



County of El Dorado

Planning and Building
Department
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Minutes - Draft Planning Commission

Gary Miller, Chair, District 2
Jon Vegna, First Vice-Chair, District 1
James Williams, Second Vice-Chair, District 4
Jeff Hansen, District 3
Brian Shinault, District 5

Char Tim, Clerk of the Planning Commission

Thursday, July 11, 2019

8:30 AM

Building C Hearing Room
2850 Fairlane Court
Placerville, CA 95667

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<http://eldorado.legistar.com/Calendar.aspx>

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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

Meeting was called to order at 8:30 A.M. by First Vice-Chair 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 Hansen, to Adopt the Agenda and Approve the Consent Calendar, with Commissioner Vegna abstaining from Item #1.

Yes: 4 - Commissioner Vegna, Commissioner Williams, Commissioner Shinault and Commissioner Hansen

Absent: 1 - Commissioner Miller

CONSENT CALENDAR

- 1. **19-1020** Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of June 27, 2019.

Item was Approved on the Consent Calendar, with Commissioner Vegna abstaining.

END OF CONSENT CALENDAR

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

There were no Departmental Reports.

COMMISSIONERS' REPORTS

There were no Commissioners' Reports.

PUBLIC FORUM / PUBLIC COMMENT

Martin Robinson, owner of Robinson's Automotive, spoke on the impact to his business while he waits for the next Zoning Ordinance Update which would allow some items "by right" that are currently required "by permit".

AGENDA ITEMS (see next page)

2. 19-1021

Hearing to consider the first reading of Title 130 Zoning Ordinance for the voter-enacted Measures N, P, Q, R, and S, which authorized the permitting and regulation of commercial cannabis activities in the County (OR19-0001)**. The proposed amendments allow for commercial cannabis nurseries, processors, testing laboratories, and manufacturers in limited zones and subject to specific regulations. As part of implementation of the ballot measures, the proposed amendments also combine the ballot measures for medicinal and adult recreational use cannabis and codify the ordinances in a new cannabis section of Title 130. Additional amendments address changes in state regulations that were enacted after voters passed the ballot measures, changes to the authorized zones for particular commercial cannabis uses, and other minor amendments. Staff is recommending the Planning Commission recommend the Board of Supervisors take the following actions:

- 1) Find that the adoption of the proposed amendments to Sections 130.14.290 (Measure N), 130.14.300 (Measure P), 130.14.310 (Measure Q), 130.14.320 (Measure R), 130.14.330 (Measure S), and the Matrix of Allowed Uses in Article 2 (Zones, Allowed Uses, and Zoning Standards) are not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3), 15060(c)(2), 15060(c)(3), 15305, and 15308 of the CEQA Guidelines and Business and Professions Code Section 26055(h), if extended.
- 2) Recommend approval of the following amendments:
 - i) Section 130.14.290 of Title 130, Article 9 of the El Dorado County Ordinance Code entitled “Commercial Cannabis Activities Permitting and Enforcement” renumbered as Section 130.41.100 of Title 130, Article 4, with amendments;
 - ii) Section 130.14.300 of Title 130, Article 9 of the El Dorado County Ordinance Code entitled “Outdoor and Mixed-Light Cultivation of Recreational Adult Use Cannabis” renumbered as Section 130.41.200 of Title 130, Article 4, re-titled “Outdoor and Mixed-Light Cultivation of Commercial Cannabis,” with amendments; and
 - iii) Section 130.14.320 of Title 130, Article 9 of the El Dorado County Ordinance Code entitled “Retail Sale, Commercial Distribution, and Commercial Indoor Cultivation of Cannabis for Medicinal Use” renumbered as Section 130.41.300 of Title 130, Article 4, re-titled “Retail Sale, Distribution, Indoor Cultivation, Laboratory Testing, and Manufacturing of Commercial Cannabis,” with amendments; and
 - iv) Matrix of Allowed Uses in Article 2 (Zones, Allowed Uses, and Zoning Standards) to include the permitting requirements in the zones where the commercial cannabis uses are allowed.
- 3) Recommend repeal of:
 - i) Section 130.14.270 of Title 130, Article 9 of the El Dorado County

- Ordinance entitled "Commercial Cannabis Activities";
- ii) Section 130.14.310 of Title 130, Article 9 of the El Dorado County Ordinance Code entitled "Outdoor and Mixed-Light Cultivation of Recreational Adult Use Cannabis"; and
 - iii) Section 130.14.330 of Title 130, Article 9 of the El Dorado County Ordinance Code entitled, "Retail Sale, Commercial Distribution, and Commercial Indoor Cultivation of Cannabis for Recreational Adult Use."

Public Comment: Rod Miller, D. Schafer, Rich Miller, Z. Drivon, C. Willett

First Vice-Chair Vegna opened the public hearing and upon conclusion of the public comment, closed the public hearing.

A motion was made by Commissioner Williams, seconded by Commissioner Hansen, to recommend Approval to the Board of Supervisors of staff's recommended actions with the following amendments: (a) Modify recommended action #1, as requested by County Counsel, to identify only Business and Professions Code Section 26055(h); and (b) Include additional proposed amendments to the ordinances as read into the record by staff.

After the motion, Commissioner Hansen stated that he would like to see these items return to the Planning Commission for review on the progress. It was suggested by staff that an update in approximately one year would be an appropriate timeframe.

Yes: 4 - Commissioner Vegna, Commissioner Williams, Commissioner Shinault and Commissioner Hansen

Absent: 1 - Commissioner Miller

Clerk's Note: Commissioner Shinault left the meeting at 11:00 A.M.

Present: 3 - Commissioner Vegna, Commissioner Williams and Commissioner Hansen

Absent: 2 - Commissioner Shinault and Commissioner Miller

3. 19-1022

Hearing to consider General Plan Amendment GPA19-0001/Rezone Z19-0003 amending General Plan land use designations (General Plan mapping errors) on portions of two parcels and rezoning 25 parcels to correct documented mapping errors of the Zoning Map; and staff recommending the Planning Commission recommend the Board of Supervisors take the following actions:

- 1) Determine that pursuant to the California Environmental Quality Act Guidelines Section 15168, there is no substantial evidence requiring the preparation of a subsequent Negative Declaration or an Addendum to the existing El Dorado County Targeted General Plan Amendment/Zoning Ordinance Update (TGPA/ZOU) Final Program Environmental Impact Report (SCH #2012052074), adopted by the Board of Supervisors on December 15, 2015;
- 2) Approve GPA19-0001 amending the General Plan land use designations (General Plan mapping errors) on portions of two parcels, Assessor's Parcel Number 104-250-010 from Multifamily Residential to Commercial and Assessor's Parcel Number 070-250-070 from Medium-Density Residential to Commercial, based on the Findings presented; and
- 3) Approve Z19-0003 rezoning the following 25 parcels to correct documented mapping errors of the Zoning Map: Greenwood Area (Supervisory District 4) - Assessor's Parcel Numbers 074-100-029, 074-100-041, 074-100-046, 074-100-050; Meeks Creek Area (Supervisory District 5) - Assessor's Parcel Numbers: 016-041-006, 016-261-001, 016-261-002, 016-261-006, 016-261-007, 016-261-011, 016-261-012, 016-261-013, 016-261-014, 016-410-001, 016-410-003, 016-410-007, 016-410-009, 016-410-011; Mount Aukum Area (Supervisory District 2) - Assessor's Parcel Number 095-160-015; Pilot Hill Area (Supervisory District 4) - Assessor's Parcel Number 104-250-010; Placerville Area (Supervisory District 3) - Assessor's Parcel Numbers: 084-200-012 and 084-200-057; Shingle Springs Area (Supervisory District 4) - Assessor's Parcel Numbers 070-250-069, 070-250-070; and Somerset Area (Supervisory District 2) - Assessor's Parcel Number 046-370-042 based on the Findings presented.

Public Comment: S. Baron, Jean (?)

First Vice-Chair Vegna opened the public hearing and upon conclusion of the public comment, closed the public hearing.

A motion was made by Commissioner Hansen, seconded by Commissioner Williams, to recommend Approval to the Board of Supervisors of staff's recommended actions.

Yes: 3 - Commissioner Vegna, Commissioner Williams and Commissioner Hansen

Absent: 2 - Commissioner Shinault and Commissioner Miller

4. 19-1023

Hearing to consider General Plan Amendment GPA19-0002 amending three General Plan Elements with text updates (Land Use Element; Public Health, Safety, and Noise Element; and Transportation and Circulation Element) and the Glossary; and staff recommending the Planning Commission recommend the Board of Supervisors take the following actions:

1) Determine that pursuant to the California Environmental Quality Act Guidelines Section 15168, there is no substantial evidence requiring the preparation of a subsequent Negative Declaration or an Addendum to the existing El Dorado County Targeted General Plan Amendment/Zoning Ordinance Update (TGPA/ZOU) Final Program Environmental Impact Report (SCH #2012052074), adopted by the Board of Supervisors on December 15, 2015; and

2) Approve GPA19-0002 amending the General Plan to incorporate revisions to Land Use Element Policies 2.1.1.1, 2.1.2.1, 2.2.5.11, 2.2.5.20, and Table 2-4; Public Health, Safety, and Noise Element Policies 6.2.2.2 and 6.8.1.1; Transportation and Circulation Element Policy TC-Xa.3; and the Glossary, based on the Findings presented.

First Vice-Chair Vegna opened the public hearing and upon conclusion of the public comment, closed the public hearing.

A motion was made by Commissioner Williams, seconded by Commissioner Hansen, to recommend Approval to the Board of Supervisors of staff's recommended actions with staff direction to use the Glossary definition for "Qualified Professional" as approved by the Fire Prevention Officers stakeholders group.

Yes: 3 - Commissioner Vegna, Commissioner Williams and Commissioner Hansen

Absent: 2 - Commissioner Shinault and Commissioner Miller

5. 19-0942

The Executive Secretary of the Commission recommends the Commission adopt Resolution 19-01 amending the Planning Commission Bylaws with said amendments becoming effective upon approval by the Board of Supervisors. (cont. 6/27/19, Item #4)

First Vice-Chair Vegna opened the public hearing and upon conclusion of the public comment, closed the public hearing.

A motion was made by Commissioner Hansen, seconded by Commissioner Williams, to Approve staff's recommended actions.

Yes: 3 - Commissioner Vegna, Commissioner Williams and Commissioner Hansen

Absent: 2 - Commissioner Shinault and Commissioner Miller

- 6. 19-1024** Planning and Building Department, Planning Services Division-Long Range Planning Unit, recommending the Planning Commission receive a presentation from Greg Chew, Senior Planner for the Sacramento Area Council of Governments, regarding the upcoming methodology process for the 2021-2029 Regional Housing Needs Assessment for the 2021-2029 Housing Element Update of the General Plan.

No Action Taken.

ADJOURNMENT

Meeting was adjourned at 12:23 P.M. by First Vice-Chair Vegna.

All persons interested are invited to attend 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.