



# COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room  
2850 Fairlane Court, Placerville, CA 95667  
<http://www.edcgov.us/planning>  
Phone: (530) 621-5355 Fax: (530) 642-0508

Lou Rain, Chair, District I  
Dave Pratt, First Vice-Chair, District II  
Tom Heflin, Second Vice-Chair, District III  
Walter Mathews, District IV  
Alan Tolhurst, District V

Char Tim ..... Clerk of the Planning Commission

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## MINUTES

**Regular Meeting  
June 24, 2010 – 8:30 A.M.**

### 1. CALL TO ORDER

Meeting was called to order at 8:30 a.m. Present: Commissioners Rain, Pratt, Heflin, and Mathews; Paula Frantz-County Counsel\*; and Char Tim-Clerk of the Planning Commission.  
*[\*Arrived at 8:50 a.m. and was in attendance at the start of the public hearing portion.]*

### 2. ADOPTION OF AGENDA

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

**AYES: Heflin, Mathews, Pratt, Rain**

**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: May 27, 2010

b. Finding of General Plan Consistency: **GOV10-0004** submitted by the RESCUE FIRE PROTECTION DISTRICT for a Finding of General Plan Consistency on the Capital Improvement Program pursuant to Government Code Section 65401. *[Project Planner: Mel Pabalinas]*

Staff Recommendation: Find request consistent with the General Plan

**SITE PLAN REVIEW**

c. **SPR10-0003/Fresh Pond Five-Year Cell Tower Review** submitted by TOWERCO ASSETS II, LLC (Agent: David Hockey) for a five-year review of an existing cellular telecommunications facility originally approved by the Planning Commission under Special Use Permit S04-0050. The property, identified by Assessor's Parcel Number 009-640-03, consisting of 14.19 acres, is located on the north side of Twin Mountain Road, approximately one-half mile southeast of the intersection with US Highway 50 and Twin Mountain Road, in the Pollock Pines area, Supervisorial District II. *[Project Planner: Tom Dougherty]*

Staff Recommendation: Find that for this five-year review period, the project is in substantial conformity with the Conditions of Approval for Special Use Permit S04-0050.

**END OF CONSENT CALENDAR**

**Motion: Commissioner Pratt moved, seconded by Commissioner Heflin, and carried (4-0), to approve the Consent Calendar.**

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

**5. DEPARTMENTAL REPORTS AND COMMUNICATIONS**  
**(Development Services, Transportation, County Counsel)**

Pierre Rivas provided a summary of events regarding current planning:

- Appeal on S09-0015/SBA Cellular Telecommunications Facility-Garden Valley: On June 22, 2010, the Board of Supervisors denied the appeal, thereby upholding the Commission's approval of the project. The Board did direct staff to amend the conditions to address road maintenance and noise analysis and to return with the revised conditions.

**6. COMMISSIONERS' REPORTS**

Commissioner Pratt stated that the public review period was now open for the draft Environmental Impact Report for the Diamond Springs Parkway Project. He inquired on the plan approval process.

Commissioner Heflin had recently attended a presentation conducted by Treehouse Ministries and several members of the public voiced confusion as to who the responsible agency was for monitoring the capacity and the number/type of individuals being placed in the home. Pierre Rivas responded that members of the public can contact Planning Services with their concerns.

Commissioner Mathews congratulated Supervisors Briggs and Santiago on their recent re-election to the Board of Supervisors.

Chair Rain announced that he was hosting the next 50 Corridor Planning Commissioners Meeting which was being held at the El Dorado Hills Town Center on Thursday, July 29, 2010. He encouraged all those that had been invited to RSVP at their earliest convenience.

9:00 A.M.

7. PUBLIC FORUM/PUBLIC COMMENT – None

8. WILLIAMSON ACT CONTRACT

WAC10-0001 submitted by MICHAEL KUHL, JACK RUDD and JEANINE SANTILLO to amend a portion of Agricultural Preserve Number 172 establishing a new Agricultural Preserve. The property, identified by Assessor's Parcel Number 087-021-58, consisting of 178.75 acres, is located on the west side of South Shingle Road, approximately 1.3 miles north of the intersection with Latrobe Road, in the Latrobe area, Supervisorial District II. [*Project Planner: Tom Dougherty*] (Categorical Exemption pursuant to Section 15317 of the CEQA Guidelines)\*\*

Tom Dougherty presented the item to the Commission with a recommendation of approval to the Board of Supervisors.

Michael Kuhl/applicant provided a brief history of the parcel.

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. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15317; and 2. Approve Williamson Act Contract WAC10-0001 based on the Findings presented.**

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

Findings

1.0 **CEQA FINDING**

1.1 The proposed requests for Williamson Act Contracts has been found to be Categorically Exempt from CEQA pursuant to Section 15317 stating that, "class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area."

2.0 **ADMINISTRATIVE FINDINGS**

**2.1 Williamson Act Contract** The property satisfies the County's three criteria for the establishment of an Agricultural Preserve, as defined in Resolution Number 188-2002, as follows:

2.1.1. The 50-acre minimum has been met:

a. WAC10-0001 has a total of 178.75 acres.

2.1.2. Capital outlay has been achieved for the contract as follows

a. WAC10-0001 has a total capital outlay of \$21,750 which exceeds the \$10,000 minimum requirement.

2.1.3. The land has been determined to be capable of making a profit through agricultural pursuits with projected income from wine grapes and olive trees as follows:

a. WAC10-0001 has a gross income which exceeds \$2,000 at \$3,500.00.

### **3.0 GENERAL PLAN FINDINGS**

3.1 The proposed Williamson Act Contract is consistent with policies 2.2.5.2, 8.1.1.8, 8.1.3.1, 8.1.3.2, 8.1.4.1, and 8.2.4.1 of the El Dorado County General Plan, as discussed in the General Plan section of the Staff Report.

### **4.0 ZONING FINDINGS**

4.1 The subject parcels meet the design standards pursuant to 17.36.340 of the Zoning Ordinance.

### **9. SPECIAL USE PERMIT**

a. **S07-0002/Randal's Woodworks Cabinet Shop** submitted by RANDY RAINS to allow for the operation of a cabinet shop as a home occupation. This was conceptually approved by the Planning Commission on August 28, 2008, and is being brought back to the Planning Commission for final approval with conditions and findings. The property, identified by Assessor's Parcel Number 319-040-03, consisting of 8.11 acres, is located on the west side of Mulberry Lane, at the intersection with Green Valley Road, in the Greenstone area, Supervisorial District IV. [*Project Planner: Aaron Mount*] (Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines)\*\*

Aaron Mount notified the Commission that staff and the applicant were requesting a continuance to allow more time for the applicant to negotiate conditions with the Diamond Springs Fire Department, specifically the requirement of a fire hydrant, which would then require annexation into EID.

Commissioner Pratt requested clarification on signs. Mr. Mount responded that there were no signs proposed in the project but County Code does allow one sign by right.

Anders Hauge, applicant's relative, explained that Randy Rains/applicant was in transit to the meeting and also stated that since there was an existing fire hydrant adjacent to the property, Mr. Rains has been attempting to meet with the Fire Department to discuss further. Mr. Hauge inquired if the project could be approved today with a condition that the applicant be required to work with the Fire Department to come to a reasonable solution since this has been going on for a couple of years. In response to the Commission's statement that their intent is to have a solid plan prior to approving the project, Mr. Hauge requested that the item be continued for two weeks to allow additional time to meet with the Fire Department.

Pierre Rivas stated that Conditions #17 and #19 are the ones in question and if what Mr. Hauge is stating, acting in the capacity of the applicant's agent, that there is an existing fire hydrant, then staff would only need a written letter from the Fire Department stating that the applicant complies with those conditions.

Commissioner Pratt voiced concern that the applicant may be required to use a water storage tank and other aspects would have to be reviewed.

The Commission determined to trail this item to the end of the meeting to allow additional time for Mr. Rains to arrive.

*[Clerk's Note: A pause was taken during the hearing portion of Item #10 to allow the Commission to conclude their action on this item.]*

Mr. Hauge informed the Commission that Mr. Rains had been present earlier, however, he had to leave because he had been able to secure an appointment with the Fire Department and was in transit to that meeting. He stated that Mr. Rains was requesting the item be continued to the July 8, 2010 meeting.

No further discussion was presented.

**Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (4-0), to continue the item to the July 8, 2010, meeting.**

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

**b. S09-0022/AT&T Communications Tower-Placerville** submitted by AT&T (Agent: Jacob Reeves/The Lyle Company) to allow the construction of a wireless communications facility to include a 68-foot tall monopine tower to include 12 antennas at the 60-foot level with ground support equipment to be located within a 30-foot by 30-foot fenced lease area.. The property, identified by Assessor's Parcel Numbers 323-250-32 and 323-250-33, consisting of

3.55 acres, is located on the southeast corner of the intersection of Kelli Drive and Cold Springs Road, in the Placerville area, Supervisorial District III. *[Project Planner: Tom Dougherty]* (Negative declaration prepared)\* *[continued from 5/13/10 meeting]*

Tom Dougherty informed the Commission that the applicant has requested the item be continued off-calendar.

Jacob Reeves/applicant's agent was present.

No further discussion was presented.

**Motion: Commissioner Rain moved, seconded by Commissioner Pratt, and carried (4-0), to continue the item off-calendar.**

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

**10. GENERAL PLAN AMENDMENT/REZONE**

**A09-0006/Z09-0012/Pierce Trust** submitted by ELIZABETH ANN WILLIAMS/Trustee (Agent: Gene E. Thorne & Associates, Inc.) to allow the following: (1) General Plan amendment amending the land use designation from Medium Density Residential (MDR) to Commercial (C); and (2) Rezone from One-Acre Residential (R1A) to Commercial-Planned Development (C-PD). The property, identified by Assessor's Parcel Number 327-140-07, consisting of 4.77 acres, is located on the east side of Greenleaf Drive, approximately 300 feet south of the intersection with Missouri Flat Road, in the Placerville periphery area, Supervisorial District III. *[Project Planner: Jason Hade]* (Negative declaration prepared)\* *[continued from 5/13/10 & 5/27/10 meetings-renoticed]*

Jason Hade presented the item and provided a summary of events regarding this item. He indicated that additional public comment had been received since the last meeting and was submitted to the Commission for their review.

Gene Thorne/applicant's agent distributed two maps to the Commission which identified the General Plan designations and aerial photos of the subject area and he made the following comments:

- Property is a peninsula of residential zoning that is surrounded by three sides of commercial zoning;
- Property does not lend itself to residential development;
- Water pressure complaints voiced by residents is due to the size of the water lines and development on this parcel would not impact the neighbors' water; and
- Missouri Flat Road is a major corridor and commercial zoning should be in that area.

In response to Commissioner Heflin's inquiry on Planned Development, County Counsel Paula Frantz provided an explanation on the two types of Planned Development.

Stephan Williams provided a brief history of the parcel and explained that the now deceased property owners and their surviving kin had been unaware of the county-wide General Plan designation discussions that had taken place during the General Plan process. He also addressed issues brought up previously on traffic and water.

Ann Williams/applicant provided the following comments:

- Petition that was submitted at a previous meeting had 19 signatures, but there are only five adjacent parcels;
- No development is being proposed;
- One of the neighbors (Conley) has a residence 150 feet from the property line;
- Disagreed that there is a parcel between their property and the commercial businesses, but stated there was a road which in on their property.
- Mother Lode Drive has very good access and has an adequate intersection for this proposal;
- No impact to neighborhood traffic;
- Not feasible to subdivide the parcel; and
- Property was inherited by the surviving 4 children 1 ½ years ago and since the property will be sold, anticipating the rezone will improve the marketability of the property and the Planned Development overlay will provide control over what is allowed.

Hari Darshan Khalsa read a letter opposing the project and submitted it for the record.

Martha Martin stated the exit is already dangerous and more traffic will increase the danger. She expressed opposition to the project.

Mark Conley reiterated his statements made at the May 13<sup>th</sup> meeting and provided the following additional comments:

- Troubled that consideration of neighbors and long-time residents are being put second to profits;
- Paula Hutson is the property owner and resident of the parcel questioned by Ms. Williams and she had submitted a written public comment on this project;
- Disagreed that the property is surrounded by commercial property as there are residences on them;
- Property is not adjacent to the Missouri Flat Corridor;
- Although no development attached, project is being rubber-stamped so sellers can get more money for it being commercially zoned;
- Agreed with Commission's statements made at the May 13<sup>th</sup> meeting on not approving the project without a plan; and
- Area is a forested hill inhabited with animals.

Commissioner Pratt clarified that the Hutson property is similar to what the applicant is requesting in that it has a residence on the property but with a commercial designation. He also provided information on the Planned Development process.

County Counsel Frantz gave a detailed explanation on the differences between a Rezone with and without a Planned Development overlay. She also described the Commission's role in the review process.

Christina Conley distributed a binder containing pictures of the area and stated that the submitted petition included all the neighbors in the area and did not contain far-away individuals as suggested by the applicant.

Sue Taylor made the following comments:

- Rezone will not provide a sense of community;
- Parcel is located in the center of a steep area with seven residences around it;
- Questioned how well the Planned Development would assist as there is no community identity;
- If low impact to the neighborhood is desired, why not consider Professional Office Commercial (CPO) instead of Commercial;
- Per the Findings, the intent is retail;
- Rezone would be incompatible with the neighbors; and
- No mitigation measures for the impact to the neighbors.

Kathye Russell sympathized with the neighbors as this request is a change and would require an adjustment. At the Diamond Springs Review Committee, she had argued that this was an appropriate request as it is a transitional area. Ms. Russell stated that the project for that property would be dictated by the land and the current market. She felt that the site would be appropriate for mixed-use development.

Commissioner Mathews inquired if there had been any discussion on requesting a lower commercial zoning as it would have a lower impact to the community. Ms. Russell responded that she was unsure if there had been any discussion on that aspect, but did encourage the neighbors to continue to stay involved in the process.

Wendy Conley stated that if this project was approved, then her property would then be the buffer between commercial and residential. She stated that the applicants do have the option of either renting out the property or selling it as residential.

Jon Saunders indicated that it is a tight-knit neighborhood and he has lived there for 13 years. He provided the following comments:

- Traffic is already dangerous and if the property was developed it would increase that danger level;
- Beautiful property that can be developed as residential but would cost money due to the terrain;



- Commercial property would require significant cut/fill and would need more space than a residential development; and
- Signage, noise, and loss of trees will become an issue for the neighborhood.

Linda Pierce-Chapa/applicant made the following comments:

- Request supports the General Plan;
- Missouri Flat interchange has significantly changed the surrounding area;
- Recent County adopted policies encourage mixed-use development, which would be appropriate for the property;
- Neighbors' reaction is a normal reaction to change;
- Request is only the first step in this process; and
- This will have positive gains to the neighborhood in the areas of:
  - water availability;
  - better access for emergency vehicles;
  - removal of fire hazards;
  - open viewshed; and
  - road improvements.

Lola Martin stated that the Greenleaf Drive/Motherlode Drive interchange is dangerous.

Ann Hilke/resident understood the need for growth and development but felt this was jumping the gun. She stated that currently there is only one access point to the neighborhood and it already has traffic issues.

Bob Keller/resident commented on water, close proximity of residence and unsafe traffic.

Mr. Thorne provided a rebuttal reiterating that the Planned Development overlay would address many of the concerns voiced by the neighbors. He also stated that other commercial zones had not been considered when submitting the rezone request.

Commissioner Pratt felt that this was a transitional area and full-blown retail would not be appropriate.

Commissioner Mathews made the following comments:

- Plans could go away after a project had been approved;
- Likes the CPO rezone better;
- Traffic will need to be addressed for any project that goes in that area; and
- Prefers to have a project associated with a request and based on that aspect, would be opposed to this application.

County Counsel Frantz stated that CPO does allow the mixed-use development, which always requires a Planned Development overlay. She suggested that if the Commission chose to recommend the CPO zoning, then staff should be directed to review the CEQA document to ensure it is still adequate. She also listed the uses allowed under the CPO zoning and stated that it had much more limited uses than Commercial and has no retail.

Commissioner Mathews commented that the CPO zoning would be similar to a mitigation measure and makes more sense for a transitional area.

Commissioner Pratt made the following comments:

- CPO is more consistent as a transitional piece, has the ability for mixed-use development, offers some protection to the neighborhood as it has a lower impact, and helps balance out the area;
- When commercial business was placed in that area, this property was the next phase and has been the buffer between commercial and residential for the last 20 years;
- Greenleaf Drive will eventually need to be re-aligned;
- Many drivers are unaware that the road by the restaurant is not a service road and signage should be placed to identify that there is cross-traffic.

Mr. Thorne indicated that they were not opposed to going to a CPO zone as the parcel has high-intensive commercial on one side and long-time residents on the other and they want to be as less intrusive as possible.

Commissioner Heflin was concerned on requiring a project be attached to the request as he recognizes private property rights and the need to allow flexibility. He stated that he had conducted a site visit and had met with several of the neighbors. Commissioner Heflin agreed that it is a transitional area and should be a commercial zone. He thought that the CPO zone was more appropriate but did want to ensure that mixed-use development could be on that property. He also felt that the Planned Development overlay could be utilized to make mitigations.

Chair Rain stated that the item was brought back for discussion because there had been some concern that the decision may have been too hasty. He was in favor of the CPO zone.

Mr. Hade said that the environmental document for the Commercial zone is a more intensive analysis than what would be required for CPO zone and would be adequate.

County Counsel Frantz suggested that since this was a recommendation to the Board, action could be taken today to forward it to the Board with a caveat that staff ensures that the environmental document addresses all of the issues for CPO. She recommended that staff be directed to extend the normal turnaround time to the Board to allow adequate time for staff review of the environmental document and the ability to revise and recirculate it if needed. In addition, it would allow adequate time for proper noticing of the recommended change to the rezone request.

Mr. Rivas stated that the item could be included in the September General Plan Window.

No further discussion was presented.

**Motion: Commissioner Pratt moved, seconded by Commissioner Heflin, and carried (3-1), to recommend the Board of Supervisors take the following actions: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; 2. Approve General Plan amendment application A09-0006 based on the Findings presented; and 3. Approve Rezone**

**application Z09-0012 based on the Findings as modified: (a) Amend Findings to reflect the new zoning of Professional Office Commercial-Planned Development (CPO-PD); and (b) Directed staff to provide proper noticing for the new zoning change and to review, and revise if needed, the environmental document to ensure that it is still appropriate for the new zoning.**

**AYES: Heflin, Pratt, Rain**  
**NOES: Mathews**  
**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 should be made:

**FINDINGS FOR APPROVAL**

**1.0 CEQA Findings**

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

**2.0 General Plan Findings**

- 2.1 The proposed General Plan Amendment from Medium Density Residential to Commercial is consistent with all applicable policies of the General Plan including 2.2.1.2 (land use type and density), 2.2.5.21 (land use compatibility), 2.5.2.1 (commercial facilities), 5.2.1.3 (public water system connection), 5.7.1.1 (fire protection), and 10.1.5.5 (retail development opportunity) because of the location in a Community Region, existing and proposed land use pattern near the site, development plan submittal requirement, the current availability of supporting utilities and infrastructure, proximity to emergency responders, and the County's intent to maintain an adequate supply of sites for retail opportunities.
- 2.2 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in

conditions are present that would support a higher density or intensity zoning district. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed density and use.


**3.0 Zoning Findings**

- 3.1 A rezone to Professional Office Commercial – Planned Development will allow the property to be consistent with the proposed General Plan designation of Commercial.
- 3.2 The rezone will meet the intentions of Policy 2.2.5.2 because the establishment of a new zone designation of Professional Office Commercial – Planned Development (CPO – PD) and the ensuing uses it allows is consistent with the allowed uses intended by the Commercial (C) land use designation.
- 3.3 The rezone would meet the intentions of Policy 2.2.5.3 because the location in a Community Region, the current availability of supporting utilities and infrastructure, proximity to emergency responders, and the existing and proposed land use pattern.
- 3.4 The proposed project is consistent with the El Dorado County Zoning Ordinance designation of Professional Office Commercial (CPO) and the development standards within Section 17.32.040080.

**11. ADJOURNMENT**

Meeting adjourned at 11:37 a.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:

  
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Lou Rain, Chair