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding residents.

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

Rationale: The church is specifically permitted by Special Use Permit pursuant to Section 130.70.100. The subject property is located in the RE-10 zone (Estate Residential 10 acre minimum). Section 130.70.100 of the Zoning Ordinance establishes the uses requiring approval by a Special Use Permit in the RE-10 zone which includes "the construction of schools, churches, cemeteries, parks, golf courses, and public utility structures."

**Conditions of Approval**

**Planning Department Services**

1. This Special Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

Exhibit F.....Proposed Site Plan and Elevations  
Exhibit G.....Facility Plan of Operation

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.

Approval of the Special Use Permit authorizes additions to the existing facility to include an enlarged foyer, the addition of classrooms, a second 9,000 square-foot building to be constructed during Phase II, and an expanded parking area. No activity authorized by this special use permit may commence until all of the conditions of approval have been complied with in full. Additionally, this special use authorizes only those activities typically associated with a church, including the use of classrooms for group meetings, Sunday school, and church services.

Any outdoor activities shall require the submittal of a Temporary Use Permit application for review and approval by the Planning Department.

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 Division (Planning)**

- ~~1.~~ 2. The applicant shall be subject to a building permit to allow construction of the proposed ~~4,709 square foot~~ 2,462.5 square-foot church building addition and new a 9,600 square-foot building on the parcel. All building permit requirements shall be met prior to occupancy/use of the structure.
- ~~2.~~ 3. ~~Approval of this use permit authorizes the placement of an approximate 4,709 square-foot church with 70 parking spaces, an unlighted 20 square foot sign, and landscaping.~~ No activity authorized by this special use permit may commence until all of the conditions of approval have been complied with in full. Additionally, this special use authorizes only those activities typically associated with a church. Day care or a school operating during week days will require an additional amendment to the special use permit. Any outdoor activities or activities to occur ~~outside of normal hours~~ before 7:00 a.m. or after 7:00 p.m., except for one additional weekday until 8:00 p.m., shall require the submittal of a Temporary Use Permit application for review and approval by the Planning Department.
- ~~3.~~ 4. Any proposed changes to the approved site plan shall be submitted to the Planning Development Services Director for review and approval. Minor changes may be approved by the Planning Development Services Director.
- ~~4.~~ 5. The applicant shall contact the Environmental Health Division regarding the requirements for developing the on-site septic disposal system to accommodate the proposed use. All Environmental Management requirements shall be met prior to occupancy/use of the building.

- ~~5.~~ 6. The applicant shall submit an updated Landscape Plan meeting the requirements of Section ~~47~~130.18.090 of the Zoning Ordinance prior to the issuance of a building permit. Plantings shall not include non-native plant species in the wetland area in order to maintain the developing riparian habitat. The Landscape Plan shall be reviewed and approved by the ~~Planning~~ Development Services Director.
- ~~6.~~ 7. The applicant shall meet all parking lot construction standards as outlined in Section ~~47~~ 130.18.070 of the Zoning Ordinance. The improvement/ grading plan provided to the Transportation Division shall contain information showing compliance with the above standards. All proposed signs and structures must be kept out of the right-of-way.
8. The riparian habitat shall be preserved by the 25-foot non-building and non-grading setback recorded on the parcel via the existing Notice of Restriction, as required by the original project approval.
9. The stone building shown on the site plan shall be preserved by a 25-foot non-building and non-grading setback recorded on the parcel via the existing Notice of Restriction, as required by the original project approval.
10. Any proposed building or parking lot lighting fixtures shall be designed and located so that no light and glare shall spill over property lines and adversely impact adjoining properties. A lighting plan shall be submitted for review and approval by the Development Services Division.
11. Pursuant to County Code 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.
12. 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.

### **Transportation**

- ~~7.~~13. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation 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.

- 8.14. The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to the commencement of any work performed. The parking area gradient shall not exceed 6% in any direction, and the handicap parking gradient shall not exceed 2% grade in any direction.
15. The new grading and construction shall comply with the Phase II Small Project MS4 General Permit to the satisfaction of the Transportation Division. A drainage Study may be required at the time of building permit application. The onsite drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance.
9. ~~The project shall be subject to the County traffic impact mitigation (TIM) fee of \$3.66 per square foot for office and meeting rooms, and \$1.64 per square foot for sanctuary and other areas. Pursuant to Resolution 201-96, said fee shall be due upon the issuance of a Certificate of Occupancy. If prior to the application for a building permit for said project a revised fee is established, such revised amount shall be paid.~~
10. ~~The project shall be subject to the State system infrastructure traffic impact mitigation (TIM) fee of \$2.56 per square foot for office and meeting rooms, and \$0.62 per square foot for sanctuary and other areas. Pursuant to Resolution 202-96, said fee shall be due upon issuance of a building permit and/or a Certificate of Occupancy. If prior to the application for a building permit for said project a revised fee is established, such revised amount shall be paid.~~

### Caltrans

16. Hydrology calculations must be completed to determine the net increase in runoff and appropriate mitigation measures must be designed/constructed to contain all excessive flows onsite. Mitigation designs along with all back-up calculations shall be forwarded to Caltrans for Review.
17. No additional runoff shall be directed toward the 18-inch culvert on SR 193, located at approximately post mile 16.56. All excess runoff must be captured onsite and should not be directed toward the State right-of-way.
18. Any work to be done in SR 193 right-of-way shall require a completed encroachment permit application to be submitted to Caltrans District 3 for review.

### Environmental Management

19. Existing sewage disposal system must be evaluated and expanded to accommodate the additional use or a new system designed and installed for the increase in use.

20. If a kitchen or food facilities are proposed to be developed for providing food to the general public and not exclusively for members it must meet California Health and Safety Code requirements.
21. A minimum of 50% of the waste materials generated from Construction and Demolition projects must be diverted from being landfilled by being recycled or reused on site. Before a building permit will be issued, the applicant must complete and submit with their building permit application:
- a. Construction and Demolition Debris Recycling Acknowledgement Form
  - b. A Construction and Demolition Debris Recycling Report is due to be turned into EMD within 60 days of the completion of the project. These forms and additional information are available on this website: [http://www.edcgov.us/Government/EMD/SolidWaste/Construction and Demolition Debris Recycling.aspx](http://www.edcgov.us/Government/EMD/SolidWaste/Construction_and_Demolition_Debris_Recycling.aspx)
  - c. Waste Management and Recycling: AB 341 (Mandatory Commercial Recycling) requires all commercial facilities (nonresidential) that generate at least 4 cubic yards of solid waste per week to recycle. The franchise waste hauler for the location of The House of Prayer is El Dorado Disposal. If the House of Prayer does not already subscribe to garbage and recycling service, please contact El Dorado Disposal. They can help you evaluate whether your facility generates 4 cubic yards of solid waste a week and therefore must subscribe to a recycling service. Melody Byers is the contact for commercial accounts. She can be reached at [recyclediva@wcnx.org](mailto:recyclediva@wcnx.org) or by calling (530) 626-4141. Here is a link to El Dorado Disposal's flyer on Mandatory Commercial Recycling: [http://www.eldoradodisposal.com/files/BIZ%20English\\_El%20Dorado.pdf](http://www.eldoradodisposal.com/files/BIZ%20English_El%20Dorado.pdf). Also, here is a link to the California State Department of Resources Recycling and Recovery's (CalRecycle) webpage on Mandatory Commercial Recycling: <http://www.calrecycle.ca.gov/recycle/commercial/>.

4. **16-0041** Hearing to consider the Verizon Wireless Communication Facility Arrowbee Monopine project [Special Use Permit S15-0004]\* to allow a new 90-foot tall monopine tower, outdoor equipment cabinets, standby diesel generator, and related ground equipment on property identified by Assessor's Parcel Number 105-140-06, consisting of 5.02 acres, located in the Placerville 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 S15-0004 based on the Findings and subject to the Conditions of Approval as presented. (Supervisory District 4)

Chair Stewart announced that there was a continuance request from the applicant that the Commission would first consider.

Aaron Mount explained that the applicant's agent had submitted a written request to continue the item to the March 24, 2016 meeting, but that staff was recommending a continuance to the March 10, 2016 meeting.

County Counsel Dave Livingston stated that if the item was continued to the March 24, 2016 meeting, that the applicant would be requested to extend the FCC shot clock.

Mark Lobaugh, applicant's agent, stated the continuance was requested due to the Radio Frequency engineer being unable to attend today's meeting. He also stated that some recent design revisions may be able to address some of the concerns that are being expressed. Mr. Lobaugh understood that the public wanted to move forward with this item today and perhaps a solution would be to allow public comment on the project, but continue final action to the March 24, 2016 meeting.

There was discussion between County Counsel, staff and the Commission on options regarding the continuance request and still allowing public comment today. Chair Stewart confirmed with Mr. Lobaugh that by moving forward today to receive public comment on the project, that he would be withdrawing his continuance request. Mr. Lobaugh concurred.

Chair Stewart opened the item for the hearing.

Mr. Mount presented the item with a recommendation for approval. He stated that public comments received were centered around the aesthetics.

Chair Stewart requested County Counsel to provide an overview of the Commission's purview on cell towers.

Mr. Lobaugh made the following comments:

- Summarized actions taken in locating proposed site;
- Proposed site was selected due to the following:
  - Agreeable landowner;
  - Good existing tree coverage;
  - Area has good radio frequency that would work with entire network;
  - Provides broadband capacity and coverage;
  - Site meets County, Verizon, and Fire Code regulations; and
  - Location selected so it could work with the rest of the network;
- Requested to add additional brush planting with only Toyon;
- Had previously requested a continuance to allow for a public outreach meeting and had been unsuccessful in locating a meeting site despite numerous attempts with the local school in reserving a meeting room;
- Spoke on fire access restrictions;
- Stated possible design changes that may be able to reduce size of site but would need to be further researched;
- Area is continuing to have additional demands and wants to address future growth and also improve current usage;

- If facility is not installed and growth rate continues, usage will be impacted;
- Common in this County to have cell towers on residential properties; and
- Facilities are placed where the people are in order to serve the customers.

Janet Barbieri, Arrowbee resident and speaking for a group of Arrowbee residents opposed to the project, made the following comments:

- Project has been in the works for 2 years but neighborhood was not contacted until recently;
- Board member of the Gold Trail Union School District;
- Referenced opposition documents submitted; and
- Requested denial.

Emily Nguyen, Arrowbee resident, made the following comments:

- Project is injurious to the neighborhood for the following reasons:
  - Negative aesthetics;
  - Decreased property values;
  - Industrial blight and noise impacts;
  - Impact to 4 Corners Landowners Association; and
  - Introducing a business enterprise to a rural neighborhood.

Chuck Stevens, Arrowbee resident, made the following comments:

- Application is deficient;
- No reasonable range of alternatives as applicant didn't go outside of the neighborhood;
- Search ring criteria was not provided;
- Errors and misstatements in the application;
- Latest submission of drawings is lacking the septic system location that was identified in the original drawings/plans; and
- Referenced the call logs.

Keith Atwater, 24 year resident at Lake Arrowbee, stated that any resident that uses the park would be able to see the cell tower. He also stated that Toyon is a shrub, not a tree, and it won't screen anything.

Tom Leffler, Arrowbee resident, made the following comments:

- Retired and moved from Bay area 12 years ago;
- This is about the money;
- Property values will decrease; and
- Blight on a beautiful area forever.

Ron Crother, Arrowbee resident, made the following comments:

- Worried about health concerns;
- Decrease in property values;
- Eyesore;
- Not uncommon for monopine cell towers to be significantly impacted by high winds which are normal for this County;



- No notice of intent was provided to the residents;
- No public outreach;
- Reject project and direct the applicant to find another location; and
- Tower would loom over residents.

Michael and Carmen Wilcox made the following comments:

- Immediate neighbors;
- Was never contacted by the applicant as an optional site, as stated by the applicant's agent;
- Would see the tower;
- Impact would be devastating and would be forced to live under the tower;
- Uncle in Virginia who had bought property to develop 6 up-scale homes ended up taking over 4 years to sell them at a loss due to a cell tower being constructed adjacent to the development;
- Has no problem with their Verizon service;
- Requests that applicant find another location;
- Oak-looking cell tower that is shorter would be better than what is proposed; and
- Community is irreplaceable.

Iona Meredith, 25-year resident, made the following comments:

- President of the 4 Corners Landowners Association, which is a non-profit corporation;
- Spoke on the Association's jurisdiction and responsibilities, which include payment of dam fees;
- Cell tower would be viewed by users of the lake;
- Concerned that residents would stop using the lake and stop paying the dues, which would cause the Association to lose membership and be unable to pay the dam fees, thereby losing control of the recreational resource; and
- Deny the application.

Julie Bauer made the following comments:

- Owns lakefront property;
- Verizon doesn't want to hear from the neighbors;
- Works at the local school and doesn't believe the applicant's agent was unable to rent a room at the school; and
- No issues with service and this project wouldn't be a benefit, only a negative impact.

Walt Huckabee, Arrowbee resident, made the following comments:

- Thanked the Commission for taking their input;
- Endorsed other speakers' comments;
- Noise concerns;
- Tower is expandable;
- Impact assessment should contain life of project;
- Concerns on traffic flow, safety, and road impact;
- Spoke on environmental assessment report; and

- Applicant needs to provide fair share in addressing impacts.

Linda Stevens, Arrowbee resident, made the following comments:

- Spoke to applicant's agent last week when she was contacted by him, not 2 weeks ago as stated;
- Excellent cell phone coverage with Verizon Wireless already in area;
- Rural neighborhood;
- Held 2 open meetings, sent mailers, and placed fliers on mailboxes in order to get information to residents, in addition to a website and conducting research;
- Residents heard of project from the County, not the applicant, and landowners of the proposed site didn't even notify their adjacent neighbors;
- No public outreach;
- Deny Special Use Permit;
- Injurious to the neighborhood;
- Lives have been disrupted;
- Causes financial harm to residents;
- Negative impact to aesthetics;
- Did not invite applicant's agent to their public outreach;
- Unfortunately there was a last minute rush of documents submitted and they had not meant for it to be a "gotcha";
- Wants the applicant to move the location; and
- Outreach should have occurred months ago in order to allow residents to voice their concerns.

Commissioner Miller commented that communication goes two ways and although many have commented on the lack of a public outreach meeting, it appeared by the public testimony received that it would have been a moot point since the residents don't want the project there.

Kathy Leffler referenced submitted letters and agreed with her neighbors' comments. She wanted to ensure that two photos were submitted for the record and provided them to the Clerk. Ms. Leffler invited the Commission to her property for a site visit.

Brenda Burton just purchased a home that would have a direct view of the cell tower and stated that she probably wouldn't have bought it had she'd known about the project.

Bob McConachie made the following comments:

- Adjacent to proposed tower location and it would tower over his home;
- Would not have bought home if he had known of the project;
- Dead oak trees on the hill;
- Tower will be on a raised platform;
- Sun will reflect off of the tower;
- There is no "up-side" for him on this;
- Not in support of increasing the service in the area as his vehicle has already been rear-ended by a kid texting and driving;

- Industrial use being built with a large footprint;
- Additional road cuts will cause more drainage;
- Narrow roads with limited site distance and deep ditches;
- Spoke on impact to roads during construction phase;
- Since industry is on the cusp of 5g, why not give it some time to help increase the broadband; and
- Didn't know about project until October 2015.

Loretta Webb made the following comments:

- Although not a resident in the project area, had attended the hearing for the Swansboro cell tower and spoke on Mr. Lobaugh's comments for that project regarding alternative sites; and
- Requested the Commission to have Mr. Lobaugh speak on the alternative sites.

Larry Raboy made the following comments:

- Currently living in Fremont but is in the process of preparing to move to property adjacent to proposed site;
- Will still move even if the cell tower goes in;
- Heard about the project during a recent visit;
- Thanked the Commission for listening to the public comments and hoped they would not be swayed by the economics; and
- Landowner didn't talk to any of the neighbors about this upcoming project.

Michael Moreno, Arrowbee resident, made the following comments:

- Referenced submitted public comment letter;
- Has great coverage with Verizon Wireless; and
- Has great internet coverage with another provider.

Richard Wanner stated that he is not a resident of the project area, and knows that the applicant wants the cell tower but inquired how many lives do they need to ruin in order to get it.

Chair Stewart closed public comment.

Mr. Lobaugh made the following rebuttal comments:

- Spoke on co-location;
- Explained that photo-sims are taken from a public perspective;
- Had never been contacted or invited to discuss the project;
- Tried numerous times to coordinate with Linda at Sutter Mill School to reserve a room for a public outreach meeting;
- Provided a handout to the Commission on Wireless Facility Impact on Property Values;
- Requested a 4-week continuance to possibly address the concerns;
- This would be an unmanned facility;
- Spoke on various items that the project would be in compliance with;
- A hearing is the process for this type of request;

- Tower would be on a raised platform to eliminate the amount of soil moved and would promote drainage to occur under the platform;
- The submitted drawings are zoning drawings, not building drawings, which would be submitted at the time when a Building permit was being pulled; and
- Appreciated the public comment in order to hear the concerns and will share this with the applicant.

In response to various questions from the Commission, Mr. Lobaugh made the following statements:

- Existing facilities are currently maxed out and can't be expanded;
- Never heard of a cell tower falling over and if one did, it is designed to crumble down;
- Fans are in units and a noise analysis was conducted which showed compliance with standards;
- Proposed site is in a bowl and locating a tower outside of the area wouldn't serve the identified area; and
- Willing to extend the shot clock if the item was continued to the March 24, 2016 meeting.

Commissioner Williams made the following comments:

- Spoke on the public comments regarding alternative sites not being contacted;
- Area is not an established dead zone as stated by the applicant's agent;
- If the 4 Corners Landowners Association loses funding, they could lose the lake; and
- Locating a cell tower 500 feet from a residence is a sticking point.

Chair Stewart made the following comments:

- Uncomfortable with the coverage explanation being provided;
- Inquired on public comments regarding cell tower height increase;
- Inquired on General Plan; and
- Wanted to see more information on coverage, alternative sites, and aesthetics.

Commissioner Miller made the following comments:

- Project would only benefit the Lake Arrowbee area and if the tower was not built, then only the residents would have a negative impact;
- In-depth explanation is needed of any other way to upgrade the service from another location; and
- Commission does read all of the public comment and it won't be forgotten by the next meeting.

There was no further discussion.

**Motion: Commissioner Shinault moved, seconded by Commissioner Williams, and carried (5-0), to continue the item to the March 24, 2016 meeting.**

**AYES: Miller, Hansen, Williams, Shinault, Stewart**  
**NOES: None**

**5. 15-1409** Hearing to consider a request submitted by Dennis Smith appealing the approval of Design Review DR14-0005-S/Dollar General Georgetown\* to permit a new 9,000 square foot commercial building on property identified by Assessor's Parcel Numbers 061-362-01, 061-362-02, and 061-362-04. The property totals 1.2 acres and is located on the southeast side of Main Street between the intersections with Orleans Street and Harkness Street, in the Georgetown area; and staff recommending the Planning Commission take the following actions: 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; 2) Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measures as presented; and 3) Deny the appeal, thereby upholding the approval of Design Review DR14-0005-S by the Development Services Division Director on October 28, 2015, based on the Findings (Attachment C) and subject to the Conditions of Approval (Attachment D). (Supervisory District 4) (cont. 01/14/16, Item #2)

Chair Stewart announced that Commissioner Shinault may need to leave early, so requested that any architectural-related issues be addressed first.

County Counsel David Livingston requested the two new Planning Commissioners for District 3 and 4 announce if they have reviewed the item's materials from past hearings and if they felt that they could participate in making a decision on the item. Commissioners Hansen and Williams concurred.

Rob Peters summarized the project's events leading up to today's hearing. He stated that additional public comments had been received, in addition to another response to comments from the applicant. Mr. Peters provided a revised recommendation as stated in the Staff Memo dated February 23, 2016.

Sabrina Teller, applicant's agent, made the following comments:

- Presented 3<sup>rd</sup> design which had substantial input from Commissioner Shinault;
- Spoke on the substantive design changes; and
- New design is still within the historic guidelines.

Commissioner Shinault stated that the applicant had approached him requesting input. He spoke on the architectural design elements that had been addressed.

Commissioner Williams made the following comments:

- Project is located next to an air shaft;
- Downtown Georgetown will shut down certain times of the year for permitted events and questioned if the applicant was ok with that;
- Inquired on if they would be selling alcoholic beverages; and
- If the projected number of jobs created is 8-10, how many of those would be full-time vs part-time.

Ken Presba, 61-year resident, made the following comments:

- Didn't know about the project until he read article in newspaper;
- Deny project;
- Took 3 years for him to do a Boundary Line Adjustment but now this applicant can just merge 3 lots;
- Septic system issues;
- Onsite water issue;
- Air shaft concern;
- Spoke on setback for sewer;
- Too big of a building for a small lot; and
- Bad plan.

Ed Hawkins, resident, made the following comments:

- Comments are on record;
- Staff has done a great job trying to get project to fit in;
- Stormwater system and septic system concerns;
- Site needs an Environmental Impact Report;
- Negative Declarations allow applicants to determine what is or isn't a significant impact; and
- Stated he had a short video on stormwater available for viewing.

Cheryl Langley distributed a handout to the Commission and read it into the record.

Laurel Brent-Bumb, El Dorado County Chamber of Commerce, made the following comments:

- Supports project;
- Met with applicant on several occasions and they appear to be very willing to work together on this;
- Economic development is an advantage for the community; and
- Change is scary for most people.

Sean McDougall stated his background is environmental protection. He said that the size of the building is too huge for a small historic town and spoke on the size of the existing buildings that would be nearby.

Dave Souza made the following comments:

- Provided pictures of Georgetown in 1945;
- Area has historical significance;
- An Environmental Impact Report is needed;
- Requested denial of project and let the Board of Supervisors decide; and
- Put it somewhere else besides Main Street.

Dennis Smith made the following comments:

- Is directly across the street;
- Provided 3 photos of the street crossing area;

- Original appeal was for the safety issues of crossing the street and issue is still not addressed;
- Logging trucks will soon be coming through the downtown area;
- Is a retired Forest Service mineral specialist and spoke on the air shaft;
- Spoke on the aquatic species located in the wetlands;
- ABC law restricts the sale of alcoholic beverages near parks and residences, which this site is located by;
- Main Street is closed 7 times a year and would impact this business; and
- Environmental Impact Report needs to be done to address the concerns.

Leon Alevantis made the following comments:

- Lives across the street from project;
- Issue is the business that is coming to a historic downtown area;
- Box store will take away from the historic area;
- Project will affect the surrounding buildings that may change from residences to commercial, which is what he would consider for his house; and
- Drainage, septic and design need to be looked at.

Chair Stewart closed public comment.

Ms. Teller made the following rebuttal comments:

- Spoke on the wetlands;
- Area is zoned Commercial;
- Project is consistent with County size standards; and
- Would appreciate a vote today.

Fred Sanford/Environmental Management made the following comments:

- Proposed septic system is a concept and that needs to be clear as the system would have to be approved;
- Spoke on the proposed system, which is acceptable to County and State;
- Spoke on the design of the stormwater holding area; and
- Spoke on the required monitoring of the system.

Dave Speigelberg/Transportation spoke on the conceptual design for drainage and stormwater. In response to Chair Stewart's inquiry on the Irrevocable Offer of Dedication, Mr. Speigelberg explained that the intent was to clean up the title to that issue. County Counsel Livingston stated that Condition #14 referenced this.

In response to Commissioner Williams' statement that traffic was not being mitigated, Mr. Speigelberg stated that "mitigation" was the wrong word as they recognize the need for pedestrian services but the width is consistent with County standards.

Mr. Peters read from the ABC's Frequently Asked Questions webpage in response to public comment on restrictions for sale of alcoholic beverages.

Commissioner Williams made the following comments:

- Voiced concern that the Wetland Delineation Report was done in December 2014, which was before the Governor declared a state of emergency due to drought conditions and perhaps the results are now inaccurate;
- Parcel has a lot of environmental challenges and inquired if the applicant would be open to performing further studies;
- Inquired if a Focused Environmental Impact Report would be feasible; and
- Spoke on the air shaft that had water in it.

There was no further discussion.

**Motion: Commissioner Miller moved, seconded by Commissioner Shinault, and carried (4-1), to take the following actions: 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; 2) Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measures as presented; and 3) Deny the appeal, thereby upholding the approval of Design Review DR14-0005-S by the Development Services Division Director on October 28, 2015, based on the Findings and subject to the Conditions of Approval as modified: (a) Include amendments identified in the Staff Memo dated February 23, 2015.**

**AYES: Hansen, Shinault, Miller, Stewart**  
**NOES: Williams**

This action is appealable to the Board of Supervisors with 10 business days.

### **Findings**

#### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 Through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description, conditions of approval, and mitigation measures with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.



- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

**2.0 GENERAL PLAN FINDINGS**

- 2.1 The project is consistent with the Commercial (C) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project proposes a commercial retail structure consistent within the C land use designation which provides for a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.
- 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) and Policy 7.5.2.3 (new buildings in historic communities), because the development is located in a manner that avoids incompatibility with adjoining land uses and the proposed structure generally conforms to the types of architecture prevalent in the gold mining areas of California during the period of 1850 to 1910. The project was reviewed against the Board of Supervisor's adopted El Dorado County Historic Design Guidelines (HDG). The project, as designed and conditioned, has been determined to substantially conform to the HDG and would be compatible with the surrounding residential, community park, and commercial uses within the Georgetown Main Street commercial area;
- 2.2.2 2.8.1.1 (excess nighttime light and glare) because all outdoor lighting is required to 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.
- 2.2.3 5.1.2.1 (adequate utilities and public services), 5.2.1.2 (water for emergency), and 5.2.1.5 (adequate quantity and quality of water), because the project provides for necessary utilities to the site and would provide adequate quantity and quality of water for all uses including fire protection service through expansion of existing on-site GDPUD facilities;
- 2.2.4 Policy 6.2.3.2 (adequate emergency vehicle ingress/egress) because the Georgetown Fire Protection District found the current project configuration has adequate emergency vehicle ingress/egress;
- 2.2.5 Policy 6.5.1.7 (noise created by proposed non-transportation noise sources) because mitigation measure NOISE-1 has been included to reduce noise related impacts from the arrival, unloading, and departure of delivery trucks;
- 2.2.6 Policy 7.3.3.4 (buffers and setbacks for protection of riparian areas and wetlands) because mitigation measures BIO-2 through BIO-4 have been included to allow a reduction of the wetland setback from 50 feet to no setback with construction and

structures within the required setback resulting in the fill the 0.05 acres of wetlands while minimizing the impacts on the intermittent stream. The project would be required to fulfill the mitigation measures, and Best Management Practices would be included during the fill of the 0.05 acre wetland, and for the protection of the seasonal drainage, and during the project grading and construction processes;

- 2.2.7 Policy 7.4.4.4 (oak canopy retention) because oak tree canopy coverage of less than one percent on parcels of land that are more than one acre in size are not subject to the oak tree canopy cover retention requirements of Policy 7.4.4.4 Option A.
- 2.2.8 Policy 10.1.5.5 (greater opportunities to satisfy retail shopping demands) because the project provides for greater retail shopping opportunities in an area defined as a Rural Center by the General Plan, and on land with an existing Commercial General Plan land use designation.

**3.0 ZONING FINDINGS**

- 3.1 With an approved Design Review, the project is consistent with the El Dorado County Zoning Ordinance designation of Commercial-Design Community (C-DC) because the proposed project is a retail commercial use which would be allowed by right within the C Zone because it is equivalent to listed uses in Zoning Ordinance Section 130.32.020 (B and E). The project has been reviewed in accordance with Section 130.74 of the zoning ordinance as identified in the Design Review Findings below.
- 3.2 The project is consistent with the Commercial Zone development standards as the proposed site modifications are in compliance with Section 130.32.040 of the County Zoning Ordinance.

**4.0 DESIGN REVIEW FINDINGS**

- 4.1 The project has been reviewed in accordance with Section 130.74 of the County Zoning Ordinance. The project design, architectural treatments, and associated improvements substantially conform to the El Dorado County Historic Design Guide and would not substantially detract from Georgetown’s historic commercial district.

**Conditions of Approval**

**Planning Services**

- 1. This Design Review 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 F-1 .....Site Plan, Sheet A1.0, date stamped  
February 23, 2016

Exhibit F-2 .....	<u>Signage Plan, Sheet A1.1, date stamped February 23, 2016</u>
Exhibit F-3 .....	<u>Site Lighting Plan, Sheet A1.2, date stamped February 23, 2016</u>
Exhibit F-4 .....	<u>Floor Plan, Sheet A2.0, date stamped February 23, 2016</u>
Exhibit F-5 .....	<u>Exterior Elevations, Sheet A3.0, date stamped February 23, 2016</u>
Exhibit G.....	<u>Landscaping Plan, date stamped June 9, 2015</u>
Exhibit H.....	<u>Color Elevation, date stamped February 23, 2016</u>
Exhibit I-1 .....	<u>Improvement Plan Cover Sheet, Sheet C1, date stamped June 12, 2015</u>
Exhibit I-2 .....	<u>Grading and Drainage Plan, Sheet C2, date stamped June 12, 2015</u>
Exhibit I-3 .....	<u>Grading and Paving Plan, Sheet C3, date stamped February 23, 2016</u>
Exhibit I-4 .....	<u>Horizontal Control Plan and Storm Water Management Detail, Sheet C4, date stamped June 12, 2015</u>
Exhibit I-5 .....	<u>Utility Plan, Sheet C5, date stamped June 12, 2015</u>
Exhibit I-6 .....	<u>Storm Water Soil Loss Prevention Plan, Sheet C6, date stamped June 12, 2015</u>
Exhibit I-7 .....	<u>Storm Water Soil Loss Prevention Plan Details, Sheet C7, date stamped June 12, 2015</u>
Exhibit I-8 .....	<u>Grading and Drainage Details, Sheet C8</u>
Exhibit I-9 .....	<u>Details, Sheet C9, date stamped June 12, 2015</u>
Exhibit I-10 .....	<u>Retaining Wall Detail, Sheet S1, date stamped June 12, 2015</u>
Exhibit J-1 .....	<u>Lot Line Adjustment-Merge Legal Description, date stamped December 18, 2014</u>
Exhibit J-2.....	<u>Lot Line Adjustment-Merge Exhibit, date stamped December 18, 2014</u>
Exhibit K-1.....	<u>Domestic Waste Water Disposal System, Sheet SS1.0, date stamped April 2, 2015</u>
Exhibit K-2.....	<u>Domestic Waste Water Disposal System, Sheet SS2.0, date stamped April 2, 2015</u>
Exhibit P.....	<u>Building Section, Sheet A4.0, date stamped February 23, 2016</u>
Exhibit Q-1.....	<u>Trash Enclosure Elevation, date stamped January 5, 2016</u>
Exhibit Q-2.....	<u>Trash Enclosure Simulation, date stamped January 5, 2016</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:

- A. Design review and boundary line merge request to allow the construction of the following:
  - a. 9,100 square foot retail structure with two wall identification signs;
  - b. Eight-foot tall, 32 square-foot wooden monument sign;
  - c. Parking lot containing 31 off-street parking spaces, including two ADA compliant spaces;
  - d. Drop off and loading area;
  - e. One bicycle rack containing three bicycle parking spaces;
  - f. Perimeter and parking lot landscaping and irrigation;
  - g. Six exterior wall mounted lantern-style lighting fixtures and three 13-foot tall pole lights, containing a total of four lighting fixtures, with a concrete base that is 2 feet above natural grade;
  - h. Eight-foot high retaining wall with railing;
  - i. A covered trash enclosure;
  - j. Drainage improvements to accommodate both on- and off-site flows;
  - k. An advanced treatment system for wastewater treatment consisting of an aerobic treatment unit and subsurface drip system;
  - l. Sidewalk improvements along the project frontage on Main Street, ~~and~~ School Zone crosswalk improvements at the intersection of Main Street and Harkness Street, and a standard crosswalk across Orleans Street along Main Street; and
  - m. A paved driveway encroachment onto Main Street.
- B. Finding of Consistency with General Plan Policy 7.3.3.4 to allow a reduction of the wetland setback from 50 feet to no setback with construction and structures within the required setback to allow the fill of an approximately 0.05 acre wetland;
- C. Site clearing and removal of three on-site existing canyon live oak trees, the removal of which would be exempt from the retention standards of General Plan Policy 7.4.4.4 Option A as the project site is greater than an acre and oak canopy covers less than one percent of the site; and
- D. An irrevocable offer to dedicate in fee, a 25 foot wide (1/2 width) right-of-way along the entire frontage of Harkness Street or an offer of dedication in the form of an easement for "Road, Slope, Drainage, Pedestrian and Public Utility purposes."

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. **Landscaping:** The final landscape plans shall be substantially consistent with Exhibit G and comply with Zoning Ordinance Section 130.18.090, General Plan Policy 7.3.5.1, and the County Water Efficiency Landscape Ordinance, if applicable. The applicant shall install and maintain the landscaping in accordance with the approved final landscaping plan in perpetuity.
3. **Lighting:** The final project lighting plans shall be substantially consistent with Exhibit F-3. Exterior lighting shall be limited to six exterior wall mounted lantern-style lighting fixtures and three 13-foot tall pole lights, containing a total of four lighting fixtures, with a concrete base that is 2 feet above natural grade. 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.

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 Development Services.

4. **Parking:** Parking shall be improved consistent with Chapter 130.18 of the County Code. Parking shall conform to the approved Site Plan (Exhibit F-1) and have 31 total parking spaces, including two ADA compliant parking spaces.
5. **Signage:** All signage installed as part of the project shall be consistent with Exhibits F-2, F-5, and H for location, materials, sizes, and colors. One monument sign is approved and shall not exceed eight feet in height measured from ground. The overall size of the monument sign area shall not exceed 32 square feet.
6. **Condition Compliance:** Prior to issuance of any 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.
7. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The 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.

8. **Permit Implementation:** In compliance with Section 130.22.250 of the Zoning Ordinance, implementation of the project must occur within 24 months of approval of this Design Review 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.

9. **Archeological Resources:** The following shall be incorporated as a note on the grading plans:

In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a “unique archeological resource”, contingency funding and a time allotment sufficient to allow recovering an archeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archeological mitigation takes place.

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

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

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

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

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

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

11. **Lot Line Adjustment-Merge:** Prior to the issuance of any County Permits, the proposed Lot Line Adjustment-Merge shall be finalized with the El Dorado County Surveyor's Office. The Lot Line Adjustment-Merge application is valid for one year. A time extension may be approved by written request to Planning Services prior to the expiration date, along with a \$50.00 extension fee. The Lot Line Adjustment-Merge shall be forwarded by Planning Services to the County Surveyor's Office. To complete the Lot Line Adjustment-Merge, the applicant's land surveyor shall process the necessary record map and documents.

### Building Services

12. The project will require an on-site grading permit and a building permit.

### Transportation Division (EDCTD)

13. **Road Improvements:** Main Street shall be widened along the project frontage to a total width of 32 feet. This includes one 12-foot wide lane in each direction and an 8-foot wide paved shoulder on the project side of Main Street. The structural section of the widened portion of Main Street shall be determined in accordance with the California State Department of Transportation Highway Design Manual and included in the project final geotechnical report based on the "R" value of the subgrade soil and a Traffic Index (TI) of 7.5.

The area outside the 8-foot wide shoulder shall be graded at a 5% slope away from the pavement to ensure runoff from Main Street is collected and accommodated by the project drainage improvements. A 2-foot wide area adjacent to the pavement shall be "backed" with Class 2 Aggregate Base.

The project shall install “No Parking Zone” signs on Main Street along the project frontage to prevent vehicles from obstructing sight distance for vehicles entering Main Street from Orleans Street, the project entrance, and Harkness Street.

The project shall construct public sidewalks or equivalent alternative pedestrian facilities (subject to review and approval by the Transportation Division) along the entire frontage of Main Street. Such facilities may be located within the County right of way, or on the project site as necessary to accommodate the project design and roadway conditions. Pedestrian easements may be required for portions of the sidewalk on private property.

A School Zone Cross Walk shall be constructed across Harkness Street, to provide pedestrian connectivity to the existing sidewalk on the east side of Harkness Street, and the existing School Zone Cross Walk crossing Main Street just east of Harkness Street. These improvements shall include completion of the sidewalk on the east side of Harkness Street to connect to the existing Main Street cross walk.

A standard crosswalk shall be constructed across Orleans Street from the project sidewalk as shown on the revised Grading and Paving Plan, Sheet C3.

Roadway improvements shall be completed to the satisfaction of the Transportation Division prior to occupancy of the building.

14. **Offer of Dedication (In Fee):** The applicant shall irrevocably offer to dedicate in fee, a 25 foot wide (1/2 width) right-of-way along the entire frontage of Harkness Street, prior to issuance of a building permit. Slope easements shall be included as necessary. This offer will be accepted by the County.

As an alternative, the County may accept an offer of dedication in the form of an easement for “Road, Slope, Drainage, Pedestrian and Public Utility purposes.”

15. **Encroachment Permit:** The applicant shall obtain an encroachment permit or Road Improvement Agreement from EDCDT for the improvements to Main Street and Harkness Street within the County right of way. The driveway encroachment onto Main Street shall be constructed to the provisions of County Design Standard Plan **103C**.
16. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees at issuance of building permit.
17. **Signing and Striping:** All necessary signing and striping shall be included in the project improvement plans and constructed by the developer to the satisfaction of the Transportation Division prior to occupancy. Signing and striping shall conform to the latest version of the California Manual Uniform Traffic Control Devices (MUTCD).
18. **Curb Returns:** All curb returns, at pedestrian crossings, will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and 4 feet of sidewalk/landing at the back of the ramp.



19. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element of the General Plan and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
20. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from the Transportation Division, and pay all applicable fees prior to filing of the final map.
21. **Road Improvement Agreement & Security:** If the value of the public improvements exceeds \$100,000, the developer shall enter into a Road Improvement Agreement (RIA) with the County for all roadway, frontage, and intersection improvements within the County right of way. The developer shall complete the improvements to the satisfaction of the Transportation Division or provide security to guarantee performance of the RIA prior to occupancy.
22. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that off-site grading.
23. **Grading Permit / Plan:** The applicant shall submit a site improvement /grading plan prepared by a professional civil engineer to the County 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. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of the County prior to occupancy clearance.
24. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Transportation Division. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Transportation Division shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance, Drainage Manual and as required otherwise by Law.
25. **RCD Coordination:** The timing of construction and method of re-vegetation shall be coordinated with the RCD. If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Transportation Division. The Transportation Division shall approve or conditionally

approve such plans and cause the developer to implement said plan on or before October 15.

26. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from, the El Dorado County Community Development Agency. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
27. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
28. **Drainage Study / NPDES Compliance:** The project proposes to render more than 5000 square feet impervious to surface runoff. This qualifies the project as a “Regulated Project” under section E.12.c of the California State Water Resources Control Board (SWRCB) Water Quality Order No. 2013-0001-DWQ (Order).

The project shall incorporate Site Design Measures, Source Control Measures, and Low Impact Development (LID) Design Standards consistent with the Order into the project design, and construct such measures with the project. If the Order is amended or replaced by action of the SWRCB, the applicant shall comply with the Order in place at the time of issuance of construction permits.

The applicant shall provide a drainage report at time of grading permit application, consistent with the Drainage Manual and the Order. The Drainage Report shall address storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Transportation Division.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.
- The ultimate drainage outfall of the project.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. A Scoping Meeting for the required drainage study between County staff and the engineer shall occur prior to the first submittal of improvement plans. The engineer shall bring a watershed map and any other existing drainage system information to the Scoping Meeting. The improvements shall be completed to the approval of the Transportation Division prior to occupancy.

29. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on site grading plans.
30. **NPDES Construction Permit:** The project proposes to disturb more than 1 acre of land and therefore, is required to obtain coverage under the California State Water Resources Control Board Construction General Permit Order No. 2009-0009-DWQ (CGP), including any and all amendments or revised orders issued by the SWRCB.

The applicant shall demonstrate compliance with the CGP (or equivalent permit issued by the SWRCB) prior to issuance of construction permits by the County.

31. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to EDCTD with the record drawings, drainage report, structural wall calculations, and geotechnical reports and record drawings in PDF format (TIF format optional for record drawings only).

#### **Georgetown Fire Protection District**

32. Construction plans shall be submitted to the Georgetown Fire Department for review and approval.
33. Sprinkler and fire alarm plans shall be submitted to the Georgetown Fire Department for review and approval.
  - a. Plans to show proposed placement of fire hydrant and FDC.
34. Fire flow, based on V-B construction, is estimated to be approximately 4,000 gallons per minute, prior to any allowance for sprinkler and alarm system.
35. Vegetation/fuel modification will be required along the riparian zone, adjacent to the project.

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

36. **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, 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).
37. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
  38. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
  39. **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).
  40. **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](tel:1-866-634-3735). ARB is responsible for enforcement of this regulation.
  41. **New Point Source:** Prior to construction/installation of any new point source emissions units (e.g., emergency standby engine, 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).
  42. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with ARB. 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, and daily hours of operations of each piece of equipment.

#### Environmental Management Division – Environmental Health

43. Septic system must be installed under permit from Environmental Management Division. The septic system must meet a minimum 50-foot setback from the swale.
44. The facility will need to undergo a plan review and obtain an annual food facility permit prior to commencement of operation.

**Environmental Management Division – Solid Waste and Hazardous Materials**

45. Solid Waste: All refuse collection/storage areas (enclosures) shall include room for both trash and recycling dumpsters. The enclosures shall be accessible to service trucks.

Please visit our website to review the State requirements for biohazard/medical waste. [www.co.el-dorado.ca.us/emd/solidwaste/med\\_waste\\_mgmt\\_act.html](http://www.co.el-dorado.ca.us/emd/solidwaste/med_waste_mgmt_act.html).

46. Hazardous Materials: If the commercial facilitates will store reportable quantities of hazardous materials (55 gallons) or generate hazardous waste, prior to commencing operations the owner/operator must:
- a. Prepare, submit, and implement a hazardous materials business plan and pay appropriate fees.
  - b. Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
  - c. Train all employees to properly handle hazardous materials and wastes.
  - d. Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

**El Dorado County and Georgetown Divide Resource Conservation District**

47. The district will require an erosion control plan delineating surface water flows, lot drainage easements, standard details of culvert inlets and outlets and pre and post construction erosion control practices.

**County of El Dorado Office of County Surveyor**

48. Any irrevocable offers of dedication will require an application through the County Surveyor's Office. Applicant will be responsible for any associated fees.
49. Situs addressing for the project shall be coordinated with the County Surveyor's Office prior to development.

**Mitigation Measures**

**BIO-1: Pre-construction Survey Required:** For construction activities between March 1 and August 31, pre-construction surveys for nesting raptors and migratory birds shall be conducted by a qualified biologist pursuant to California and Federal requirements. These surveys should be completed no sooner than 7 days prior to commencement of grading activities. If active nests are found, a quarter-mile (1320 feet) initial temporary nest disturbance buffer shall be established, which may be reduced after consultation with CDFW.

If project-related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an on-site

biologist/monitor shall be retained by the project proponent to monitor the nest, and shall, along with the project proponent, consult with CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if the nesting raptors and/or migratory birds are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated on-site biologist/monitor shall be on-site daily while construction related activities are taking place and shall have the authority to stop work if the birds are exhibiting agitated behavior. In consultation with CDFW and depending on the behavior of the raptors and/or migratory birds, over time it may be determined that the on-site biologist/monitor may no longer be necessary due to the birds' acclimation to construction related activities.

Any trees containing nests that must be removed as a result of the project implementation shall be removed during the non-breeding season; and the project proponent shall be responsible for off-setting the loss of any nesting trees. The extent of any necessary compensatory mitigation shall be determined by the project proponent in consultation with the CDFW.

**Monitoring Responsibility:** Planning Services.

**Monitoring Requirement:** The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and obtain all necessary permits prior to initiation of construction activities. This requirement shall be placed on all grading plans. Planning Services shall review the surveys prior to issuance of a grading permit and/or removal of any trees within the entire project parcel.

**BIO-2: Streambed Alteration Agreement:** A Streambed Alteration Agreement, pursuant to Fish and Game Code 1602, shall be obtained by the applicants, from CDFW, if applicable, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. The applicant has proposed to implement the mitigations identified in the *Addendum: Biological Inventory for the Dollar General Store* (Costella, 2015a) (Attachment 6 of Staff Report Exhibit N) and the *Nationwide Permit Pre-Construction Notification Form, Cultural Report, Wetland Delineation Report, and Biological Report* (Costella, 2015c) (Attachment 8 of Staff Report Exhibit N) as discussed in more detail in BIO-3 below. The applicant shall incorporate these proposed mitigation measures in addition to any appropriate mitigation measures developed in coordination with CDFW in the context of the agreement process. Additional mitigation may include:

- a. *Erosion Control methods or techniques that will prevent sediment from entering any watercourses during and after construction;*
- b. *Protection measures to avoid or minimize impacts to fish, wildlife, and plant resources; and*

- c. *Measures for mitigation or compensation of impacts to fish, wildlife, and plant resources.*

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** The applicant shall provide a copy of the 1602 Streambed Alteration Agreement to Development Services, if applicable, prior to issuance of the grading permit. If it has been determined by CDFW that said permit does not apply after their review of the development plans for the project, the applicant shall provide Planning Services with verification from CDFW that no Agreement is needed for the project, prior to issuance of a building and/or grading permit for the project area.

- BIO-3: Wetland Delineation Verification:** The on-site intermittent stream (0.01 acres) and two small wetlands (0.05 acres) shall be verified by the ACOE as to whether or not they are considered waters of the U.S. If determined to be waters of the U.S., the applicant shall request a Department of the Army authorization through the Section 404 Permit process prior to placement of any fill material. Along with the request, the applicants shall provide project construction and development drawings or maps including, but not limited to, wetland areas denoting all proposed improvements in relation to the Ordinary High Water Mark (OHWM).

Applicant shall strive to avoid adverse effects and minimize impacts to waters of the U.S., and to achieve a goal of no net loss of wetlands functions and values. The ACOE permit will define the terms and conditions, including mitigation, for the fill activities. The applicant has proposed the following appropriate mitigation for unavoidable losses to waters of the U.S. using ACOE mitigation guidelines and regulations, and shall incorporate these proposed mitigation measures in addition to any appropriate mitigation measures developed in coordination with ACOE in the context of the permit process:

- a. *The applicant will purchase credits in the National Fish and Wildlife Foundation Fund for impacts to the stream and riparian habitat. Credits will be obtained at a minimum ratio of 1:1. This shall be done before County permits are issued.*
- b. *The applicant will implement the mitigation plans identified in the Addendum: Biological Inventory For the Dollar General Store (Costella, 2015a) (Attachment 6 of Staff Report Exhibit N) and the Nationwide Permit Pre-Construction Notification Form, Cultural Report, Wetland Delineation Report, and Biological Report (Costella, 2015c) (Attachment 8 of Staff Report Exhibit N). Elements of those plans include, but are not limited to:*
  - i. *Limiting construction near the seasonal drainage to the dry season;*
  - ii. *Establishing the area surrounding the seasonal drainage as an Environmentally Sensitive Area (ESA) during construction;*

- iii. *Implementing Best Management Practices during and following construction;*
- iv. *Implementing additional Best Management Practices during grading and construction; and*
- v. *Providing copies of the permit conditions to contractors prior to grading and construction near the ESAs and adjacent non-disturbance buffer.*

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** The applicant shall provide either a copy of the ACOE permit or no permit required letter to Planning Services prior to issuance of a building, and/or grading permit for the project.

**BIO-4: Water Quality Certification:** If an ACOE Section 404 permit is required, a Water Quality Certification, Section 401 permit shall be obtained by the applicant from the California Regional Water Quality Control Board (RWQCB) for applicable project improvements. Appropriate mitigation measures shall be developed in coordination with the RWQCB in the context of the agreement process.

Additionally, because the project proposes to disturb more than 1 acre of land, the project is required to obtain coverage under the California State Water Resources Control Board Construction General Permit Order Number 2009-0009-DWQ (CGP). Further, the following shall be included to the satisfaction of the RWQCB:

- a. *The applicant will prepare a Storm Water Pollution Prevention Plan (SWPPP) for approval. That plan will describe the methods for ensuring downstream water quality during construction and will be implemented before construction begins;*
- b. *Work areas to be separated by buffers and orange construction fencing to delineate the preserved riparian areas (No grading will be allowed within the fenced-off buffer zones); and*
- c. *Waste and construction materials will be placed where they will not run off into the seasonal drainage, or they will immediately be removed off-site.*

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** The applicant shall provide a copy of the Section 401 permit to Planning Services prior to issuance of the grading permit, if applicable. If, after their review of the development plans for the project, the RWQCB determines that said permit does not apply, the applicant shall provide Planning Services with confirmation of that determination prior to issuance of a building and/or grading permit for the project. The SWPPP shall be reviewed and approved by Building Services prior to issuance of a grading permit.



**NOISE-1:** The project shall comply with the noise level standards of the El Dorado County General Plan noise level criteria by ensuring that all truck deliveries are restricted to be conducted between the hours of 7:00 a.m. and 7:00 p.m.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** The applicant shall provide Planning Services with documentation that all deliveries will be conducted between the daytime hours of 7 a.m. to 7 p.m. prior to issuance of the building permit for the commercial structure.

**ADJOURNMENT**

Meeting adjourned at 1:17 p.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:

\_\_\_\_\_  
Rich Stewart, Chair