



COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room
2850 Fairlane Court, Placerville, CA 95667
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Walter Mathews, Chair, District IV
Alan Tolhurst, First Vice-Chair, District V
Lou Rain, Second Vice-Chair, District I
Dave Pratt, District II
Tom Heflin, District III

Char Tim Clerk of the Planning Commission

MINUTES

**Regular Meeting
January 28, 2010 – 8:30 A.M.**

1. CALL TO ORDER

Meeting was called to order at 8:37 a.m. Present: Commissioners Rain, Pratt, Heflin, and Mathews; Paula Frantz-County Counsel; and Char Tim-Clerk of the Planning Commission.

2. ADOPTION OF AGENDA

Motion: Commissioner Rain moved, seconded by Commissioner Pratt, and carried (4-0), to adopt the agenda as presented.

AYES: Heflin, Pratt, Rain, Mathews
NOES: None
ABSENT: Tolhurst

3. PLEDGE OF ALLEGIANCE

4. 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. Minutes: January 14, 2010

END OF CONSENT CALENDAR

Motion: Commissioner Pratt moved, seconded by Commissioner Rain, and carried (3-0), to approve the Consent Calendar.

AYES: Rain, Pratt, Mathews
NOES: None
ABSTAIN: Heflin
ABSENT: Tolhurst

5. **DEPARTMENTAL REPORTS AND COMMUNICATIONS** – None
(Development Services, Transportation, County Counsel)

6. **COMMISSIONERS' REPORTS**

Commissioner Rain stated that he had attended the Highway 50 Corridor dinner and had found it very interesting and informative.

Commissioners Pratt and Heflin said that they had attended the Diamond Springs-El Dorado Community Advisory Meeting. Both indicated that it was a good group, with Commissioner Heflin stating that more organization was still needed.

9:00 A.M.

PUBLIC FORUM/PUBLIC COMMENT – None

7. **GENERAL PLAN AMENDMENT**

A09-0002 submitted by JOHN and MARK PAYE to amend the land use designation from Open Space (OS) to Low Density Residential (LDR). The property, identified by Assessor's Parcel Number 061-071-26, consisting of 105 acres, is located on both sides of Wentworth Springs Road, at the intersection with Fox Run Road, in the Georgetown area, Supervisorial District IV. [*Project Planner: Tom Dougherty*] (Negative declaration prepared)*

Pierre Rivas presented the item to the Commission with a recommendation of approval to the Board of Supervisors.

Roberta Long/representative for the Buckeye neighborhood submitted two (2) written documents supporting the project and also stated that this is a transition area and intensive management for fire control is needed.

In response to an inquiry from Commissioner Pratt on whether this was a clean-up on an error with the land use designation, Roger Trout provided a history on why the property was given the current land use designation.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Pratt, and carried (4-0), to recommend the Board of Supervisors take the following actions: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and 2. Approve General Plan Amendment A09-0002 based on the Findings proposed by staff.

AYES: Rain, Heflin, Pratt, Mathews

NOES: None
ABSENT: Tolhurst

Findings

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The proposed General Plan Amendment project, will not have a significant effect on the environment. The impacts on natural resources were examined by an Initial Study that recommends approval of a Negative Declaration, that tiered off information contained in the El Dorado County General Plan EIR, (EDAW, May 2003). The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

- 2.1 The project is consistent with the intent of General Plan Policies 2.1.2.1 (Rural Center boundaries), 2.1.2.2 (Rural Center definition), 2.1.2.3 (Rural Center purpose), .2.5.21 (compatibility with surroundings), 5.1.2.1 (adequate utilities), 5.2.1.2 and 5.7.1.1 (adequate emergency water and related facilities), 6.2.3.2 (adequate access), 7.4.4.1 (rare plants), 7.4.4.4 (oak canopy), 8.1.3.1, 8.1.3.2, and 8.1.4.1 (Agricultural Commission review), because the project would have minimal impacts on visual resources, existing utilities, and on existing emergency response times. The Agricultural Commission has reviewed the project, found no conflicts with agriculture, and has recommended approval. There are adequate services to facilitate the site, such as water, power and solid waste. The project provides residential opportunities within the Georgetown Rural Center area.
- 2.2 The change in the land use designation provides consistency with the existing zoning and is consistent with the objectives of Rural Center Planning Concept Area and General Plan Policy 2.2.5.2. The change in land use designation from Open Space to Low Density Residential and can be found to be consistent with General Plan objectives and policies. The parcel is located within the Georgetown Rural Center, is surrounded on all sides by Low Density Residential (LDR) land use designations and meets the General Plan LDR description. Support utilities and infrastructure are currently available at the site.

8. REZONE/TENTATIVE MAP/SPECIAL USE PERMIT

Z07-0040/TM07-1454/S09-0012/Sundance Subdivision submitted by CHRISTOPHER A. BEAUCHAMP (Agent: Carlton Engineering/Cesar Montes de Oca) to request the following: 1. Rezone from Exclusive Agricultural (AE) to Estate Residential Ten-Acre (RE-10); 2. Tentative map to create 28 lots ranging in size from 10 to 14.8 acres; 3. Special use permit to allow the gating of proposed Road "A" at the intersection with Pilot View Drive; and 4. Design waiver requests to: (a) Permit proposed lots 15 and 16 to exceed the 3:1 depth to width lot ratio; and (b) Permit a reduction in the shoulder width for proposed Road "B" from 10 feet as required in the Design and Improvement Standards Manual to two feet. The property, identified by Assessor's Parcel Numbers 104-520-04, 104-520-05, and 104-520-06, consisting of 298.19 acres, is located on the south side of Rattlesnake Bar Road, approximately 0.8 miles east of the intersection with Highway 49, in the Pilot Hill area, Supervisorial District IV. [Project Planner: Jason Hade] (Mitigated negative declaration prepared)*

Jason Hade informed the Commission that the applicant was requesting a continuance to the February 25, 2010, meeting.

County Counsel Paula Frantz informed the Commission that they should begin with any public comment on the continuance request, but that it would be at the Commission's discretion if public testimony was heard on the project. She stated that, historically, the Commission has preferred to hear everything at the same time (i.e., staff presentation and public testimony). However, if a member of the public would not be able to attend the next meeting, the Commission could receive their public testimony today.

No further discussion was presented.

Motion: Commissioner Rain moved, seconded by Commissioner Heflin, and carried (4-0), to continue the item to the February 25, 2010, meeting.

AYES: Pratt, Heflin, Rain, Mathews
NOES: None
ABSENT: Tolhurst

9. LAND DEVELOPMENT MANUAL/HIGHWAY DESIGN MANUAL/STANDARD PLANS

Adoption of Land Development Manual, Highway Design Manual, and Standard Plans (hereinafter "Manuals"). Section 16.14.010 and 16.16.020 of the El Dorado County Code require all subdivision improvements to be constructed in accordance with the County Design Manual. The proposed Manuals comprehensively incorporate provisions of the 2004 General Plan and 2007 Fire Code, updates to the current Design and Improvement Standards Manual, and includes additional information on development processes. The Manuals include provisions for: Subdivision Development Processes; Road Standards and Typical Sections; Hillside Design Standards; Design Waivers; Secondary Access Provisions; Sidewalk Requirements; Fire

Protection Standards; Water and Sewage Disposal Standards; Miscellaneous DOT permits and processes; Grading; Gating of Roads; Surveying Information; and a Reference Chapter. [Staff: Roger Trout] (Negative declaration prepared)* [continued from 6/11/09, 7/23/09, 9/24/09, 11/12/09 & 1/14/10 meetings]

Roger Trout presented the item to the Commission and informed them that representatives from DOT, Environmental Management and Surveyors were in the audience and available to answer any questions. He stated that he had submitted a Staff Memo, dated January 19, 2010, providing a status of the project and he acknowledged that EDAC Regulatory Reform Subcommittee had also submitted a memo to the Commission providing comments on the document. Mr. Trout was requesting the Commission provide staff direction on the manuals.

Ron Grassi identified himself as a past County employee as of last week and that he had been involved in the EDAC Regulatory Reform Subcommittee meetings. He provided a brief history of the establishment of the subcommittee and the frequency of the meetings and indicated that County staff had been fully engaged in these meetings. Mr. Grassi stated that they had been unable to reach a consensus on the Highway Design Manual, but that it was more of a technical piece and not land use. He was requesting the Commission to provide staff feedback, particularly on the policy issues that had been identified.

Jim Brunello/EDAC Regulatory Reform Subcommittee member commended Mr. Grassi's involvement in the subcommittee. He provided the following comments on the project: (1) The word "shall" is used predominantly throughout the Land Development Manual (LDM); (2) LDM is a compiled document that is a summary of a larger document and if it supersedes the source document in certain situations, it should be clearly stated; (3) Alternative solutions should be allowed; (4) Highway Design Manual (HDM) is not as far advanced as the LDM and should be deferred; (5) Fire issues need to be resolved at the Board level; and (6) At the Board's Five-Year Review, the identified issues can be discussed.

Cindy Shaffer presented EDAC's proposed sections "1.1 Purpose" and "1.6 Design Waivers" and provided a copy of this document, along with a table titled, "Exceptions, Design Alternatives and Design Waivers".

Andrea Howard presented a sample of EDAC's proposed matrix, which was submitted as Attachment 1 of EDAC's memo dated January 21, 2010.

Gene Thorne commented that the group is trying to remove the perception that the development community is trying to "cut corners" in this manual. They feel that a higher priced spread is not necessary when a lower priced spread would work.

Art Marinaccio made the following comments: (1) Need to resolve the issues as this has been going on for a long time; (2) CEQA needs to be done in order to discuss the issues; (3) Wants a statement in LDM stating that the source document is the controlling document; (4) HDM is not ready to move forward; (5) Complimented Mr. Grassi's involvement and was unclear what staff's plans were now that he was no longer with the County; and (6) LDM should go forward to the Board and shouldn't be used to expand regulations.

County Counsel Paula Frantz expanded on the CEQA issue by providing a history on why this has an exemption. She also explained to the Commission that the exemption determination allows them to clarify or tighten standards but not to loosen the regulations.

Roberta Long stated that her involvement with the subcommittee has been an intensive and rewarding experience. She indicated that while staff reviewed new federal, state and county regulations, EDAC researched how these would work in the community and recommended modifications. Ms. Long said that three (3) points came out during the meetings: (1) Information format – outside assistance should be used in editing the large document; (2) Exemptions/waivers; and (3) Staff leans toward conservative decisions due to the possibility of receiving complaints.

Ken Wilkinson, Sr. stated he has watched the permit process go from requiring nothing to having today's bureaucracy. He suggested that each Commissioner apply for a building permit or lot split to experience the frustration on the length of time required to process and the fees associated with it. Mr. Wilkinson, Sr. said he understood the need for codes and regulations, but the multiple layers are causing the process to be long and expensive.

Noah Briel said that it needs to be determined if we are getting ready for the future or trying to fix the past. He also indicated that the relationship with Planning in general has moved from being adversarial to now being cooperative. Mr. Briel stated that when dealing with a hierarchy of rules, flexibility should be allowed if they are not federal or state regulations.

Kim Beal spoke on the grading aspect in the LDM (i.e., Section 5.1.e) and stated that this is a hampering factor that needs to be changed. She also requested that stockpiles be added back.

Thaleia Georgiades indicated she was sad that Mr. Grassi was now gone from the subcommittee and that there was mutual respect in the whole effort with staff. She felt that there has been a greater understanding and appreciation from both sides but that there are still some areas that they have agreed to disagree on. Ms. Georgiades said that the County needs economic development and jobs and, therefore, this process needs to be made easier.

Commissioner Rain complimented EDAC on the matrix concept. He provided constructive criticism to staff on how the proposed changes to the LDM are currently being presented (i.e., red-lined format).

Commissioner Pratt commented on the issue of the unresolved policies and the options on how to move forward. He also voiced concern that if there wasn't a clear mechanism for reviewing/modifying an adopted document that this task would be overlooked due to workload constraints and staff limitations.

Commissioner Heflin was concerned that there would be an elimination or reduction of public input if the process went from Design Waiver requests to the applicant providing Design Alternatives to staff.

In response to Commissioner Pratt's inquiry on his thoughts of EDAC's proposed matrix, Mr. Trout stated that it was a good concept that would be better done once the rules had been established. He also stressed that staff did not work on the matrix that was presented to the Commission and, therefore, there may be discrepancies.

Chair Mathews indicated that he would like to move something forward to the Board in order to show some progress/movement on this project. He also stated that he liked the flexibility that Design Alternatives would provide versus the current in-depth process of the Design Waivers. Chair Mathews suggested that a discussion take place on each of the 12 identified Policy Issues in order to provide direction to staff.

Prior to the discussion of the Policy Issues, Commissioner Heflin voiced confusion regarding the environmental review and what they were and were not allowed to do. County Counsel Frantz gave an explanation of the CEQA process and provided guidance to the Commission on what their options were in moving the document forward.

Commissioner Pratt recommended moving forward the matrix concept to the Board for their review as he found that more valuable than the current narrative. Commissioner Heflin felt the matrix was more of a primary document that could assist staff and the Commission on identifying issues and, therefore, should be done in the beginning of the process instead of the end.

Significant discussion ensued between the Commission and staff on the 12 Policy Issues. It was determined that the following Policy Issues would be forwarded to the Board for direction: Policy Issue #1 [Grading without a project], Policy Issue #2 [50 cubic yard threshold], Policy Issue #4 [Sidewalk], Policy Issue #10 [Fire Code issue], and Policy Issue #12 [Design review/design alternative].

Mr. Trout stressed to the Commission that there would be unintended consequences if the LDM and HDM were split up for any length of time during this process. He recommended that staff continue to work with EDAC on the LDM and HDM and to forward the identified policy issues to the Board for their direction.

No further discussion was presented.

Motion: Commissioner Pratt moved, seconded by Commissioner Rain, and carried (4-0), to direct staff to: (1) Prepare for the Board a discussion item of the rated five (5) Policy Issues, including the identification of General Plan conflicts, and also bring forward for their feedback the matrix concept as an example of what could be done in the future; and (2) Continue to work with EDAC on the other policy issues, content in matrix, and the design alternative pieces.

AYES: Heflin, Rain, Pratt, Mathews
NOES: None
ABSENT: Tolhurst

10. ELECTION OF OFFICERS

The Commission will elect a Chair, First Vice-Chair, and Second Vice-Chair for 2010, with those selections becoming effective at the next regular meeting.

Motion: Commissioner Heflin moved, seconded by Commissioner Mathews, and carried (4-0), to elect Commissioner Rain as Chair for 2010.

AYES: Rain, Pratt, Mathews, Heflin
NOES: None
ABSENT: Tolhurst

Motion: Commissioner Rain moved, seconded by Commissioner Mathews, and carried (4-0), to elect Commissioner Pratt as First Vice-Chair for 2010.

AYES: Pratt, Heflin, Mathews, Rain
NOES: None
ABSENT: Tolhurst

Motion: Commissioner Pratt moved, seconded by Commissioner Mathews, and carried (4-0), to elect Commissioner Heflin as Second Vice-Chair for 2010.

AYES: Rain, Heflin, Mathews, Pratt
NOES: None
ABSENT: Tolhurst

11. ADJOURNMENT

Meeting adjourned at 3:20 p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:



Lou Rain, Chair