



County of El Dorado

Planning and Building
Department
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Minutes - Final Planning Commission

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

Julie Saylor, Clerk of the Planning Commission

Thursday, April 9, 2020

8:30 AM

VIRTUALLY - See Below

REVISED MINUTES

County of El Dorado Public Meeting Protocol In Response to Coronavirus COVID-19:

To comply with social distancing requirements and the stay at home order from Governor Gavin Newsom, the Meeting Room will be closed to members of the public and all public participation will be handled remotely.

PUBLIC PARTICIPATION INSTRUCTIONS: WATCH LIVE STREAM: To observe the live stream of the Planning Commission meeting go to <https://zoom.us/j/869437668> or **PHONE IN:** Toll free numbers: 1-877-853-5247 or 1-888-788-0099, Meeting ID 869 437 668

PUBLIC COMMENT PARTICIPATION: Speakers will be limited to 3 minutes or as otherwise provided by the Commission Chair. By participating in this meeting you acknowledge that you are being recorded. While speaking, please reduce any background noise to ensure that your comments can be heard. When you hear the item called that you wish to comment on, please follow the following instructions accordingly. **ONLINE LIVE STREAM:** When you hear the item called that you wish to comment on, press the "raise a hand" button. **PHONE IN:** When you hear the item called that you wish to comment on, press *9 to indicate a desire to make a comment. The clerk will call you by the last three digits of your phone number when it is your turn to comment.

If you choose not to observe the Planning Commission meeting but wish to make a comment on a specific agenda item, please submit your comment via email prior to the Planning Commission meeting. 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.

The regular call in number will not be available for use. Please follow the phone-in instructions listed under the Public Participation Instructions in this agenda.

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***.

***The Planning Commission meeting of April 9, 2020 will be recorded via Zoom Webinar and available for Live Web Streaming on the internet at: <https://zoom.us/s/869437668>

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 8:31 A.M. by Chair Vegna, with all Commissioners present by remote attendance.

Present: 5 - Commissioner Vegna, Commissioner Williams, Commissioner Hansen, Commissioner Miller and Commissioner Ross

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

Yes: 5 - Commissioner Vegna, Commissioner Williams, Commissioner Hansen, Commissioner Miller and Commissioner Ross

CONSENT CALENDAR

1. [20-0410](#) Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of March 26, 2020.

Item was Approved on the Consent Calendar.

END OF CONSENT CALENDAR

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

There were no Departmental Reports and Communications.

COMMISSIONERS' REPORTS

There were no Commissioners' Reports.

PUBLIC FORUM / PUBLIC COMMENT

Public Comment: E. Bilbao, J. Coleman

AGENDA ITEMS

2. [20-0382](#)

Hearing to consider Title 130 Zoning Ordinance for the cultivation of cannabis for personal use, amending Zoning Ordinance Section 130.14.260 (Outdoor Medical Cannabis Cultivation for Personal Use). The proposed amendments will make the existing ordinance consistent with state law, which allows for the cultivation of no more than six cannabis plants per residence for either medicinal use or recreational use by adults over the age of twenty-one. The proposed amendments would no longer distinguish between cannabis grown for medicinal use versus recreational use by adults over the age of twenty-one and would instead impose consistent regulations for all cannabis grown for personal use. 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 Section 130.14.260 is 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;
 - 2) Recommend approval of amendments to Section 130.14.260 of Title 130, Article 9 of the El Dorado County Ordinance Code entitled "Outdoor Medical Cannabis Cultivation for Personal Use" renumbered as Section 130.42.100 of Title 130, Article 4, and retitled as "Cultivation of Cannabis for Personal Use," with amendments; and
 - 3) Find that the ordinance shall take effect immediately upon final passage pursuant to Government Code section 25123(d) in order for the immediate preservation of the public peace, health, and safety.
- (cont. 03/26/20, Item #3)

Public Comment: D. Schafer, C. Dudek, E. Bilbao, J. Coleman, K. Chiusano, T. White, M. Fadel, R. Miller, J. Brisard, A. Drew

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

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

Commissioner Williams requested discussion on the motion prior to voting. Motion failed due to No Vote.

A motion was made by Commissioner Williams, seconded by Commissioner Ross, to Approve staff's recommended actions with an additional recommendation to the Board of Supervisors: 4) Review this policy next year and involve County stakeholders.

Votes were by roll call.

Yes: 5 - Commissioner Vegna, Commissioner Williams, Commissioner Hansen, Commissioner Miller and Commissioner Ross

3. [20-0411](#) Hearing to consider the Poor Red's BBQ Live Music project (Conditional Use Permit CUP19-0010)** to allow up to 35 live music events per year for patrons of the Poor Red's restaurant, from March to November, in an existing semi-enclosed outdoor dining patio. Amplified music for each event would be limited to the hours of 6:00 pm to 10:00 pm on weekdays and 12:00 pm to 10:00 pm on weekends and holidays on property identified by Assessor's Parcel Number 331-113-013, consisting of 0.46 acres, in the El Dorado area, submitted by Jeff Genovese; and staff recommending the Planning Commission take the following actions:
- 1) Find the project Exempt from CEQA pursuant to Section 15305 of the CEQA Guidelines (Minor Alterations in Land Use Limitations); and
 - 2) Approve Conditional Use Permit CUP19-0010 based on the Findings and subject to the Conditions of Approval as presented. (Supervisory District 3)

Public Comment: R. Miller, K. Summerdyke

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

A motion was made by Commissioner Hansen, seconded by Commissioner Miller to Approve staff's recommended actions with the following modifications:

1) Condition of Approval number 1 to be modified as shown in Staff Memo dated April 8, 2020 with the following modifications:

- Paragraph 2, Sentence 1 to be modified to: Conditional Use Permit CUP19-0010 allows up to 30 live music events per year for Poor Red's restaurant patrons, from March to November, in an existing semi-enclosed outdoor dining patio.

- Paragraph 2, Sentence 2 to be modified to: Amplified music for each event shall be limited to the hours of 6:00 pm to 10:00 pm on weekdays and six hours total on weekends and holidays.

- Paragraph 3 to be modified to: (Modified to reflect meeting discussions) This Conditional Use Permit (CUP) shall be reviewed by Planning Department staff after the second full year of operation following conditional use permit approval. At this two-year review, the permit holder shall provide Planning Department staff with the following: 1) sound engineer's noise level readings during at least one typical-sized event taken at a distance of 50 feet from the speakers showing noise levels at the multiple locations identified as sensitive noise receptors or sample areas studied in the original sound analysis done by Bollard Acoustical Consultants on September 24, 2019 during both daytime and evening hours. Said noise level readings shall demonstrate amplified noise remains below maximum noise thresholds approved by the Planning Commission; 2) a written log of all public comments or complaints received associated with live music events, and 3) the number of restaurant patrons at each live music event. This information shall be delivered to the Planning Division no later than May 31, 2022.

2) Condition of Approval number 4 to be modified as shown in Staff Memo dated April 8, 2020 with the following modification:

-Sentence 2 to be modified to: A sound engineer shall be on-site to take sound readings and train restaurant management in appropriate methods of taking sound readings during peak attendance of at least one typical-sized event and during both daytime and evening hours.

The motion was discussed further with Commissioners and staff. Commissioner Hansen agreed to add the following modification to the original motion, seconded by Commissioner Miller:

3) Condition of Approval number 2, Sentence 1 to be modified as follows: Implementation of the project shall occur within 24 months of approval of this permit, otherwise the permit becomes null and void.

Votes were by roll call.

Yes: 5 - Commissioner Vegna, Commissioner Williams, Commissioner Hansen, Commissioner Miller and Commissioner Ross

4. 20-0414

Hearing to consider the Fast Freddy’s Lube Express Expansion project (Conditional Use Permit CUP19-0011/Design Review Revision DR-R19-0005)** to allow the expansion of a legal nonconforming automotive repair shop to include two additional vehicle service bays into adjacent vacant retail space within an existing building on property identified by Assessor’s Parcel Number 090-430-013, consisting of 0.59 acres, in the Shingle Springs area, submitted by James Doran; and staff recommending the Planning Commission take the following actions:

- 1) Find the project Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures); and
- 2) Approve Conditional Use Permit CUP19-0011 and Design Review Permit Revision DR-R19-0005 based on the Findings and subject to the Conditions of Approval as presented. (Supervisory District 4)

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

A motion was made by Commissioner Miller, to Approve staff’s recommended actions with an additional Condition of Approval to trim landscape trees for sight clearance.

Motion Failed for lack of second.

A motion was made by Commissioner Miller, seconded by Commissioner Hansen to Approve staff’s recommended actions with an additional Condition of Approval to trim landscape trees for sight clearance.

Votes were by roll call.

Yes: 2 - Commissioner Hansen and Commissioner Miller

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

A motion was made by Commissioner Williams, seconded by Commissioner Miller to continue this item off calendar.

After additional input from Commissioners and staff, a modified motion was made by Commissioner Williams, seconded by Commissioner Miller, to continue this item to the May 14, 2020 meeting.

Votes were by roll call.

Yes: 5 - Commissioner Vegna, Commissioner Williams, Commissioner Hansen, Commissioner Miller and Commissioner Ross

5. [20-0416](#) Hearing to consider the Prospector's Plaza Sign Program project (Planned Development Revision PD-R19-0004)** to revise Prospector's Plaza Commercial Development Plan under Planned Development Permit PD90-0001 modifying the existing U.S. Highway 50 oriented pylon sign and creating a new sign program for the commercial center on property identified by Assessor's Parcel Number 327-290-060, consisting of 19.87 acres, in the El Dorado Diamond Springs community region, submitted by 3964 Placerville, LLC; and staff recommending the Planning Commission take the following actions:
- 1) Find that the project is Categorically Exempt pursuant to California Environmental Quality Act Section 15311(a) Accessory Structures: On-premise signs; and
 - 2) Approve Planned Development Revision PD-R19-0004 based on the Findings and subject to the Conditions of Approval as presented. (Supervisory District 3)

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

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

Votes were by roll call.

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

Noes: 2 - Commissioner Williams and Commissioner Ross

ADJOURNMENT

Meeting was adjourned at 3:47 P.M. 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.