



County of El Dorado

Planning and Building
Department
2850 Fairlane Court
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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, April 22, 2021

8:30 AM

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

REVISED MINUTES

PUBLIC PARTICIPATION INSTRUCTIONS: To comply with social distancing requirements and the stay at home order from the Governor, the Meeting Room will be closed to members of the public and all public participation will be handled remotely. Please note you will not be able to join the live stream until the posted meeting start time.

PHONE IN: 1-530-621-7603 or 1-530-621-7610, Meeting ID 913 6701 2665

WATCH LIVE STREAM: To observe the live stream of the Planning Commission meeting go to <https://zoom.us/j/91367012665>

PUBLIC COMMENT PARTICIPATION: If you are joining the meeting via zoom and wish to make a comment on an item, press the "raise 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 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. A video recording of this meeting will be published to the website. This Planning Commission meeting will be recorded via Zoom Webinar and available for Live Web Streaming on the internet (follow instructions listed under the Public Participation Instructions in this agenda).

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.

April 22, 2021, the County received a threat of litigation concerning Item 2 on the Planning Commission's April 22, 2021 Agenda. Because this matter arose after the Agenda was posted and there is an immediate need to take action, in accordance with Government Code section 54954.2(b)(2), County Counsel requested that the Commission add a Closed Session item to the April 22, 2021 Agenda to discuss this significant exposure to litigation. Adding this matter to the Agenda requires a 4/5 vote of the Commission and no public comment is required.

A motion was made by Commissioner Bly-Chester, seconded by Chair Vegna, to add Item 3 to the April 22, 2021 Agenda. Motion passed 5-0.

8:30 A.M.

CALL TO ORDER / ROLL CALL

Meeting was called to order at 8:30 AM by Chair Vegna, with Commissioner Clerici not present. All Commissioners attended by remote attendance.

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

Absent: 1 - Commissioner Clerici

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Clerici arrived by remote attendance at 8:39 AM

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

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 Bly-Chester, seconded by Commissioner Ross, to Adopt the Agenda and Approve the Consent Calendar with the following changes: Pull Item 1 for discussion.

Commissioner Bly-Chester amended the motion, to change the current Agenda to add a discussion of a Consent Item and Adopt the Agenda separately. Votes were by roll call.

Yes: 2 - Commissioner Ross and Commissioner Bly-Chester

Noes: 3 - Commissioner Williams, Commissioner Clerici and Commissioner Vegna

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 Chair Vegna, to Adopt the Agenda and Approve the Consent Calendar. Votes were by roll call.

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

Noes: 2 - Commissioner Ross and Commissioner Bly-Chester

CONSENT CALENDAR

- 1. **21-0555** Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of April 8, 2021.

Item was Approved on the Consent Calendar.

END OF CONSENT CALENDAR

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

Rob Peters, Deputy Director of Planning, provided the Commission an update on: 1) Special Use Permit S17-0016 (site 2) for the Wireless Telecommunication Facility located off of Snows Road; and 2) the Board of Supervisors recently heard Long Range Planning's Matrix and the Board prioritized the Development of Design Guidelines for Rural Communities and the Mira Loma Rezone.

Commissioner Bly-Chester questioned staff on our next anticipated meeting date, time and place. Rob Peters, Deputy Director of Planning, confirmed the next meeting of the Planning Commission is scheduled for May 13, 2021 at 8:30 AM and it will be held virtually.

Breann Moebius, Deputy County Counsel, provided the Commission an update on the litigation involving Measure E.

COMMISSIONERS' REPORTS

Commissioner Ross noted that she is working with staff to address public comment received regarding a billboard along Highway 50 near Echo Summit.

Commissioner Bly-Chester noted that she is still being approached by community members regarding the Somerset Dollar General store and the continued requests from the public to have a public forum to discuss.

PUBLIC FORUM / PUBLIC COMMENT

Public Comment: C. Felton

AGENDA ITEMS

- 2. **21-0556** Hearing to consider separate requests from (1) Charles Willett and Tahoe Honey Company; and (2) 20200628 420-0001 LLC and Charles Boldwyn appealing the Planning & Building Department Director’s decision of the Meyers Commercial Cannabis Retail Selection scoring issued March 5, 2021 for Commercial Cannabis Pre-Applications CCPA20-0011 (applicant Charles Willett and Tahoe Honey Company); CCPA20-0012 (applicant 20200628 420-0001 LLC; applicant agent Charles Boldwyn); and CCPA20-0013 (applicant Embarc Meyers LLC; applicant agent Lauren Newton Carpenter) and staff recommending the Planning Commission hear both appeals together and take the following action: 1) Deny the appeals and uphold the Planning & Building Department Director’s decision of the Meyers Commercial Cannabis Retail Selection scoring issued March 5, 2021 for Commercial Cannabis Pre-Applications CCPA20-0011, CCPA20-0012, and CCPA20-0013. (Supervisory District 5)

[Clerk’s Note: Closed Session began at 1:18 PM and ended at 2:00 PM and the open session resumed at 2:09 PM.]

Public Comment: R. Harrison, D. Orr, M. Gamble, M. Remelman, J. McDougall, N. Evans, A. Dobson, E. Hansel, J. Kennedy

Chair Vegna opened the hearing and upon conclusion of staff input, arguments from appellants and respondent, and public comment, closed the hearing. A motion was made by Commissioner Ross, seconded by Commissioner Bly-Chester, for the Commission to make a finding that Embarc was improperly scored on the residential parcel distance score and reduce their score by one (1) point and request staff to return with those findings by way of continuance. Votes were by roll call.

Yes: 2 - Commissioner Ross and Commissioner Bly-Chester

Noes: 3 - Commissioner Williams, Commissioner Clerici and Commissioner Vegna

A motion was made by Chair Vegna, seconded by Commissioner Clerici, to Approve staff’s recommended actions to Deny the appeals and uphold the Planning & Building Department Director’s decision of the Meyers Commercial Cannabis Retail Selection scoring issued March 5, 2021 for Commercial Cannabis Pre-Applications CCPA20-0011, CCPA20-0012, and CCPA20-0013. Votes were by roll call.

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

Noes: 1 - Commissioner Ross

Abstained: 1 - Commissioner Bly-Chester

ADJOURNMENT

Meeting was adjourned at 5:35 PM by Chair Vegna.

CLOSED SESSION**Item 3 was added as an Urgency Item**

- 3 21-0718 Conference with Legal Counsel - Significant Exposure to Litigation**
pursuant to Government Code Section 54954.2(b)(2). Number of potential cases: (1).

Public Comment: M. Gamble, J. King, D. Frider

No Action Reported.

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.