



County of El Dorado

Minutes - Final Planning Commission

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

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

Thursday, October 24, 2024

8:30 AM

<https://edcgov-us.zoom.us/j/82335098328>

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

OR

Live Streamed

ADDENDUM

There has been a change to item 6.

There has been a change to item 7.

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.

PLEDGE OF ALLEGIANCE TO THE FLAG

Chair Nevis 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: K. Payne

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

Commissioner Reinhardt abstained from item 1 as he was absent during the October 10, 2024 meeting.

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

Abstained: 1 - Commissioner Reinhardt

CONSENT CALENDAR

1. [24-1787](#) Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of October 10, 2024.

This item was approved on the Consent Calendar.

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

Abstained: 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 Williams reported on the following:

Shared email correspondence with the commission regarding accusations and complaints against him on an item that was appealed.

Commissioner Frega reported on the following:

Commended staff on the VHR ordinance that was heard at the Board of Supervisors October 15, 2024 meeting.

Contacted Cody Bass, Mayor of South Lake Tahoe.

Requested staff to add abatement ordinance presentation to the agenda.

Chair Nevis reported on the following:

The Planning Commission October 31, 2024 meeting.

Robert Peters, Deputy Director of Planning, reported on the following:

The Planning Commission October 31, 2024 and November 14, 2024 meeting.

Tobacco retailer ordinance approval at the Board of Supervisors October 22, 2024 meeting.

The Archon appeal at the Board of Supervisors October 22, 2024 meeting.

Commissioner Boeger requested from staff a description of the Town and Country item that is on the October 31, 2024 meeting.

PUBLIC FORUM / PUBLIC COMMENT

*Public Comment: M. Mohanna, J. Pane, Tyler, K. Payne, *390 K. Greenwood*

Commissioner Frega disclosed that he met with the applicants for the Town and Country project, Tyler and Josh Pane, on October 14.

Chair Nevis referenced the discussion at the Board of Supervisors meeting on October 22 regarding the Town and Country project.

Robert Peters, Deputy Director of Planning, added that the October 31st meeting agenda is out and the informational workshop for the Town and Country item is on that agenda.

Commissioner Williams added that the Town and Country project is located in District 2 and that the applicant provided a traffic study.

[24-1924](#)

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. 24-1809 Hearing to consider Five-Year Review of Special Use Permit S17-0007 (Conditional Use Permit Revision CUP-R23-0022) request for a five-year review of an existing cellular telecommunications facility. The property, identified by Assessor's Parcel Number 060-521-002, consisting of 13.2 acres, is located on the west side of Black Oak Court, approximately 303 feet south of the intersection with Black Oak Mine Road, in the Garden Valley area, submitted by EPIC WIRELESS GROUP, LLC (Agent: Mark Lobaugh); Staff recommends that the Planning Commission take the following actions:

- 1) Determine pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15162, 15163, and 15164, that there is no substantial evidence requiring the preparation of a Subsequent Mitigated Negative Declaration, a Supplement, or an Addendum to the existing Mitigated Negative Declaration, adopted by the Zoning Administrator on January 11, 2018; and
- 2) Find that based on this five-year review period, the approved telecommunications facility substantially conforms to the Conditions of Approval for Special Use Permit S17-0007.

(Supervisorial District 4)

*Public Comment: *390 K. Greenwood, K. Payne*

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 approve staff recommendations 1 and 2.

3. [24-1810](#) Hearing to consider Five-Year Review of Special Use Permit S17-0004 (Outingdale) (Conditional Use Permit Revision CUP-R24-0007) request for a five-year review of an existing cellular telecommunications facility. The property, identified by Assessor's Parcel Number 046-380-061, consisting of 10 acres, is located on the south side of Freedom Road, approximately 945 feet west of the intersection with Free Fox Lane, in the Outingdale area, submitted by EPIC WIRELESS GROUP, LLC (Agent: Mark Lobaugh); Staff recommends that the Planning Commission take the following actions:

- 1) Determine pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15162, 15163, and 15164, that there is no substantial evidence requiring the preparation of a Subsequent Mitigated Negative Declaration, a Supplement, or an Addendum to the existing Mitigated Negative Declaration, adopted by the Zoning Administrator on December 14, 2017; and
- 2) Find that based on this five-year review period, the approved telecommunications facility substantially conforms to the Conditions of Approval for Special Use Permit S17-0004.
(Supervisorial District 2)

*Public Comment: *390 K. Greenwood, K. Payne*

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

4. [24-1706](#)

Hearing to consider Falco Rezone (Z23-0002) and Tentative Parcel Map (P23-0003) request to rezone which would change the current split zoning of Single-Family Residential (R1) and One-Acre Residential (R1A) to Single-Family Residential (R1) and a Tentative Parcel Map dividing a 1.42-acre property into three (3) parcels ranging between 0.38 acre to 0.56 acre of total parcel area. The property, identified by Assessor's Parcel Number 102-353-005, consisting of 1.42 acres, is located on the southeastern corner of the intersection between Royce Road and Dudley Drive, in the Cameron Park Community Region area, submitted by David Falco; Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff in accordance with the CEQA Guidelines; and
- 2) Approve Rezone Z23-0002 and Tentative Parcel Map P23-0003, based on the Findings and subject to the Conditions of Approval as presented.

(Supervisorial District 4) (Cont 10/10/24, Item #5)

*Public Comment: S. Taylor, K. Payne, *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 Chair Nevis, seconded by Commissioner Reinhardt, to approve staff recommendations 1 and 2.

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

5. [24-1818](#) Hearing to consider to consider Conditional Use Permit CUP-R24-0002/Fudge Factory submitted by Jean Reinders, for an Applicant-requested Revocation of S85-0070R2. The property, identified by Assessor's Parcel Number 048-160-044, consisting of 10.1 acres, is located on the northeast side of High Hill Road, north of the intersection with Carson Road, in the Placerville area; Staff recommends the Planning Commission take the following actions:

- 1) Find Conditional Use Permit Revision (CUP-R24-0002) to be Categorically Exempt pursuant to Section 15303, Existing Facilities, of the CEQA Guidelines, and
- 2) Revoke Conditional Use Permit S85-0070R2 based on the Findings presented, thus terminating it, and denying the privileges granted by the original approval. Uses will be subject to the County Ranch Marketing Ordinance Title 130.44.

(Supervisorial District 3)

*Public Comment: D. Becker, S. Taylor, K. Payne, *390 K. Greenwood*

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

Commissioner Williams and Commissioner Frega stated that they visited the project site.

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

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

8. [24-1824](#) Clerk of the Planning Commission recommending the Commission elect a Second Vice-Chair for 2024, with those selections becoming effective at the next regular meeting.

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 Frega, to appoint Commissioner Williams as Second Vice-Chair.

Yes: 4 - Commissioner Boeger, Commissioner Nevis, Commissioner Reinhardt and Commissioner Frega

Abstained: 1 - Commissioner Williams

A second motion was made by Commissioner Reinhardt to appoint Commissioner Frega as Second Vice-Chair.

Commissioner Frega thanked Commissioner Reinhardt but declined the appointment and supported Chair Nevis' motion.

10:00 A.M. - TIME ALLOCATION (Items will not be heard prior to the time stated)

6. [24-1821](#) Hearing to consider: Planning and Building Department, Long Range Planning Unit, proposed amendments to Section 130.40.130 of the Zoning Ordinance (Communications Facilities) and staff recommending the Planning Commission forward the following recommendations to the Board of Supervisors:

- 1) Adopt the Addendum to El Dorado County's General Plan Environmental Impact Report (EIR), certified in May 2003 (State Clearinghouse Number 2001082030) (Legistar Attachment B) demonstrating that the analysis in that EIR adequately addresses the potential physical impacts associated with implementation of the amendments to Section 130.40.130 of the Zoning Ordinance (Communications Facilities), and the amendments would not trigger any of the conditions described in California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 calling for the preparation of a subsequent EIR or negative declaration based on the analysis prepared; and
- 2) Approve the amendments to Section 130.40.130 (Communications Facilities) as proposed, based on the Findings in Attachment B and previous guidance from the Commission and Board at their respective public workshops on February 22 and September 24, 2024.

Public Comment: D. Metti, M. Lobaugh, K. Greenwood, C. Bronty, K. Payne, Steve, Katie P.

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

Commissioner Reinhardt left the meeting at 11:09 a.m. and returned at 11:16 a.m.

A motion was made by Commissioner Frega, seconded by Chair Nevis, to move staff recommendation with the following changes to the proposed ordinance:

- 1) Remove the 15 foot language from Section 13 and add language regarding evaluation of character of the area.
- 2) Increase the notice requirements to 1,500 feet for a Wireless Telecommunication Facility under 100 feet tall and 2,000 feet for a Facility over 100 feet and include the same notice for a neighboring HOA.
- 3) Add reference to evaluation of multiple small sites to the alternatives analysis section.
- 4) Change the adjacent residential setback to 1.5 times height of the Facility.
- 5) Incorporate the OWPR recommendations regarding screening and have staff evaluation conforming changes to the zoning ordinance.
- 6) Request staff return in two years to evaluate the changes to the ordinance.

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

11:00 A.M. - TIME ALLOCATION (Items will not be heard prior to the time stated)

7. 24-1823 Department of Transportation recommends that the Planning Commission approve the Finding of Consistency of the 2024 Major Update of the Traffic Impact Fee Program with the General Plan.

Public Comment: Ms. Jansen, Sue, L. Campbell

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

Commissioner Reinhardt participated remotely for this item.

A motion was made by Commissioner Boeger, seconded by Commissioner Frega, to approve the item as recommended by staff.

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

Noes: 1 - Commissioner Nevis

Abstained: 1 - Commissioner Williams

ADJOURNED

The meeting was Adjourned at 2:22 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.