



County of El Dorado

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

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

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

Thursday, December 14, 2023

8:30 AM

<https://edcgov-us.zoom.us/j/82891845696>

2850 Fairlane Court, Building C, Hearing Room
Placerville, CA
OR
Live Streamed

PUBLIC PARTICIPATION INSTRUCTIONS: In accordance with new guidance from the California Department of Public Health, the meeting room will be open to the public. The meeting will continue to be live-streamed via Zoom.

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 828 9184 5696. Please note you will not be able to join the live-stream until the posted meeting start time. 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.

To observe the live stream of the Planning Commission meeting go to <https://edcgov-us.zoom.us/j/82891845696>

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 above directions to access the meeting.

Planning Commission video 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 via Zoom Webinar and available for Live Web Streaming on the internet (follow instructions listed under the Public Participation Instructions in this agenda). A video recording of this meeting will be published to the website.

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. 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 A.M. by Chair Nevis, with Commissioner Reinhardt absent.

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

Absent: 1 - Commissioner Reinhardt

CALLED TO ORDER / ROLL CALL

Clerk's Note: Commissioner Harkin left the meeting at 12:23 p.m. and was absent for item #6.

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Boeger 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.)

Public Comment: 390 (K. Greenwood)

A motion was made by Commissioner Boeger, seconded by Commissioner Harkin to Adopt the Agenda and Approve the Consent Calendar with no changes.

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

Absent: 1 - Commissioner Reinhardt

CONSENT CALENDAR

- 1. [23-2187](#) Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of November 9, 2023.

This item was approved on the Consent Calendar.

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

Absent: 1 - Commissioner Reinhardt

- 2. [23-2188](#) Clerk of the Planning Commission recommending the Commission approve the MINUTES of the Special Joint Meeting with the Board of Supervisors of November 14, 2023.

This item was approved on the Consent Calendar.

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

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)

Commissioner Boeger reported on the following:
Airports commission meeting.

Commissioner Payne reported on the following:
Diamond Springs Community Park item at the Board of Supervisors meeting.

Robert Peters, Deputy Director of Planning, reported on the following:
Planning Commission January 11, 2024 meeting.
Resolution of Intent (ROI) for a change in zoning ordinance related to commercial tobacco sales and an urgency ordinance in the interim.

Chris Perry, Assistant Director of Planning and Building, reported on the following:
Intention to bring several applications in 2024.

PUBLIC FORUM / PUBLIC COMMENT

Public Comment: 390 (K. Greenwood)

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

- 3. [23-2189](#) Hearing to consider Diamond Village Apartments Covered Parking (Development Plan Revision PD-R23-0004) request for a revision to approved Planned Development PD17-0002 requesting to reduce the amount of covered parking spaces from 61 spaces to 51 spaces. The property, identified by Assessor’s Parcel Number 051-461-068, consisting of 5.01 acres, is located on the south side of Black Rice Road, approximately 0.25 mile east of the intersection with State Route 49, in the Diamond Springs area, submitted by Millennium Planning & Engineering; staff recommends the Planning Commission take the following actions:
 - 1) Find that Development Permit Revision PD-R23-0004 is covered by the scope of the previous Negative Declaration and pursuant to Section 15162(b) of the CEQA Guidelines, no further documentation is necessary; and
 - 2) Approve Development Plan Permit Revision PD-R23-0004, based on the Findings and subject to the Conditions of Approval as presented. (Supervisory District 3)

Public Comment: 390 (K. Greenwood)

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 Payne, to

- 1) Find that Development Permit Revision PD-R23-0004 is covered by the scope of the previous Negative Declaration and pursuant to Section 15162(b) of the CEQA Guidelines, no further documentation is necessary; and**
- 2) Approve Development Plan Permit Revision PD-R23-0004, based on the Findings and subject to the Conditions of Approval as presented.**

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

Absent: 1 - Commissioner Reinhardt

4. [23-2190](#)

Hearing to consider EDH Verizon Wireless Telecommunications Facility (Conditional Use Permit CUP23-0010) request for a Conditional Use Permit for the construction and ongoing operation of an unmanned, 97-foot-tall faux pine tree (monopine) wireless telecommunications facility and accessory items within an approximate 40-foot by 33-foot lease area. The telecommunications facility is proposed to include one (1) 97-foot tall monopine tower, nine (9) antennas (with three [3] future antennas proposed), six (6) remote radio units (with three [3] future remote radio units proposed), four (4) surge suppressors, one (1) 30-kilowatt (kW) diesel standby generator attached to a 300-gallon capacity tank, and three (3) equipment cabinets. No water or sewer service would be required for the proposed project as it is an unmanned facility. The property, identified by Assessor's Parcel Number 117-084-005, consisting of 2 acres, is located on the west side of Hillsdale Circle, approximately 925 feet to the southwest of Robert J. Mathews Parkway, in the El Dorado Hills area, submitted by Verizon Wireless (Agent: Melissa Vios, Epic Wireless); Staff recommends the Planning Commission take the following actions:

- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff in accordance with CEQA Guidelines; and
 - 2) Approve Conditional Use Permit CUP23-0010 based on the Findings and subject to the Conditions of Approval as presented.
- (Supervisory District 2)

Public Comment: 390 (K. Greenwood), R. Williams, Tracy

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 Payne, seconded by Commissioner Harkin to Deny staff recommendations 1 and 2.
No vote was taken.**

A second motion was made by Commissioner Boeger, seconded by Chair Nevis, to continue the item to a date certain of January 25, 2024 contingent upon the receipt of the tolling agreement to March 13, 2024.

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

Noes: 1 - Commissioner Payne

Absent: 1 - Commissioner Reinhardt

5. [23-2192](#)

Hearing to consider incorporating changes to the County’s Commercial Cannabis ordinance pursuant to Section 130.63.020(A)(2) of the Zoning Ordinance, including the definition of an owner and changes to the cannabis operating permit requirements.

Public Comment: C. Lewis, L. Tannenbaum, K. McCarty, B. Fitzpatrick, D. Harde, M. Pinette, Tracy, Dwayne, A. Jones

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 Payne to incorporate changes to the County’s Commercial Cannabis ordinance pursuant to the ROI, including the definition of an owner, changes to the cannabis operating permit requirements, and a modified multiyear cannabis license. The Commission also incorporated items 1 through 4 from the December 13th letter from Archon Farms regarding mixed-light cultivation, premise definition, indoor propagation, and non-volatile manufacturing and distribution in rural areas and recommended changes to the language regarding the distance calculation for bus stop setbacks.

Chair Nevis casted a No vote based on lack of time for the public to review the proposed additions to the ROI. However, he does support the items that were in the ROI.

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

Noes: 1 - Commissioner Nevis

Absent: 1 - Commissioner Reinhardt

1:00 P.M. - TIME ALLOCATION (Items will not be heard prior to the time stated)

- 6. [23-2191](#) Hearing to consider an appeal received from Camerado RV, Boat & Equipment Storage, Inc. appealing the Planning and Building Department Director’s October 16, 2023 approval of Design Review Permit Revision DR-R23-0002/Food Bank of El Dorado County Expansion. The property, identified by Assessor’s Parcel Number 109-480-019, consisting of 3.44 acres, is located on the southeast corner of the intersection of Dividend Drive and Business Drive, within the Barnett Business Park, in the Shingle Springs Community Region; Staff recommending the Planning Commission take the following actions:
 1) Deny the appeal and uphold the approval of Design Review Permit revision DR-R23-0002 with modifications to Condition of Approval #2 requiring the removal or relocation of the 30-foot driveway easement in question prior to obtaining a grading or building permit for the proposed structure, based on the Findings and subject to the Conditions of Approval as approved by the Planning Director.
 (Supervisory District 4)

Public Comment: B. Wild

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

A motion was made by Chair Nevis, seconded by Commissioner Boeger to accept staff recommendation.

Motion failed.

Yes: 2 - Commissioner Boeger and Commissioner Nevis

Noes: 1 - Commissioner Payne

Absent: 2 - Commissioner Harkin and Commissioner Reinhardt

A second motion was made by Commissioner Payne, seconded by Commissioner Boeger, to accept staff recommendation to

1) Deny the appeal and uphold the approval of Design Review Permit revision DR-R23-0002 with modifications to Condition of Approval #2 requiring the removal or relocation of the 30-foot driveway easement in question prior to obtaining a grading or building permit for the proposed structure, based on the Findings and subject to the Conditions of Approval as approved by the Planning Director.

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

Absent: 2 - Commissioner Harkin and Commissioner Reinhardt

ADJOURNED

Meeting was Adjourned at 2:55 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.