



# 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 22, 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 8:40 a.m. The following persons were in attendance: Commissioners Mac Cready, Machado, Chaloupka, and Knight; Paula F. Frantz, County Counsel; Roger Trout, Principal Planner; and Jo Ann Brillisour, Clerk to the Planning Commission.

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

ON MOTION OF COMMISSIONER MACHADO, SECONDED BY COMMISSIONER CHALOUPKA AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE AGENDA, TAKING ITEMS 8.a. AND 9.a. AT THE BEGINNING OF THE AGENDA.

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

A Pledge of Allegiance was given by the Commission and those persons in attendance.

#### **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.)**

##### **a. Minutes: June 8, 2006**

ON MOTION OF COMMISSIONER CHALOUPKA, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE THE CONSENT CALENDAR.

**5. DEPARTMENTAL REPORTS AND COMMUNICATIONS**

These items were considered during the day as time permitted.

Roger Trout said staff is working with Code Enforcement on the Tube and Lube facility.

On S&D Automotive, there are some uses that were not consistent with the use permit. They are allowed to have a hydraulic lift for certain uses. Staff will make a site visit to make sure the permit is in compliance. Commissioner Machado said the use permit came in for a variance on their parking some time ago. Why would staff approve something that would take up more of the parking spaces? Mr. Trout said the hydraulic lift did not take up any of the required parking spaces.

Greg Fuz said shortly Code Compliance will be fully staffed. Starting July 1, Development Services will be assuming grading permits from the Department of Transportation. Most of the permits will be handled in the El Dorado Hills Office.

Mr. Fuz informed the Commission of the open house that the Department would be holding in the Hearing Room on June 29. All interested persons are invited to attend.

**6. COMMISSIONERS' REPORTS**

Commissioner Mac Cready asked when a parcel is determined to be a junkyard. Roger Trout said the Zoning Ordinance speaks to this issue. Code Compliance would have to make a site inspection. Before a site inspection is made the property owner is given a courtesy notice and staff tries to work with the property owner on cleanup of the property.

Chair Knight asked that staff call Fred Russell (933-6623) as they are in the process of planning their signage.

**PUBLIC FORUM/PUBLIC COMMENT - None**

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

- a. **PD01-0003R/Serrano, Villages J2 and J3, and PD01-0005R/Serrano, Villages K5 and K6** submitted by SERRANO ASSOCIATES (Agent: Kirk Bone) to revise Condition 3 (PD01-0003) and Condition 4 (PD01-0005) to read "Construction of homes with up to 45 percent coverage on all lots, irrespective of lot size, or for duplex and/or triplex lots." The properties, identified by Assessor's Parcel Numbers 113-670-01 through 05; 113-680-01; 113-690-01, -05, -06, -09, -10, and -11; 113-700-03, -06, -07, -08, -09, and -11; 113-740-01 through 113-740-25; 113-750-01 through 113-750-18; 113-760-01 through 14; and 113-770-01 through 62, consist of 170 acres, are located on the north side of Serrano Parkway, immediately north of the intersection with Greenview Drive (eastern entrance) in the **El Dorado Hills area.** (Statutorily exempt pursuant to Section 15182 of the CEQA Guidelines)

Jason Hade presented this item with a recommendation for conditional approval.

Commissioner Machado asked for clarification on one of the exhibits. Kirk Bone said Village K6 is not part of this application.

Mr. Bone said they concur with the staff report and had nothing to add.

Commissioner Machado asked for clarification on the addendum conditions. Mr. Bone said those conditions were previously approved conditions that did not carry over in the current staff report. The two conditions are not under consideration today.

Commissioner Machado asked for clarification on the number of lots. Andrea Brown explained the number of duplex lots. Village K6 has 81 lots. They have not started to design K6 yet. They cannot go beyond the 81 lots under the current approval. Village K6 contains single-family residential lots.

There was no further input.

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER CHALOUPKA AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO FIND THE PROJECT STATUTORILY EXEMPT PURSUANT TO SECTION 15182 OF THE CEQA GUIDELINES AND APPROVE PD01-0003R AND PD01-0005R BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

### **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 statutorily exempt from CEQA pursuant to Section 15182 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 the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

#### **2.0 ADMINISTRATIVE FINDINGS**

- 2.1 The project consists of the modification of lot coverage requirements, as outlined above in Conditions 3 (PD01-0003R) and 4 (PD01-0005-R).

The project shall only be approved or conditionally approved if all of the following findings are made:

- 2.2 The proposed use is consistent with the policies in the El Dorado County General Plan and El Dorado Hills Specific Plan, as discussed in the General Plan section of this staff report.**

As proposed and conditioned, the project is consistent with the applicable policies and intent of the El Dorado Hills Specific Plan, specifically utilization of the planned development overlay district to provide greater flexibility within the One-family Residential (R1) Zone District.

- 2.3 The use is found to comply with the requirements of Chapter 17.02, and the proposed project is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.**

The use is consistent with the requirements contained within Chapter 17.02 and will not be detrimental to the public health, safety, and welfare, or injurious to the surrounding residential uses.

- 2.4 The Planned Development request is consistent with the General Plan.**

As detailed above, the project is consistent with the applicable policies and intent of the El Dorado Hills Specific Plan, specifically utilization of the planned development overlay district to provide greater flexibility within the R1 zoning district.

- 2.5 The proposed development is designed to provide a desirable environment within its own boundaries.**

The proposed lot coverage amendment will provide greater design flexibility to homebuilders and buyers for each individual lot and will improve the aesthetics of the subdivision by permitting a more diverse range of housing types.

- 2.5 Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.**

Lot coverage modifications from the R1 development standards within the Zoning Ordinance were requested and approved as part of the development plan approval on July 26, 2001. The only exception requested as part of this planned development revision application is a further modification of the previously approved lot coverage for the development plan. Staff believes the project design justifies such a lot coverage modification.

- 2.6 The site is physically suited for the proposed uses.**

The site was previously deemed suited for the proposed uses within the development plan and remains so today. The requested lot coverage revision will not change the site's suitability for the proposed uses.

**2.7 That adequate services are available for the proposed uses, including but not limited to, water supply, sewage disposal, roads and utilities.**

Adequate services are available for the previously approved development plan and tentative maps. As such, the requested revision will not change these circumstances and adequate services remain available.

**2.8 The proposed uses do not significantly detract from the natural land and scenic values of the site.**

As it will provide greater design flexibility to address individual lot constraints, such as topography, size and adjacent uses, the requested revision will not significantly detract from the natural land and scenic values of the site.

**Conditions**

**PD01-0003R**

**Conditions - Development Plan**

Conditions with double underlining indicate changes made during the hearing today.

1. The Development Plan permits the following:

A tentative subdivision map creating 148 residential lots ranging from 7,784 square feet to 4.31 acres, a 12.41 acre school site, a 11.01 acre park site, open space lots and landscape corridors.

2. Construction of duplex units and creation of duplex lots for lots fronting the golf course and on corner lots within the subdivision.

~~3. Construction of homes with up to 45 percent coverage on lots under 9,500 square feet or for duplex and/or triplex lots.~~

3. Construction of homes with up to 45 percent coverage on all lots, irrespective of lot size, or for duplex and/or triplex lots.

4. Place air conditioning equipment and pool equipment within 2.5 feet of a side property line so long as the line is defined by a solid fence.

5. Building side yard setbacks shall be five feet regardless of building height.

**PD01-0005R**

**Conditions - Development Plan**

1. The Development Plan permits the following:

A tentative subdivision map creating 212 parcels, ranging in size from 6,708 square feet to 177,725 square feet, including a 3.74 acre park site, open space lots and golf course lots.

2. Construction of duplex units and creation of duplex lots for lots fronting the golf course and on corner lots as well as lots fronting the Serrano County Club Golf Course.
3. Construction of triplex units on the lots along the streets adjacent to the 13th and 14th fairways.
4. ~~Construction of homes with up to 45 percent coverage on lots under 9,500 square feet or for duplex and/or triplex lots.~~
4. Construction of homes with up to 45 percent coverage on all lots, irrespective of lot size, or for duplex and/or triplex lots.
5. Place air conditioning equipment and pool equipment within 2.5 feet of a side property line so long as the line is defined by a solid fence.
6. Building side yard setbacks shall be five feet regardless of building height.

Chair Knight said the action today could be appealed to the Board of Supervisors within ten working days.

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

- a. **Resolution of Intention 2006-03;** to consider setting a public hearing to revoke Special Use Permit 89-0014R due to noncompliance with the approved conditions of approval. The use permit allows an existing 20-foot high pole sign facing U.S. Highway 50 and one 9-foot monument sign to remain on the project parcel. The property, identified by Assessor's Parcel Number 082-421-10, consists of 0.73 acre, is located on the north side of U.S. Highway 50, approximately one-quarter mile west of the intersection with Cambridge Road, in the **Cameron Park area.** Owner: ROD POSNER/AUTOTRONICS AUTOMOVITE REPAIR.

This item was taken first, before Item 7.a.

Lillian Mac Leod presented this item recommending that the Resolution of Intention be adopted to set a public hearing to consider revocation of the use permit.

Rod Posner said they have submitted all the paperwork for the signs in order to obtain their building permit.

Paula Frantz, County Counsel, suggested that the Resolution be adopted. If building permits have been issued, the hearing would not be set. Staff has been working on enforcement of this permit for over a year.

There was no further input.

ON MOTION OF COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MAC CREADY AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO ADOPT RESOLUTION OF INTENTION 2006-03.

- b. **S05-0030/Backlot Theater** submitted by MIKE JIMENA (Agent: Rudy Calpo) for a 265-seat live theater as a tenant improvement to a 10,000 square foot existing commercial warehouse in the El Dorado Hills Business Park. Hours of operation are proposed to be 9:00 AM to 9:30 PM, Monday through Sunday. The property, identified by Assessor's Parcel Number 108-390-03, is located on the west side of Windplay Drive, 500 feet north of the intersection with Sunset Lane, in the **El Dorado Hills area**. (Negative declaration prepared)

Aaron Mount presented this item with a recommendation for conditional approval.

Commissioner Machado said there was discussion of noise in the back parking lot at the last hearing. The recommendation was for denial, and there were no findings for approval at that time. The applicant was to hire a noise consultant to prepare a study. Roger Trout said findings were not provided as an environmental document was not prepared on the project. After the Commission directed that an acoustical study be prepared, the negative declaration was prepared.

Mr. Mount said they are proposing removal of the parking bollards. Commissioner Machado suggested at the last meeting that this use permit be brought back within one year to hear how the operation is working out. Mr. Mount said noise issues are covered under one of the mitigation measures and talks about setting a hearing if there are problems.

Commissioner Machado asked the hours of operation in the Business Park. Chair Knight does not believe there are any restrictions. Paula Frantz, County Counsel, said if they are just operating under a building permit there would be no restrictions. If they are operating under a special use permit, the hours of operation come into play. If a business has noise that goes outside of a building, a special use permit would be required.

Chair Knight said a petition was received today with approximately 80 signatures in opposition of this use. Commissioner Chaloupka asked the location of the subdivision that is in opposition. Chair Knight explained.

Rudy Calpo said the biggest controversial issue at the last hearing was the 15 parking spaces southwest of the theater. He suggested putting bollards and a chain to close off the 15 parking spaces one hour before the plays begin. Fred Russell with the fire district said that was too extreme, and signs would suffice.

Mike Jimena said the whole key to this project is being a good neighbor. They have a parking agreement with the church.

Scott Montgomery, member of the Four Seasons Board, said he took a look at the site plan, and it appears nothing will be attached to the wall. The Board has not taken a position on this permit.

Patricia Thompson, resident on Monte Mar, did not sign the petition but would have if she had the opportunity. Who will enforce the codes as they pertain to noise? She asked that the Commission vote no on the permit. The article in the Village News says the rest of the community has been very supportive, and she does not believe that comment is true.

A resident on Snow Falls said this type of use is needed in El Dorado Hills but not up against residential development. The noise level should not back up to a retirement community.

Coy Baugh said this is a new neighborhood. They purchased into the neighborhood based on the existing zoning regulations. He asked that the Commission delay the approval of this use permit for at least one year so they can get together as a neighborhood. He questions the ability to enforce the regulations. A theater is unexpected in an area proposed for a Business Park. He would like to see a community theater in El Dorado Hills and believes there are appropriate places for such a use.

Linda White said her backyard is directly affected by this theater. Last week she was in her backyard and heard everything a man in the Business Park said on his cell phone. The space between the wall and the building is very small. Why don't they pay a school and hold their plays there? There are many other buildings where they could have the theater that are away from the residential area.

Paula Cochran Smith said Mike Jimena is geared towards working with the neighborhood. Most of the people in the shows are kids. This is a cultural opportunity for El Dorado County. There are not that many other locations in the Business Park. Perhaps the Commission would like to go back to placing the bollards and chains.

Vince (?), one of the property owners behind the fence, informed the Commission of several instances of noise in the Business Park that affected him. He does not mind a theater. He just does not want it behind his house.

Kent Sutton said he is the other portion of the building where the theater will be located. They each have 28 parking spaces. He has some concerns with parking which is very limited. His business operates from 6:00 AM to 6:00 PM and is a lighting company. Mr. Sutton has concerns with the facility itself. They have an association that takes care of the insurance and upkeep. They just paid to redo their landscaping. He has been told it is an evening theater, but he has



heard they are going to do other things. He would like to see an impact study as to how this operation will affect him financially. If they park at the church, people will be walking through his property and new landscaping. The applicant has said he would install a pathway.

Don Gibson, resident of Four Seasons, asked that the Commission deny the permit. There was a question about the Four Seasons Board not supporting or recommending denial of the permit. The signatures on the petition reflect the spirit of the community. This is a new subdivision. A site visit by the Commission may be beneficial.

Bill Knox, resident of Four Seasons, said this not an appropriate venue for this area.

Christopher Upton Douglas said the existing building has had a scenic construction and design business going on in the building for the past 20 months. He would like to bring his adult group to El Dorado Hills.

Steve Smith spoke in favor.

Phil Cobb does not see why this use should be such a big problem. The main entrance to the theater is going to be on the other side of the building. There will be no parking next to the residential area.

Leroy Rich said when they purchased their property, they were told the Business Park was 9 to 5 with some work on weekends. The theater is not the issue. It is the noise. Who do they call if there is a noise issue?

Connie Mockenhaupt, one of the owners of the theater, said they started the process about two years ago before the houses were constructed. One of the things they do in their business is perform for 55 plus. The entrance will be on the other side of the building. If the people enter from the church parking lot they will not be going through the landscaping. Mrs. Mockenhaupt explained the parking areas for the theater. There are specific requirements for theaters. There was only one place in the Business Park that had the necessary specifications they needed for their operation. They are very responsible and believe in being part of the community. They asked that their permit be approved. Mrs. Mockenhaupt asked Four Seasons residents to call them first if there is any problem.

Jim Frizzell, Snow Falls Way, asked that the Commission think about this before they take action.

There was no further input.

Chair Knight asked that Mr. Mount address the issues that were brought up.

Mr. Trout said Aaron Mount read the mitigation measure into the record. If complaints are received, an on-site acoustical analysis will be required when the operation is going on. If the noise is above the limits, they will work with the applicant, and if the problems cannot be

resolved, a revocation hearing would be set. Code Compliance would not get involved in this instance.

Commissioner Machado asked Mr. Sutton his concerns after reading the staff report. Mr. Sutton said he has some concerns about blocking off some of the parking spaces. He asked how many cars the 280 seats translate into. Commissioner Machado said this use requires 76 on-site parking spaces. Commissioner Chaloupka said usually you get two to three people per car that come to this type of event. They do not usually go by themselves. Mr. Sutton said originally it was two days a week and sounds as though it could go to five days. Weekends do not impact him. Commissioner Machado explained the restrictions on the theater for parking. Anything 6 to 6 week days would be a problem and anything Monday through Thursday after 6:00 PM could be a problem.

Mr. Jimena spoke to Aaron Mount earlier this week and suggested placing “No Theater Parking at Any Time” in the 16 parking spaces.

Commissioner Machado said this is on a year-round basis. How many performances do they expect to have? Mr. Jimena said the main stage would operate Fridays and Saturdays (50 weeks out of the year), and maybe Sunday. The main stage show would probably be six to eight times a year for a four week run of each show. There would be rehearsals Monday through Friday during the hours of 8 to 5. There would also be cleaning and ticket selling with no production. On Monday through Thursday, 5 to 10 PM there may be a Cabaret show or one-person comedy show. One day a week would be used to bring in new material. Commissioner Machado asked if they could eliminate a day Monday through Thursday. Mr. Jimena would eliminate Monday.

Commissioner Machado said Commissioner Tolhurst had commented about moving the entrance at the last meeting. Mr. Jimena said that has been done.

Commissioner Mac Cready asked about children’s performances. Mr. Jimena said the El Dorado Children’s Theater, 6 to 18 years old, would probably use the facility two times a year for two weeks at a time.

Mr. Jimena said they could include in their pre-speech to the patrons that they need to be out of the parking lot by 10:00 PM. They want to be good neighbors. Some of the dance companies may be doing their shows in this location. They are willing to work with whatever they have to.

Commissioner Mac Cready spoke about coming back in a year for review. What can be done at that time? Commissioner Machado would like to have the one year review. Ms. Frantz said there could be a condition for a one-year review for modification of whatever conditions are necessary. If there are still noise problems, there could be a sound wall or change in the hours of operation.

Commissioner Mac Cready said people were told when they purchased their property that this type of use would not be going on. There are no other types of uses like this in the Business Park. The residents need to be protected.

Mr. Trout said use permits run with the land and not the operator. Ms. Frantz said that is why you impose the necessary conditions at the time of the hearing.

Commissioner Machado said he would make a motion. A theater helps make a community. El Dorado Union High School, Ponderosa High School, and Oak Ridge are surrounded by residential housing. His motion would limit the hours of operation, number of events, and bring the permit back for review in case there are problems. He commented this is some of the flattest property in the County and where light rail will go. An over 55 subdivision should not have been approved in this location.

**COMMISSIONER MAC CREADY MADE A MOTION TO DENY THE APPLICATION. The motion died due to lack of a second.**

ON MOTION OF COMMISSIONER MACHADO, SECONDED BY COMMISSIONER CHALOUPKA AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MACHADO, CHALOUPKA, AND KNIGHT; NOES – COMMISSIONER MAC CREADY; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO ADOPT THE NEGATIVE DECLARATION, AS PREPARED, AND APPROVE S05-0030 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

### **Findings**

#### **1.0 CEQA FINDING**

1.1 The Planning Commission has considered the Mitigated Negative Declaration together with the comments received and considered during the public hearing process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.

1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.

1.3 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.

1.4 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 and conditions of approval, 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.

## 2.0 ADMINISTRATIVE FINDINGS

Special Use Permit application S05-0030 has been requested for the purpose of converting an existing commercial warehouse to a 265 seat live theater. No new construction other than tenant improvement is proposed at the subject parcel. Hours of operation are to be 9:00 a.m. to 9:30 p.m. seven days a week with all occupants, including patrons, cast, and crew, exiting the parking lot by 10:00 p.m. The Special Use Permit shall only be approved or conditionally approved if all of the following findings are made.

### 2.1.1 The proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood.

The use is found to comply with the requirements of County Code Section 17.22.500, Special Use Permits, and County Code Section 17.35, Research and Development Zone District, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the addendum and the analysis of potential impacts in the Initial Study.

### 2.2.2 The proposed use is consistent with the policies in the 2004 El Dorado County General Plan.

The proposed use is consistent with the policies in the El Dorado County General Plan because the applicant has amended and mitigated the project to be in compliance with County regulations addressing noise as required by the General Plan.

### Mitigation Measures/Conditions

#### MITIGATION MEASURES

The following mitigation measures are required as a means to reduce potential significant environmental effects to a level of insignificance:

1. Prior to finaling of building permits, signs labeled "NO PARKING FROM 10:00 PM TO 7:00 AM" shall be placed at the 16 parking spaces adjacent to the southern section of the sound wall as shown on the submitted site plan.
2. Removable parking barriers shall be placed on the 16 parking spaces adjacent to the southern section of the sound wall as shown on the submitted site plan, an hour before evening performances are to begin.

### CONDITIONS OF APPROVAL

El Dorado County Planning Services

1. The project, as approved, consists of the following: A live theater with 265 ~~258~~ seats, and 4 handicap spaces, located at Assessors Parcel Number 108-390-03. Hours of

- operation shall be 9:00 a.m. to 9:30 ~~9:00~~ p.m. seven days a week. All occupants of the building, including patrons, crew, and cast, must exit the parking lot by 10:00 p.m.
2. All site improvements shall conform to the site plan(s) attached as Exhibits A ~~D~~ and B ~~E~~.
  3. The applicant/developer shall provide a minimum of 76 ~~87~~ on-site parking spaces. No more than 35 percent of the total parking may be identified as “compact” spaces, and a minimum of 3 ~~4~~ spaces must be designated as “handicap” only parking. All on-site parking shall meet the parking lot design standards contained in Section 17.18.030 of County Code. Parking spaces shall not be placed in front of roll up doors on the two buildings on-site.
  4. If the project will include the sale or give-away of food, including prepackaged food or beverages, the applicant shall be required to meet the minimum requirements of the Health and Safety Code – California Uniform Retail Food Facilities Law (CURFFL). Prior to construction of the facility, plans and a permit shall be submitted to the El Dorado County Department of Environmental Management for review and approval.
  5. No alcoholic beverages shall be served on the premises.
  6. The applicant shall enter into parking covenants with the parcels to the north and south (Assessor’s Parcel Numbers 108-250-19 and 108-250-21) prior to occupancy and subject to review and approval by the Deputy Director of Planning.
  7. Main production plays and matinees may be held on Friday, Saturday, and Sunday evenings, with smaller performances being held on Wednesday and Thursday evenings. There shall be no main stage productions held Monday through Thursday between 8:00 AM and 6:00 PM; however rehearsals, set production, cleaning, and ticket selling may take place. The facility shall remain dark (no performances) on Mondays and Tuesdays.
  8. Signage shall be placed on the wall located on Assessor’s Parcel Numbers 108-250-19 and -21 stating “No Back Lot Parking.”
  9. If the parking contract between the church and theater is not renewed, the applicant will be required to demonstrate to Planning Services that they have sufficient parking.
  10. This permit shall be subject to review one year from the date of occupancy for possible modification of conditions, as necessary.

Chair Knight said the action today could be appealed to the Board of Supervisors within ten working days.

9. **WILLIAMSON ACT CONTRACTS** (Public Hearing)

- a. **WAC05-0003 and WAC05-0004**, a request submitted by CAROLYN STROMBERG and MALCOM AND GLORIA CARPENTER (Agent: Bill Snodgrass) to divide existing Agricultural Preserve 246 into two new agricultural preserves, one consisting of Assessor's Parcel Number 041-910-12/20.04 acres (Carpenter), and the other consisting of Assessor's Parcel Numbers 041-910-13 and -14/40.01 acres (Stromberg). The subject properties are located on the southeast side of Happy Valley Road, eight miles east of the intersection with Mt. Aukum Road, in the Somerset area. (Categorically exempt pursuant to Section 15317 of the CEQA Guidelines)

This item was taken prior to Item 8.b.

Jason Hade presented this item with a recommendation for approval.

Bill Snodgrass explained the proposal.

Commissioner Machado asked if this action starts the timing over again for the contract. Paula Frantz, County Counsel, said all contracts start the ten years over in January of each year.

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

ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15317 OF THE CEQA GUIDELINES AND APPROVE WAC05-0003 AND WAC05-0004 BASED ON THE FINDINGS PROPOSED BY STAFF.

**Findings**

1. The proposed Williamson Act Contracts are consistent with the policies in the El Dorado County General Plan, as discussed in the General Plan section of this staff report.
2. The properties satisfy the County's three criteria for the establishment of an Agricultural Preserve, as defined in Resolution Number 188-2002, as follows:
  - a. The 20-acre minimum has been met as the subject sites consist of 40.012 acres and 20.038 acres respectively;
  - b. The applicant for Williamson Act Contract WAC05-0003 has spent \$47,966 on agricultural improvements while the applicant for Williamson Act Contract WAC05-0004 has spent \$50,111 on agricultural improvements.

- c. Income from the 4.6 acres of grapes on Assessor's Parcel Numbers 041-910-13 and 14 is \$15,999 while the income from the 4.6 acres of grapes on Assessor's Parcel Numbers 041-910-12 is \$16,776.
3. The project is Categorically Exempt from the requirements of CEQA pursuant to Section 15317 of the CEQA Guidelines stating that "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" are exempt from further environmental review.

### **ADDENDUM**

This item was considered after item 9.a.

### **SITE PLAN REVIEW** (Public Hearing)

- a. **SPR06-0124** submitted by LARRY KINNINGS for a hardship finding to allow the construction of a second residential unit within Safety Zone 2 of the Placerville Airport. The property, identified by Assessor's Parcel Number 051-470-75, consists of 2.05 acres, is located on the east side of Paydirt Drive, 300 feet north of the intersection with Cedar Ravine Drive, in the Placerville area. (Categorically exempt pursuant to Section 15303 of the CEQA Guidelines)

Jonathan Fong presented this item with a recommendation for denial. Commissioner Mac Cready said there is also a recommendation for approval. Mr. Fong said if the Commission finds the request could be approved, there are findings and conditions provided.

Commissioner Machado asked for additional background information on the request. He commented that if the permit is denied today, the second dwelling would remain. Paula Frantz, County Counsel, said the second residence was constructed with the required permits. If the applicant would like to convert it back to a garage, that could be done with the necessary permits.

Larry Kinnings read his comments into the record. He presented copies of the previous language in the Comprehensive Land Use Plan which would have allowed what he is proposing. Mr. Kinnings explained his request. Chair Knight went over the past actions that have taken place on the property.

Ms. Frantz said approval would take a four-fifths vote of the Commission. Each airport has its own Comprehensive Plan. Various densities are allowed around the different airports.

Commissioner Machado said the letter from the Foothill Airport Land Use Commission states there are already two residences, but if the garage is converted and another built they would not be in conformance. If the applicant were proposing a second residence today, he would deny the request. However, there is already one, and the change was made based on information they had received from the County. He asked if the findings regarding the confusion with the Assessor

and the location to a safer location are satisfactory for findings of approval. Ms. Frantz said the findings the Commission has to make are that the hardship to the applicant clearly outweighs the objectives of the Comprehensive Plan and the County Ordinance. Chair Knight asked if the Commission had to be specific with the hardship findings. Ms. Frantz replied in the affirmative.

Chair Knight feels the building could be a little smaller but will not tell someone how to build something. He does not believe there would be any health or safety issues. Clearly the intent is to take care of a family member. Commissioner Machado concurred. In Placerville, there is a requirement for an age limit. Roger Trout said there are also restrictions in the County. Ms. Frantz said there is no age restriction in the County. Commissioner Machado said there was a cost incurred which would support a financial hardship. The new location is safer than the existing location.

There was no further input.

ON MOTION OF COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO APPROVE THE HARDSHIP FINDING FOR SPR06-0124 AND DIRECT STAFF TO BRING THE ITEM BACK ON THE CONSENT CALENDAR FOR THE MEETING OF JULY 13, 2006, WITH SPECIFIC FINDINGS TO SUPPORT APPROVAL OF THE REQUEST.

Chair Knight said the action today could be appealed to the Board of Supervisors within ten working days.

## **ADDENDUM**

### **GENERAL PLAN**

Greg Fuz gave the Commission an overview of what staff is trying to accomplish. For the public, these guidelines are not new rules. The guidelines are to implement the General Plan policies in a consistent manner.

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

Gina Hunter said the Commission directed that the guidelines be referred to the Agricultural Commission for a recommendation. She went through the guidelines, informing the Commission of the recommendations made by the Agricultural Commission.

Commissioner Machado asked when these guidelines were made public since they only went to the Agricultural Commission last week. Mrs. Hunter replied the guidelines were made public this Monday. Commissioner Machado has not had time to review the changes and did not know why the Commission would act on them today. Mr. Fuz said it is important that the guidelines be implemented as soon as possible, especially the agricultural setbacks. These guidelines



mirror what the policies state. He would appreciate it if the Commission would take action today. Commissioner Machado asked when the public was able to review these guidelines. Mrs. Hunter said the changes made were not substantial; they are very minor.

Commissioner Mac Cready asked how not including the Williamson Act Contracts in the guidelines would affect the setbacks in those contracts. Mrs. Hunter said the setbacks would apply to Williamson Act Contracts. Paula Frantz, County Counsel, said as she understands it the Agricultural Commission wanted Williamson Act Contracts outside an Agricultural District to be the same as though they were within an Agricultural District. If you want Williamson Act Contracts outside an Agricultural District treated as land within an Agricultural District, that would probably take a General Plan amendment.

Kathy Russell did not have time to review the changes. They need to understand how the guidelines work with the projects they have.

Dolly Wagner would like to have additional time on the item. They do not see some of the issues identified at the prior hearing, i.e., pre-existing roads, shared setbacks, etc.

Kim Beal said Residential Agricultural is included. She and Doug Leeze do not believe it should be included. If a parcel was created before August 11, 1983, it is exempt. That is known but not stated.

Chair Knight feels comfortable with the item. The changes are very minor.

Mrs. Hunter said the public would like the date added as to when this was effective. Residential Agricultural has been added because RA is agricultural land. Chair Knight asked the effective date if these guidelines are adopted today. Mrs. Hunter said they are in effect at the present time, because these are the policies we are operating under today. Mr. Fuz said these guidelines will be a place holder until an ordinance change is recommended.

After the motion and before voting, Commissioner Machado said there will be another chance to look at the 200-foot setback. Mrs. Hunter said changing the 200-foot setback would require a General Plan amendment. Ms. Frantz concurred. Commissioner Machado asked if the County could reduce the setback on the non-agricultural side. Ms. Frantz replied that would also take a General Plan amendment. Commissioner Machado asked if the 10-acre threshold could be smaller. Mrs. Hunter replied that is also in the General Plan.

Commissioner Machado asked what the property owner could do if the Agricultural Commission denies their administrative relief request. Mrs. Hunter replied they can apply for a variance before the Zoning Administrator.

Commissioner Machado would like to initiate a General Plan amendment to reduce the 200-foot setback. Peter Maurer said if the Commission would like to change the General Plan, staff should be directed to consider a General Plan amendment. Chair Knight asked, from a practical standpoint, if staff would like items one by one or should the issues be combined. Mr. Maurer would prefer item by item. It would be very appropriate to revisit some of these policies.

Commissioner Machado feels the setbacks should be shared. Mr. Maurer asked if the Commission would like staff to bring back a Resolution of Intention to amend the policy. Chair Knight spoke about staff coming back with a list for the Commission to prioritize for staff.

ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO APPROVE THE INTERIM GUIDELINES, AS MODIFIED.

- 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. He gave the Commission some exhibits indicating how setbacks are measured. Commissioner Mac Cready commented that the setbacks have not changed. Mr. Hust concurred.

Dave Crosariol said Mr. Hust defined ephemeral stream. When you go back to the guidelines, he does not see anything about setbacks from an ephemeral stream. Reading the guidelines, it does not appear there are any setbacks from such a stream. Maybe there could be language added that covers this issue. He would like to get clear direction on ephemeral versus intermittent streams. Mr. Hust said the ephemeral stream definition was added. The guidelines only deal with intermittent streams, lakes, and wetlands. The term ephemeral stream is not in the guidelines or Policy 7.3.3.4. When reviewing a project, the impact on the entire water system is considered. On previously approved projects, the approved setbacks would apply.

Kathy Russell commented she did not have time to review the amendments. They need to understand how the guidelines work with the projects they have.

Dolly Wagner appreciates the time spent on this item but would like to see it continued as it was only posted last night, and they have not had any time to review the setbacks.

Frank Baumann wanted to know how staff came up with the definition of wetlands. He showed the Commission a map, and under the guidelines it takes the number of units on his property from 300 to 238 which prevent the creation of affordable housing in the County.

Camille Courtney, Surewest, said they are somewhat concerned that the County is considering imposing setbacks more than what the Corps requires, specifically lakes without spillways. The Corps does not require any setbacks unless there is a 404 permit. The State Water Quality Board does not have any setbacks unless you are obtaining a permit.

Greg Fuz said these guidelines are only implementing the policies of the General Plan that are in place. There is no problem taking more time on these guidelines. Mr. Hust said the General Plan EIR established setbacks until the Zoning Ordinance is updated.

Under 6.22.06, Commissioner Machado said there is still the ability of the land owner to come in and ask for relief. Mr. Hust said that is correct. Twenty-five and 50 feet are the minimum that could be approved by staff. Paula Frantz, County Counsel, said the creek setbacks could be handled with the Zoning Ordinance. Chair Knight commented it is his understanding these are interim guidelines until the Zoning Ordinance is amended.

Commissioner Machado asked about ephemeral streams. Mr. Hust said ephemeral streams serve no purpose in these guidelines.

There was no further input.

ON MOTION OF COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MAC CREADY AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUKKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO APPROVE THE INTERIM GUIDELINES, AS MODIFIED, WITH THE REMOVAL OF THE DEFINITION OF THE EPHEMERAL STREAM.

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

Brian Baca gave a power point presentation, indicating the changes made to the guidelines.

Commissioner Machado asked if he had 20 acres and wanted to do a parcel map to get down to four or five acres, does each parcel come in on the one to four acres, or is the entire parcel considered. Mr. Baca said a subdivision over 30 percent slope could not be approved. Paula Frantz, County Counsel, said these guidelines are for existing lots. If you had a 20-acre parcel you would have to make each lot include a building site under 30 percent slope.

Bobbie Le Beck did an analysis on all the different options. She would recommend Option 5 on one to two acres. The Haubner property which they spoke about at the last meeting would not make it under Option 1 or 2 and barely under Option 3. Ms. Le Beck suggested clarification on the table.

Dave Crosariol said obviously they would like the Commission to consider Option 5.

Kathy Russell supports Option 5, so they would have more ability to work with the public.

Kirk Bone, Serrano Associates, referring to the last paragraph new parcels, wanted to know if they would be receiving any more information on this issue. Greg Fuz said these guidelines do not address that issue other than development on 30 percent slopes is not allowed. The guidelines will be updated with the subdivision guidelines. It is on a case-by-case basis. The definition of sufficient will be reviewed with each project but is basically the principal residence and any accessory structures associated with that residence.

Dolly Wagner, Builders Exchange, feels Option 5 is the fairest option. They are looking at whether the four-acre cap is sufficient or whether we should go to five.

Greg Haubner agrees with Option 5. They feel that option is very reasonable. The more latitude you give the Building Department will reduce the workload coming to the Commission.

Bill Frank commented that a person with a one to one and a half acre parcel could build less than a person with 0.9 acre parcel. The previous General Plan stated 40 percent. Once you have determined building is a reasonable use, why should you have further restrictions.

Kevin Kemper would advocate Option 5. He believes staff has enough expertise to handle the 30,000 square feet.

Mr. Frank questioned whether they look at all the disturbances on the plan or the building location only.

Gene Thorne said if you add the new road fees, the setbacks, etc., he would like to know how we are going to have affordable housing. Mr. Fuz said these guidelines do not impose any new setbacks. The guidelines provide exceptions and how to do that in a consistent manner. He commented there is no problem taking more time on these guidelines.

Mr. Baca said prior approvals are recognized. If building envelopes were approved, those would be recognized as the area of development. If lots were created without any building envelopes being approved, these guidelines would come into play. These guidelines come into play where you have a lot without sufficient room to develop under 30 percent slope.

Mr. Baca explained how staff came up with the 10,000 square feet. The driveway does not count towards these limitations. Mr. Baca pointed out that these are not the only options. The Commission could select another break point. Commissioner Machado suggested a change on the diagram (move green line to 1.5 acres with an end point at 35,000). Peter Maurer reminded the Commission that this only applies to the portion of the parcel over 30 percent slope. Commissioner Mac Cready suggested moving 1.5 acres to 30,000 and one acre to 15,000. The modifications are shown on the table for the guidelines.

There was no further input.

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MACHADO, AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUKKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO ADOPT THE INTERIM GUIDELINES, WITH OPTION 5, AS MODIFIED.

- 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. Policy 2.2.1.2 was addressed several months ago about allowing detached units. The issue now is what if someone wants to build single family homes.

Art Marinaccio said a general plan is something you would like to see over the next 20 years. The General Plan Conformity Checklist is creating another level of review.

Kim Beal, Realtors Association, said you will find that many of the multifamily parcels will not be able to put five units to the acre on the parcel. You need to be able to have one or two homes on some of these parcels. Kirk Bone, Serrano Associates, said we are going to be doing a lot of General Plan amendments, because you cannot get five units per acre.

Paula Frantz, County Counsel, said there are minimum densities as well as maximum densities. Changing the numbers would require a General Plan amendment. Mr. Maurer said this may be one of the items where the Commission may want to initiate a General Plan amendment.

Camille Courtney said we need to amend the General Plan. She has never been in a community that has a minimum density. Ms. Courtney strongly urged this policy be added to the list of General Plan amendments to get rid of the five units and just have a maximum of 24 units per acre. Chair Knight would like this policy added to the General Plan amendment list.

Chair Knight asked if the Commission will be looking at the General Plan Checklist. Mr. Maurer said that was a mitigation measure in the General Plan. The Consistency Checklist was to be in place until the Zoning Ordinance was updated.

There was no further input on this policy. See motion below.

On Table -24, Art Marinaccio said you have to coordinate the matrix with what you want to do with the map. The diamonds on the matrix were to show what you could zone the property as a holding zone until the property was ready to develop.

There was no further input. See motion below.

Mr. Maurer explained Policy 2.2.4.1.

Dave Crosariol said the problem with the open space is that no entity wants it. Other counties have an open space management district which is funded by the county. Individual homeowners associations can only maintain the open space. The open space is a public benefit itself. Commissioner Mac Cready asked if they would be interested in having the 30 percent open space reduced to 20 percent and giving the other 10 percent to the County. Mr. Maurer said there is a definition of public benefit in the glossary of the General Plan.

Art Marinaccio said there has to be a reason for setting aside open space.

Camille Courtney could not find anything in the General Plan about a General Plan amendment for using a Transfer of Development Rights (TDR). Mr. Maurer said the Board did not adopt a TDR with this General Plan. Ms. Frantz said this is true about TDRs in the planned development. She suggested not adopting a policy requiring a General Plan amendment for a TDR.

Kim Beal, referring to Item B Dedicated to the Public Benefit, said dedicated to her means fee title. If it is maintained by a homeowners association, it is not a public benefit. If the property goes outside the homeowners association, you need an open space management entity. Ms. Frantz said dedicated is in the policy and would require a General Plan amendment.

Cindy Schaffer spoke about the 30 percent open space being included in the density bonus calculations.

There was no further input on this policy. See motion below.

Referring to Policy 2.2.5.16, Art Marinaccio said the original idea was to show you were not precluding the ultimate circulation pattern. Kathy Russell agreed with Mr. Marinaccio. It does not make sense the way it is written.

There was no further input on this policy.

No action was taken on Policy 2.2.5.16. Staff is to check to see why the policy was changed by the Board of Supervisors in 1998.

**ON MOTION OF COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO ACCEPT STAFF’S INTERPRETATION OF POLICY 2.2.1.2 AND ADD THE POLICY TO THE GENERAL PLAN AMENDMENT LIST.**

**ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MAC CREADY AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO INITIATE A GENERAL PLAN AMENDMENT TO ADDRESS TABLE 2-4.**

**ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER CHALOUPKA AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO ACCEPT STAFF’S INTERPRETATION OF POLICY 2.2.1.4, AS MODIFIED.**

THE REMAINDER OF THE POLICIES WERE CONTINUED TO THE MEETING OF JULY 13, 2006, AFTER THE LAST ITEM ON THE AGENDA.

10. **DEPARTMENT OF TRANSPORTATION** - None
11. **COUNTY COUNSEL'S REPORTS** - None
12. **DIRECTOR'S REPORTS** - None
13. **ADJOURNMENT**

There being no further business, Chair Knight adjourned the meeting at 5:45 p.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:

\_\_\_\_\_  
John Knight, Chair





