



County of El Dorado

Planning and Building
Department
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Minutes - Draft Planning Commission

Jon Vegna, Chair, District 1
James Williams, First Vice-Chair, District 4
Amanda Ross, Second Vice Chair, District 5
Cheryl Bly-Chester, Member, District 2
John Clerici, Member, District 3

Julie Saylor, Clerk of the Planning Commission
Tiffany Schmid, Executive Secretary
Breann Moebius, Deputy County Counsel

Thursday, March 25, 2021

8:30 AM

**VIRTUALLY - See Agenda
for Details to View and
Participate**

County of El Dorado Public Meeting Protocol In Response to Coronavirus COVID-19: To comply with social distancing requirements and the stay at home order from Governor Gavin Newsom, the Meeting Room will be closed to members of the public and all public participation will be handled remotely.

PUBLIC PARTICIPATION INSTRUCTIONS: WATCH LIVE STREAM: To observe the live stream of the Planning Commission meeting go to <https://us02web.zoom.us/j/84622492743> or **PHONE IN:** 1-530-621-7603 or 1-530-621-7610, Webinar ID 846 2249 2743

PUBLIC COMMENT PARTICIPATION: Speakers will be limited to 3 minutes or as otherwise provided by the Commission Chair. By participating in this meeting you acknowledge that you are being recorded. While speaking, please reduce any background noise to ensure that your comments can be heard. When you hear the item called that you wish to comment on, please follow the following instructions accordingly. **ONLINE LIVE STREAM:** When you hear the item called that you wish to comment on, press the "raise a hand" button. **PHONE IN:** When you hear the item called that you wish to comment on, press *9 to indicate a desire to make a comment. The clerk will call you by the last three digits of your phone number when it is your turn to comment.

If you choose not to observe the Planning Commission meeting but wish to make a comment on a specific agenda item, please submit your comment via email prior to the Planning Commission meeting. 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 above directions to access the meeting.

The regular call in number will not be available for use. Please follow the phone-in instructions listed under the Public Participation Instructions in this agenda.

Planning Commission audio recordings, Agendas, Staff Reports, Supplemental Materials and 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 to the Planning Commission at 530-621-5355 or via e-mail, planning@edcgov.us.

All Planning Commission hearings are recorded. An audio recording of this meeting will be published to the website. Please note that due to technology limitations, the link will be labeled as "Video" although only audio will play. The meeting is not video recorded***.

***The Planning Commission meeting of March 25, 2021 will be recorded via Zoom Webinar and available for Live Web Streaming on the internet at: <https://us02web.zoom.us/j/84622492743>

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. Planning Services 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.

Staff materials related to an item on this agenda submitted to the 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. Individuals authorized by organizations will have three minutes to present organizational positions and perspectives and may request additional time, up to five minutes. At the discretion of the Commission, time to speak by any individual may be extended.

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.

CALL TO ORDER / ROLL CALL

Meeting was called to order at 8:30 AM by Chair Vegna, with all Commissioners present. All Commissioners attended by remote attendance.

Present: 5 - Commissioner Williams, Commissioner Ross, Commissioner Bly-Chester, Commissioner Clerici and Commissioner Vegna

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 Williams, seconded by Commissioner Clerici, to Adopt the Agenda and Approve the Consent Calendar.

Votes were by roll call.

Yes: 5 - Commissioner Williams, Commissioner Ross, Commissioner Bly-Chester, Commissioner Clerici and Commissioner Vegna

CONSENT CALENDAR

- 1. **21-0375** Clerk of the Planning Commission recommending the Commission approve the MINUTES of the special meeting of March 8, 2021 and the regular meeting of March 11, 2021.

Item was Approved on the Consent Calendar.

END OF CONSENT CALENDAR

DEPARTMENTAL REPORTS AND COMMUNICATIONS (Planning and Building, Transportation, County Counsel)

Breann Moebius, Deputy County Counsel, provided the Commission an update on the Board of Supervisors approving an Urgency Ordinance extending the Temporary Outdoor Dining program.

Commissioner Williams questioned staff if there was an appeal filed against a recent Planning Commission decision.

Rob Peters, Deputy Director of Planning, advised the Commission that an appeal was received for the Oak Ridge High School Verizon Wireless Cell Tower project and discussions are still underway with the applicant on when the appeal will go before the Board of Supervisors. Rob Peters also noted that the TIM (Traffic Impact Mitigation) Fee offsets for two Affordable Housing projects, that will be coming to the Planning Commission as SB (Senate Bill) 35 projects, were approved by the Board of Supervisors.

COMMISSIONERS' REPORTS

Commissioner Bly-Chester disclosed that over the past couple of weeks she has been approached by community members for Somerset area and Fairplay Winery area and they remain upset over the Dollar General store.

Commissioner Ross advised the Commission that the Cannabis Meyers area scoring was released recently for a Meyers area Cannabis Dispensary and believes that item will be coming before the Commission for discussion on the scoring.

Breann Moebius, Deputy County Counsel, advised the Commission that the appeal of the Meyers Commercial Cannabis Retail Selection Scoring is scheduled to go to the Planning Commission's April 22, 2021 meeting.

Commissioner Ross advised she is trying to get the Meyers Advisory Council to meet prior to that hearing to allow for some public input and have that recorded so the Planning Commission can review.

PUBLIC FORUM / PUBLIC COMMENT

Public Comment: K. Greenwood, C. Felton, S. Telfer

AGENDA ITEMS

- 2. 21-0376** Hearing to consider the Montano De El Dorado Phase I and II Master Plan project (Rezone Z15-0002/Tentative Parcel Map P15-0006/Planned Development PD15-0004/Conditional Use Permit S17-0015) to request: 1) Rezone (Z15-0002) from Regional Commercial - Community Design Review Combining Zone (CR-DC) to Regional Commercial - Planned Development Combining Zone (CR-PD); 2) Commercial Tentative Parcel Map (P15-0006) on Assessor's Parcel No. 118-010-012 to create a total of 12 commercial parcels from an existing 16.85-acre parcel, ranging from 0.72 acres to 3.48 acres in size, as part of proposed Phase II of the Montano De El Dorado Master Plan; 3) Planned Development (PD15-0004) to establish a Development Plan for the existing Montano De El Dorado Phase 1 development and the proposed Phase II expansion. Phase I consists of an existing commercial center, consisting of five buildings, on the 20.1-acre project site with a combined total of 39,645 square feet of floor area. Existing uses include retail stores, restaurants, and a bank. The proposed Phase II expansion consists of nine additional commercial buildings with a combined total of approximately 80,000 square feet of retail, restaurant, commercial and office uses, a 55,136 square foot, 100-room hotel, a small community pavilion and on-site parking, lighting, signage and landscaping; and 4) Conditional Use Permit (S17-0015) to allow outdoor special events and office uses within existing Phase I and proposed Phase II of the Montano De El Dorado Master Plan on property identified by Assessor's Parcel Numbers 118-010-012, 118-010-014, 118-010-015, and 118-010-016, consisting of 20.1 acres, in the El Dorado Hills area, submitted by Montano Venture 2, LLC; and staff recommending the Planning Commission forward the following recommendation to the Board of Supervisors:
- 1) Adopt Resolution XX-2021 (Exhibit G) to certify the EIR (SCH No. 2017072027) for the Montano De El Dorado Phase I and II Master Plan Project (project), subject to California Environmental Quality Act (CEQA) Findings and adopt the Project Mitigation Monitoring and Reporting Program (MMRP) and Statement of Overriding Considerations in compliance with CEQA Guidelines Sections 15091, 15092 and 15093;
 - 2) Adopt a Resolution to rezone the project parcels from Regional Commercial - Community Design Review Combining Zone (CR-DC) to Regional Commercial - Planned Development Combining Zone (CR-PD);
 - 3) Approve Rezone Z15-0002 based on the Findings as presented;
 - 4) Approve Planned Development PD15-0004 as the official Development Plan for the Montano De El Dorado Phase I and II Master Plan project based on the Findings and subject to the Conditions of Approval as presented;
 - 5) Approve Tentative Parcel Map P15-0006 based on the Findings and

subject to the Conditions of Approval as presented;
6) Approve Conditional Use Permit S17-0015 to allow outdoor special events and office uses within Phase I and Phase II of the Montano De El Dorado Master Plan based on the Findings and subject to the Conditions of Approval as presented.
(Supervisory District 2)

Public Comment: C. Gaewsky, J. Raslear

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

A motion was made by Commissioner Ross, seconded by Commissioner Bly-Chester, to recommend Approval to the Board of Supervisors of staff's recommended actions with the following amendments:

- 1) Modify Condition of Approval 9 to include: Dumpsters shown on the preliminary site plan adjacent to residential shall be relocated.
- 2) Modify Condition of Approval 13(a) to include: Prior to issuance of building permits, applicant shall enter into a Roadway Improvement Agreement to construct these improvements. Hotel occupancy shall not occur until the Primary Driveway Signal is constructed and coordinated.
- 3) Add New Condition of Approval 13(c): Applicant to construct a median barrier at White Rock Road and existing driveway with existing right in, right out only access on White Rock Road, which shall be included in the Roadway Improvement Agreement and completed prior to occupancy of hotel.
- 4) Add New Condition of Approval 53: All special events as allowed in the Conditional Use Permit and as identified in the Outdoor Special Events Plan (Exhibit I) must comply with the El Dorado County noise ordinance, Chapter 130.37 and Table 130.37.060.1, and consistent with Mitigation Measure 3.10-6b, which is included herein.

The applicant shall incorporate an amplified sound system as part of the community pavilion so that there is consistency of the speakers used, placement of speakers, and other mitigation related to sound. The intent of this requirement is to ensure that consistent mitigation is in place prior to each event. All events must be documented in writing to reflect initial calibration and event samples to reflect compliance with the El Dorado County noise standards and conditions herein. These written logs shall be maintained and provided to the County upon request. Samples shall be taken at the most impacted sensitive receptor areas if different than originally contemplated after construction. Any public comments or complaints received during special events shall be retained and tracked in a written log. The amplified sound system shall be secured so that it cannot be accessed without authorization from the permit holder.

This Conditional Use Permit shall be reviewed by Planning and Building Department staff after two years of commencement of Conditional Use Permit activities. At this two-year review, the permit holder shall provide the Planning and Building Department with the following: 1) written documentation showing the testing for each event consistent with this condition; 2) a written log of all public comments or complaints received associated with any special event; and 3) a brief description of each event and the approximate number of spectators at each event. This information shall be delivered to the Planning and Building Department no later than twenty-six months after the first special event with amplified sound is held.

By operation of this condition, it is the intent of County to reserve the right to modify or add new conditions, as warranted, for this Conditional Use Permit. The applicant shall enter into a Time and Materials Agreement with Planning

and Building Department to cover the cost of staff time to process the two-year review.

The following measures shall be implemented to ensure that off-site residences are not exposed to noise levels generated by amphitheater events that exceed the County's noise level performance standards for noise-sensitive land uses affected by non-transportation sources in community centers, as presented in Table 3.10-8.

- Prohibit events with amplified music or sound during the nighttime hours of 10 p.m. - 7 a.m.

- During the sound testing of the amplified sound system prior to each event multiple sound level measurements shall be conducted at the source and along the property line of the most affected residential land uses. The sound level meter used for the sound level measurements should meet a minimum Type 2 compliance and be fitted with the manufacturer's windscreen and calibrated before use. Volume settings shall be adjusted to ensure that the applicable county noise standards will not be exceeded at the residences during the event.

- Only hold events with amplified music or sound during daytime hours (i.e., 7 a.m. - 7 p.m.) until it can be demonstrated with sound level measurements conducted during the first two daytime events with amplified sound that the noise generated by amplified events would not expose off-site residences to noise levels that exceed the County's evening noise level performance standards of 45 dB Leq and 55 dB Lmax. If sound level measurements conducted during the first two daytime events indicate that offsite residences would not be exposed to noise levels that exceed these standards, then events with amplified music or sound can be held on the project site during the evening hours of 7 p.m. - 9 p.m. for non-movie events and 7 p.m. - 10 p.m. for movie events April to September. This evaluation shall be conducted by a qualified noise analyst selected by county staff; however, all funding shall be provided by the applicant. The results of all sound measurements shall be provided to the County.

- Prohibit the use of subwoofers during amplified music events.

5) Reduce the maximum height of the tower to 50 feet.

6) Edit Mitigation Monitoring & Reporting Program 3.10-2b to specify noticing shall include date and the start and stop times of when blasting will occur.

7) Revised plans shall be prepared for the Board of Supervisors as follows: (a) The detention basin shall include appropriate green screening vegetation and railing; (b) Landscaping plans shall include continuation of a living/crib wall that is substantially the same as it exists in Phase I; (c) Revised elevations showing reduced tower height to 50 feet (Revise Exhibit Q); and (d) Revised retaining wall plans/diagrams showing elevations of the retaining walls/sound walls.

Votes were by roll call.

Yes: 4 - Commissioner Ross, Commissioner Bly-Chester, Commissioner Clerici and Commissioner Vegna

Noes: 1 - Commissioner Williams

Commissioner Clerici left the meeting at 1:59 PM

Present: 4 - Commissioner Williams, Commissioner Ross, Commissioner Bly-Chester and Commissioner Vegna

Absent: 1 - Commissioner Clerici

Commissioner Clerici returned to the meeting at 2:16 PM

Present: 5 - Commissioner Williams, Commissioner Ross, Commissioner Bly-Chester, Commissioner Clerici and Commissioner Vegna

- 3. 21-0377** Discussion and Review - As memorialized in Resolution of Intention No. 2019-01, the Planning Commission has requested regular review of its Bylaws.

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

A motion was made by Commissioner Clerici, seconded by Commissioner Ross, to continue this item to April 8, 2021.

Votes were by roll call.

Yes: 5 - Commissioner Williams, Commissioner Ross, Commissioner Bly-Chester, Commissioner Clerici and Commissioner Vegna

ADJOURNMENT

Meeting was adjourned at 5:31 PM by Chair Vegna.

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.

**This project is exempt from the California Environmental Quality Act (CEQA) pursuant to the above referenced section, and it is not subject to any further environmental review.