

FROM THE PLANNING COMMISSION MINUTES OF DECEMBER 8, 2011

8. SPECIAL USE PERMIT

a. S11-0008/China Hill Road Industrial Building submitted by THELMA STEWARD (Agent: Douglas Zeller) to memorialize the continued operation of an industrial facility located on a residentially zoned parcel. The property, identified by Assessor's Parcel Number 092-060-70, consisting of 2 acres, is located on the northwest side of China Hill Road, approximately one-third mile west of the intersection with State Highway 49, in the El Dorado Community Region, Supervisorial District 3. [*Project Planner: Aaron Mount*] (Categorical Exemption pursuant to Section 15303(c) of the CEQA Guidelines)**

Aaron Mount presented the item to the Commission with a recommendation for approval.

Doug Zeller/applicant's agent stated that the intent of the application was to memorialize what was already there and designate what can't go there. He also wanted the opportunity to dispel any rumors/concerns from the neighbors.

Commissioner Mathews confirmed that if a tenant wanted to lease the building for a use not listed, it would require a revision to the Special Use Permit.

Bill Casalegno stated he lived across the road from the project and although he understood the need for clarification in order for the owner to sell, he still had some concerns, which were as followed:

- New owner may want to increase the level of activity, which is currently very little;
- Current activity level is very compatible with the surrounding area;
- Approval of this permit would allow the activity to be increased;
- Referenced page 3 of the Staff Report regarding Fire Safety;
- Condition #4 would allow approval of an expansion of the permit to be at staff level instead of a public hearing; and
- Permit was processed as Categorically Exempt to CEQA even though the purpose of the permit is to allow the property to be sold and there is no clear future use identified.

Staff clarified the reference made to page 3 of the Staff Report and, at the request of Commissioner Rain, County Counsel Paula Frantz provided an explanation of the CEQA exemption.

County Counsel Frantz recommended modifying Condition #2 to remove the words "...and their immediate family...". In response to Chair Heflin's request for clarification on Condition #4 regarding staff level approval, County Counsel Frantz stated that although it is standard wording, it would be at the prerogative of the Commission. She recommended that any changes to the Special Use Permit be required to go through the Commission. Pierre Rivas suggested that Condition #4 be modified by deleting the section of the Condition beginning with the sentence "Minor variations are allowed,..." and going until the end of the Condition.

Commissioner Mathews felt that the recommended changes to the two Conditions should assist in addressing the issues brought forth by Mr. Casalegno.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Rain, and carried (4-0), to take the following actions: 1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Section 15303(c); and 2. Conditionally approve Special Use Permit S11-0008 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition #2 by removing the words "...and their immediate family..."; and (b) Amend Condition #4 by deleting the section beginning with the sentence "Minor variations are allowed,..." and going until the end of the Condition.

AYES: Pratt, Rain, Mathews, Heflin
NOES: None
ABSENT: Tolhurst

This action can be appealed to the Board of Supervisors within 10 working days.