



EL DORADO COUNTY PLANNING COMMISSION

Building C Hearing Room
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Alan Tolhurst, Chair, District V
John MacCready, First Vice Chair, District II
Dave Machado, Second Vice Chair, District III
John Knight, District I
Walter Mathews, District IV

Jo Ann Gillion Clerk of the Commission

MINUTES

Regular Meeting March 27, 2008 – 8:30 A.M.

1. CALL TO ORDER

Meeting called to order at 8:46 a.m. Present: Commissioners Knight, Mathews, and Machado; Edward L. Knapp, County Counsel; and Jo Ann Gillion, Clerk to the Planning Commission.

2. ADOPTION OF AGENDA

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED BY THOSE COMMISSIONERS PRESENT, IT WAS MOVED TO ADOPT THE AGENDA, AS PRESENTED.

3. PLEDGE OF ALLEGIANCE

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

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.)

Minutes: February 19, 2008 (~~morning session~~); ~~February 28, 2008~~ March 13, 2008

RIVER USE PERMITS

a. Request submitted by NATE RANGEL/Adventure Connection, Inc./RUP #50 and STEPHEN LILES and BETTY LOPEZ/W.E.T. River Trips/RUP #08 for transfer of 30 weekend user days from RUP #50 to RUP #08.

Noah Rucker-Triplett recommended approval.

b. Request submitted by GARY ROLLINSON/Rollinson Adventures, LLC/RUP for transfer of RUP #19 to Guy Gables and Deric Rothe/dba Sierra Whitewater, LLC.

Second Vice Chair Machado pulled this item from the Consent Calendar and asked staff the status of the Rollinson permits as they are provisional. Noah Triplett stated the applicant has chosen not to pursue the river use permits and will be selling his permits.

Noah Rucker-Triplett recommended approval the transfer and that the new outfitter be granted a one-year provisional permit.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED BY THOSE COMMISSIONERS PRESENT, IT WAS MOVED TO APPROVE THE TRANSFER OF RUP#19 TO GUY GABLES AND DERIC ROTHE/dba SIERRA WHITEWATER, LLC.

c. **RIVER MANAGEMENT PLAN**

2007 Annual Report

Noah Rucker-Triplett recommended the Commission receive and file the report.

The Minutes of February 19 and March 13, 2008, were continued to the next meeting

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED BY THOSE COMMISSIONERS PRESENT, IT WAS MOVED TO APPROVE ITEMS 4.a. AND 4.c. ON THE CONSENT CALENDAR, CONTINUING THE MINUTES OF FEBRUARY 19 AND MARCH 13 TO THE MEETING OF APRIL 10, 2008.

END OF APPLICATION CONSENT CALENDAR

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS

These items were considered during the day as time permitted.

Larry Appel informed the Commission of the actions taken by the Board of Supervisors this past Tuesday. The Folsom Lake General Plan has been going through review for some time now. El Dorado County had not been involved, so the review period of the document has been extended.

Commissioner Mathews asked for clarification on contract planners.

6. COMMISSIONERS' REPORTS

Second Vice Chair Machado spoke about the Ad Hoc Committee for the implementation measures of the General Plan discussed at the last Board meeting and feels two Commissioners should be added to the Committee.

Second Vice Chair Machado would like a standard item on the agenda for recommendations to the Board on measures that might be placed on the ballot.

Second Vice Chair Machado asked about Policies 8.1.3.1. and 2.2.5.20. He believes Policy 2.2.5.20 is the most important General Plan amendment. Larry Appel said the recommendation on Policy 8.1.3.1 has been through the Agricultural commission and is back in Planning. It will be before the Commission in the near future. Policy 2.2.5.20 has been reviewed by County Counsel and is now being reviewed by the CAO and Interim Director and will be to the Commission for a recommendation very soon.

Second Vice Chair Machado asked if there is a schedule on the relocation of the MRF. Jason Hade stated there was a scoping meeting at OPR last week. The EIR will be out in the early summer. There will be a 45-day comment period. There is no target date for a hearing before the Commission. The special use permit, tentative map, and EIR will be coming before the Commission. The applicant is planning on holding neighborhood meetings in order to get additional feedback. Commissioner Machado would like to be informed of those meetings so he can attend. Second First Vice Chair Machado said the MRF is a private business. They have applied to put the operation on appropriately zoned property. The County has not told the company where to place the operation.

PUBLIC FORUM/PUBLIC COMMENT – Art Marinaccio spoke about the presentation made by David Storer at the last Board meeting and the importance of amending Policies 8.1.3.1 and 2.2.5.20. He also spoke about the INRMP map. Mr. Marinaccio agrees that two Planning Commissioners should be on the Ad Hoc Committee as referred to by Commissioner Machado.

7. CONCEPTUAL REVIEW

Pre-Application PA07-0081/South Shingle Business Park submitted by JOHN CONFORTI. The site is the former Vita Bark site, identified by Assessor's Parcel Numbers 087-290-41 and -42, located on the west side of south Shingle Road, approximately 3.5 miles south of the intersection with U.S. Highway 50, in the **Shingle Springs area**, Supervisorial District II.

Jason Hade presented this item.

John Conforti gave the Commissioners several maps for his proposal.

Second Vice Chair Machado asked about Industrial in Rural Regions. What can be built on this property at the present time? Pierre Rivas explained. Second Vice Chair Machado asked about processing an industrial map. Staff felt the applicant could submit a map for review.

Robert Laurie represented the applicant and does not agree that the request is inconsistent with the General Plan. He asked that John Conforti explain his proposal. Using the colored maps he presented, Mr. Conforti explained his project.

Mr. Rivas explained the AE zoning on the adjacent property. There is no Williamson Act Contract, and the property owner would have to come in to rezone his property. If the agricultural property were rezoned, there would be no conflict with Policy 8.1.3.1. There is no incompatibility between industrial and agricultural uses. The incompatibility is between residential and agricultural uses.

Mr. Laurie referred to Page 7 of the General Plan, Using the Plan. He believes the issue today is whether the proposal is a viable project. It is not meant for one policy to prevent a project. Mr. Rivas said staff does not have any latitude with this policy. The intent is to prevent incompatible land uses. Mr. Laurie read the policy which states "shall" into the record.

Edward Knapp, County Counsel, is not sure that the applicant could create industrial parcels under ten acres in size. He agrees with staff that density pertains to residential use. Mr. Laurie stated industrial does not increase density; therefore, Policy 8.1.3.1 would not apply.

Ray Prengel, Royal Equestrian Estates, said the property should be residential as is the whole area. They feel John Conforti is looking for a win-win situation for the community. He asked that the Commission support the five-acre parcels.

Ray Nutting spoke about the rail road spur going through the property that now belongs to the County.

Cindy Shaffer said the problem is that we have a lot of zoning that is not consistent with the General Plan. The land use designation is what governs land use decisions. Mr. Knapp said the problem is that the land use is Rural Residential. Mr. Rivas stated the zoning allowed under the Rural Residential land use designation. He disagrees with Cindy Shaffer regarding the General Plan land use designation and zoning. Zoning is adopted by an ordinance and is the governing document.

Art Marinaccio said this is a conceptual review. It is proper for the Commission to make a determination that the proposal is consistent, and the applicant can move forward. He feels John Conforti can submit a six parcel tentative parcel map and change the General Plan and zoning later. There was a motion by the Commission in 1995 to put back any commercial or industrial that was taken off the maps. Mr. Marinaccio referred to Policy 10.1.2.2.6 which calls for the expansion of commercial and industrial uses. The Commission should tell the applicant it supports the project. Mr. Rivas said only benign industrial uses would be allowed on this property without a special use permit.

Chris Alaron referred to Page 16 of the General Plan which states residential and agriculture are compatible as well as Policy 2.2.1.2.

John Youndahl, resident of Royal Equestrian Estates, agrees the industrial does not make sense as the entrance to a nice residential area. He asked that the Commission use common sense and that it not let one policy stand in the way of the project.

Mr. Laurie said it is very simple and direct. If the County finds the proposal is a good idea, Policy 8.1.3.1 prohibits it in no way. The General Plan states no one policy can stand alone in the review of the development project. He believes the General Plan gives the Commission the discretion to support the project.

Commissioner Knight would like to keep the amendment to Policy 8.1.3.1 moving forward. He does not agree with staff's position on 8.1.3.1 with relation to this project. No single policy shall stand alone in the review of a project. What is being proposed is consistent with the Land Use Element. Using this policy shifts to the agricultural use, and this property is not in an agricultural district. Mr. Marinaccio read from Page 18 where it states lands shall not be designated Industrial in Rural Region.

Commissioner Mathews said there needs to be flexibility to Policy 8.1.3.1. In this case he agrees that the little piece of agricultural on the adjacent property does not make sense. The easiest thing would be to get the adjacent land rezoned. He would like to protect the area and get rid of the industrial zoning. He does agree that staff's interpretation is correct with regard to the adjacent piece of agricultural land.

Second Vice Chair Machado believes all three Commissioners feel the industrial should not be there. The Low Density Residential makes sense. The agricultural zoning should be changed. Policy 8.1.3.1 needs to be amended. Does the Commission have the ability to rezone the agricultural land? Mr. Rivas said the applicant could rezone the property; staff could go to the Commission or Board for a Resolution of Intention to rezone the property; or the Commission or Board could direct staff to come back with a Resolution of Intention.

Commissioner Mathews would not be in favor of the County rezoning any property without the consent of the property owner.

Mr. Rivas stated the amendments to Policy 8.1.3.1 are currently being processed. The changes being made to the policy would not affect this project.

Commissioner Knight would not want to hold up the project based solely on Policy 8.1.3.1. Let's find a way to move forward with this project.

Commissioner Mathews agrees with the other Commissioners' comments and would like an amendment to Policy 8.1.3.1 that would allow flexibility. Mr. Knapp suggested the Commission direct staff to add additional amendments to Policy 8.1.3.1.

No action was taken.

8. SPECIAL USE PERMITS (Public Hearing)

S06-0012/High Hill Ranch submitted by JERRY VISMAN to consolidate previously approved uses into a single special use permit and to legalize various uses currently in operation but not permitted. Uses permitted by existing permits include: picnic area and pie shop (S69-0056); mobile home for agricultural employee (S70-0020); and 600 square foot agricultural employee

housing (S87-0002). Existing uses not permitted consist of: dining facility operated concurrently with a bake shop for the sale of on-site produced agricultural products and byproducts (note – the site has one bake shop [legal] and two dining facilities with commercial kitchens); sale of food products and alcoholic beverages not produced on site at High Hill Ranch; addition to apple/food sales building within setback from a road easement; trout pond/fishing; pony rides; large special events; craft fairs (20 to 40 crafters each weekend of peak season); conducting special events for commercial purposes in excess of 12 per year; and special events for commercial purposes in excess of 250 persons for sale and gift items (craft fair). The expansion of the existing gift shops in excess of 1,000 square feet is proposed as an addition to the subject use permit. The property, identified by Assessor's Parcel Number 048-160-23, consisting of 31 acres, is located on the north side of Carson Road, approximately one half mile west of the intersection with U.S. Highway 50, in the **Camino area**, Supervisorial District III. (Categorically exempt pursuant to Section 15270 of the CEQA Guidelines)

Jason Hade recommended denial of the request. Staff disagrees with the applicant's attorney about the expiration dated of S82-79.

Robert Laurie said the most important thing he can clarify is why we are here today. High Hill ranch made an application to expand their uses. They no longer want to do the expansion and withdraw their application. Policy issues should not be decided on one permit which is not before the Commission today. It is also stated there are code violations. Those violations are not before the Commission today. The ranch marketing issues should be before the Agricultural Commission. This is not the time and place as it has not been agendized for a code enforcement action today. There are a lot of people here today to ask what we are doing with Apple Hill.

Commissioner Mathews asked if staff was notified that the application was being withdrawn. Mr. Hade stated did not know about the withdrawal. The letter referred to by Robert Laurie that was sent to the applicant was actually sent to all the operators in Apple Hill. Edward Knapp, County Counsel, said if the use permit is withdrawn, code enforcement would handle any violations.

Art Marinaccio read from Chapter 10, Page 356 of the General Plan.

Bill Johnson, resident of Apple Hill, briefly informed the Commission of his operation. The tourists visiting High Hill Ranch help his operation. All of the items shown on the staff report as existing uses without permits have been going on at Apple Hill for many years. He cannot believe a special use permit is now being required. Those uses are why tourists come to Apple Hill. There is no money in agriculture.

Jean Reinders, co-owner of the Fudge Factory, member of El Dorado County Farm Trails and Apple Hill Association, agrees with the comments made by Mr. Johnson. We need to protect agriculture or we will have another subdivision with homes on the property.

Ray Nutting said the County needs to look at grandfathering in some of these uses.

Jim Strauss enjoys working with the people at Apple Hill. The County should look at working with the people and not being adversarial. The County should take a positive stance in the community.

George Visman thanked everyone for trying to help them along.

Jack Weilse, crafter at High Hill Ranch, said this is a family friendly area.

Commissioner Knight thanked the audience for their comments but stated they would be more appropriate during the ranch marketing ordinance hearing.

The Commission acknowledged withdrawal of the subject use permit.

9. ZONING ORDINANCE UPDATE (Public Hearing)

a. **OR07-0005/Bed and Breakfast Ordinance**: To consider incorporating the draft Bed and Breakfast section into the adopted Zoning ordinance. See Attachment 1 for draft ordinance. (Exempt pursuant to Section 15061(b.3) of the CEQA Guidelines)

Roger Trout presented this item in the absence of Lillian Mac Leod and proposed several modifications to the proposed ordinance.

Commissioner Knight would like to forward this on to the Board of Supervisors. He would like “without individual kitchens” deleted from the definition.

Daryl Sullivan, speaking as the President of the Bed and Breakfast Inns of El Dorado County, said his main concern is the definition of historic structure. He also suggested modification of 8.c., deleting commercial from lodging facility. On Condition 12 it should be changed so that commercial kitchens meet the requirements of Environmental Management.

Mark Hamlin, prospective inn owner, gave the Commission some brief background information on himself and his property. He agrees with removing historic structure from the ordinance and agrees with the rewording as proposed by staff.

Noel Breil asked if you have to be the owner on the title. He asked why you cannot have additional meals. Mr. Trout referred to the State Code. That is also where it states you cannot have commercial kitchens. Mr. Breil asked if you can only build 1,200 square feet for the second residence. Mr. Trout said that is correct.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS KNIGHT, MATHEWS, AND MACHADO; ABSENT – COMMISSIONERS MAC CREADY AND TOLHURST, IT WAS MOVED TO CONCEPTUALLY CERTIFY THE PROJECT IS EXEMPT PURSUANT TO SECTION 15061(b.3) OF THE CEQA GUIDELINES AND CONCEPTUALLY RECOMMEND APPROVAL OF OR07-0005, BRINGING THE

CHANGES TO THE ORDINAFNCE BACK ON THE CONSENT CALENDAR APRIL 10, 2008, FOR FINAL ACTION.

b. **Zoning Ordinance Update:** Review of draft “Use Types” by classification; draft Table of Contents; Draft Article 1 (Section 17.10 and 17.12); Draft Article 2 (portions); and draft Glossary.

Roger Trout presented this item and went over some background information on the update of the Zoning Ordinance. He gave information to the Commissioners which was presented to the Board of Supervisors on March 4 indicating time estimates for completion of the ordinance. Second Vice Chair Machado asked if interested groups have been involved in the process. Mr. Trout replied in the affirmative. Commissioner Knight asked how staff came up with the organization of the document. Mr. Trout explained. He went through the information presented in the staff report.

Art Marinaccio asked where the highway commercial went. It was for the areas around the interchanges. Cindy Shaffer stated the current ordinance has additional language for agricultural land, and perhaps that should be incorporated in the update. The definition Developable Acres, Net, is inconsistent with the General Plan. Our riparian setbacks are stricter than federal regulations.

Noah Breil spoke about form-base zoning. He encouraged the County to look into this type of zoning. Mr. Breil asked about Cottage Industry in the definitions section. Mr. Trout explained. He also went over the Table of Contents.

No action was taken.

10. GENERAL PLAN UPDATE

a. **Housing Element:** To receive input on and consideration of the Draft Housing Element.

Shawna Purvines recommended approval to the Board of Supervisors. She introduced Joyce Aldrich, C. J. Freeland, and Mark Tomich. The Board of Supervisors held their final workshop this past Tuesday. Mrs. Purvines presented some modifications and a copy of the letter from the County to the California Department of Housing and Community Development (HCD).

Noel Breil, Cameron Park, said Supervisor Briggs stated Measure Y did not apply to high density projects. Mrs. Purvines stated at the present time, Measure Y would apply to high density projects.

Art Marinaccio feels it is absolutely necessary that something be included regarding funding constraints that may prohibit pursuing some projects. He feels we have to rezone some lands, and we need to know the process for that rezoning. Mr. Marinaccio asked about the CEQA document for this item. Mrs. Purvines said we are anticipating a negative declaration for adoption in June.

Cindy Shaffer commented staff has done an incredible amount of work in a short time. She spoke about the RHNA allocations. She believes non-deed restricted units do count toward the number of units. Mrs. Purvines said the non-deed restricted units do not count toward the RHNA allocations.

No further input was received.

MOTION: COMMISSIONER MATHEWS, SECONDED BY COMMISSIONER MACHADO AND CARRIED BY THE FOLLOWING VOTE: AYES- COMMISSIONERS KNIGHT, MATHEWS, AND MACHADO; ABSENT – COMMISSIONERS TOLHURST AND MAC CREADY, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ACCEPT THE ADMINISTRATIVE DRAFT 2008-2013 HOUSING ELEMENT UPDATE FOR SUBMITTAL TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THEIR REVIEW.

b. **Draft INRMP Important Habitat Map:** For review and discussion only.

Peter Maurer presented this item, using a power point presentation to explain the Draft Initial Inventory Map.

Second Vice Chair Machado asked if what is being presented today is the same information that will be presented to the Board on Tuesday, or will there be additional information. Mr. Maurer said it will be the same information.

Second Vice Chair Machado asked how about a map showing the large expanse areas. Mr. Maurer said this is the process for coming up with that map. The oaks were one portion.

Second Vice Chair Machado asked about the Plant and Wildlife Technical Advisory Committee (PWTAC). Mr. Maurer explained that in 1999 the committee was formed, and those individuals did not have a term limit. They will be contacted, and staff will work to reactivate the PWTAC.

Art Marinaccio said we have been trying to start the PWTAC up again for the past two years. The initial inventory mapping is referred to under COM, Page 310 of the General Plan. He read the policy. There was to be the initial inventory mapping prior to any acquisition. There needs to be certification that a project is not within an important habitat area. He said red-legged frogs, rare plants, IBCs, PCAs, etc., need to be on the map. We need to get the mapping in place before we start the INRMP. Mr. Maurer agreed about adding the additional layers. That will be done for the Board meeting next week.

No action was taken.

11. **DEPARTMENT OF TRANSPORTATION** - None

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

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

14. ADJOURNMENT

Meeting adjourned at 4:02 p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

Dave Machado, Second Vice Chair

