



# County of El Dorado

## Minutes - Final Planning Commission

*Andy Nevis, Chair, District 4  
Lexi Boeger, First Vice-Chair, District 3  
Bob Williams, Second Vice-Chair, District 2  
Brandon Reinhardt, District 1  
Patrick J. Frega, District 5*

Planning and Building  
Department  
2850 Fairlane Court  
Placerville CA 95667  
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*Aurora Osbual, Clerk of the Planning Commission  
Karen L. Garner, Executive Secretary*

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Thursday, November 14, 2024

8:30 AM

<https://edcgov-us.zoom.us/j/81680043071>

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**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 816 8004 3071. 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/81680043071>

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](mailto: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](mailto: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 Frega participating remotely due to a contagious illness.**

**Present:** 5 - Commissioner Boeger, Commissioner Nevis, Commissioner Reinhardt, Commissioner Williams and Commissioner Frega

## PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Reinhardt 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 Williams, seconded by Commissioner Reinhardt, to Adopt the Agenda and Approve the Consent Calendar, with Commissioner Williams pulling item 3 from the Consent Calendar for discussion.**

**Yes:** 5 - Commissioner Boeger, Commissioner Nevis, Commissioner Reinhardt, Commissioner Williams and Commissioner Frega

## CONSENT CALENDAR

1. 24-1864 Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of October 24, 2024.

**This item was approved on the Consent Calendar.**

**Yes:** 5 - Commissioner Boeger, Commissioner Nevis, Commissioner Reinhardt, Commissioner Williams and Commissioner Frega

2. 24-1867 Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of October 31, 2024.

**This item was approved on the Consent Calendar.**

**Yes:** 5 - Commissioner Boeger, Commissioner Nevis, Commissioner Reinhardt, Commissioner Williams and Commissioner Frega

3. 24-1868 Clerk of the Planning Commission recommending the Commission approve the 2025 Planning Commission Meeting Schedule.

**Commissioner Williams pulled item 3 from the Consent Calendar for discussion.**

**A motion was made by Commissioner Williams, seconded by Chair Nevis, to adapt the calendar with the provision to allow the new commissioners to visit any staff updates to the meeting schedule in the beginning of the year.**

**Yes:** 5 - Commissioner Boeger, Commissioner Nevis, Commissioner Reinhardt, Commissioner Williams and Commissioner Frega

**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)

Commissioner Boeger reported on the following:  
Thanked staff and enjoyed working with staff during her time as commissioner.

Commissioner Frega reported on the following:  
Thanked Jefferson Billingsley, Deputy County Counsel, for his assistance on Zoom participation.  
Met with residents in Strawberry and requested a status of the remodel of the lodge.

Commissioner Williams reported on the following:  
Thanked Karen Garner, Planning and Building Director, for her contribution in the APAC meeting last night.

**PUBLIC FORUM / PUBLIC COMMENT**

*Public Comment: K. Payne*

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**

4. [24-1708](#) Hearing to consider Kilzer (Commercial Cannabis Use Permit CCUP20-0003) 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 041-900-003, consisting of 10 acres, is located on the southwest side of Stephanie Court, approximately 0.5 mile south of the intersection with Happy Valley Road, in the Somerset area, submitted by Graham Kilzer; 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 CCUP20-0003 based on the Findings and subject to the Conditions of Approval as presented. (Supervisorial District 2) (Cont 10/10/24, Item #6)

*Public Comment: K. Payne, S.B. Kilzer*

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

**Commissioner Williams made disclosures regarding allegations against his bias from an applicant on this type of project. He stated he contacted FPPC and that he has no bias and can hear this item.**

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

**Yes:** 3 - Commissioner Boeger, Commissioner Reinhardt and Commissioner Frega

**Noes:** 1 - Commissioner Nevis

**Abstained:** 1 - Commissioner Williams

**6. 24-1869**

Hearing to consider: Agriculture Department and Planning Department proposed amendments to Title 130 (Zoning Ordinance) of the County Code (OR23-0001) that would amend the Ranch Marketing Ordinance (Zoning Ordinance section 130.44) and the Winery Ordinance (Zoning Ordinance section 130.40.400) and staff recommending the Planning Commission recommend the Board of Supervisors take the following actions:

- 1) Recommend the Board of Supervisors approve the California Environmental Quality Act (CEQA) Addendum to the Targeted General Plan Amendment/ & Zoning Ordinance Update (TGPA-ZOU) Final Environmental Impact Report (FEIR) consistent with Sections 15162 and 15164 of the CEQA Guidelines (Attachment A); and
- 2) Recommend the Board of Supervisors approve the proposed amendments to the Zoning Ordinance.

*Public Comment: K. Payne, S. Neasham, C. Delfino, R. Gamez, S. Arsenith, L. Marenco, K. Hyder, Jeff, M. Ranalli, C. Baldeved, F. Briggsman, K. Beal*

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

**Commissioner Boeger disclosed that she confirmed with FPPC that she has no conflict hearing and voting on this item.**

**Commissioner Frega disclosed that he met with Commissioner Boeger to discuss this item.**

**A motion was made by Commissioner Boeger, seconded by Commissioner Frega, to approve staff recommendation 1 and 2 with the additional recommendations:**

- 1) The Board of Supervisors adopt a one-year implementation period to address bookings made prior to adoption.
- 2) The ordinance return to the Planning Commission one year from implementation.
- 3) Keep the 24 special events and only 12 can be amplified.

**No action was taken on this motion.**

**A second motion was made by Chair Nevis, seconded by Commissioner Williams, to approve staff recommendation 1 and 2 with the 3 additional recommendations:**

- 1) The Board of Supervisors adopt a one-year implementation period to address bookings made prior to adoption.
- 2) The ordinance return to the Planning Commission one year from implementation.
- 3) Consider whether amplification levels should be adjusted and if lack of amplification should affect the maximum number of events.

**Yes:** 3 - Commissioner Nevis, Commissioner Reinhardt and Commissioner Williams

**Noes:** 2 - Commissioner Boeger and Commissioner Frega

5. [24-1897](#) Hearing to consider Indian Rock Tree Farm (Hyder) (Rezone Z21-0010/Williamson Act Contract WAC21-0003) to 1) Request for a Rezone from Timber Production Zone (TPZ) to Planned Agricultural, Twenty-acre (PA-20); and 2) Establishment of a Williamson Act Contract (Agricultural Preserve) for a 33.22-acre parcel for an established tree farm, Indian Rock Tree Farm (Christmas trees 17.0-acres). The property, identified by Assessor's Parcel Number 085-540-003, consisting of 33.22 acres, is located on the south side of North Canyon Road, 1.5 miles northwest of the intersection with Larsen Drive in the Camino area, submitted by Sam Rumbaugh and Karen Hyder; Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

- 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff in accordance with the CEQA Guidelines;
- 2) Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines Section 15074(d), incorporated as Conditions of Approval; and
- 3) Approve Rezone Z21-0010, and Williamson Act Contract (Agricultural Preserve) WAC21-0003, based on the Findings and subject to the Conditions of Approval as presented.

(Supervisorial District 4)

*Public Comment: K. Payne, K. Briggsman, G. Helm*

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

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

**Yes:** 5 - Commissioner Boeger, Commissioner Nevis, Commissioner Reinhardt, Commissioner Williams and Commissioner Frega

## **ADJOURNED**

**The meeting was adjourned at 2:10 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.