



# EL DORADO COUNTY PLANNING COMMISSION

Building C Hearing Room  
2850 Fairlane Court, Placerville, CA 95667  
<http://www.co.el-dorado.ca.us/planning>  
Phone: (530) 621-5355 Fax: (530) 642-0508

Walter Mathews, Chair, District IV  
Alan Tolhurst, First Vice-Chair, District V  
Lou Rain, Second Vice-Chair, District I  
John MacCready, District II  
Tom Heflin, District III

Char Tim ..... Clerk of the Commission

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## MINUTES

### **Regular Meeting March 12, 2009 – 8:30 A.M.**

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

Meeting was called to order at 8:37 a.m. Present: Commissioners Rain, MacCready, Mathews, Heflin, and Tolhurst; Paula Frantz-County Counsel; and Char Tim-Clerk of the Planning Commission.

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

Staff requested that Item #8-Z07-0033/PD07-0020/TM07-1448/McCann Subdivision be continued to the April 23, 2009, meeting in order to first hear a workshop on the traffic circulation plan for that area as there are a number of subdivisions being proposed in that general location. The applicant is in agreement with the continuance.

**Motion: Commissioner MacCready moved, seconded by Commissioner Rain, and unanimously carried (5-0), to adopt the agenda as modified.**

**AYES: Heflin, Tolhurst, Rain, MacCready, Mathews**  
**NOES: None**

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

**4. CONSENT CALENDAR** (All items on the Consent Calendar are to be approved by one motion unless a Commission member requests separate action on a specific item.)

a. **Minutes:** February 26, 2009

**END OF CONSENT CALENDAR**

**Motion: Commissioner Heflin moved, seconded by Commissioner MacCready, and carried (4-0), to approve the Consent Calendar.**

**AYES:** Rain, MacCready, Heflin, Mathews  
**NOES:** None  
**ABSTAIN:** Tolhurst

**5. DEPARTMENTAL REPORTS AND COMMUNICATIONS**  
**(Development Services, Transportation, County Counsel)**

Pierre Rivas provided a summary of the Board of Supervisor's actions at the March 10, 2009, hearing:

- Z08-0014/WAC08-0004/Cox: This item was approved but issues were brought up by the Board regarding the agricultural 200 foot setback placed on the surrounding parcels. It was determined that language will be added to the Resolution to identify parcels that are not subject to the agricultural 200 foot setback.
- P08-0022/Honarvar Appeal: This was an appeal regarding conditions placed by the Zoning Administrator. The Board did not grant the appeal.

Peter Maurer provided a summary of the two General Plan Implementation workshops conducted on March 9, 2009 with the Board of Supervisors. Details on what were discussed on Long-range Planning and Biological Resources was provided to the Commission.

Mr. Maurer also informed the Commission that at the March 10, 2009, Board of Supervisors hearing, OR09-0001/Avigation and Noise Easement had been continued for two weeks since County Counsel and Planning had different interpretations of what the Ordinance was stating.

**6. COMMISSIONERS' REPORTS – None**

**9:00 A.M.**

**PUBLIC FORUM/PUBLIC COMMENT – None**

**7. REZONE**

**Z08-0042** submitted by MARLON GINNEY (Agent: Gene Thorne and Associates) to rezone from One-acre Residential (R1A) to Multifamily Residential-Design Community (RM-DC) for General Plan consistency. The property, identified by Assessor's Parcel Numbers 090-430-21 and -22, consisting of 2.98 acres, is located on the east side of Sunset Lane, approximately 700 feet south of the intersection with Mother Lode Drive, in the Shingle Springs area, Supervisorial District II. (Negative declaration prepared)

Shawna Purvines presented the item to the Commission with a recommendation of approval to the Board of Supervisors.

Gene Thorne, applicant's agent, stated that they were happy with the Staff Report.

Robert Argroves, adjacent neighbor, stated that his house, which is on a ¾ acre, was built in 1963 and he is concerned about the increase in noise, lighting, crime rate, and traffic and the decrease in his resale value due to an apartment complex.

Ms. Purvines indicated that a Design Review would be required of any project being proposed.

The Commission clarified to Mr. Argroves that the subject property was always intended for multi-family, but that no project is being proposed at this time. He was also informed that his property also has a land use designation for multi-family.

Commissioner Tolhurst felt that if the Zoning Ordinance was brought up to date, then this type of request would not be needed.

County Counsel Paula Frantz indicated that within multi-family designation, there are different levels and although the lowest level would possibly not require Planning Commission review, the level that this application is requesting would probably still require the review.

No further discussion was presented.

**Motion: Commissioner MacCready moved, seconded by Commissioner Tolhurst, and unanimously carried (5-0), to recommend the Board of Supervisors take the following actions: 1. Adopt the Negative Declaration; and 2. Approve Zone Change Z08-0042 based on the findings proposed by staff.**

**AYES: Heflin, Rain, Tolhurst, MacCready, Mathews**

**NOES: None**

### **Findings**

#### **1.0 CEQA FINDING**

1.1 The County has considered the negative declaration together with the comments received and considered during the public hearing process. The negative declaration reflects the independent judgment of the County and has been completed in compliance with CEQA, and is adequate for this proposal.

1.2 The proposed project could not have a significant effect on the environment.

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.

#### **2.0 GENERAL PLAN FINDINGS**

- 2.1 The proposed use is consistent with the policies of the 2004 El Dorado County General Plan, as discussed in the General Plan section of this staff report including Policies 2.2.1.2, Consistency with Multifamily Land Use Designation; 2.2.5.3, evaluation of zone changes; 5.1.2.1 and 5.1.2.3, Adequacy of Public Services and Utilities; 5.3.1.1; access to public sewer and water, 5.8.1.1; affect on school districts; 5.1.2.2, adequacy of emergency response; Goal TC-X, Traffic Impacts; 7.3.2.2, erosion control; and 7.4.4.4, Protection of Oak Woodlands. Amending the land use designation to Multifamily Residential is found to be in the public interest.

### **3.0 ZONING FINDINGS**

- 3.1 The rezone is found to comply with the requirements of Chapter 17.06, 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.
- 3.2 A rezone to Multifamily Residential will allow the property to be consistent with the parcels Multifamily Residential General Plan land use designation.
- 3.3 The site is physically suitable for multifamily residential development based on availability of public water and sewer, access onto a County road, lack of significant site constraints within the developable areas of the site, and is consistent with the development standards of the Multifamily (RM) zone district.
- 3.4 The rezone will meet the intentions of Policy 2.2.5.2 because the establishment of a new zone designation of Multifamily Residential-Design Control (RM-DC) and the ensuing uses it allows is consistent with the allowed uses intended by the Multifamily Residential (MFR) land use designation.

## **8. REZONE/PLANNED DEVELOPMENT/TENTATIVE SUBDIVISION MAP**

**Z07-0033/PD07-0020/TM07-1448/McCann Subdivision** submitted by MICHAEL, ROBYNN, and JOSHUA MCCANN to rezone from Planned Agricultural 20-Acre (PA-20) to One-Family Residential-Planned Development (R1-PD) and Open Space-Planned Development (OS-PD); Development Plan and Tentative Subdivision Map to subdivide parcel into 72 single-family residential parcels ranging in size from 6,002 to 16,809 square feet and one 7.5 acre open space lot; and design waivers have been requested for the following: (a) Allow Lots 17, 18, 20, 21, 48, 50, 51, and 52 to have less than the required lot widths; (b) Allow flag-shaped lots on Lots 17, 18, and 51; and (c) Allow sidewalks to be reduced from six feet to four feet in width. The property, identified by Assessor's Parcel Number 331-420-12, consisting of 24.3 acres, is located approximately 1,600 feet east of the intersection of Truscott Lane and Union Mine Road, in the El Dorado area, Supervisorial District III. (Mitigated negative declaration prepared)

During the approval of the agenda, this item was continued to the April 23 2009, meeting as requested by staff and agreed upon by the applicant.

## 9. SPECIAL USE PERMIT

**S07-0020/Pacific House Auto Repair** submitted by MARION E. LONG to authorize an automotive service and repair facility, one single wide trailer, two duplexes (each with two units), six storage buildings, four cargo containers, café/bar, and a 12-foot tall sign with 32 square feet of display area advertising automotive service and repair facility. The property, identified by Assessor's Parcel Number 009-140-19, consisting of 4.19 acres, is located on the north side of Peavine Ridge Road, approximately 1,584 feet east of the intersection with U.S. Highway 50, in the Pacific House area, Supervisorial District II. (Categorical Exemption pursuant to Section 15301(d) of the CEQA Guidelines) *[continued from 1/8/09 meeting]*

Jason Hade presented the item to the Commission with a recommendation for approval. He stated that the item was originally scheduled for the January 8, 2009, meeting, but the applicant had requested a continuance to discuss the proposed conditions. Staff met with the applicant and two changes were agreed upon, as identified in the January 21, 2009 memo from staff. This week, staff received a letter from the applicant objecting to other conditions. Due to the lateness in receiving the letter, staff was unable to review the requested changes from the applicant. A copy of the letter was distributed to the Commission at the meeting. Staff provided a brief Powerpoint presentation to the Commission.

Commissioner MacCready inquired what the process would be if the application was approved and then the applicant did not comply with the timing of the conditions (i.e., within 60 days). Pierre Rivas explained that the process for this particular application is atypical as there are a large number of code violations on-site and staff has been working with the applicant, Code Enforcement and the Sheriff's Department to use the Special Use Permit process as a vehicle to bring the code violations into compliance. If the applicant does not comply with the conditions, then the Special Use Permit would be brought back before the Commission for the revocation process.

County Counsel Paula Frantz stated that the Special Use Permit will not correct all of the violations and ordinarily a permit would not be granted unless all of the violations were brought into compliance. However, this is a unique case as some code violations would still remain after the approval of the Special Use Permit. Since the permit conditions have specific timing requirements, staff will be monitoring the situation and if they are not met, then it will be brought back for revocation. Ms. Frantz, in responding to Commissioner MacCready's concern with Condition #3, stated that it is the applicant's responsibility to show that the conditions have been met by scheduling an appointment with staff and if this is not done, then staff can begin the revocation process.

Commissioner MacCready expressed concern on certain conditions being met within the stated timelines. Mr. Rivas explained that staff has been working with the applicant for several years and although the applicant has had ample time, compliance has been slow. However, staff can adjust the 60 day timeframe, if desired by the Commission.

Commissioner Heflin asked staff the timeline of events regarding staff working with the applicant for compliance and if the property conditions have improved during this time.

Jim Wassner, Code Enforcement, indicated that the clean up of garbage, vehicles, and solid waste from the property has been on-going.

Gene Long, applicant, stated that he has been confused on the process due to the number of processes he has been having to deal with (i.e., code enforcement, vehicle abatement) Mr. Long provided a summary of events that have led to his current situation. He indicated that it is his intent to open the auto shop for his grand-nephew who is currently training in the automotive business, however, he is not anticipating on opening the café/bar due to ADA requirements. Mr. Long expressed concern on the timing requirements due to the weather conditions and the downturn of the economy. He also stated that he is pursuing the possibility of restoring the old building for historical purposes. Mr. Long also indicated that he currently has a tenant that has items in the yard and would like Mr. Wassner to meet with the tenant to explain the County's rules and regulations regarding the items.

In response to Commissioner Tolhurst's suggestion to remove the café/bar from the Special Use Permit since the applicant is not going to utilize it, Ms. Frantz stated that it is necessary to list all existing buildings in the project description of a Special Use Permit; however, staff could draft language to identify it as empty. If at a later date the applicant would like to open the café/bar, then he would have to revise the Special Use Permit.

Commissioners Tolhurst and Mathews agreed that although they would like to approve the request, it appears that more discussion is needed between staff and the applicant regarding the proposed conditions.

Commissioner Rain expressed concern over the cargo containers and stated that there is a discrepancy between the applicant and staff that needs to be resolved now otherwise it will be returning back to the Commission. There was discussion on how many cargo containers are currently on the property, how to consolidate that amount and also discussion on allowed use (i.e., storage).

Deputy Cook, Sheriff's Department-Vehicle Abatement, stated that initially there were 30 vehicles and it is now down to approximately 13.

Chair Mathews would like clarification on identifying the café/bar as vacant since it would relieve some of the initial burden from the applicant in regards to paving and the applicant could revise the permit if he wanted to open it.

Commissioner Tolhurst stated that although this item was continued in January to allow the applicant to negotiate with staff on the conditions, the letter indicates that there are more items that need to be addressed.

Commissioner Heflin is concerned regarding the applicant's comments that some of the conditions will not be completed within the identified 60 days.

Commissioner MacCready stated that he would like to see Condition 20 resolved prior to the next meeting. The applicant stated that this was already completed.

The Commission indicated that they would like to know which conditions have already been met.

No further discussion was presented.

**Motion: Commissioner Mathews moved, seconded by Commissioner Tolhurst, and unanimously carried (5-0), to continue item to the April 23, 2009, meeting and to direct staff to conduct further analysis on the café/bar, parking, cargo containers, timing and the items listed in the applicant's letter dated March 8, 2009.**

**AYES: Rain, MacCready, Heflin, Tolhurst, Mathews**

**NOES: None**

## **10. GENERAL PLAN AMENDMENT**

**A07-0004R** initiated by EL DORADO COUNTY to amend the Housing Element of the General Plan adopted by the Board of Supervisors on July 1, 2008 to address comments contained in the State Housing and Community Development Departments (HCD) review letters, dated June 2, 2008 and October 21, 2008, with changes necessary for certification. The amendment consists of modifications to the text and implementation program only. Key revisions-include: Changes to the land inventory, including the addition of a limited number of underutilized parcels, to accommodate the RHNA; additional analysis regarding the needs of extremely low-income households; expanded discussion of known environmental constraints; clarification of how TIM fees are applied to single family and multi-family developments; description of modifications to Measure Y to facilitate multi-family housing (passed by County voters in November 2008); expanded discussions of at-risk housing and emergency housing (required by SB2); and numerous revisions to Implementation Measures to address HCD comments. (Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines)

Shawna Purvines presented this item to the Commission with a recommendation for approval to the Board of Supervisors.

Commissioner Tolhurst suggested that the draft language in page 26 of Attachment 3 be modified to reflect the current economic status.

In regards to providing staff direction on which words to use in the document (i.e., may, will, will consider), Chair Mathews stated that he preferred "will" with "as necessary" also in the sentence. County Counsel Paula Frantz did not see any problem with that type of wording.

Chair Mathews felt it was important to the County to receive Staff and Federal funds where available.

Rich Mahr, Affordable Housing Coalition, has some concerns regarding the effects of SB2 (which requires having zone districts that allow homeless shelters by right) and that staff has been very helpful in differentiating between an emergency shelter and homeless shelter. He also spoke on At Risk programs, TIM off-set fees, and mixed-use development.

CJ Freeland, Department of Human Services and Housing Programs, responded to Mr. Mahr's inquires regarding At Risk projects.

Kathye Russell requested clarification on TIM off-set programs and removing mixed-use development as identified in the staff report.

No further discussion was presented.

**Motion: Commissioner Mathews moved, seconded by Commissioner Tolhurst, and unanimously carried (5-0), to recommend to the Board of Supervisors to take the following actions: 1. Certify the project is exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA Guidelines; 2. Direct staff to use "will" in regards to ...*revise fees, as necessary, for impacts on the cost and supply of residential development, including revising the proportion of traffic improvements paid by residential versus commercial and ensure TIM fees do not constrain development of a variety of housing types*"...for Implementation Measure HO-31; and 3. Approve A07-0004R revising the Housing Element as proposed, including direction from item 2 above, to address changes necessary for certification of the Element by the State Department of Housing and Community Development.**

**AYES: Rain, MacCready, Heflin, Tolhurst, Mathews**

**NOES: None**

*(Clerk's Note: Copy of approved revised Housing Element is attached at end of minutes as a separate document.)*

## **Findings**

### **1.0 CEQA Findings**

- 1.1 This project has been found to be Exempt from the requirements of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines stating that The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The amendment to the Housing Element would not permit any new construction other than that already authorized by the zoning ordinance, nor would it result in any additional environmental impacts.



**2.0 General Plan Findings**

- 2.1 The proposed General Plan amendment is consistent with applicable Articles 5, 6 and 7 of Government Code Chapter 3 governing General Plan requirements and implementation. Amendments are also consistent with Government Code 10.6; Housing Element Law.

**11. ADJOURNMENT**

Meeting adjourned at 11:38 a.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:

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Walter Mathews, Chair