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Title: Hearing to consider a request submitted by Amy L. Anders for Friends of Green Valley appealing the approval by the Planning Commission on March 27, 2014 and the validity of the environmental document for Special Use Permit S11-0009/Planned Development PD11-0005/Green Valley Nursery and Landscape on property, identified by Assessor's Parcel Number 124-301-03, consisting of 9.62 acres, in the north El Dorado Hills area; and staff recommending the Board take the following actions: 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; and 2) Deny the appeal, thereby upholding the approval of Special Use Permit S11-0009/Planned Development PD11-0005 by the Planning Commission on March 27, 2014, based on Findings and subject to the Conditions of Approval as approved (Legistar Attachment 2C). (Supervisorial District 1) (Est. Time: 1 Hr.)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2A - Appeal Form.pdf, 2. 2B - Planning Commission Minutes 03-27-14.pdf, 3. 2C - Approved Findings & Conditions-PC 03-27-14.pdf, 4. 2D - Ag Dept Memo 04-15-14.pdf, 5. 2E - Board Hearing Letter.pdf, 6. 2F - Proof of Publication.pdf, 7. Public Comment Rcvd 5-13-14 BOS 5-13-14, 8. Public Comment Rcvd 5-13-14 BOS 5-13-14, 9. Public Comment Rcvd 5-12-14 BOS 5-13-14, 10. Public Comment Rcvd 5-9-14 BOS 5-13-14, 11. Public Comment Rcvd 4-30-14 BOS 5-13-13, 12. FINAL Conditions of Approval.pdf, 13. FINAL Findings.pdf, 14. ADOPTED Mitigated Negative Declaration.pdf, 15. A - Staff Report PC 03-27-14, 16. B - Conditions of Approval PC 03-27-14, 17. C - Findings PC 03-27-14, 18. D - Exhibits A-O PC 03-27-14, 19. E - Exhibit P-Proposed Mitigated Negative Declaration and Initial Study PC 03-27-14, 20. F - Proof of Publication PC 03-27-14, 21. G - Staff Memo 03-25-14 PC 03-27-14.pdf, 22. Public Comment Rcvd 03-05-14 PC 03-27-14, 23. Public Comment Rcvd 03-12-14 PC 03-27-14.pdf, 24. Public Comment Rcvd 03-25-14 PC 03-27-14.pdf, 25. Public Comment Rcvd 03-26-14 PC 03-27-14.pdf, 26. Public Comment Rcvd 03-27-14 PC 03-27-14.pdf

Date	Ver.	Action By	Action	Result
5/13/2014	2	Board of Supervisors	Approved	Pass
3/27/2014	1	Planning Commission	Approved	Pass

Hearing to consider a request submitted by Amy L. Anders for Friends of Green Valley appealing the approval by the Planning Commission on March 27, 2014 and the validity of the environmental document for Special Use Permit S11-0009/Planned Development PD11-0005/Green Valley Nursery and Landscape on property, identified by Assessor's Parcel Number 124-301-03, consisting of 9.62 acres, in the north El Dorado Hills area; and staff recommending the Board take the following actions: 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; and 2) Deny the appeal, thereby upholding the approval of Special Use Permit S11-0009/Planned Development PD11-0005 by the Planning Commission on March 27, 2014, based on Findings and subject to the Conditions of Approval as approved (Legistar Attachment 2C). (Supervisorial District 1) (Est. Time: 1 Hr.)

Background

This is a request submitted by AMY L. ANDERS FOR FRIENDS OF GREEN VALLEY appealing the

approval by the Planning Commission on March 27, 2014 and the validity of the environmental document for Special Use Permit S11-0009/Planned Development PD11-0005/Green Valley Nursery and Landscape on property, identified by Assessor's Parcel Number 124-301-03, consisting of 9.62 acres, located on the southeast corner of the intersection of Shadowfax Lane and Green Valley Road, in the north El Dorado Hills area, Supervisorial District 1. [Project Planner: Tom Dougherty] (Mitigated Negative Declaration prepared)

These applications were considered by the Planning Commission on March 27, 2014 and were approved by a vote of 4-0 [Heflin absent]. The minutes from this meeting are attached. (Legistar Attachment 2B)

STAFF ANALYSIS SUMMARY: The appellant is appealing approval of the project and the validity of the environmental document. The concerns that the appellant has raised are: 1. The project was approved in a manner inconsistent with CEQA; 2. The adopted Mitigated Negative Declaration fails to adequately address significant adverse environment impacts inherent to the project related to public safety, traffic, noxious odors, erosion, pollution, wetlands contamination, flooding and other aspects; 3. A traffic impact analysis should have been prepared to access significant traffic circulation and turning movement issues. (Legistar Attachment 2A)

Staff reviewed the appeal and provided a summary of responses to the major areas of concern.

Transportation/Circulation

The project proposes to utilize two existing encroachments, one each onto Green Valley Road and Shadowfax Lane. The encroachment onto Green Valley Road would be right in and right out only due to safety concerns for left turn movements. Transportation Division had recommended an additional condition at the hearing that the encroachment onto Shadowfax Lane be relocated to a minimum of 200 feet south of the southerly edge of Green Valley Road to allow delivery trucks space to pull off of Green Valley Road and make the turn into the parcel further south on Shadowfax Lane. Access and circulation driveways have been analyzed by the Transportation Division and the El Dorado Hills Fire Department and found by both to be adequate for interior circulation.

The payment of TIM fees would be considered their fair share of the impact improvements. Since the road improvements necessary to serve this project are included in the 20-year CIP, the project is consistent with applicable General Plan policies.

Transportation has determined that the encroachment and frontage improvements and the payment of TIM fees satisfy the General Plan and design requirements to ensure safe ingress and egress and maintain LOS standards at all applicable roadways and intersections.

Noxious Odors

Odors emulating from the chemical toilet or landscape material piles would not be anticipated to be noxious. The closest residential structure to the area north of the wetland swale along the eastern boundary is approximately 400 feet to the southeast.

Pollution and Wetlands Contamination

The El Dorado County Agriculture Department has inspectors that visit the nursery on a monthly basis conducting routine inspections for their various programs (Nursery program, Pest Exclusion program) and they have never seen any pesticide or fertilizer movement into the wetlands. The strawberry grower is required to report any pesticide applications, in the strawberry area, to the

Agriculture Department. There have been no pesticides applied to the strawberry growing area within the last three years. They are aware of the wetlands as a sensitive area. (Legistar Attachment 2D)

Businesses in El Dorado County are required to have their trash removed from the property every seven days. Violations of this requirement as well as reports of excessive loose litter on a parcel are handled by the Environmental Health Division who follow through with the offending party to assure compliance.

Erosion and Wetlands Contamination

The Planning Commission found that the alternative setback was consistent with the General Plan. The Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.3.3.4 allows an alternative setback when the applicant demonstrates that the alternative setback will still provide sufficient protection of the biological resources and avoids or minimizes impacts as required by the General Plan. A Wetland Delineation Report has been verified and confirmed by the U.S. Army Corps of Engineers and analyzed in the Initial Study-Environmental Checklist. The Army Corps, California Fish and Wildlife, California Water Quality Control Board staff have reviewed the project plans and studies on four different occasions. The project was also circulated to the Bureau of Reclamation and California State Parks for review. Army Corps and Fish and Wildlife staff have both visited the site. The Army Corps has determined a Section 404 Permit is not required and therefore, a California Water Quality Control Board Section 401 Permit would not be required. Impacts to the stream and riparian habitat have further been reduced to a less than significant level by incorporation of Mitigation Measures BIO-1 to BIO-3, and with required adherence to County Code.

The grading permit process requires the implementation of Best Management Practices consistent with the County's California Stormwater Pollution Prevention Plan issued by the California Water Resources Control Board. The Planning Commission found the project to be consistent with Policy 7.3.3.4, and adequate measures have been included for re-vegetation of riparian plants, Best Management Practices, and a permanent barrier, all for protection of water quality and erosion, and protection of wildlife.

Flooding

The wetland swale has flooded over Shadowfax Lane after a major storm event when the culverts under the road become clogged with debris. However, the project site is not located within any mapped 100-year flood areas as shown on Firm Panel Number 06017C0725E, revised September 26, 2008. The project would not result in the construction of any structures or alterations that would impede or redirect flood flows any more than they have since the culverts were originally installed, prior to the subject project.

Clerk of the Board Follow Up Actions

The Clerk of the Board to send copies of correspondence to the Department.

Contact

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