



County of El Dorado

Minutes - Draft Planning Commission

Jon Vegna, Chair, District 1
John Clerici, First Vice-Chair, District 3
Andy Nevis, Second Vice-Chair, District 4
Kris Payne, District 2
Daniel Harkin, District 5

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

Planning and Building
Department
2850 Fairlane Court
Placerville CA 95667
www.edcgov.us
phone: 530-621-5355
fax: 530-642-0508

Thursday, October 13, 2022

8:30 AM

<https://edcgov-us.zoom.us/j/89521965433>

2850 Fairlane Court, Building C Hearing Room 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 895 2196 5433. 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/89521965433>.

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 audio 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. An audio recording of this meeting will be published to the website. Please note that due to technology limitations, the link will be labeled as "Video" although only audio will play. The meeting is not video recorded***.

***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.

8:30 A.M.

CALL TO ORDER / ROLL CALL

Meeting was called to order at 8:30 AM by Chair Vegna.

Present: 5 - Commissioner Clerici, Commissioner Vegna, Commissioner Nevis, Commissioner Payne and Commissioner Harkin

PLEDGE OF ALLEGIANCE TO THE FLAG

Chair Vegna 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.)

CONSENT CALENDAR

1. **22-1730** Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of ~~September 8, 2022~~ September 22, 2022.

This item was Approved on the Consent Calendar.

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

Abstained: 2 - Commissioner Clerici and Commissioner Vegna

2. **22-1731** Clerk of the Planning Commission recommending the Commission approve the 2023 Planning Commission Meeting Schedule.

This item was Approved on the Consent Calendar.

Yes: 5 - Commissioner Clerici, Commissioner Vegna, Commissioner Nevis, Commissioner Payne and Commissioner Harkin

3. **21-1776** Planning Division recommending the Planning Commission, as a result of ongoing concerns related to COVID-19, approve the following Teleconference Finding Pursuant to Government Code subsection 54953(e)(3) in order to allow for the continued use of virtual Committee meetings as authorized under Assembly Bill 361:
1) Pursuant to Government Code subsections 54953(e)(3)(A) and (e)(3)(B)(ii), the Committee has reconsidered the circumstances of the state of emergency resulting from COVID-19 and the El Dorado County Public Health Officer continues to recommend measures to promote social distancing, as documented in the September 30, 2021 "Public Health Officer's Recommendations for Safe Board and Commission Meetings During COVID-19 Pandemic."

This item was Approved on the Consent Calendar.

Yes: 5 - Commissioner Clerici, Commissioner Vegna, Commissioner Nevis, Commissioner Payne and Commissioner Harkin

END OF CONSENT CALENDAR

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

Robert Peters, Deputy Director of Planning, reported on the following:
October 27, 2022 Planning Commission meeting.
Water agency workshop.

COMMISSIONERS' REPORTS

Commissioner Payne reported on the following:
Recovery in Grizzly Flats.

Commissioner Nevis reported on the following:
State Attorney General's recommendations regarding local jurisdiction assessment of wild fire risk.

Commissioner Harkin reported on the following:
Pollock Pines Playground.

PUBLIC FORUM / PUBLIC COMMENT

Public Comment: D. Harde, M. Lane

22-1923 Open Forum Attachments

AGENDA ITEMS

- 4. 22-1613** Hearing to consider Medical Marijuana Caregivers Association (Commercial Cannabis Use Permit CCUP19-0005) request for a Commercial Cannabis Use Permit for a retail storefront for the sale of cannabis goods for medicinal and adult-use recreational in an existing building. The property, identified by Assessor's Parcel Number 083-420-002, consisting of 1,002 square feet, is located at the northeast side of Alhambra Drive, approximately 800 feet south of the intersection with Cameron Park Drive, in the Cameron Park Community Region, submitted by Matthew Vaughn/Medical Marijuana Caregivers Association; staff recommends the Planning Commission take the following actions:
 1) Deny Commercial Cannabis Use Permit CCUP19-0005, based on the Findings as presented.
 (Supervisorial District 2) (cont. 09/22/22, Item #3)

Public Comment: T. Mussetter, M. Perez, D. Harde, R. Miller, M. Lane, K. Chisano, D. Schafer, L. Tannenbaum

Chair Vegna 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 Clerici to continue the hearing to a date certain of January 26, 2023 for further consideration by the Planning Commission.

- Yes:** 5 - Commissioner Clerici, Commissioner Vegna, Commissioner Nevis, Commissioner Payne and Commissioner Harkin

- 5. 22-1706** Hearing to consider the following: Agriculture Department presenting the Ordinance to amend Title 130 of the County Zoning Ordinance to enact regulations for the cultivation of industrial hemp pursuant to the Industrial Hemp Pilot Program Concept to the Planning Commission. The document will then be forwarded to the Board for consideration at the second reading and final adoption hearing at the Board of Supervisors on October 25, 2022.

Public Comment: D. Harde, L. Tannenbaum

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

The Planning Commission voted unanimously to recommend to the Board of Supervisors approval of the draft pilot program ordinance with three modifications: 1) In section 130.43.101(B)(4) remove the last sentence regarding aggregating parcels; 2) In section 130.43.105(H)(2) add a 600 foot setback from a residence located on a residential zoned parcel; 3) In section 130.43.106(A)&(B) remove references to the Sheriff's Office.

- Yes:** 5 - Commissioner Clerici, Commissioner Vegna, Commissioner Nevis, Commissioner Payne and Commissioner Harkin

CLOSED SESSION

6. 22-1825 Pursuant to Government Code Section 54956.7 - Conference with Legal Counsel LICENSE/PERMIT DETERMINATION: Number of applicants: (1).
(Est. Time: 30 Min.)

The Planning Commission voted 3-2 with Commissioners Vegna and Nevis voting no, to find that the Sheriff's Office background check does not disqualify the applicant from the Commercial Cannabis permit sought.

ADJOURNED

Meeting was adjourned at 3:32 PM by Chair Vegna.

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.