



County of El Dorado

Planning and Building
Department
2850 Fairlane Court
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Minutes - Final Planning Commission

Andy Nevis, Chair, District 4
Lexi Boeger, First Vice-Chair, District 3
Daniel Harkin, Second Vice-Chair, District 5
Brandon Reinhardt, District 1
Bob Williams, District 2

Aurora Osbual, Clerk of the Planning Commission
Karen L. Garner, Executive Secretary

Thursday, September 12, 2024

8:30 AM

<https://edcgov-us.zoom.us/j/86561074065>

2850 Fairlane Court, Building C, Hearing Room, Placerville, CA

OR

Live Streamed

PUBLIC PARTICIPATION INSTRUCTIONS: The Planning Commission meeting room will be open to the public. The meeting will continue to be live-streamed via Zoom.

Although the County strives to offer remote participation, be advised that remote Zoom participation is provided for convenience only. In the event of a technological malfunction, the only assurance of live comments being received by the Commission is to attend in person. Except for a noticed teleconference meeting, the Planning Commission reserves the right to conduct the meeting without remote access if there is a malfunction.

Members of the public may address the Commission in-person or via Zoom to make a public comment. Seating is limited and available on a first-come, first-served basis. The public should call into 530-621-7603 or 530-621-7610. The Meeting ID is 865 6107 4065. Please note you will not be able to join the live-stream until the posted meeting start time. To observe the live stream of the Planning Commission meeting go to <https://edcgov-us.zoom.us/j/86561074065>

If you are joining the meeting via Zoom and wish to make a comment on an item, press the "raise a hand" button. If you are joining the meeting by phone, press *9 to indicate a desire to make a comment. Speakers will be limited to 3 minutes.

By participating in this meeting, you acknowledge that you are being recorded. If you choose not to observe the Planning Commission meeting but wish to make a comment on a specific agenda item, please submit your comments to the Clerk of the Planning Commission at planning@edcgov.us. Planning Services cannot guarantee that any public comment received the day of the Commission meeting will be delivered to the Commission prior to any action.

The Clerk and Planning staff is here to assist you, please call 530-621-5355 if you need any assistance with the instructions to access the meeting.

Planning Commission video recordings, agendas, staff reports, supplemental materials and meeting minutes are available on the internet at: <http://eldorado.legistar.com/Calendar.aspx>

The County of El Dorado is committed to ensuring that persons with disabilities are provided the resources to participate in its public meetings. If you require accommodation, please contact the Clerk of the Planning Commission at 530-621-5355 or via e-mail, planning@edcgov.us, preferably no less than 24 hours in advance of the meeting.

The Planning Commission is concerned that written information submitted to the Planning Commission the day of the Commission meeting may not receive the attention it deserves. The Clerk of the Planning Commission cannot guarantee that any FAX, email, or mail received the day of the meeting will be delivered to the Commission prior to action on the subject matter.

For purposes of the Brown Act, Section 54954.2(a), the numbered items on this agenda give a brief description of each item to be discussed. Recommendations of the staff, as shown, do not prevent the Commission from taking other action.

Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for inspection during normal business hours in Planning Services located at 2850 Fairlane Court, Placerville, CA. Such documents are also available on the Commission's Meeting Agenda webpage subject to staff's ability to post the documents before the meeting.

PROTOCOLS FOR PUBLIC COMMENT:

Public comment will be received at designated periods as called by the Commission Chair.

Except with the consent of the Commission, individuals shall be allowed to speak to an item only once.

Matters not on the agenda may be addressed by the general public during Public Forum/Public Comment. Comments during Public Forum/Public Comment are limited to three minutes per person. The Commission reserves the right to waive said rules by a majority vote. Public Forum/Public Comment is for comment only. No action will be taken on these items unless they are scheduled on a future agenda.

Public testimony will be received on each agenda item as it is called. Individuals will have three minutes to address the Commission. At the discretion of the Commission, time to speak on an item may be extended or shortened for all speakers.

Upon completion of public comment on an agenda item, the matter shall be returned to the Commission for deliberation. Members of the public shall not be entitled to participate in that deliberation, or be present at the podium during such deliberation, except at the invitation of the Commission for a point of clarification or question by the Commission.

Individual Commission members may ask clarifying questions but will not engage in substantive dialogue with persons providing input to the Commission.

If a person providing input to the Commission creates a disruption by refusing to follow Commission guidelines, the Chair of the Commission may take the following actions:

Step 1. Request the person adhere to the Commission guidelines. If the person refuses, the Chair may ask the Clerk to turn off the speaker's microphone.

Step 2. If the disruption continues, the Chair may order a recess of the Commission meeting.

Step 3. If the disruption continues, the Chair may order the removal of the person from the Commission meeting.

8:30 A.M.

CALLED TO ORDER / ROLL CALL

Meeting was called to order at 8:30 AM by Chair Nevis, with Commissioner Reinhardt absent.

Present: 4 - Commissioner Boeger, Commissioner Harkin, Commissioner Nevis and Commissioner Williams

Absent: 1 - Commissioner Reinhardt

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Williams led the Pledge of Allegiance to the Flag.

ADOPTION OF AGENDA AND APPROVAL OF THE 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 motion was made by Commissioner Boeger, seconded by Commissioner Williams, to Adopt the Agenda and Approve the Consent Calendar.

Yes: 4 - Commissioner Boeger, Commissioner Harkin, Commissioner Nevis and Commissioner Williams

Absent: 1 - Commissioner Reinhardt

CONSENT CALENDAR

- 1. [24-1501](#) Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of August 22,2024.

This item was approved on the Consent Calendar.

Yes: 4 - Commissioner Boeger, Commissioner Harkin, Commissioner Nevis and Commissioner Williams

Absent: 1 - Commissioner Reinhardt

END OF CONSENT CALENDAR

TO AND FROMS: Commission members may make a brief report on commissioner districts, committee meetings, department matters or make a brief announcement on matters of countywide concern (May be called at any time during the meeting)

Supervisor Laine presented Commissioner Harkin with a certificate for his service on the Planning Commission.

Commissioner Williams reported on the following:
Thanked Commissioner Harkin for his service.
Specific Plans-understanding the nature and when it's applicable.
Zoning Administrator and understanding the role to determine applicability of the appropriate hearing body for items.

Robert Peters, Deputy Director of Planning, reported on the following:
The September 17, 2024 joint meeting with the Board of Supervisors.
The September 26, 2024 Planning Commission meeting will not be held due to no items submitted.
The September 24, 2024 Telecommunications workshop at the Board of Supervisors.
The October 10, 2024 Planning Commission meeting.
The roundtable discussion regarding accessory dwelling units being held this evening.

Chair Nevis reported on the following:
Thanked Commissioner Harkin for his service.

PUBLIC FORUM / PUBLIC COMMENT

Public Comment: M. Lane, K. Payne, M. Rodriguez, D. Getz

[24-1648](#) Open Forum Attachments

Public Forum/Public Comment will be heard after the consent calendar. If there are a large number of public participants, the public comment portion may be continued and conclude in a later portion of the meeting.

AGENDA ITEMS

2. [24-1431](#)

Hearing to consider Archon (Commercial Cannabis Use Permit CCUP21-0008) to request for the construction and operation of a cannabis cultivation facility for medical and adult-use recreational cannabis. The property, identified by Assessor’s Parcel Number 095-030-036, consisting of 114.69 acres, is located on the south side of Omo Ranch Road and east of Paul Summer Road, in the Somerset area, submitted by Kevin McCarty; Staff recommends the Planning Commission take the following actions:

- 1) Adopt the Mitigated Negative Declaration (MND) based on the Initial Study prepared by staff);
- 2) Adopt the Mitigation Monitoring and Reporting Program (MMRP) in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15074(d), incorporated as Conditions of Approval; and
- 3) Approve Commercial Cannabis Use Permit CCUP21-0008 based on the Findings and subject to the Conditions of Approval as presented. (Supervisory District 2) (cont. 08/22/24, Item #2)

Public Comment: L. Schoenfeld, K. Payne, M. Lane, J. Husak, L. Tannenbaum, Kelley N., E. Jacobsen

Chair Nevis opened the public hearing and upon conclusion of public comment and staff input, closed the public hearing.

Commissioner Williams stated that he is not biased toward the industry and toward the activities associated with this application.

Commissioner Boeger stated that she is not a member of the Tax Payer's Association.

Commissioner Williams questioned the appropriateness of a negative impact declaration and expressed concerns about the wording of the current ordinance. He would like to see another workshop to determine if the ordinance is working for the county residents. He is aware of the Berkeley study and expressed his concerns about the biology study and their impact.

Chair Nevis stated that he works for the State Water Board in a different unit but has not seen the project in that capacity and it doesn't impact his decision on the item.

A motion was made by Commissioner Boeger, seconded by Chair Nevis to approve staff recommendations 1, 2 and 3.

Yes: 3 - Commissioner Boeger, Commissioner Harkin and Commissioner Nevis

Noes: 1 - Commissioner Williams

Absent: 1 - Commissioner Reinhardt

3. [24-1503](#) Hearing to consider T-Mobile Bell Tower (Conditional Use Permit CUP24-0004) request to allow the installation and operation of a freestanding wireless facility, designed as a 57'-8" church bell tower. The property, identified by Assessor's Parcel Number 125-131-017, consisting of 4.46 acres, is located on the west side of El Dorado Hills Blvd, approximately 420 feet north of the intersection with Olson Lane, in the El Dorado Hills area submitted by T-Mobile (Agent: Jared Kearsley, 51 Wireless, LLC); Staff recommends the Planning Commission take the following actions:

- 1) Find Conditional Use Permit CUP24-0004 Exempt under Section 15301(b) of the CEQA Guidelines; and
- 2) Approve Conditional Use Permit CUP24-0004, based on the Findings and subject to the Conditions of Approval as presented.
(Supervisory District 1)

Public Comment: K. Payne, Kelley N.

Chair Nevis opened the public hearing and upon conclusion of public comment and staff input, closed the public hearing.

Commissioner Williams stated that he visited the project site.

A motion was made by Commissioner Williams, seconded by Commissioner Boeger, to approve staff recommendations 1 and 2.

Yes: 4 - Commissioner Boeger, Commissioner Harkin, Commissioner Nevis and Commissioner Williams

Absent: 1 - Commissioner Reinhardt

4. [24-1505](#)

Hearing to consider: Health and Human Services Agency (HHSA), Public Health Division (PHD), Tobacco Use Prevention Program (TUPP) and the Planning and Building Department (PABD) recommending the Planning Commission:

1) Receive a presentation on the proposed addition of Chapter 130.40.340 of Title 130 of the El Dorado County Ordinance Code entitled "Tobacco Retailers" and recommend adoption of the ordinance to the Board of Supervisors.

Public Comment: K. Payne, J. Byrne, Kelley N., L. Tannenbaum, J. Ross

Chair Nevis opened the public hearing and upon conclusion of public comment and staff input, closed the public hearing.

The Commissioners expressed concerns about the applicability of a land use ordinance to regulate tobacco pertaining to social, behavioral or health issues and the unintended consequences to youth and retailers.

A motion was made by Chair Nevis, seconded by, Commissioner Williams, to recommend to the Board of Supervisors approval of the ordinance with the following changes:

- 1) Clarification that the expansion of non-tobacco aspects of a business would not require a CUP.
- 2) Consider a review of the ordinance in three years to see its effects in the market.
- 3) Encourage County staff to track of potential revenue loss as a result of the ordinance.

Yes: 2 - Commissioner Nevis and Commissioner Williams

Noes: 2 - Commissioner Boeger and Commissioner Harkin

Absent: 1 - Commissioner Reinhardt

A second motion was made by Commissioner Boeger, seconded by Commissioner Harkin, to recommend that the Board of Supervisors put this ordinance on hold, while the tobacco retail license ordinance is implemented first and allow that to be in effect for a couple of years to track its impact.

Yes: 2 - Commissioner Boeger and Commissioner Harkin

Noes: 2 - Commissioner Nevis and Commissioner Williams

Absent: 1 - Commissioner Reinhardt

A third motion was made by Chair Nevis, seconded by Commissioner Harkin, that the Planning Commission recommends that the Board of Supervisors consider whether to proceed with a land use ordinance or delay consideration for a period of approximately 2 years to determine if a regulatory program should be put in place first. If the Board of Supervisors wishes to pursue the Land Use ordinance that the following are considered:

- 1) Clarifying that the CUP process (for non-conforming uses) only applies to the expansion of tobacco uses.
- 2) Consider a three-year review of progress on the Land Use ordinance.

Yes: 4 - Commissioner Boeger, Commissioner Harkin, Commissioner Nevis and Commissioner Williams

Absent: 1 - Commissioner Reinhardt

5. [24-1507](#)

Discussion and review of the current County of El Dorado Ranch Marketing and Winery Ordinances.

Public Comment: R. Ganos, K. Payne, L. Morenco, C. Baldeved, A. Alter, Kelley N., L. Campbell, M. Ranalli

Chair Nevis opened the public hearing and upon conclusion of public comment and staff input, closed the public hearing.

Commissioner Boeger disclosed that she had recused herself from this item when the ordinance came through. She reached out to the FPPC and they confirmed that she can participate.

Commissioner Harkin disclosed that he spoke with an individual in the ranch marketing community.

Chair Nevis disclosed that he had conversations with various stakeholders of the agricultural community and with residents.

The commissioners expressed their concerns about noise, enforcement, licensing, and fines. There was a broad agreement on two goals: 1) preserving the agricultural industry and 2) ensuring surrounding property owners can enjoy the benefits of their own property. Chair Nevis encouraged the Board of Supervisors to focus on enforcement. Commissioner Boeger agreed on mitigating nuisances and enforcement and also doing it through an administrative permit.

No action was taken on this item.

ADJOURNED

The meeting was adjourned at 1:16 P.M. by Chair Nevis.

All persons interested are invited to participate remotely (following instructions listed under the Public Participation Instructions in this agenda) and be heard or to write their comments to the Planning Commission. If you challenge the application in court, you may be limited to raising only those items you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission at, or prior to, the public hearing. Any written correspondence should be directed to Planning Services; 2850 Fairlane Court; Placerville, CA 95667.

*A negative declaration has been prepared for this project and may be reviewed and/or obtained in Planning Services, 2850 Fairlane Court, Placerville, CA 95667, during normal business hours. A negative declaration is a document filed to satisfy CEQA (California Environmental Quality Act). This document states that there are no significant environmental effects resulting from the project, or that conditions have been proposed which would mitigate or reduce potential negative effects to an insignificant level.