



## 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

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### MINUTES

**Regular Meeting of the Planning Commission  
September 27, 2007 – 8:30 A.M.  
BUILDING C HEARING ROOM  
2850 Fairlane Court, Placerville, CA**

**1. CALL TO ORDER**

Called to order at 8:40 a.m. Present – Commissioners Mac Cready, Machado, Mathews, Tolhurst (after 8:48 a.m.), and Knight; Paula F. Frantz, County Counsel; and Jo Ann Brillisour, Clerk to the Planning Commission.

**2. ADOPTION OF AGENDA**

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED BY THOSE PRESENT (Commissioner Tolhurst was absent), IT WAS MOVED TO ADOPT THE AGENDA, AS PRESENTED.

**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: September 13, 2007**

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MACHADO, MATHEWS, AND KNIGHT; ABSTAIN – COMMISSIONER MAC CREADY (as he was not present at the meeting of September 13); ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO APPROVE THE CONSENT CALENDAR.

**5. DEPARTMENTAL REPORTS AND COMMUNICATIONS**

These items will be considered during the day as time permits.

**Report:** General Plan Amendment – Agricultural Policies in Community Regions and Rural Centers

Staff: Peter Maurer gave the Commission a short report on agricultural policies in Community Regions and Rural Centers. The Board has given no direction for a General Plan amendment. In 1998, the Commission adopted a Resolution of Intention to consider such a change. The Agricultural Commission at that time recommended against the change. The lawsuit was then filed against the General Plan and no action was taken on the Resolution of Intention. If the Commission feels a change should be made, another Resolution could be adopted. Mr. Maurer informed the Commission of a proposed application where these policies would affect the project. He has discussed coming before the Commission for a conceptual review of the project particularly as it relates to the application of the agricultural policies.

Larry Appel gave the Commission an update on the Oak Woodland Management Plan that was before the Board this past Tuesday.

Voices for Rural Living has appealed TUP07-0011, the construction yard for the freeway interchange construction.

**6. COMMISSIONERS' REPORTS**

Commissioner Machado would like a few more Zoning Ordinance updates scheduled before the Commission. He asked the rules for a vesting map. Larry Appel said the County Subdivision Ordinance has a specific section for a vesting map which includes the additional information that is required. He explained some of the differences with a vesting map. Peter Maurer said a vesting map must record in two years rather than three. Paula Frantz, County Counsel, further explained the differences with a vesting map.

Commissioner Machado spoke about the selection procedure for an EIR consultant. Larry Appel explained. Ms. Frantz stated it is important to make it clear that CEQA puts the fining of compliance on the decision makers. Ultimately, the environmental document is a County document and not the applicants. She further explained.

Commissioner Machado spoke about a new law pertaining to a density bonus. Staff should learn about this law. Mr. Maurer said staff is working on the issue. It is working on a density bonus ordinance to be in compliance with the state law.

**PUBLIC FORUM/PUBLIC COMMENT:** Art Marinaccio said the mixed use ordinance is something we need to have in place before we finalize the Housing Element. He spoke about the agricultural policy/buffering issue. Valerie Zetner, Farm Bureau, spoke about holding a workshop on agricultural policies. If we go to a General Plan amendment regarding not applying agricultural policies in Community Regions and Rural Centers, we need to look at expanding the

boundaries of the Agricultural Districts. Andrew Spencer read his comments about the Sawmill Creek project into the record. He feels the Zweck, Schieber, and White properties need to be reviewed at the same time, as they are all in the same area. The engineer is the same for all three projects.

**7. SPECIAL USE PERMITS (Public Hearing)**

a. **S02-0035R** submitted by SOUTHFORK DEVELOPMENT GROUP to revise an approved special use permit to offer the use of the self-storage facility existing basement conference room, kitchen, and hall to local wineries for wine tasting events and to local businesses for off-site seminars and training events. The property, identified by Assessor's Parcel Number 117-060-50, consisting of 2.5 acres, is located in the El Dorado Hills Business Park on the east side of Golden Hills Parkway (4980 Golden Foothill Parkway), south of the intersection of Golden Foothill Parkway and Windfield Way, in the **El Dorado Hills area**, Supervisorial District II. (Categorically exempt pursuant to Section 15301 of the CEQA Guidelines)

Staff: Pat Kelly recommended conditional approval.

Chair Knight mentioned the project is adjacent to a preschool. There may be a problem with the ABC license.

Dan Easter, representing the applicant, was present. Commissioner Mac Cready asked if the storage is bonded. Mr. Easter said they have a facility in Placerville that is bonded, but this one is not. Commissioner Mac Cready asked if the wine tasting would be open to the public. Mr. Easter replied it would be by invitation only. He presented some pictures of the facility.

Commissioner Machado went over some background information related to allowing mini-storage facilities in the Research and Development Zone District. He went over some background information on this permit. Commissioner Machado does not believe this is a use consistent with the R&D Zone. Chair Knight agrees the use is appropriate in the R&D Zone but not associated with a special use permit for a mini-storage facility. Commissioner Machado does not support the project at all.

Mr. Easter said it is not just a wine tasting facility. Groups have asked about locations for small scale seminars.

Commissioner Mathews asked the current use. Mr. Easter said the basement is wine storage, and the first and second floors are for the storage.

Commissioner Machado said they are not currently permitted for these additional uses. Commissioner Mathews commented this is on R&D Zone District. He spoke about allowing meetings at such a facility. He asked the negative ramifications of allowing this facility.

Commissioner Tolhurst said the issue is do we need a conference room that holds special meetings. He has a problem with the pre-school being next door.

Paula Frantz, County Counsel, said pre-schools, churches, mini-storage facilities are not allowed by right in the R&D Zone. A special use permit is required.

There was no one else wishing to give input.

Commissioner Tolhurst is opposed to the way this use was started but not necessarily opposed to the proposed use. He is concerned about possible parking and traffic problems and does not believe the impacts have been thoroughly reviewed.

Commissioner Machado said perhaps the uses should be separated. Perhaps a meeting area would be allowed but not necessarily a wine tasting facility.

Commissioner Tolhurst said the basement was not part of the original permit. Gina Hunter stated the basement was dug prior to approval of the building permit. Commissioner Machado said they have this large break room for one employee, along with the large commercial kitchen for the same employee. Commissioner Tolhurst said he would be in favor of seeing a new special use permit for the new uses, addressing parking, traffic, etc. Ms. Frantz said the Commission needs to decide if these uses are allowed by use permit in this zone district. She read the uses allowed by use permit in the R&D Zone District. What is incidental to a mini-storage facility? Commissioner Mathews likes the off-site seminar facility portion. The wine tasting portion does not make sense to him. Commissioner Mac Cready wonders what they will come up with next.

Ms. Kelly made a site visit and reviewed the parking. Most of the other businesses would be closed when the wine tasting would take place. The Department of Transportation also reviewed the site. Commissioner Tolhurst said the hours for seminars are during prime time traffic hours. Ms. Kelly commented there is a 31-person capacity. There are currently 44 parking spaces. Staff did not feel there would be a significant impact.

Commissioner Machado said this is a request for a revision to a use permit for a mini-storage facility. He does not want to amend the original permit.

**MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO DENY S02-0035R.**

The action today can be appealed to the Board of Supervisors within ten working days.

b. **S06-0022** submitted by RIBEIRO DEVELOPMENT, INC., to allow an existing 9,248 square foot building with existing parking and landscaping as a mini-storage facility within the El Dorado Hills Business Park. The property, identified by Assessor's Parcel Number 117-060-41, consisting of 4.63 acres, is located on the east side of Golden Foothills Parkway, 300 feet south of the intersection with Suncast Lane, in the **El Dorado Hills area**, Supervisorial District II. (Categorically exempt pursuant to Section 15301 of the CEQA Guidelines)\*

Staff: Michael Baron recommended conditional approval.

Commissioner Machado commented this application has not gone through the architectural review committee in the Business Park and was approved ministerially. Mr. Baron explained the approvals.

Commissioner Machado asked the size of the entire facility. One of the applicants replied 50,000 square feet.

Paula Frantz, County Counsel, said mini-storage facilities are allowed in the R&D Zone. She explained the original permitted uses. The conversion of the use for one of the buildings required the use permit.

Commissioner Machado asked about Condition 3. Is this a standard condition? Gina Hunter replied this is a standard condition that will be seen on all applications that come in front of the Commission. Paula Frantz, County Counsel, said they have reviewed this condition. It has been placed on controversial projects in the past. Conditions should not be placed on a project just because it is controversial, so it is being placed on all projects.

Chair Knight commented if this use permit is approved, we need a better description of the building.

One of the applicants said they did go through review with the architectural design committee and were given approval. The mini-storage was always shown on the plans. Ms. Hunter said the applicants stated that the storage was for tenants only and that a use permit was not necessary. Ms. Frantz read the uses allowed by right. This facility required a use permit.

Commissioner Machado asked if the building currently comprises 57 units. One of the applicants, Joe Oloriz, replied in the affirmative. Commissioner Machado asked how many tenants have rented units. Mr. Oloriz replied none.

Ms. Hunter went over some background information on allowing mini-storage facilities in this zone district. Commissioner Machado asked if the mini-storage facilities in the area are full. Ms. Hunter replied she has heard that not all of the units are full.

Mr. Choy, representing the applicant, replied they have not done anything underhanded. Everything has always been on the plans. Mr. Oloriz said the storage facility is in the middle of the complex and cannot be seen, so there would not be any impact.

Commissioner Machado said the original plans were for tenant storage. Now they would like a regular mini-storage facility. He is looking at the circulation for the facility. Commissioner Tolhurst believes the internal circulation is more than wide enough. There is a screened building. Aesthetically and use wise it seems appropriately as long as the circulation is adequate. If we have not met the maximum capacity for mini-storage, he has no problems. Chair Knight asked if they could convert the other buildings to mini-storage. Ms. Frantz said there would have to be a revision to the use permit, a new use permit, or possibly a rezone.

Ms. Frantz said the Commission needs to focus on whether this is an appropriate use for this location. Circulation, impacts, etc., need to be considered.

The Commission took a short break to allow staff time to research mini-storage information. Ms. Hunter said a cap was discussed for these types of units, but was no number was approved.

There was no one in the audience wishing to give input.

**MOTION: COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15301 OF THE CEQA GUIDELINES AND APPROVE S06-0022 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS AMENDED.**

### **Findings**

#### **1.0 CEQA Finding**

- 1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines stating that the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. No improvements have been proposed for this project.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court., Placerville, Ca 95667.

#### **2.0 Special Use Permit Findings**

- 2.1 *The issuance of the permit is consistent with the General Plan.*

This project meets the intent of General Plan Policy 2.2.1.2 because the commercial enterprise supports the intent of the uses allowed within the Research and Development General Plan Land Use Designation.

- 2.2 *The proposed use would not be detrimental to the public health, safety, and welfare, or injurious to the neighborhood.*

Use of the building as a public mini storage facility will not be detrimental to the neighborhood as there are similar storage facilities within the development and the nearest residence is several thousand feet away. Mini storage facilities do not historically create objectionable traffic, noise, dust or odor. While mini storage would not create new jobs within the business park, it would serve as a benefit to other business as within the area for storage use.

- 2.3 *The proposed use is specifically permitted by special use permit pursuant to this Title.*

The proposed mini storage facility is located within the Research & Development (R&D) Zone District, which allows mini storage facilities through the issuance of a special use permit pursuant to Section 17.35.025 of the El Dorado County Zoning Ordinance.

### **Conditions**

#### **El Dorado County Planning Services**

1. This Special Use Permit approval is based upon and limited to compliance with Planning Commission Exhibit D, dated September 27, 2007, and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project, as approved, consists of the following:

Special Use Permit requesting to use an existing 9,248 square foot building with parking and landscaping as a public mini storage facility within the El Dorado Hills Business Park (Building E, Exhibit D).

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. Prior to obtaining final occupancy for the Special use Permit, all Development Services fees shall be paid.
3. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

The action today can be appealed to the Board of Supervisors within ten working days.

**8. GENERAL PLAN UPDATE**

**Housing Element:** Progress report

Staff: Peter Maurer gave the Commission an update on the Housing Element. Staff anticipates starting work on the update in January. No action was taken.

**9. ZONING ORDINANCE UPDATE**

Workshops

a. Flood Damage Prevention Ordinance

Staff: Lillian Mac Leod went through her staff report. Commissioner Mac Cready asked where this ordinance applies. Mrs. Mac Leod replied anywhere in Flood Zone A. Chair Knight said we need to follow up with SAGE. The ordinance has gone from 10 to 26 pages. He would like the mandated revisions indicated. Commissioner Machado would like to see the old language, new language, and boiler plate FEMA language indicated. Paula Frantz, County Counsel, commented there is not that much of a change. There are clarifications, a few added definitions, etc. The increase in pages is due mainly to the change in spacing. Roger Trout commented he will contact the representative from SAGE and give them a specific period of time to comment on the proposed ordinance which will then be brought back to the Commission for hearing.

There was no one in the audience wishing to give input. No action was taken.

b. Boundary Line Adjustments

Staff: Lillian Mac Leod went through her staff report. The Commission discussed keeping boundary line adjustments as ministerial as possible.

Cindy Schaffer is concerned about lot line adjustments across different land use designations or zone districts. Paula Frantz, County Counsel, said the biggest problems with lot line adjustments is crossing different land use designations, zone district lines, or where they cross county or city lines. There was no further input.

No action was taken.

**10. DEPARTMENT OF TRANSPORTATION - None**

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



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

13. **ADJOURNMENT**

Meeting adjourned at 12:42 p.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:

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John Knight, Chair

