



EL DORADO COUNTY PLANNING SERVICES

John Knight..... District I
John MacCready..... District II
Dave Machado..... District III
Walter Mathews..... District IV
Alan Tolhurst..... District V
Jo Ann Brillisour..... Clerk of the Commission

2850 Fairlane Court • Placerville, CA 95667
<http://www.co.el-dorado.ca.us/planning>
Phone: (530) 621-5355
Fax: (530) 642-0508

MINUTES

Regular Meeting of the Planning Commission March 22, 2007 – 8:30 A.M. BUILDING C HEARING ROOM 2850 Fairlane Court, Placerville, CA

1. CALL TO ORDER

The meeting was called to order at 8:40 a.m. Present: Commissioners Machado, Mathews, Tolhurst, and Knight; Paula F. Frantz, County Counsel; and Jo Ann Brillisour, Clerk to the Planning Commission.

2. ADOPTION OF AGENDA

MOTION: COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER MACHADO, IT WAS UNANIMOUSLY CARRIED TO ADOPT THE AGENDA, ADDING A REPORT UNDER DEPARTMENTAL REPORTS AND COMMUNICATIONS PERTAINING TO THE MIRA FLORES WINERY.

3. PLEDGE OF ALLEGIANCE

A Pledge of Allegiance was given by the Commission and those persons in the audience.

4. CONSENT CALENDAR (All items on the Consent Calendar were approved by one motion unless a Commission member requested separate action on a specific item.)

a. **Minutes:** March 8, 2007

MOTION: COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER MATHEWS, IT WAS MOVED TO APPROVE THE CONSENT CALENDAR.

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS

These items were considered during the day as time permitted.

Greg Fuz informed the Commission about the Cameron Park Congregate Care facility. The bond was not posted, and permits have been issued for the project. The Board held an INRMP workshop several weeks ago. Mr. Fuz informed the Commission of the Board direction. Staff will be reporting back to the Board on the INRMP April 30. The Grading Ordinance and Site Plan Review Ordinance were recently adopted by the Board and will be going into effect in April. Peter Maurer said the Olde Coloma Theatre has appealed the decision of the Commission and will probably be heard by the Board on April 10.

a. Report – Design Waivers

Staff: Peter Maurer presented his memo and further explained the Board's recent action on design waivers. Their action was related to an appeal on a recently approved parcel map. Design waivers will receive more scrutiny in the future. Commissioner Machado said we want to make sure that the planners working the counter are giving out the correct information on design waivers, what can and what cannot be brought forward now. Greg Fuz said we need to distinguish between those applications with approved specific plans that have their own internal procedures and those applications that are not covered by a specific plan.

No action was taken.

b. Report – Site Review Process

Staff: Pierre Rivas explained the site plan review process. He gave the Commission a copy of the form used for site plan reviews and went through the form with the Commissioners. Commissioner Mathews asked if the language in the last paragraph could be modified or that an Option B be added. Mr. Rivas will review the form. Peter Maurer explained this applies to single family residences due to the policies adopted with the General Plan.

No action was taken.

c. Report - WAC06-0001/Z04-0012 Mira Flores Winery

Peter Maurer said staff has determined that all the pertinent mitigation measures have been met. The improvements on the encroachment have been signed off by the Department of Transportation. Jon Vegna, Department of Transportation, said the encroachment permit was issued and approved in November of last year. Commissioner Tolhurst asked if the encroachment has been paved. Mr. Vegna replied it has been paved. They will be going to the applicant to see if they will block off the original encroachment; however, that was not a mitigation measure when the project was approved. Chuck Pazzi, Department of Transportation, sent a staff member out to look at the site last week. He agrees the original encroachment should be shut off, but he has no mechanism to do that. The speed limit in the area is 40 miles per hour. Mr. Pazzi gave the Commission some photographs of the area. This is a very winding road with logging traffic. At this point, the Department of Transportation, feels the sight distance is adequate. They will be contacting the property owner regarding closing off the original encroachment. Commissioner Tolhurst wants to make sure there is no conflict created with the location of the mail boxes.

No action was taken.

6. COMMISSIONERS' REPORTS - None

PUBLIC FORUM/PUBLIC COMMENT – Ken Greenwood spoke about the problems with the encroachment to the Mira Flores Winery. They will have traffic problems at this location when there is a full-fledge operation at the winery.

Laura Brent-Baum informed the Commission of the Chamber of Commerce study mission to Kelowna, British Columbia.

7. PRESENTATION

Code Enforcement

Staff: Jim Wassner gave power point presentation on code enforcement as it relates to zoning issues. Commissioner Tolhurst said the Lighting Ordinance was meant to keep lighting from going onto adjacent properties. How does the complaint process work? Mr. Wassner said there is a complaint form that must be filled out; however, the information is not divulged to anyone.

No action was required.

8. FINDING OF CONSISTENCY (Public Hearing)

Request submitted by the EL DORADO HILLS COMMUNITY SERVICE DISTRICT for a finding of consistency with the General Plan for their Proposed Park Impact Fee Nexus Study Update.

Staff: Roman Anissi informed the Commission that the District has requested this item be continued to April 26. Chair Knight said he has attended several meetings the CSD has held, and they are making a lot of progress. There was no input.

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES - COMMISSIONERS MACHADO, MATHEWS, TOLHURST, AND KNIGHT; ABSENT – COMMISSIONER MAC CREADY, IT WAS MOVED TO CONTINUE THIS ITEM TO THE MEETING OF APRIL 26, 2007.

9. GENERAL PLAN UPDATE

a. Annual Report: General Plan 2006

Staff: Shawna Purvines gave a brief overview of her report, recommending that the Commission receive the report and forward it the Board of Supervisors for consideration. There was no input.

MOTION: COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MACHADO, MATHEWS, TOLHURST, AND KNIGHT; ABSENT – COMMISSIONER MAC CREADY, IT WAS MOVED TO RECEIVE AND FILE THE 2006 ANNUAL REPORT ON THE GENERAL PLAN AND FORWARD SAID REPORT TO THE BOARD OF SUPERVISORS.

b. **Oak Woodland Management Plan:** Project update including discussion on the following items: Key mapping assumptions; fee assumptions; preliminary mapping/fee outcomes; and General Plan Policy implications.

Staff: Steven Hust informed the Commission about the information they received today and explained the goals of the meeting today.

Rick Lind gave a power point presentation based on the new figures in the staff report.

Commissioner Machado asked what the Commission is to come up with at the end of the day. How many acres are we talking about protecting? Example: If it is 25,000 acres and the federal government owns 25,000 acres, why put other properties in the County through further restrictions?

Commissioner Tolhurst commented it appears the IBCs are in the less populated oak woodland areas. Mr. Hust said there may be small oak woodland areas that do not show up (as a green area on the maps).

Commissioner Machado again asked the goal for the number of acres we are looking at protecting. Is the county going to go on forever purchasing easements for conservation? Half the County could be included.

Gregory Fuz and Derek Wong went through a power point presentation on fees.

Art Marinaccio said there are a lot of issues we have to get to. He is disappointed in what is in front of the Commission today. The maps have to be realistic. The maps do not indicate the direction given by the Commission at the last meeting. The four or five items spoken about at the last meeting are not on any of the maps today. Policy 7.4.1.6 is the only issue. The policy states you have to pay the fee plus do on-site mitigation. Using Map 7 from the last meeting as a base map is not going to work.

Camille Courtney asked that they receive the staff report before the day of the hearing. If you do not know where you are going, you do not know how to get there. The Commission did not get the maps it requested. The definition of Policy 7.4.2.8 is to overlap the mapping. There are a lot of conflicting comments.

Judy Mathat spoke about oak growth below 1,000 feet. Seventy percent of the County is owned by the government. Why do private owners have to pay? The issue is confusing to the general public. A good overlay map is possible.

John Stiltzmilller said we are talking about a taking issue for private properties. We are in a quandary. We need to get rid of this thing. We could transfer this to Fish and Game and let them manage public lands.

Cindy Schaefer commented she is speechless. We are looking at maps that are not what was requested. We do not know why a larger parcel has more habitat than a smaller parcel adjacent to it. We are using base maps that do not make any sense to make more maps that do not make any sense. We need a definition of oak habitat versus oak woodlands.

Valerie Zetner, Farm Bureau, was disappointed the documents were not available until last night. We do not have the vision of what we are trying to do. The maps are confusing. It is important to have public input. This is being done in a vacuum. She is disappointed in seeing both ministerial and discretionary projects being included. The General Plan speaks about discretionary, not ministerial. We have to face the fact this is an on-going process. This needs a lot more work.

A lady from the audience said it scares her to think about what the fees may be. It is putting her out of the realm of being able to developer her property. Protecting the oaks is not fire safe.

Laura Brent-Baum said it feels like we are trying to fit a square peg into a round hole. There are questions the Commission did not get answers for. If a General Plan amendment is necessary, there are people here that will back the Commission. If you put all the fees together, you cannot develop property. We need to stop and look at what we want to do.

Dave Pratt said it is still unclear what the definition of important is. We are out of sequence. That is why we cannot get through this process. What is the goal? We are clearly lost in the woodlands. The policy is clearly in conflict. He wants to know why grasslands are less important than woodlands. This needs to go back to the Board of Supervisors for direction immediately, not in May. We have no proof of degradation of trees in this County. He believes a General Plan amendment is in order.

Kathy Russell supports the request that they get information earlier. It is useless to discuss information that was presented in the middle of the night. If the public cannot understand this issue, there is something wrong with it. The Commission and Board need to define the important habitat. We need to leave in the federal lands. We are dealing with private property owners that need to replace and pay.

Thalia Georgiadis said people cherish their own property. They do not see this policy helping at all. This is a huge imposition on the private property owner. The Commission is just starting to see how oppressive Policy 7.4.4.4 can be. We need to stop and see what we are trying to do. We need to amend this entire policy. Option B will not work in real life. We have to define what it is we are trying to protect. Are we trying to preserve every oak? This will stop all building if it is put in place. The basic issue is what we are trying to preserve. Twenty-acre parcels do not need this type of restriction. We do not need to impose restrictions where they are not needed. We need to fix the policy. We better have a legal basis. There will be lawsuits for takings. We have a road map, but it does not tell us where we are going. Most people in the room are not

interested in the fee but the policy. It needs to be fixed. Option B should not apply to existing parcels under 20 acres or in the Community Regions or lands designated for commercial or industrial. Ms. Georgiadis presented a map created by Pacific Municipal Consultants indicating where the important areas are located.

Craig Sandberg agreed with Ms. Georgiadis. Policy 7.4.1.6 deals with rare and endangered species. Oaks are not endangered. Policy 7.4.2.8 does not mention oaks. He thought the Commission would be discussing those areas that are considered very important. We need to look at the choice habitat and look at a program for obtaining it. He would hope there would be other mitigation than paying \$56,000 per acre. There needs to be flexibility. He believes we have gotten into discussing important species today that do not need to be discussed. He is concerned we are creating another layer of land use regulations that was not intended. We are not trying to limit growth.

James Brunello said we do not want to expand the Important Natural Resources Management Plan (INRMP). What does the INRMP require? There are 7,400 acres of important biological corridor. Next include the riparian corridors. Blue oaks are not sensitive. The only sensitive oak is the valley oak. One of the factors in the fee was the fair market value of the land. The important qualifier is the fair market value with and without the conservation easements. Let's see what is required and get it. Do not expand it. The General Plan did not evaluate the Kuehl bill. Under Policy 7.4.4.4, there is Option A and B. Why not add C, the Kuehl bill.

There was no further input.

Chair Knight spoke about a meeting involving one or two Commissioners to look at mapping options, because he does not believe the Commission got what it asked for. The other issue is receiving information on a timely basis. Paula Frantz, County Counsel, said the Commission could also direct staff about possible mapping that could go to the Board. Mr. Hust said Gregory Fuz recommends that the Commission continue the item off calendar and that it be brought back to the Commission after review by the Board in May. Chair Knight said staff could also research and look at inclusion of an Option C, take a look at the Kuehl bill that is state law.

Commissioner Mathews would like to reiterate what others have said. We need a map that shows the important biological corridors plus riparian corridors plus large expanses in Community Centers and Rural Centers and main arterial barriers. Mr. Hust said if you eliminate Community Centers, Highway 50 is eliminated.

Commissioner Tolhurst said we have gotten a bit side tracked. All we need to determine is how many acres are going to be taken. Then we will know how many acres need to be replaced. Based on things last year we would be talking about 100 acres and not 100,000. Once we know how many acres would be replaced, we need to determine where they will be placed. We are getting confused. We need to stay on top of this issue. Ms. Frantz said the reality is that the policy says you have to mitigation for the trees you remove off your site. Policy 7.4.4.4 says you have to keep them or mitigate. The General Plan also you cannot mitigate off site until you develop the oak management portion of the Important Resource Management Plan. The easiest way is to keep the trees on site. That is not practical on all parcels. The mitigation is not

voluntary, but there are options. Another option would be to see what changes could be made to the policy. The settlement agreement did say that the General Plan could be amended.

Commissioner Machado said the Community Regions are where we are trying to allow growth. Sixteen thousand to \$53,000 dollars an acre is times two. You could not have affordable housing or affordable commercial or industrial developments. Can the Board develop an interim fee while they pursue a General Plan amendment? Ms. Frantz said that is not possible. You can only have a fee if there is an Oak Woodlands Management Plan, or you can amend the policy. Commissioner Machado referred to the map made by PMC. That appears to be considerably less acreage than what we have seen at the last few meetings. Is that an official map we could use? Mr. Hust said it is not an official map and is marked administrative map, not for circulation. It is one of the earlier maps for applying the ranking criteria for the scoring of resource values. What has been deleted from the PMC map has been deleted from the maps presented today. So, the maps today are consistent with the earlier ranking exercise.

Ms. Frantz said the fee is based on the disturbance, not on the total acreage. Commissioner Tolhurst said we should take the fee at the low end. Chair Knight said we will need a General Plan amendment for clarity and should look at Option C, the Kuehl bill.

Commissioner Mathews asked if Policy 7.4.4.4 can be amended. Ms. Frantz replied the General Plan can be amended. The settlement agreement said either the Oak Woodland Management Plan or a General Plan amendment. Projects can proceed as long as they meet Option A. Staff was trying to implement Option B as it was thought the easier way to proceed. Perhaps amending the General Plan is the better option. People will have to mitigate on-site until Option B is implemented or the General Plan is amended.

Commissioner Tolhurst spoke about doing a test project. He would like to see a plan with priority areas. Commissioner Machado said let's get down to the most important land to acquire. We need to narrow the scope of the maps, take the five items in Policy 7.4.2.8, and overlay them on the maps. Chair Knight said we should include federal lands so we know where they are. Commissioner Machado would like to select the lowest fee. Commissioner Tolhurst would like to see the changes prior to the item going to the Board.

Mr. Hust clarified what he believes are the three or four key points. 1. For the fee, use the low end assumptions, and further modify that to look at rural as 100 percent instead of a rural/urban split; 2. Look at the Kuehl bill as a conceivable Option C; and 3. Prioritize the conservation area by starting with IBC layer and associated five criteria and return with that map.

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER TOLHURST AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MACHADO, MATHEWS, TOLHURST, AND KNIGHT; ABSENT – COMMISSIONER MAC CREADY, IT WAS MOVED TO CONTINUE THIS ITEM TO THE MEETING OF APRIL 26, 2007.

10. ZONING ORDINANCE UPDATE - None

11. DEPARTMENT OF TRANSPORTATION - None

12. **COUNTY COUNSEL'S REPORTS** - None

13. **DIRECTOR'S REPORTS** - None

14. **ADJOURNMENT**

Meeting adjourned at 1:50 p.m..

APPROVED BY THE COMMISSION
Authenticated and Certified:

John Knight, Chair

