

**PLANNING COMMISSION MINUTES**  
**November 17, 2021**  
**CITY COUNCIL CHAMBERS**  
**6:30 P.M.**  
**50 Natoma Street**  
**Folsom, CA 95630**

**CALL TO ORDER PLANNING COMMISSION:** Barbara Leary, Vice Chair Eileen Reynolds, Daniel West, Kevin Duewel, Bill Miklos, Ralph Peña, Chair Justin Raithel

**ABSENT:** None

**CITIZEN COMMUNICATION:** None

**MINUTES:** The minutes of the November 3, 2021 meeting were approved as submitted.

**PUBLIC HEARING**

**2. PN 21-226, Shops at Folsom Ranch Planned Development Permit Modification**

A Public Hearing to consider a request from Hunter Storm for approval of a Planned Development Permit Modification to make changes to the size and design of six previously approved commercial buildings within the Shops at Folsom Ranch Shopping Center located on 5.9-acre site situated at the southeast corner of the intersection of Alder Creek Parkway and East Bidwell Street. The General Plan land use designation for the project site is GC and the Specific Plan Land Use Designation for the site is SP-GC-PD. The City, as lead agency, previously determined that The Shops at Folsom Ranch project is entirely consistent with the Folsom Plan Area Specific Plan (FPASP) and Westland Eagle Specific Plan Amendment and is accordingly exempt from CEQA. **(Project Planner: Steve Banks/Applicant: Hunter Storm)**

COMMISSIONER DUEWEL MOVED TO APPROVE A PLANNED DEVELOPMENT PERMIT MODIFICATION FOR THE SHOPS AT FOLSOM RANCH PLANNED DEVELOPMENT PERMIT MODIFICATION PROJECT AS ILLUSTRATED ON ATTACHMENTS 6-14, SUBJECT TO THE FINDINGS (FINDINGS A-P) AND CONDITIONS OF APPROVAL (CONDITIONS 1-47) ATTACHED TO THIS REPORT.

COMMISSIONER MIKLOS SECONDED THE MOTION WHICH CARRIED THE FOLLOWING VOTE:

AYES: REYNOLDS, WEST, DUEWEL, MIKLOS, PEÑA  
NOES: LEARY  
RECUSED: RAITHEL  
ABSENT: NONE

**3. PN 21-067, Broadstone Villas Tentative Parcel Map, Planned Development Permit, and Adoption of a Mitigated Negative Declaration**

A Public Hearing to consider a request from Elliott Homes for approval of a Tentative Parcel Map to subdivide an existing vacant property of approximately 37.2-acres in size located at 1565 Cavitt Drive within the Broadstone Unit No. 3 Specific Plan Area into two individual parcels and a Planned Development Permit to develop 257 apartment units in 33 three-story buildings on approximately 16.79 net acres on the proposed Parcel 1. The zoning classification for the site is C-2 (SP 95-1), while the General Plan land-use designation is EBC. An Initial Study and Mitigated Negative Declaration have been prepared in accordance with the requirements of the California Environmental Quality Act. (Project Planner: Josh Kinkade/Applicant: Elliott Homes)

COMMISSIONER WEST MOVED TO APPROVE THE ~~DESIGN REVIEW~~ **TENTATIVE PARCEL MAP AND PLANNED DEVELOPMENT PERMIT** APPLICATION FOR THE PROPOSED PROJECT (PN 21-067) LOCATED AT 1565 CAVITT DRIVE WITH THE FINDINGS (A-DD) AND ATTACHED CONDITIONS OF APPROVAL (CONDITIONS 1-82) WITH MODIFICATIONS TO:

FINDING DD TO READ: "DD. THE REMAINING UNMET NEED FOR THE CITY'S SHARE OF THE RHNA AT EACH INCOME LEVEL IS AS FOLLOWS: 2,226 VERY LOW-INCOME UNITS, 1,341 LOW-INCOME UNITS, 829 MODERATE INCOME UNITS, AND 1,967 ABOVE-MODERATE INCOME UNITS. THIS PROJECT DOES NOT CHANGE THOSE NUMBERS, WITH THE EXCEPTION OF THE 257 MARKET RATE UNITS PROVIDED AS PART OF THIS PROJECT. THIS PROJECT DOES NOT AFFECT THE REMAINING CAPACITY OF SITE IDENTIFIED IN THE HOUSING ELEMENT TO ACCOMMODATE THAT NEED BY INCOME LEVEL BECAUSE PARCEL 2 REMAINS AVAILABLE FOR CONSTRUCTION OF THE ENTIRETY OF THE AFFORDABLE UNITS ALLOCATED TO THE LARGER PARCEL BEING SUBDIVIDED AS PART OF THIS PROJECT."

FINDING E TO READ: "E. PURSUANT TO AB 52, BEFORE RELEASE OF THE MITIGATED NEGATIVE DECLARATION FOR THIS PROJECT, THE CITY CONTACTED ALL CALIFORNIA NATIVE AMERICAN TRIBES ON THE CITY'S AB 52 CONTACT LIST MAINTAINED BY THE NATIVE AMERICAN HERITAGE COMMISSION IN ASSOCIATION WITH THIS PROJECT."

CONDITION NO. 80 TO READ: "The owner/applicant shall cooperate with the City to obtain written approval from the Sacramento Placerville Transportation Corridor-Joint Powers Authority (SPTC-JPA) for any proposed crossing within the existing JPA corridor which parallels East Bidwell Street. The owner/applicant shall provide written approval from the SPTC-JPA, and as required by the Public Utilities Commission (PUC) to the City prior to construction of any improvements within the JPA corridor ~~approval of grading and/or improvement plans~~. The owner/applicant shall provide all encroachment permits from the SPTC-JPA and PUC as necessary."

COMMISSIONER LEARY SECONDED THE MOTION WHICH CARRIED THE FOLLOWING VOTE:

AYES: LEARY, REYNOLDS, WEST, DUEWEL, MIKLOS, PEÑA, RAITHEL

NOES: NONE

RECUSED: NONE

ABSENT: NONE

**1. PN 19-051 Zoning Code Update – Home Occupations Ordinance Revisions and Determination that the Project is Exempt from CEQA**

In light of the COVID-19-related restrictions during the pandemic, which have had a disproportionate impact on small businesses, as well as the continued growth of home-based businesses, questions have been raised about whether the City should update its home occupation permit (HOP) regulations to provide more flexibility. Based on input from the Planning Commission and members of the public from the workshop on May 5 as well as additional changes that resulted from the September 1, 2021 public hearing, staff has prepared revisions to the existing Home Occupation Permit Ordinance contained in Chapter 17.61 of the Folsom Municipal Code. Under Section 15061(b)(3) of the California Public Resources Code, this activity will not have a significant effect on the environment and as such the project is exempt from environmental review under CEQA. (Project Planner: Desmond Parrington)

1. Robert M. Lee Jr. addressed the Planning Commission with concerns regarding the proposed firearms and ammunition standards and would like to eliminate the gun restrictions.
2. Rory Hanley addressed the Planning Commission with concerns regarding the proposed firearms and ammunition standards and would like to eliminate the gun restrictions.
3. Tim McMahon addressed the Planning Commission with concerns regarding the proposed firearms and ammunition standards and would like to eliminate the gun restrictions.
4. Bill Durston addressed the Planning Commission with concerns regarding the proposed firearms and ammunition standards and would like to enhance the gun restrictions.
5. Jason Davis addressed the Planning Commission with concerns regarding the prohibition of animal kennels.
6. Bill Romanelli addressed the Planning Commission with concerns regarding the change to the appeal process and the proposed firearms and ammunition standards and would like to eliminate the gun restrictions.
7. Roger Smith addressed the Planning Commission with concerns regarding the proposed firearms and ammunition standards and would like to eliminate the ammunition restrictions and limitation of firearms sold to one customer.

COMMISSIONER RAITHEL MOVED TO RECOMMEND THE CITY COUNCIL REPEAL AND REPLACE CHAPTER 17.61 OF THE FOLSOM MUNICIPAL CODE, WITH THE PROPOSED ORDINANCE SHOWN IN ATTACHMENT NO. 1 **WITH THE CHANGES RECOMMENDED ON THE GREEN SHEET**, WITH THE FOLLOWING MODIFICATIONS:

17.61.035 Prohibited Uses, striking subsection E: "~~E. Ammunition sales or storage.~~"

17.61.035 Prohibited Uses, striking subsection F: "~~F. Ammunition manufacture or reload.~~"

17.61.035 Prohibited Uses, amending subsection G to read: "G. Firearm sales involving the sale of more than ~~two~~ **four** firearms to a customer at one time."

17.61.055 Appeals, removing the entire section: "~~Notwithstanding the provisions of Chapter 17.04, the decision of the community development department concerning the issuance or denial of a home occupation permit shall be final unless an appeal is submitted in writing to the director of the community development department accompanied by the current nonrefundable appeal fee within 10 days of the decision. The appeal shall be heard by the planning commission or the historic district commission, as appropriate.~~"

COMMISSIONER DUEWEL SECONDED THE MOTION.

COMMISSIONER RAITHEL AMENDED THE ORIGINAL MOTION TO RECOMMEND THE CITY COUNCIL REPEAL AND REPLACE CHAPTER 17.61 OF THE FOLSOM MUNICIPAL CODE, WITH THE PROPOSED ORDINANCE SHOWN IN ATTACHMENT NO. 1 **WITH THE CHANGES RECOMMENDED ON THE GREEN SHEET**, WITH THE FOLLOWING MODIFICATIONS:

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COMMISSIONER DUEWEL SECONDED THE AMENDED MOTION.

STAFF RECOMMENDED A FRIENDLY AMENDMENT TO COMMISSIONER RAITHEL'S MOTION TO REPEAL AND REPLACE CHAPTER 17.61 OF THE FOLSOM MUNICIPAL CODE, WITH THE PROPOSED ORDINANCE SHOWN IN EXHIBIT 2 OF THE GREEN SHEET.

COMMISSIONER RAITHEL AMENDED THE ORIGINAL MOTION TO RECOMMEND THE CITY COUNCIL REPEAL AND REPLACE CHAPTER 17.61 OF THE FOLSOM MUNICIPAL CODE, WITH THE PROPOSED ORDINANCE SHOWN IN EXHIBIT 2 WITH THE FOLLOWING MODIFICATIONS:

17.61.035 Prohibited Uses, striking subsection E: "~~E. Ammunition sales or storage.~~"

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COMMISSIONER DUEWEL SECONDED THE MOTION TO AMEND.

COMMISSIONER DUEWEL THEN MOVED TO AMEND COMMISSIONER RAITHEL'S MOTION. COMMISSIONER DUEWEL MADE A FRIENDLY AMENDMENT TO STRIKE SECTION 17.61.040 K-4. "~~K-4. All authorized employees of the City shall have the right to enter the premises upon reasonable notification to inspect for compliance of these conditions. If these conditions are not met, notification will be given to the Bureau of Alcohol, Tobacco, Firearms and Explosives.~~"

COMMISSIONER MIKLOS SECONDED THE FRIENDLY AMENDMENT.

THE COMMISSION VOTED TO AMEND COMMISSIONER RAITHEL'S MOTION WITH COMMISSIONER DUEWEL'S FRIENDLY AMENDMENT WHICH CARRIED THE FOLLOWING VOTE:

AYES: DUEWEL, MIKLOS

NOES: LEARY, REYNOLDS, WEST, PEÑA, RAITHEL

ABSTAINED: NONE

ABSENT: NONE

COMMISSIONER DUEWEL'S AMENDED MOTION FAILED.

COMMISSIONER MIKLOS THEN MOVED TO AMEND COMMISSIONER RAITHEL'S MOTION. COMMISSIONER MIKLOS MADE A FRIENDLY AMENDMENT TO STRIKE THE END OF SECTION 17.61.040 K-4. "K-4. All authorized employees of the City shall have the right to enter the premises upon

reasonable notification to inspect for compliance of these conditions. ~~If these conditions are not met, notification will be given to the Bureau of Alcohol, Tobacco, Firearms and Explosives."~~

COMMISSIONER DUEWEL SECONDED THE FRIENDLY AMENDMENT.

THE COMMISSION VOTED TO AMEND COMMISSIONER RAITHEL'S MOTION WITH COMMISSIONER MIKLOS' FRIENDLY AMENDMENT WHICH CARRIED THE FOLLOWING VOTE:

AYES: DUEWEL, MIKLOS, PEÑA  
NOES: LEARY, REYNOLDS, WEST, RAITHEL  
ABSTAINED: NONE  
ABSENT: NONE

COMMISSIONER MIKLOS' AMENDED MOTION FAILED.

THE COMMISSION VOTED ON COMMISSIONER RAITHEL'S ORIGINAL MOTION THAT READ:

RECOMMEND THE CITY COUNCIL REPEAL AND REPLACE CHAPTER 17.61 OF THE FOLSOM MUNICIPAL CODE, WITH THE PROPOSED ORDINANCE SHOWN IN EXHIBIT 2 WITH THE FOLLOWING MODIFICATIONS:

17.61.035 Prohibited Uses, striking subsection E: "~~E. Ammunition sales or storage."~~

17.61.035 Prohibited Uses, striking subsection F: "~~F. Ammunition manufacture or reload."~~

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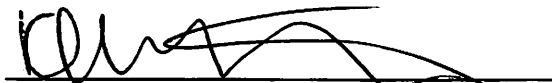
COMMISSIONER DUEWEL SECONDED THE MOTION WHICH CARRIED THE FOLLOWING VOTE:

AYES: REYNOLDS, WEST, DUEWEL, MIKLOS, PEÑA, RAITHEL  
NOES: LEARY  
RECUSED: NONE  
ABSENT: NONE

#### **PLANNING COMMISSION / PLANNING MANAGER REPORT**

The next regularly scheduled Planning Commission meeting is tentatively scheduled for December 1, 2021.

RESPECTFULLY SUBMITTED,



Kelly Mullett, ADMINISTRATIVE ASSISTANT

APPROVED:



Justin Raitchel, CHAIR