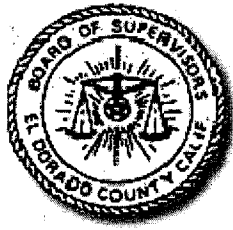


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RESOLUTION NO. 113-2008

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

ADOPTING FINDINGS ON APPEAL OF APPLICATION #S07-0011/PD95-0016-R(3)

WHEREAS, on January 29, 2008, the Board of Supervisors held a public hearing to consider the appeal of Rich Solis of the approval of application number S07-0011/PD95-0016-R(3), an application to allow the commencement of an automobile body shop on property identified as Assessor's Parcel number 070-280-64; and,

WHEREAS, at the public hearing on January 29, 2008, the Board received and considered various materials and information including, but not limited to, staff reports on the project, the record of proceedings before the Planning Commission, and oral testimony and written materials submitted by the public; and,

WHEREAS, following the public hearing, the Board decided, on a vote of four to one, to grant the appeal, resulting in a denial of the application. The Board maintains that its decision is supported by substantial evidence in the record and the findings were readily ascertainable from the record;

WHEREAS, by letter of February 10, 2008, the applicant, through his attorney Robert Laurie, requested that: (1) the Board of Supervisors grant a rehearing of the appeal, and (2) the Board of Supervisors adopt express findings in support of its action;

WHEREAS, after consideration of the applicant's request, the Board declined the request for a rehearing, but agreed to adopt express findings in support of its action;

WHEREAS, on April 22, 2008, the Board considered the adoption of findings in support of its action and took public input on the subject of the findings and did adopt findings; and,

WHEREAS, the Board wishes to document its action in adopting findings by adoption of this Resolution.

NOW, THEREFORE, BE IT RESOVED, that the Board of Supervisors adopt the following findings with respect to it granting of the appeal on Application S07-0011/PD95-0016-R(3):

Findings

File Number S07-0011/PD95-0016-R(3)

1.0 Special Use Permit Findings

1.1 The issuance of the permit is inconsistent with the General Plan.

The special use permit is inconsistent with General Plan Policy 2.2.5.21 which states that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses. The proposed auto body shop would be located adjacent to a residential subdivision and would have the potential to emit unpleasant odors and unacceptable noise levels inconsistent with General Plan Goal 6.7.B and Policies 6.5.1.3 and 6.5.1.7.

The use is an unduly intensive commercial use for development adjacent to residentially zoned and developed properties. There is the potential for storage and servicing of automobiles and other intrusive uses outdoors. The Board of Supervisors does not consider a condition against outdoor storage and servicing of vehicles to be adequate protection for the neighbors against such use.

The business will use extremely loud equipment. The noise problem is exacerbated by the fact that the building is of a metallic structure. Although all work is to be done inside the building, there is no assurance that the noise will not be heard by the neighbors. The bay doors may be left open, or, if kept closed routinely, will have to be opened intermittently to allow cars to be taken into and out of the building. Although the bay doors to the west adjoin undeveloped commercially zoned property, the properties immediately to the northwest and north is residentially zoned property.

The business will use hazardous materials and other materials that could cause unpleasant odors and potential health hazards if release into the air.

1.2 The proposed use would be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

The proposed auto body shop would be located adjacent to a residential subdivision and has the potential to impact the neighborhood through the emission of unpleasant odors and unacceptable noise levels. These impacts have the potential of being detrimental to the public health, safety and welfare, or injurious to the neighborhood.

The use is an unduly intensive commercial use for development adjacent to residential. There is the potential for storage and servicing of automobiles and other intrusive uses outdoors. The Board of Supervisors does not consider a condition against outdoor storage and servicing of vehicles to be adequate protection for the neighbors against such use.

The business will use extremely loud equipment and the noise problem is exacerbated by the fact that the building is of a metallic structure. Although all work is to be done inside the building, there is no assurance that the noise will not be heard by the neighbors. The bay doors may be left open, or, if kept closed routinely, will have to be opened intermittently to allow cars to be taken into and out of the building. Although the bay doors to the west adjoin undeveloped commercially zoned property, the properties immediately to the northwest and north is residentially zoned property.

The business will use hazardous materials and other materials that could cause unpleasant odors and potential health hazards if release into the air.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 22nd day of April, 2008, by the following vote of said Board:

Attest:

Cindy Keck
Clerk of the Board of Supervisors

By: Marcie MacFarland
Deputy Clerk

Ayes: Sweeney, Baumann, Dupray, Santiago

Noes: Briggs

Absent: none

Rusty Dupray
Chairman, Board of Supervisors

I CERTIFY THAT:

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE:

ATTEST: CINDY CECK, Clerk of the Board of Supervisors
Of the County of El Dorado, State of California

By _____
Deputy Clerk