



EL DORADO COUNTY PLANNING SERVICES

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

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MINUTES

Regular Meeting of the Planning Commission March 13, 2008 – 8:30 A.M. BUILDING C HEARING ROOM 2850 Fairlane Court, Placerville, CA

1. CALL TO ORDER

Meeting called to order at 8:40 a.m. Present: Commissioners Knight, Mac Cready, Mathews, and Tolhurst; Edward Knapp, County Counsel; and Jo Ann Gillion, Clerk to the Planning Commission.

2. ADOPTION OF AGENDA

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED BY THOSE COMMISSIONERS PRESENT, IT WAS MOVED TO ADOPT THE AGENDA, CONTINUING ITEM 11, THE HOUSING ELEMENT, TO THE MEETING OF MARCH 27, 2008.

3. PLEDGE OF ALLEGIANCE

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

4. DEPARTMENTAL REPORTS AND COMMUNICATIONS

These items were considered during the day as time permitted.

Larry Appel informed the Commission that all the Planning items with the exception of the Housing Element were approved by the Board of Supervisors this past Tuesday. There was a parcel map that was denied by the Zoning Administrator which was appealed to the Board of Supervisors, and the appeal was approved. Staff will be returning to the Board with appropriate findings for approval at the March 25 meeting.

The General Plan amendment for Policy 2.2.5.20, General Plan Checklist, has been reviewed by the CAO and Development Services Director, so it should be coming before the Commission

shortly. The footage has increased from 120 square feet to 4,000 square feet, and the disturbance area increased to 20,000 square feet.

Mr. Appel informed the Commission of the report being presented to the Board on March 25 by David Storer.

Gina Hunter gave a short presentation on the requirement for a biological study for the Farren subdivision.

5. COMMISSIONERS' REPORTS

Commissioner Mathews talked about considering one or two zoning ordinance amendments at a time rather than consider the entire ordinance at once.

PUBLIC FORUM/PUBLIC COMMENT - None

CONSENT CALENDAR/APPLICATIONS

6. 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:** February 28, 2008

b. **GOV08-0002** submitted by the EL DORADO COUNTY DEPARTMENT OF TRANSPORTATION for a finding of consistency on the proposed vacation of a portion of Old Route 49. The portion of the road to be vacated extends across Assessor's Parcel Numbers 054-351-35, and 054-342-25 and 27 and is located approximately 300 feet northeast of the intersection of Pleasant Valley Road and State Route 49, in the **Diamond Springs area,** Supervisorial District III.

Thomas A. Lloyd recommended the Commission find the request consistent with the General Plan.

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS KNIGHT, MAC CREADY, MATHEWS, AND TOLHURST; ABSENT – COMMISSIONER MACHADO, IT WAS MOVED TO APPROVE THE CONSENT CALENDAR.

END OF APPLICATION CONSENT CALENDAR

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

S05-0031/El Dorado Hills Kingdom Hall submitted by EL DORADO HILLS, CA CONGREGATION OF JEHOVAH'S WITNESSES, INC. (Agent: Carlton Engineering) to allow the construction of a 9,190 square foot church, including two assembly halls containing a total of 392 seats and a 884 square foot drive-thru area with a maximum height of approximately 20 feet; 148 off-street parking spaces; two encroachments onto Hillsdale Drive; 34,900 square feet of landscape area; a monument sign with a height of 64 inches, length of 13 feet 10 inches, and sign area of 26 square feet with the remaining area containing cultured stone; a trash enclosure; public water and sewer; and lighting. The property, identified by Assessor's Parcel Number 117-085-07, consisting of 2.5 acres, is located on the east side of Hillsdale Circle, north of the intersection with Glenhaven Court, in the El Dorado Hills Business Park area of the **El Dorado Hills area**, Supervisorial District II. (Negative declaration prepared)

Aaron Mount recommended conditional approval. Commissioner Knight asked if there were any restrictions in the Business Park related to churches. Mr. Mount stated staff has done a recent calculation, and the church encompasses 2.5 acres, and, therefore, can be allowed in the Business Park.

Sam Marquez, representing the church, was present but had nothing to add to the staff presentation. Mr. Marquez briefly explained their proposal.

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

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS KNIGHT, MAC CREADY, MATHEWS, AND TOLHURST; ABSENT: COMMISSIONER MACHACO, IT WAS MOVED TO ADOPT THE NEGATIVE DECLARATION, AS PREPARED, AND APPROVE S05-0031 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

Findings

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.

- 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-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

- 2.1 As proposed, the project is consistent with the General Plan land use designation which designates the subject site as Research and Development (R&D) as the proposed church is a support service to the community and the business park.
- 2.2 As conditioned, the proposal is consistent with the intent of The General Plan including Policies 2.2.5.2, 2.2.1.5, 2.8.1.1, 6.5.1.6, 9.1.2.4, 9.1.2.8, and TC-Xf because of the review for land use consistency and siting, impacts of the proposal on sensitive receptors, floor area ratio, and review of traffic impacts.

3.0 Special Use Permit Findings

- 3.1 *The issuance of the permit is consistent with the General Plan.*

The proposed church has been determined to be in compliance with County regulations, addressing environmental issues and health and safety concerns. All project-related environmental issues have been evaluated. Therefore, staff finds that the project, as conditioned, conforms to the General Plan as specifically noted in Finding 2.2.

- 3.2 *The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report.*

The use will not conflict with the adjacent uses as analyzed in the Negative Declaration and as required by the R&D zoning ordinance. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing a church within the R&D zone district, would not have a detrimental affect nor be injurious to the neighborhood.

- 3.3 *The proposed use is specifically permitted by special use permit pursuant to this Title.*

The proposed church is located within the Research and Development (R&D) Zone District, which allows churches through the issuance of a special use permit pursuant to Section 17.36.080.I of the El Dorado County Zoning Ordinance.

Conditions

El Dorado County Planning Services

1. This special use permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits D-M, dated [fill in date], and conditions of approval set forth below. Any deviations from the project

description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

A 9,190 square foot church, includes two assembly halls containing a total of 392 seats, and a 884 square foot drive-thru area with a maximum height of approximately 20 feet; 148 off-street parking spaces; two encroachments onto Hillsdale drive; 34,900 square of landscape area; a monument sign with a height of 64 inches and a length 13 feet 10 inches and a sign area of 26 square feet with the remaining area containing cultured stone; a trash enclosure; public water and sewer provided by El Dorado Irrigation District, and lighting.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval by El Dorado County.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

3. The applicant shall make the actual and full payment of planning processing fees for the Special Use Permit application prior to the issuance of building permits.
4. Exterior colors and materials for buildings shall substantially conform to the following color palette submitted as Exhibit M. The exterior of the buildings will be tan stucco with dark brown or tea chest trim and grey 30-year fire resistant roof shingles will be installed for the project. All exterior building materials, treatments, and landscaping shall be maintained in good visual repair, at all times.

5. Rooftop mechanical equipment, vents, and ducts shall be screened from view consistent with Section 17.35.030.L.3.a
6. The final landscape plan shall meet Zoning Ordinance Chapter 17.18.090 and 17.35 and General Plan Policies 7.3.5.1, 7.3.5.2, and 7.4.4.4 and be approved by the Deputy Planning Director or designee the prior to issuance of the building permit. The final revised Landscape Plan shall include a minimum of 50 percent native materials. The applicant shall install landscaping in accordance with the approved final landscaping plan and maintain for the life of the project.
7. All outdoor lighting shall conform to §17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. In addition, the following apply:
 - a. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.
 - b. No more than 50 percent of the parking lot lighting may remain on during hours of non-operation. Security lighting shall be designed with motion-sensor activation.
 - c. Pole lights shall not exceed fifteen (15) feet in height from finished grade to the top of the pole.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

8. The applicant shall include provisions for bicycle parking on the site by providing a minimum of two bicycle spaces/racks, not necessarily all together, within the project. The bike racks shall be installed prior to finaling of the building permit.
9. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review and approve the grading plans prior to the issuance of a grading permit.
10. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24hours. The treatment and disposition of human remains shall be

completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall review and approve the grading plans prior to the issuance of a grading permit.

11. Prior to issuance of certificate of occupancy of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to occupancy/issuance of a building permit for verification of compliance with applicable conditions of approval.
12. The Special Use Permit shall be null and void if the use is discontinued for greater than 12 months.

El Dorado County Department of Transportation

13. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to issuance of a grading or building permit.
14. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance, prior to issuance of a grading permit.
15. The developer shall construct a six (6) foot wide sidewalk as specified in El Dorado County Standard Plan 110 along the entire project frontage, prior to or concurrent with the application for the grading permit for any future on-site work. This work must be substantially complete, as determined by the Department of Transportation, prior to issuance of certificate of occupancy
16. The developer shall construct Std. Plan 103G driveways onto Hillsdale Circle. This work must be substantially complete, as determined by the Department of Transportation, prior to occupancy of any unit of this project. All curb returns, at pedestrian crossing, shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.
17. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.
18. No signs shall be placed in the right of way, and any site signs shall not interfere with sight distances.

El Dorado Hills Fire Department

19. The potable water system for the purpose of fire protection for this commercial development shall provide a minimum fire flow of 1,500 gpm with a minimum residual pressure of 20 psi for a two-hour duration. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of the system shall be supplied to the Fire Department for review and approval prior to issuance of a building permit.
20. The applicant shall install Mueller Dry Barrel fire hydrants conforming to El Dorado irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 300 feet. The exact location of each hydrant and all fire protection equipment shall be determined by the Fire Department.
21. To enhance the nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and the Fire Safe regulations prior to issuance of occupancy.
22. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrants systems shall be installed and in service prior to framing of any combustible members as specified by El Dorado Hills Fire Department Standard 103.
23. The applicant shall be required to fire sprinkler this building in accordance with NFPA-13 and Fire Department requirements.
24. The applicant shall be prohibited from installing any type of traffic calming devices that utilize a raised bump or a lower dip section of the roadway.
25. The applicant shall provide the Fire Department with a CD that contains all CAD files for this project.
26. The fire access roadways shall be designed to accommodate a 40 foot inside and a 56 foot outside turning radius.

The action today can be appealed to the Board of Supervisors within ten working days.

8. WILLIAMSON ACT CONTRACTS (Public Hearing)

William Act Contracts WAC06-0010 and WAC06-0011 submitted by TERRY and ELLEN STIGALL to divide existing Agricultural Preserve #133 into two separate preserves. The properties, identified by Assessor's Parcel Numbers 089-010-29/60 acres, and 089-010-02 - 27/100 acres, are located on the north side of Thompson Hill Road, at the intersection with Big Sky Ranch Road, in the Lotus area, Supervisorial District III. (Categorically exempt pursuant to section 15317 of the CEQA Guidelines)

This item was continued from the meeting of December 13, 2007.

Jason Hade stated a site investigation has been made. The applications will be going before the Agricultural Commission in April, and staff is recommending that the applications be continued to the meeting of June 26.

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

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONTINUE WAC06-0010/WAC06-0011 TO THE MEETING OF JUNE 26, 2008.

9. GENERAL PLAN UPDATE

Oak Woodland Management Plan (OWMP): To receive public input on the final OWMP and negative declaration.

Peter Maurer recommended approval to the Board of Supervisors. He gave the Commission copies of the recently received correspondence and briefly reviewed the correspondence with the Commission. Mr. Maurer gave a brief update on the item.

Chair Tolhurst asked about monitoring. Mr. Maurer commented that is built into the ordinance, and the fee would be adjusted annually, as appropriate.

Commissioner Knight asked what staff is asking the Commission to do today. Mr. Maurer would like the Commission to make a recommendation to the Board. If there are any changes the Commission would like to make, those changes will be forwarded to the Board.

Commissioner Mathews asked the position of the County legally in the case of a fire. Edward Knapp, County Counsel, stated the County would not be liable. Mr. Maurer spoke about Fire Safe Regulations related to building.

Commissioner Mathews asked for clarification on Page 14, Item 4. Mr. Maurer explained.

Commissioner Knight commented the fee is on a two-to-one basis, so the fee is not \$7,000 but \$14,000 per acre. He also has a problem with the 80 percent value of conservation easements relative to the fee title value. Commissioner Knight stated he is very sensitive to any additional fees imposed on building.

Chair Tolhurst asked if there is a requirement for replanting certain species. Mr. Maurer replied the replanting would come out of the biological study. You would replant the tree most appropriate for the location. Chair Tolhurst asked about growing oaks for future harvesting, i.e. furniture building, etc. Mr. Maurer replied that would not be in perpetuity. Commissioner Mac Cready stated no one wants California oak.

Art Marinaccio commented we need to have workshops on substantive issues. Changing valley oak to a habitat oak rather than a species oak should not be done. He believes Policy 7.4.4.5, Page 10, needs to be removed from the General Plan. We need to do the initial habitat inventory maps. Mr. Marinaccio spoke about the trees being deeded to the County. He does not believe the County wants the responsibility. It would really be burdensome. We have not had the discussion of what we really want to accomplish.

Commissioner Knight asked why Policy 7.4.4.5 is now being included in the document. Mr. Maurer said staff felt it was overlooked previously. Monique Wilber stated it was included because of a comment received in one of the letters.

Cindy Schaffer spoke about the amount of the in-lieu fee. Their group came up with an alternate calculation. The County should use arms-length transactions for easements. She stated there are different approaches for fuel management and fuel modification.

Chris Alaron agrees with Mrs. Schaffer. If trees are going to be cut down for a map, pay for the trees then. Also, if more trees are removed for a building, pay for that removal with that permit.

Olga Sciorelli, referring to the fee, asked why there would be a ten-year average if the fee is reviewed every year. On Page 14, 2.c., you do not remove trees for installation of a leach field. She is concerned they will have to mitigate for the leach field with the document as currently written. On the fees, she feels \$3,600 is sufficient. Eighty percent on the fire defensible space would be better than 20 percent. If an applicant can demonstrate they can retain more, that should be allowed. Ms. Sciorelli gave the Commission a tentative map with different hatch marks indicating the reasons for tree removal. She would like to mitigate for grading and roads at that stage. You would also mitigate for any trees at the building permit stage. She would like to see the mitigation phased.

Referring to 17.72.020(a), Camille Courtney does not believe disturbance triggers mitigation. On Page 2, No. 2, we are still applying this to under one acre. She understands we need to process a General Plan amendment to remove that, but it causes an inconsistency. Ms. Courtney spoke about the appraisal process. We phase maps, so requiring the fee up front would be unreasonable and unfair. Based on CEQA, you mitigate when there is an impact. The fees need to be related to an impact. You need to look at projects on a case-by-case basis.

Kathye Russell asked that the Commission consider that there are many acres that are not divided by subdivision maps but parcel maps. She supports the comments of Olga Sciorelli, Cindy Schaffer, and Camille Courtney regarding paying the mitigation fee when the impact occurs.

Valerie Zetner, El Dorado County Farm Bureau, thanked staff for their work on this document. She spoke about the economic value of trees for agriculture and agricultural tourism. The definition of Agriculture is key to the ability to survive in the County (Page 5). She agrees with Art Marinaccio that 7.4.4.5 does not need to be in the document but perhaps in the INRMP. Rural parcels should not be treated the same as a subdivision. The law does require an arms length appraisal on the easements.

Ray Nutting, timber harvester, said it has been his experience that leach fields and replacement areas are not touched because of the value of the trees.

David Bolshan said he has been involved in the oak tree ordinance since the mid 1970s. Creating little islands of trees does not perpetuate habitat. Can a private individual cut down five acres of trees? Mr. Maurer said there is nothing that prohibits an individual cutting down trees unless there is a discretionary permit involved. That would be considered with the Oak Tree Ordinance. This plan addresses the effects of projects.

Sherry (?) said there are other things to come. We need to keep this fee as low as possible. This is not happening.

Ken Greenwood stated we are completely exempting agriculture. He questions whether we have analyzed what those impacts will be. Have we done the analysis correctly for all these exemptions?

Dave Pratt, Agricultural Commissioner, member of the Grape Growers Association, and grape grower, feels this is punitive. There are no incentives. It is still one size fits all. We are not differentiating between the different oaks. In the conservation areas, there is nothing pertaining to quality. We do not have a problem. We have had tree canopy growing for years. Trees are a value. The annual review is a good thing. Regulations never get less; it is always more. The fire threats are the canyons. He does not know if we need anything other than state standards. Thresholds of significance can be increased if degradation occurs.

Tom Heflin, Economic Development Advisory Committee, spoke about Policy 10.1.2.5 and the economic affects and takings on private property, and private property rights. Has this been analyzed? He is concerned it has not been. Mr. Heflin agrees with a lot of the comments that have been made, with the exception of the loss of trees with agriculture. Commissioner Knight said Policy 10.1.2.5 needs to be addressed as we work through this document.

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

Mr. Maurer suggested language for the payment of fees when the impact occurs. There was a question about the 10-year average. It is actually the trend line of the average cost of land, not a 10-year average. Regarding soil disturbance, it is when there is a permit in relation to the disturbance. Regarding leach fields, it is only when trees are being removed. If trees are not being removed, it is not a problem. Perhaps the 20 percent should be separated so it is clear that it applies to defensible space.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER TOLHURST AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS KNIGHT, MAC CREADY, MATHEWS, AND TOLHURST; ABSENT – COMMISSIONER MACHADO, IT WAS MOVED TO RECOMMEND THE BOARD OF SUPERVISORS SPLIT SECTION 5 (2c) ON PAGE 14 INTO TWO SECTIONS WITH SECTION 2d AS FOLLOWS:

A site specific analysis of tree removal may be used instead of the 20 percent retention assumption with regards to fire defensible space.

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS KNIGHT, MAC CREADY, MATHEWS, AND TOLHURST; ABSENT – COMMISSIONER MACHADO, IT WAS MOVED TO RECOMMEND THE BOARD OF SUPERVISORS ADOPT THE FOLLOWING CHANGE ON PAGE 15, #6: The payment of the fee may be phased to reflect the timing of the tree canopy removal.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS KNIGHT, MAC CREADY, MATHEWS, AND TOLHURST; ABSENT – COMMISSIONER MACHADO, IT WAS MOVED TO RECOMMEND THE BOARD OF SUPERVISORS DELETE THE REFERENCE TO POLICY 7.4.4.5 ON PAGE 10(g) AND THROUGHOUT THE DOCUMENT.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER TOLHURST AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS KNIGHT, MAC CREADY, MATHEWS, AND TOLHURST; ABSENT – COMMISSIONER MACHADO, IT WAS MOVED TO RECOMMEND THE BOARD OF SUPERVISORS CHANGE THE CONSERVATION EASEMENT PERCENTAGE FROM 80 PERCENT TO 40 PERCENT OF FEE TITLE VALUE.

MOTION: COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS KNIGHT, MAC CREADY, MATHEWS, AND TOLHURST; ABSENT - COMMISSIONER MACHADO, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED; ADOPT THE OAK WOODLAND MANAGEMENT PLAN; AND ADOPT THE OAK WOODLAND MANAGEMENT PLAN IMPLEMENTING ORDINANCE, BASED ON THE FINDINGS PROPOSED BY STAFF; AND FURTHER THAT STAFF PROVIDE THE BOARD OF SUPERVISORS WITH A REPORT OF THE IMPACT OF THE PLAN ON ECONOMIC DEVELOPMENT AT THEIR HEARING ON THIS PLAN.

Findings

1.0 CEQA FINDINGS

- 1.1 The proposed Oak Woodland Management Plan (OWMP) is the implementation of mitigation measures developed in the 2004 General Plan EIR to protect oak trees while allowing land development. Pursuant to State CEQA Guidelines §15177, El Dorado County conducted an initial study. The initial study showed that there is no substantial evidence that the OWMP may have a significant effect on the environment; therefore, a Negative Declaration has been prepared for this project.

- 1.2 The conditions described in State CEQA Guidelines §15177 have been met:
 - 1.2.1 El Dorado County is the lead agency for the OWMP and was identified as the lead agency in the 2004 General Plan EIR;
 - 1.2.2 El Dorado County has prepared an initial study on the proposed OWMP;
 - 1.2.3 El Dorado County determines that no additional significant environmental effect will result from the proposed OWMP; no new additional mitigation measures or alternatives are required; and the proposed OWMP is within the scope of the 2004 General Plan EIR;
 - 1.2.4 The proposed OWMP is implementation of mitigation measures set forth in the 2004 General Plan EIR;
 - 1.2.5 El Dorado County has provided notice as required under State CEQA Guidelines §15087; and
 - 1.2.6 El Dorado County shall file a notice as required by State CEQA Guidelines § 15075 when the OWMP is approved, pursuant to § 15177.
- 1.3 The Initial Study identifies that this project proposes a less than significant impact on the environment, and would be beneficial to the environment due to the long-term preservation of a variety of oak woodland habitats. Cumulative impacts to the environment would be less than significant and would generally be beneficial to the environment as oak woodland is preserved over time, and adaptive management would provide annual monitoring and allow the County to make changes to the OWMP to rectify unanticipated cumulative effects, if necessary. Adverse impacts to humans as a result of the OWMP would be less than significant, and any infrequent Priority Conservation Area management activities would conform to existing laws and regulations, and would be subject to additional CEQA review at the project level.
- 1.4 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County, has been completed in compliance with CEQA, and is adequate for this project.

2.0 GENERAL PLAN CONSISTENCY FINDINGS

- 2.1 The OWMP implements General Plan Policy 7.4.4.4. This policy sets standards for oak canopy retention and outlines mitigation for new development projects that will remove oak canopy.
- 2.2 The OWMP implements General Plan Policy 7.4.4.5. This policy directs that continuity shall be retained within an oak tree stand by corridor retention.

2.3 The OWMP represents the initial oak woodland portion of El Dorado County's Integrated Natural Resources Management Plan (INRMP), which is required by General Plan Policy 7.4.2.8, which protects important habitat (important habitat will be defined through the INRMP).

**3.0 STATE OF CALIFORNIA PUBLIC RESOURCES CODE 21083.4
CONSISTENCY FINDINGS**

3.1 The OWMP meets or exceeds PRC §21083.4. This code requires counties to determine if projects involving the conversion of oak woodlands will have a significant impact on the environment, and to apply mitigation to offset the impact. El Dorado County, through the adoption of the OWMP, has implemented guidelines which meet or exceed the following PRC §21083.4 alternatives to mitigate the significant effect of the conversion of oak woodlands (underlined text refers to Section 21083.4 alternatives).

3.1.1 Conserve oak woodlands, through the use of conservation easements. The OWMP offers the use of conservation easements as a mitigation alternative in both Option A and Option B, and utilizes the Conservation Fund In-Lieu Fees collected to acquire conservation easements in identified Priority Conservation Areas;

3.1.2 Plant an appropriate number of trees, including maintaining plantings and replanting dead or diseased trees; maintain trees for seven years after the trees are planted; mitigation pursuant to planting shall not fulfill more than one-half of the mitigation requirement for the project; and the requirements in this paragraph also may be used to restore former oak woodlands. The OWMP offers the alternative of replanting trees through Option A. Option A fulfills the requirement that no more than one-half of the mitigation shall be through replanting by requiring oak canopy retention as the remainder of the mitigation. The OWMP requires maintenance of replanted trees for seven years and requires replanting if success criteria are not met at the end of the seven years maintenance;

3.1.3 Other mitigation measures developed by the county. The OWMP provides as an alternative the option of payment of a Conservation Fund In-Lieu Fee into the County Conservation Fund to acquire oak woodland conservation easements in identified Priority Conservation Areas. This mitigation substitutes for contribution of funds to the (State) Oak Woodlands Conservation Fund;

3.1.4 Exceptions to these requirements are described in PRC §21083.4 for affordable housing projects, agricultural operations, and projects exempt from CEQA requirements under PRC §21080.5. The OWMP provides a reduction in oak canopy requirements for affordable housing projects and exempts agricultural operations. PRC §21080.5 is not applicable to El Dorado County.

10. **ZONING ORDINANCE UPDATE** (Public Hearing)

Winery Ordinance: Scoping meeting for the Notice of Preparation for the Winery Ordinance.

Roger Trout explained that the hearing today is for input only. Staff would like those individuals commenting to put their comments in writing so they will get into the environmental document. There will be hearings before the Planning Commission and Board of Supervisors in the future on the final document and any changes made to the zoning ordinance.

Chair Tolhurst asked if there are several alternatives. Mr. Trout replied there will probably be a couple of alternatives when the document is turned over to the consultant. Mr. Trout stated there will be no formal action by the Commission today.

Edward Knapp, County Counsel, said no decision was made whether or not Commissioner Mac Cready can participate in the Winery Ordinance hearings. The record should indicate Commissioner Mac Cready was not present during this item today.

Valeria Zetner does not believe agricultural resources should be indicated as a significant impact. Under biology, a winery does not interfere with the movement of wildlife.

Art Marinaccio agreed with Ms. Zetner but not the conclusion. We need to discuss that this ordinance will increase the amount of agricultural land in the County. At the Agricultural Workshop with the Department of Conservation accessory uses with a winery require a special use permit. The purpose of the Winery Ordinance was to allow more uses without a special use permit. If it is required by the state, we will have to look further at the ordinance. There needs to be more analysis on use permits for those areas outside Agricultural Districts.

Jerome Pasto, River Pines Estates, read his comments into the record and submitted a copy to staff.

Michelle Bentley, resident of River Pines Estates, is concerned about the cannons used at wineries. We are looking at more than wineries here. Aesthetics should be considered. There is a lot of parking at these facilities. The eco system should be considered. Residential properties should also be considered, not just the wineries.

Laurie Brown has been involved in the development of the Zoning Ordinance over the past years and wonders why this ordinance is not covered under the General Plan EIR. Mr. Trout commented that during September and October the Board directed that an EIR be prepared for this ordinance. Ms. Brown asked how this dovetails with the Right to Farm Ordinance. Mr. Trout stated we are just considering the Winery Ordinance at this time. Ms. Brown asked who will be paying for this EIR. Mr. Trout replied that will be decided by the Board of Supervisors when the contract is decided. Ms. Brown commented the economic impact on surrounding lands and communities should be considered.

Ken Greenwood said it is the cumulative impact that needs to be addressed in the document. Referring to impacts on oak woodlands and wildlife, state law is very clear on what has to be analyzed. There will be traffic impacts and impacts to one-lane bridges. Special use permits would analyze the site specific impacts.

Dave Pratt, Agricultural Commissioner, Wine Growers Association, and grape grower asked the bidding process on this document. Mr. Trout said staff has contacted firms that are interested in preparing the document. They are just waiting for the scope of the project. Mr. Pratt said it will be interesting to find out the interpretations of the Department of Conservation.

Paul Bush, Madrona Vineyards, stated this ordinance is far more restrictive than what we currently have. The ability to have a winery will encourage agricultural growth in the area. We are striving for a strong agricultural basis in this County. He agrees we do need to get the interpretations from the Department of Conservation.

Chair Tolhurst said he talked to Commissioner Machado who is concerned about the cumulative impact with ranch marketing, commercial uses in agricultural zones, traffic, and noise.

There was no one else wishing to give input.

Mr. Trout said the comment period does not close until March 30. No action was taken.

11. GENERAL PLAN (Public Hearing)

Housing Element: Consideration of and to receive input on the Draft Housing Element.

Staff recommended continuance to March 27, 2008.

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

MOTION: COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONTINUE THE DRAFT HOUSING ELEMENT TO THE MEETING OF MARCH 27, 2008.

12. DEPARTMENT OF TRANSPORTATION - None

13. COUNTY COUNSEL'S REPORTS - None

14. DIRECTOR'S REPORTS - None

15. ADJOURNMENT

Meeting adjourned at 1:10 p.m.

APPROVED BY THE COMMISSION
Authenticated and certified:

Alan Tolhurst, Chair
Respectfully submitted,

