



# EL DORADO COUNTY PLANNING SERVICES

John Knight..... District I  
John MacCready..... District II  
Dave Machado..... District III  
Chris Chaloupka ..... District IV  
Alan Tolhurst..... District V  
Jo Ann Brillisour..... Clerk of the Commission

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## MINUTES

### **Regular Meeting of the Planning Commission June 8, 2006, 2006 – 8:30 A.M. BUILDING C HEARING ROOM 2850 Fairlane Court, Placerville, CA**

#### **1. CALL TO ORDER**

Chair Knight called the meeting to order at 8:35 a.m. The following persons were in attendance: Commissioners Mac Cready, Machado, Chaloupka, Tolhurst, and Knight; Paula F. Frantz, County Counsel; Peter N. Maurer, Deputy Director of Planning; Roger Trout, Principal Planner; and Jo Ann Brillisour, Clerk to the Planning Commission.

#### **2. ADOPTION OF AGENDA**

ON MOTION OF COMMISSIONER CHALOUPKA, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE AGENDA, AS PRESENTED.

#### **3. PLEDGE OF ALLEGIANCE**

The Commission and those persons in the audience gave a Pledge of Allegiance.

#### **4. CONSENT CALENDAR (All items on the Consent Calendar were approved by one motion unless a Commission member requested separate action on a specific item.)**

ON MOTION OF COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE THE CONSENT CALENDAR.

#### **5. DEPARTMENTAL REPORTS AND COMMUNICATIONS - None**

#### **6. COMMISSIONERS' REPORTS**

Commissioner Machado said he has complained about the Lube and Tube operation at Alhambra Drive and Cameron Park Drive. S&D Automotive is also clearly in violation of their use permit.

He would like to see some follow up on his complaints. Roger Trout will check with Code Enforcement on these issues.

Commissioner Machado said the El Dorado County Chamber of Commerce is starting a new program that should commence in September called Leadership in El Dorado County. He explained the program.

Commissioner Mac Cready read from the state law pertaining to the size of agricultural preserves. These preserves do not have to be agriculture. They can be open space, wetlands, etc. It is up to the County. El Dorado County does not allow horse operations as agricultural operations; Yolo County does. Paula Frantz, County Counsel, said the ultimate authority lies with the state. The County can set its own rules as long as it is not inconsistent with state law. She briefly explained contracts and preserves. Some counties have both. El Dorado County, as well as other counties, has the preserve and contract apply to the same property. Peter Maurer has directed Pierre Rivas to set up a meeting with Ms. Frantz and Bill Stephens, Agricultural Commissioner, to go over this issue.

**PUBLIC FORUM/PUBLIC COMMENT** – Ken Greenwood updated the Commission on the Mira Flores winery project.

**7. PLANNED DEVELOPMENT (Public Hearing)**

a. **PD03-0007R1** submitted by the LAKEHILLS COMMUNITY COVENANT CHURCH (Agent: Pastor Ron Short) to revise the approved development plan to eliminate the soccer field on Parcel 1 and to relocate, in its place, the southern parking lot from Parcel 3. The property, identified by Assessor's Parcel Number 107-130-54, consists of 19.81 acres, is located on the north side of White Rock Road, approximately 500 feet east of the intersection with Vine Street, in the **El Dorado Hills area**. (Categorically exempt pursuant to Section 15304 of the CEQA Guidelines)

Lillian Mac Leod presented this item with a recommendation for conditional approval. Commissioner Machado asked for clarification on the uses under the permit and where they will be located.

Don Mc Cormick, representing the applicant, was present. Commissioner Machado said one of his concerns was building school space and the need for necessary parking. Using the site plan on the wall, Mr. Mc Cormick explained the proposal.

There was no one else in the audience wishing to give input.

Commissioner Tolhurst said when the project was first considered he was concerned about eliminating all the walkways. He does not know how this revision would work and would like to see the whole project rather than a portion. Commissioner Machado agreed. He would like to see grass in the basketball area. Chair Knight said Commissioner Tolhurst would like to see how the whole project works. There is a cumulative impact. He cannot say it is appropriate to make this change without seeing the whole project. It appears more parking is required.

Commissioner Mac Cready commented that if the church knew they were going to sell the other parcels, which it appears they did know, this whole parcel should have been planned.

There was no one else in the audience wishing to give input.

ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONTINUE PD03-0007R1 OFF-CALENDAR TO ALLOW THE APPLICANT TIME TO COME BACK WITH A PLAN FOR THE ENTIRE PARCEL.

**8. SPECIAL USE PERMITS (Public Hearing)**

a. **S05-0038** submitted by VERIZON WIRELESS (Agent: Erin Merrill) to allow the construction of a wireless telecommunications facility to include a 126-foot monopine tower with 12 antennas, two microwave dishes, and ground mounted equipment within a 2,500 square foot lease area. The property, identified by Assessor's Parcel Number 061-810-08, consists of 5.0 acres, is located on the east side of Chipmunk Trail, 1,800 feet south of the intersection with Wentworth Springs Road, in the **Georgetown area**. (Negative declaration previously prepared and advertised)

Jonathan Fong said the applicant has requested another continuance for at least eight weeks. Roger Trout said as this is being continued to a date certain, there will be no further notice. Commissioner Tolhurst feels it would be better to continue this project off calendar.

Alex Goetz said they want to be continued to a date certain. They are requesting a continuance so they can work with the Georgetown Divide Public Utilities District as requested by the Commission at the last meeting. They should know within three or four weeks as to which parcel they will be utilizing for the tower. They will work with staff to make sure information is available well before the August 10 meeting.

There was no further input.

Paula Frantz, County Counsel, said the applicant does not want the project continued off calendar. The Commission could go ahead and hear the item today and make a decision to approve or deny, or continue to a date certain. Commissioner Mac Cready asked if the item is continued to a date certain, can staff be directed to send out new notices? Mr. Trout said that could be done. He talked with Tom Dougherty, and the Georgetown Divide Public Utilities District permit will not be scheduled before August 24. Commissioner Tolhurst would prefer a continuance to August 10. Commissioner Machado asked Mr. Goetz if they would agree to a continuance to September 14. Mr. Goetz said he would not agree to continue the item to September 14. They would be willing to pay for the additional notification. He believes everything will be worked out by August 10. Mr. Trout said there is a fee in place for additional noticing.

There was no further input.

ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONTINUE S05-0038 TO THE MEETING OF AUGUST 10, 2006, WITH DIRECTION TO STAFF TO RENOTICE THE ITEM AND THAT THE APPLICANT PAY FOR THE RENOTICING.

**9. WILLIAMSON ACT CONTRACT/REZONE (Public Hearing)**

a. **WAC06-0002/WAC06-0003 and Z06-0009** submitted by MICHAEL CHAZEN (Agent: Ed Keller) to amend existing Agricultural Preserve #3 (Assessor's Parcel Numbers 093-032-52/118.14 acres and 094-060-25/35.05 acres), establishing two separate agricultural preserves, and rezoning two acres (Assessor's Parcel Number 094-060-07) from Estate Residential Ten-acre (RE-10) to Exclusive Agriculture (AE) and adding said parcel to WAC06-0003. The properties are located on the north side of Perry Creek Road, approximately two miles east of the intersection with Fairplay Road, in the **Fairplay area.** (Categorically exempt pursuant to Sections 15061(b) (3) and 15317 of the CEQA Guidelines)

Tom Dougherty presented this item with a recommendation for approval.

Commissioner Chaloupka asked why they are going for two preserves rather than one. Mr. Dougherty said there are personal reasons involved. Commissioner Tolhurst said what we have is the potential for three wineries instead of one. Roger Trout said the request is for two preserves.

Charles Bishop, surveyor for the boundary line adjustment, was present and briefly explained the project.

Referring to an aerial photograph, Commissioner Tolhurst said one structure will be in the 200-foot setback area. What is that structure? Mr. Trout said only the two-acre parcel is not currently zoned AE. Regarding setbacks, there would be no new affects.

Steve Burton, Assistant Agricultural Commissioner, said whether it is one or two preserves it is a consolidation. Currently, there is a winery without five acres of grapes. The Agricultural Commission felt the boundary line adjustment was necessary. They would like to see the property stay under AE zoning in this area.

Valerie Zetner, representing the Farm Bureau, agreed with the staff report. Actually there would be the possibility of one less residence with the two acre parcel being included with one of the preserves.

Ken Greenwood said a new winery would be allowed here. There should be some environmental discussion. Using the General Rule exemption is a little shaky. There are impacts that are not being addressed. Mr. Greenwood asked if the Perry Creek Winery is under special use permit now; he said it is not, and they are increasing their operation.

There was no further input.

Referring to Exhibit F, Commissioner Chaloupka asked the location of the two-acre parcel. Mr. Trout said the exhibit is accurate.

ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, CHALOUPKA, TOLHURST, AND KNIGHT; NOES – COMMISSIONER MACHADO, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS FIND THE PROJECT EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO SECTIONS 15061(b) (3) AND 15317; APPROVE WAC 06-0002 AND WAC06-0003 AMENDING EXISTING AGRICULTURAL PRESERVE NO. 3 ESTABLISHING TWO NEW SEPARATE AGRICULTURAL PRESERVES; AND APPROVE Z06-0009 REZONING ASSESSOR’S PARCEL NUMBER 094-060-07 FROM ESTATE RESIDENTIAL TEN-ACRE (RE-10) TO EXCLUSIVE AGRICULTURE (AE), BASED ON THE FINDINGS PROPOSED BY STAFF.

### **Findings**

#### **1.0 CEQA FINDING**

1.1 The Planning Commission has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant Sections 15061 (b) (3) of the CEQA Guidelines.

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

#### **2.0 ADMINISTRATIVE FINDINGS**

##### **2.1 Zone Change**

2.1.1 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan’s general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density or intensity zoning district. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change request. Based on this analysis and the conclusions reached in the staff report, the Planning Commission recommends approval of the zone change request to the Board of Supervisors.

##### **2.2 General Plan**

2.1.1 It can be found that the proposal conforms to Policy 2.2.2.2 because the parcel currently identified by Assessor’s Parcel Number 094-060-07 will be 37.81 acres when the related BLA06-0010 is approved. In addition, the parcel is currently involved in

growing grapes for commercial uses and the rezone to Exclusive Agriculture for this two-acre section would only enhance the agricultural possibilities.

2.1.2 It can be found that the proposal conforms to Policy 2.2.5.2 because the establishment of a new zone designation of Exclusive Agriculture (AE,) and the ensuing uses it allows, are both consistent with the allowed uses intended by the Agricultural Lands (AL) land use designation and the Agricultural (A) overlay designation. The zone change to AE will not preclude the existing residence from being included within a future agricultural preserve, as long as the residence will be the only one within that preserve.

2.1.3 It can be found that the proposal conforms to Policy 2.2.5.3 because the proposal has been analyzed against the required nineteen points and a significant impact was not found.

2.1.4 It can be found that the proposal conforms to Policy 8.1.1.8 because the subject parcel is located within a Rural Region and the newly created 37.81-acre parcel created by the boundary line adjustment (094-060-07), will have 20 acres of vineyard and then all be related by zoning that will support the potential continued use for agricultural crops.

2.1.5 It can be found that the proposal conforms to Policy 8.1.4.1 because the El County Agriculture Commissioners have determined that the land is well suited for agricultural production by their approval of the boundary line adjustment on March 8, 2006, with the condition that two Williamson Act Contracts be established, and then by their subsequent approval of those contracts at their May 10, 2006, meeting.

**Findings** - WAC06-0002 and WAC06-0003

**1.0 CEQA FINDING**

1.1 The proposed requests for Williamson Act Contracts has been found to be Categorically Exempt from CEQA pursuant to Section 15317 stating that, "Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area."

**2.0 ADMINISTRATIVE FINDINGS**

2.1 The subject parcels satisfy the County's criteria 1, 2, and 3 as contained in Resolution No. 188-2002 for the establishment of an Agricultural Preserve, as discussed in the staff report and pursuant to review by the El Dorado County Agriculture Commissioners.

**10. WORKSHOP**

a. **Zoning Ordinance:** The purpose of the workshop is to facilitate a discussion between staff and the Planning Commission regarding the status of the County's Comprehensive Zoning

Ordinance update that took place following the adoption of the 1996 General Plan by the County, both the zoning ordinance text and zoning maps.

Pierre Rivas presented this item.

Commissioner Tolhurst commented that the home occupation, bed and breakfast, and vacation rental sections will probably be all day hearings. He would like to see the vacation rental item heard in Tahoe. Peter Maurer said the Tahoe Basin will be included in the zoning update program. Gina Hunter is a member of one of the working groups of the Pathway Program. We are currently looking at placing a planner in the Tahoe office.

Commissioner Tolhurst spoke about the need to plan for affordable housing in the Tahoe area.

Chair Knight agrees with Commissioner Tolhurst that we should have workshops out of the Placerville area if a particular item applies to a specific area.

Commissioner Mac Cready asked if the winery ordinance is going to be discussed with the ranch marketing ordinance. Mr. Rivas replied the two items would not be heard together. The winery ordinance will come before the Commission for review prior to the preparation of the Project Description for the update of the zoning ordinance.

Mr. Rivas said fortunately several additional people have been assigned to the zoning ordinance, so hopefully some of the items will be before the Commission earlier than proposed. Mr. Maurer said the Commission may have to hold some special meetings. Chair Knight would not object to special meetings; however, he would like to have them on Thursday if possible. Commissioner Tolhurst would like to do the zoning ordinance as soon as possible.

Art Marinaccio, Taxpayers Association, said there are several things that need to be added to the list. There are inconsistencies with state law and the General Plan. The biggest problem is the Housing Element. You need the ability to build affordable housing. Another point is the tree canopy. It is impossible to do commercial, industrial, and affordable housing with the required tree canopy retention. The state has an oak tree program which needs to be recognized. There are at least two dozen properties in the County that need to be protected because of their mineral deposits. Inconsistencies need to be rectified prior to adopting the update to the zoning ordinance rather than after.

Irene Arnold, speaking for the Cameron Park Airport District, said their district needs to be notified when issues in that area are being considered.

Valeria Zetner, Farm Bureau, feels this is a good start; however, there are some areas that are not included, inventoried agricultural land and establishing a loss threshold (Implementation A, F, and J). They would like to have an opportunity to review the documents that do come forward (at least one week prior to the meeting). Ranch marketing and items that pertain to agriculture need to go before the Agricultural Commission also. Mr. Rivas said any ranch marketing, agricultural districts, etc., will go before the Agricultural Commission for a recommendation to the Planning Commission.

Judy Mathat said any time you change zoning or put an overlay on property or a setback requirement due to a new zoning, the property owner and the adjoining property owners should be notified of the proposed change.

Ken Greenwood said this is a good start. One thing that should be added is the RE-10 Zone being used as a pre-winery holding zone.

Mr. Maurer agrees with Mr. Marinaccio that it does not make sense to adopt an ordinance if there is an inconsistency. The agenda items this afternoon are just the starting point.

Commissioner Mac Cready said staff should get together with Mr. Marinaccio and identify the inconsistencies he has noted.

Mr. Marinaccio said another problem is trying to implement the agricultural setbacks in Community Regions and Rural Centers.

Mr. Maurer said staff is working on clarifying the Purpose statements in each zone district so it is clearer what can be done.

Mr. Rivas said once the guidelines before the Commission are adopted, he will include them in the draft zoning ordinance.

## **11. GENERAL PLAN**

- a. **Draft Interim Guidelines Implementing General Plan:** Policies 8.1.3.2 and 8.4.1.2 (Agricultural and Timberland Setbacks)

Gina Hunter presented this item.

Valerie Zetner, representing the Farm Bureau, said this item has not been reviewed by the Agricultural Commission. She feels that is necessary. Ms. Zetner believes the applicant's questionnaire is unclear. The table does not include uses that were created previously.

Art Marinaccio said it critically important that the Commission and Board deal with the 10-acre parcel adjacent to agriculture. The question is whether it applies in Community Regions and Rural Centers. Those areas were set aside for urban development.

Kim Beal would like a better definition of non-renewable lands. She supports what Valerie Zetner said about when a parcel was created. She would like to see the new parcel have the buffer and not the previously existing parcel.

Judy Mathat suggested rewording Policy 8.1.3.2. The agricultural setbacks on existing parcels should be shared. Any new agricultural parcels should have the opportunity to opt out of an Agricultural District. Ken Greenwood spoke about the last sentence of the policy, "and may



impose larger setbacks where needed to protect agricultural resources.” Does that mean agriculture can require larger setbacks? He agrees that the old matrix was a good tool.

John Stiltzmilller said he has four parcels in South County in the parcel map process. Twice this body reversed the designation on his land. The setbacks will impact the building sites on three parcels and eliminate a site on the other parcel. Mr. Stiltzmilller spoke about property takings. He does not believe this is the way to go.

Candy Wall asked if this is enforceable. How does one keep track of the setbacks, and why 200 feet?

Camille Courtney said it makes no sense to her to have a 200-foot setback. If you are next to row crops, that makes a difference. She does not know the logic of the 200 feet.

Mr. Greenwood spoke about staff handling items like setbacks when a road is involved.

Commissioner Chaloupka does not believe in the 200-foot setback. It is totally ridiculous.

Commissioner Tolhurst said the first comment was that the Agricultural Commission did not have a chance to review this item. He would like to have a recommendation from the Agricultural Commission before making a decision.

Paula Frantz, County Counsel, said the policy is there. This item is how to apply the policy. Staff wanted guidelines as to how the policy should be interpreted. Peter Maurer said the current zoning code does not speak to designations or zoning but the use. The General Plan says agriculturally zoned lands, and the zoning ordinance says use. The item probably should be continued to allow review by the Agricultural Commission. Chair Knight agreed with Commissioner Tolhurst that the Agricultural Commission should review the issue. Commissioner Mac Cready concurred. On agricultural setbacks standards outside Agricultural Districts you should have a range for existing parcels. Commissioner Machado concurred this item should be sent back to the Agricultural Commission. They should look at items like roads, water, etc., that could figure into the setback.

Bill Stephens, Agricultural Commissioner, commented it is time we look at other ways to do this even though it is currently in the General Plan. We should look at the Board Resolution. Balance means something different to him than buffers. The Board can look at things like roads, waterways, etc., but not the Agricultural Commission.

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONTINUE THIS ITEM TO THE MEETING OF JUNE 22, 2006.

- b. **Draft Interim Guidelines Implementing General Plan:** Policy 7.3.3.4  
(Setbacks/Buffers to Protect Riparian Areas and Wetlands)

Steve Hust presented this item stating this policy is very difficult to understand.

Referring to Page 8 of Page 15, Commissioner Machado asked how the setback would be measured. Mr. Hust explained.

Commissioner Tolhurst said TRPA has studied this extensively. He does not want to impose the setback in the Tahoe Basin since there is already a standard based on TRPA standards. Mr. Hust said this applies to the West Slope.

Commissioner Chaloupka spoke about utilities and septic systems. Peter Maurer said that gets to the last point of the policy. It needs to be flexible.

Kathy Russell said she has property with an intermittent stream. It sounds like she could build within 100 feet of an intermittent stream with a biological study. She would like the Commission to look at the size of the parcels when determining setbacks.

Dave Crosariol said they get maps from consultants that are made pursuant to Corps of Engineer guidelines. He is looking for some reconciliation between the Corps guidelines and those in the General Plan.

Gene Thorne said what we have with the interim setbacks is far more restrictive than what the Corps has. There really are no setbacks established by the Corps of Engineers and State Water Quality as well. He would like to see setbacks that more closely resemble what we already think is very restrictive, that being the Corps.

Thalia Georgiades said a lot of the things in the new General Plan are very restrictive and require interim measures and will be more restrictive than they need to be. It should not apply to pre-existing properties that met the necessary requirements in place when the parcel was developed. Ms. Georgiades would like to see the interim setbacks reduced. Otherwise, you are going to have applicants doing extensive biological studies and coming in for a waiver.

Art Marinaccio said in the case of streams it is just the opposite what staff has just told the Commission the policy is. By requiring a General Plan conformity checklist for parcels created 15 or 20 years ago is contrary to what staff is saying they are trying to get at with these guidelines. Most of the projects already approved had completed a biological assessment. He does not feel the approved setbacks should now be changed. Mr. Hust agrees that if studies were prepared on approved projects and incorporated into the environmental document that could be looked at for reduced setbacks.

Kim Beal, Association of Realtors, spoke about the time and cost delay to have a consultant biologist review what is prepared by a biologist on the County approved list.

Kevin Kemper said the issue came up about the relationship between this policy and a Corps permit. If a feature is eliminated the setbacks should no longer apply. Also, watercourse should be further defined. If it is not natural it should not be covered by this policy. Mr. Hust said the site assessment form would take that into consideration.

Judy Mathat said if a parcel is not buildable there should be some type of variance.

John Stiltzmilller said anything that comes out of the Planning Department is restrictive to property rights. What we are doing here is redefining the wheel again.

Frank Baumann finds the setbacks far too restrictive. We are trying to get affordable housing in El Dorado County. He has 50 acres, and there is a wetland that goes right through his property. The setbacks would eliminate 40 to 50 units and eliminate affordable housing.

Camille Courtney said if there is a discretionary action there is the ability to reduce the setbacks with appropriate studies.

There was no further input.

Referring to Page 13, Commissioner Machado said the applicants have a list of approved biologists. Why would the study have to be reviewed further and the applicant charged for further review. Mr. Maurer said this is fairly standard language and would not be done on a regular basis unless something comes to light that indicates something was missed.

Mr. Hust will check the County definitions versus those of the Corps before the Commission adopts the guidelines.

Chair Knight asked that the item be brought back to the Commission in two weeks.

ON MOTION OF COMMISISONER TOLHURST, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONTINUE THIS ITEM TO THE MEETING OF JUNE 22, 2006.

- c. **Draft Interim Guidelines Implementing General Plan:** Policy 7.1.2.1 (Development on 30 Percent Slopes)

This item was considered prior to Items 11.a. and 11.b.

Brian Baca presented this item, giving a power point presentation.

Commissioner Tolhurst said none of these policies apply to the Tahoe area because of the TRPA requirements. There is no lot in Tahoe that can build on slopes over 30 percent, so why not state the policy is exempt in Tahoe? Mr. Baca said it is true it has no practical affect in Tahoe. The guidelines can be modified to make it clear that there are other guidelines that supercede in the Tahoe area.

Commissioner Machado said if you have a 10-acre parcel you could not disturb more than 10,000 square feet, with driveways, pools, house, etc., being exempted. Paula Frantz, County Counsel, said 10,000 square feet is what could be approved by staff. Mr. Baca said any grading associated with a driveway, establishing access, is not included.

Commissioner Tolhurst asked where the 10,000 square feet came from. Mr. Baca said it came from looking at the projects in-house at the time. Ms. Frantz said the 1996 General Plan slope policy was somewhat less stringent and discouraged development on slopes over 30 percent. The limitation is within the scope of the EIR analysis. Staff can only approve projects that are consistent with General Plan policies. Commissioner Chaloupka said it appears it is due to stability and engineering.

Greg Haubner said the grading plan for their property was denied. He does not believe the impact on the value of properties was considered when this policy was adopted. These guidelines will have a detrimental affect on property values. Alternatives would be to have a grand father clause and quantify a percent of the lot rather than have 10,000 square feet.

Commissioner Tolhurst asked if a terraced portion figures into the square footage. Mr. Baca said everything is included except the driveway. Mr. Maurer said what we are trying to do is direct development into those areas under 30 percent slope.

Mr. Baca said these are not policy changes but thresholds for staff action. Ms. Frantz agreed with Mr. Baca that this is not a policy change. The language of the policy is what is shown before the Commission. The question is who you want to determine reasonable use. The policy has been in affect since March 2005. If the Commission feels it is unreasonable, the Commission and/or Board could direct staff to pursue a General Plan amendment.

Bobbie La Beck designs a lot of these grading plans. This seems to be negative for large lots. Perhaps the 10,000 square feet should be higher or 30 percent of the lot up to say 15,000 square feet.

Art Marinaccio said if you have a pre-existing project that was approved based on existing policies there needs to be a very good reason for such a change. He read from Policy 7.1.2.1 of the 1993 General Plan. The exact verbiage was included in the 1996 Plan. The Commission needs to ask staff why we went from 40 to 30 percent. There are many areas in El Dorado County that have septic issues.

Bill Frank, owner of a lot in South Pointe, said if you limit the disturbed area to 10,000 square feet, do studies to see why that number should be used. It does not make sense to him. What is the purpose?

Kathy Russell, El Dorado County Business Alliance, said the Alliance opposed the policy with the adoption of the General Plan in 2004 and were told it could not be changed at that time because of the EIR. A lot of people paid a premium price for their lot because of the view. In Pollock Pines, there are a lot of homes on steep slopes, over 30 percent. They are not sliding off the mountain. You are penalizing people that have acreage. She would like to see the Commission recommend that this policy needs to be revisited. Ten thousand square feet just is not going to work. Grand fathering is one option to look at. A certain percentage should also be reviewed.

Kevin Kemper feels staff should prepare and the Commission should consider a sliding scale depending on the size of the lot. What is maximum consistency with the General Plan? It is either consistent or it is not. He would delete maximize under Section D on Page 4 or better define the wording.

There was no one else in the audience wishing to give input.

Ms. Frantz said nothing over 10,000 square feet can be approved by staff but would have to come before the Commission. It does not say anything over 10,000 square feet cannot be approved. Commissioner Chaloupka said it would be useful to increase the square footage slightly. Commissioner Tolhurst said it should be 10,000 square feet on anything less than one acre and perhaps 20 percent on an acre or over up to four acres.

Commissioner Mac Cready said one planner might not be comfortable defining what is reasonable. The Commission needs to come up with what is reasonable.

Mr. Baca said if it is the wish of the Commission, staff could develop options and come back. He would like to get some guidance from the Commission today. Chair Knight said consideration should be given to the size of the lot on larger parcels. He does not want to consider any grand fathering. Commissioner Machado said the Commission is talking about increasing the number. Is there still the possibility to come before the Commission? The other Commissioners replied in the affirmative.

Mr. Baca said the only portion of the lot we are speaking about is the portion over 30 percent slope. There is no prohibition on the remainder of the parcel. Ms. Frantz said if you want the exemption to be the rule, you should change the rule.

Mr. Maurer said what he has heard is that the Commission wants to clarify that the number applies to the 30 percent slope area; modify the language regarding maximize consistency to read be consistent with; and add an exemption for the Tahoe area.

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONTINUE THIS ITEM TO THE MEETING OF JUNE 22, 2006.

- d. **Interpretation of General Plan Policies:** Policy 2.2.1.2 - Multifamily Residential Land Use Designation Description; Table 2-4 – Land Use and Zoning Consistency Matrix; Policies 2.2.3.1, 2.2.3.2, 2.2.5.4, and 2.2.5.13 - Planned Development Open Space Requirements; Policy 2.2.4.1 - Density Bonus; Policy 2.2.5.16 – Level of Planning; Policy 7.2.2.3 – Mining Buffer; Policies 8.1.2.1 and 8.1.2.2 – Identification and Protection of Range Lands; Policy 8.1.4.1 – Agricultural Commission Review; Policy 8.4.1.1 – Timberland Buffers; and Policy 10.2.15 – Public Facilities and Service Financing Plan.

Peter Maurer presented this item. In order to provide exemptions to Policies 2.2.3.1, 2.2.3.2, and 2.2.5.13, the Commission would have to initiate a General Plan amendment. If the Commission would like to do something other than 30 percent, it would require an amendment.

Chair Knight said golf courses, whether private or public, should be counted as open space.

Art Marinaccio said he would prefer a statement that the open space/public space requirement shall be commensurate with the scale and nature of the parcel. Open space set-asides need to have a purpose. In some projects, 30 percent may have no purpose at all. In other projects 30 percent open space may really be minimal. There has to be a reason to set aside open space. Mr. Marinaccio feels a golf course should count as open space. On the 50 parcel threshold, by definition non-residential is not a subdivision; it is a parcel map. Commercial and Industrial is not done by subdivisions. They are done by parcel map. Thirty percent in the middle of a high density development is not applicable.

Jim Martino, Cameron Park Airport, said Cameron Park Comprehensive Land Use Plan only applies to the trapezoid area on the map. This states it applies to Zone 3 of the airport. Paula Frantz, County Counsel, said it would require a planned development, but 30 percent open space may not be appropriate in such area.

Commissioner Machado asked if there are any fixes the Commission could make now short of a General Plan amendment. Mr. Maurer replied no.

Kathy Russell supported Art Marinaccio. The El Dorado Business Alliance supports taking a liberal view of open space such as a golf course. She pretty well supports what staff has come up with. Would a biological corridor be open space? Mr. Maurer replied in the affirmative. Ms. Russell said a body of water should also be included. What about a pool? Mr. Maurer said outdoor recreation, which would be a pool, would be included as open space.

Camille Courtney said open space should be based on the square footage of the dwelling unit. Can this open space be counted towards Quimby fees? There is no reason a condominium project cannot purchase off-site open space. Chair Knight commented that a condominium project is an existing project. Ms. Courtney would like open space to be calculated on a minimum dimension. Paula Frantz, County Counsel, said backyards could not be counted, because those areas are not commonly owned or publicly dedicated open space. Mr. Maurer said open space would apply towards Quimby. Ms. Frantz said it would apply if it is recreational.

Judy Mathat agrees that the bodies of water should count. Golf courses should count also. Developers should be given a density allowance if they develop their project to go with the topography. She agrees it is more pleasing to the eye if you have a high density project with the open space around the project.

David Zweck said he does not know why streams are not counted as open space. Mr. Maurer replied streams are counted.

Kim Beal, Association of Realtors, disagrees that bodies of water cannot be counted as part of the gross acreage for density purposes. She agrees with water bodies and golf courses being counted as open space. She feels the requirement of 50 lots for a planned development is too low. It should be 200. Ms. Beal does not believe Policy 2.2.5.13 is necessary. She appreciates the bottom paragraph on Page 5 which indicates what makes an affordable project. She would like to see land dedication defined further. Fencing open space should be clarified. It is a law that pools need to be fenced. There is aesthetic fencing that could be used. Under the recommendation, what is a smaller parcel?

Mr. Maurer said it would take a General Plan amendment to include bodies of water in the density calculations.

Brandon Geisha said golf courses should be counted as open space.

Thalia Georgiades said it is clear we will have to make some General Plan amendments. She asked where the 30 percent came from in the General Plan. Why don't bodies of water count towards density of the project? It seems that the 50 lot project should be changed to a higher number. Ms. Frantz said the 30 percent came from the 1996 Plan. Mr. Maurer said the same with the not using bodies of water for determining density.

Commissioner Mac Cready agrees on the golf courses unless it is a private golf course and qualifies as the entire 30 percent open space.

Gene Thorne said golf courses are not just open space for someone to look at. With the deer, geese, etc. he feels you are getting other amenities. He would like commercial and industrial excluded from the 50 lot threshold. Ms. Frantz said if commercial and industrial were excluded from Policy 2.2.5.4, a General Plan amendment would be required. You could interpret that commercial and industrial does not require 30 percent open space.

Referring to Policy 2.2.3.2, Dave Crosariol asked a question on the underlying zone. Ms. Frantz said you would have to be consistent with the General Plan. Mrs. Beal asked a question about two lots and a two-acre pond. Mr. Maurer said this policy would not apply.

Mr. Marinaccio said you want to consider a percentage under the water issue.

There was no further input.

Commissioner Machado summarized the comments: open space under a planned development; open space can count towards Quimby; a stream, body of water, biological corridor, and the five bulleted items on Page 7 qualify as open space. Items he has as requiring a General Plan amendment are: exempting the commercial and industrial from the PD requirement; the bodies of water being included for density purposes; and the Cameron Park Airport safety zone. Chair Knight said there was some concern about the 50 lots in residential projects. Ms. Frantz said there was discussion whether it should be 50 units or more on residential projects. Commissioner Machado said the unresolved issue is the front yard and back yard being counted as open space. Ms. Frantz said that would have to be a General Plan amendment as well. Chair

Knight would not include backyards as open space. Front yards could count. Commissioner Chaloupka agreed. Ms. Frantz said the front yard could count if it is publicly dedicated or commonly owned. Commissioner Machado said golf courses could be considered open space under a planned development.

Ms. Frantz said the General Plan should not be this specific. Most of these issues should be in the zoning ordinance, i.e., exemptions, calculations, etc.

Mr. Maurer said one critical point for him has to do with affordable housing, smaller lots, in-fill developments, condominium conversions, and do we want to provide some exemption from this requirement for those projects if you have less than a certain acreage. Ms. Frantz said it can be general in the General Plan and the specifics put in the zoning ordinance.

Mr. Maurer asked the specific direction from the Commission on bodies of water. Chair Knight said one issue raised was if you have a 40-acre parcel with a 3-acre lake that is different than if you have a 40 acres and a 30-acre lake. Mr. Maurer said we need to go back and see how this policy applies and come back with a proposed amendment or amendments to various policies that deal with planned developments. First staff will come back with a Resolution of Intention that will further articulate what the amendments will be. A CEQA analysis will be completed, and there will be plenty of opportunities to refine the amendments. Today you cannot use golf courses under the current policy, so it will have to be amended. At this point in time, the policy applies to all development whether it is residential or non-residential. We want to amend that. Non-residential, however, is not required to provide the 30 percent open space under the current policy interpretation. The bulleted items are what we currently use to calculate open space. Rear yards or other privately owned property is not included. If it is fenced for a pool or other common area, that is okay. We will initiate a General Plan amendment and try to make this policy more general and put the details in the zoning ordinance, including affordable housing issues, exemptions for commercial and industrial, elimination of the requirement for Safety Zone 3 or modify the requirement somehow, look at different thresholds, possibly looking at a threshold other than just a percentage of the site, perhaps based on the number of units. The inclusion of golf courses and front yards should also be included in the proposed amendment. Ms. Frantz suggested leaving in the opportunity to opt to do a planned development for a smaller residential project. Originally the planned development was meant for larger projects that could afford public benefits and could afford some flexibility to get some benefits from providing such a project.

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER CHALOUPKA AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS, CHALOUPKA, MACHADO, AND KNIGHT; ABSENT – COMMISSIONERS TOLHURST AND MAC CREADY, IT WAS MOVED TO CONTINUE THIS ITEM TO THE MEETING OF JUNE 22, 2006, WITH DIRECTION TO STAFF TO COME BACK WITH A RESOLUTION OF INTENTION TO AMEND THE PLANNED DEVELOPMENT POLICIES.

**12. DEPARTMENT OF TRANSPORTATION - None**



13. **COUNTY COUNSEL'S REPORTS** - None

14. **DIRECTOR'S REPORTS** - None

15. **ADJOURNMENT**

There being no further business, Chair Knight adjourned the meeting at 6:47 p.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:

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John Knight, Chair