

The Planning Commission of the County of Amador met at the County Administration Center, 810 Court Street, Jackson, California. The meeting was called to order at 7:00 p.m. by Chairman Ryan.

THOSE PRESENT WERE:

Planning Commissioners: Keith DesVoignes, District I
Dave Wardall, District II, Chairman
Caryl Callsen, District III
Andy Byrne, District IV
Ray Ryan, District V

Staff: Grace Pak, Deputy County Counsel
Susan C. Grijalva, Planning Director
Chuck Beatty, Planner
Heidi Jacobs, Recording Secretary

NOTE: The Staff Report packet prepared for the Planning Commission is hereby incorporated into these minutes by reference as though set forth in full. Any Staff Report, recommended findings, mitigation measures, conditions or recommendations which are referred to by Commissioners in their action motions on project decisions which are contained in the Staff Reports are part of these minutes. Any written material, petitions, packets, or comments received at the hearing also become a part of these minutes. The recording tapes of this meeting are hereby incorporated into these minutes by reference and are stored in the Amador County Planning Department.

A. Pledge of Allegiance.

B. Approval of Agenda:

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Callsen and unanimously carried to reorder the agenda to hear item 4 and then item 3.

C. Minutes: December 13, 2016

MOTION: It was moved by Commissioner Callsen, seconded by Commissioner Wardall and carried to approve the minutes of December 13, 2016 as presented.

Abstain: Commissioners DesVoignes and Ryan due to not being at the meeting.

D. Correspondence: Item 3: letter from Katherine Venturelli; letter from Elaine Zorbas.

E. Public Matters not on the Agenda: Susan Grijalva, Planning Director, introduced Keith DesVoignes appointed by Supervisor Pat Crew as the District I Planning Commissioner. She stated Supervisor Frank Axe reappointed Andy Byrne for District IV and Supervisor Richard Forster reappointed Dave Wardall for District II.

F. Recent Board Actions: None.

G. Planning Commission: Election of Officers and Agricultural Advisory Committee Members and Alternates for 2016.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Callsen and unanimously carried to elect Commissioner Wardall as Chairman.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Byrne and unanimously carried to elect Commissioner Callsen as Vice Chairman.

MOTION: It was moved by Commissioner Callsen, seconded by Commissioner Ryan and unanimously carried to elect Commissioner DesVoignes as the Agricultural Advisory Committee Member.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Ryan and unanimously carried to elect Commissioner Callsen as the Agricultural Advisory Committee Member Alternate.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Byrne and unanimously carried to elect Heidi Jacobs as the Planning Commission Recording Secretary.

- H. **Annual update on the Kirkwood Sprung Structure Use Permit:** Chuck Beatty, Planner, advised the Commission that Kirkwood is currently in compliance with the Conditions of Approval for the use permit.
- I. **Brown Act Overview:** Grace Pak, Deputy County Counsel, provided a brief overview of the Brown Act. She stated it is the open meeting law and applies when the majority of members are in attendance. Ms. Pak stated social and ceremonial functions are not subject to the Brown Act. She added that serial meetings, such as a “daisy chain” or “hub and spoke,” are prohibited. Ms. Pak reminded the Commission there are civil and criminal consequences to Brown Act violations. She also reviewed a recent ruling on public records requests stating that personal devices, emails and texts are subject to the act.

Agenda Item

Item 1 - Request for a five-year extension of time for Tentative Parcel Map #2655, proposing the division of 65.62 acres into four parcels consisting of 5, 20, 20 and 20 acres.

Applicant: Ralph and Carmen Colet

Supervisory District: 3

Location: On both sides of Hwy 26 (Red Corral Road) between Joyce Road and Bobbie Lane in the Pioneer area (APN 031-010-109).

Chuck Beatty, Planner, summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full.

Commissioner Ryan asked if any progress had been made on the conditions and if there was a fee to request an extension. Mr. Beatty stated the Environmental Health and Public Works departments reported no activity toward completing the conditions and added there is a \$328 application fee to request an extension.

Commissioner Byrne stated he did not feel comfortable granting extensions on old environmental documents especially if there is no activity on the project. Mr. Beatty reviewed the approval dates again: the project was approved in 2006, received the four gubernatorial extensions and the Planning Commission granted a one-year extension of time in February 2016. Commissioner Ryan felt that a two or three year extension would be appropriate due to the cost of the extensions. Commissioner Byrne stated he would be comfortable granting two years.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Byrne and unanimously carried to grant a two-year extension of Tentative Parcel Map No. 2655.

NOTE: Mr. Beatty advised the Planning Commission approved a two-year extension of Tentative Parcel Map Number 2655. If anyone wishes to appeal the decision of the Commission they can do so by submitting in writing to the Board of Supervisors a request for appeal prior to March 24, 2017, at 5:00 p.m. along with the appropriate appeal fee.

Public Hearings

- Item 2 - Request for a variance from County Code Section 19.24.040, “PD-R1” District Regulations which requires a 25’ front building setback to allow construction of an attached garage and entrance way to an existing residence within approximately 5’ of the front property**

line.

APPLICANT: Frederick O. Holley & Maud Gleason Trust
SUPERVISORIAL DISTRICT III

LOCATION: 33930 Dangberg Drive about ¼ mile west of the intersection with Fremont Road, being Lot 74 of Kirkwood Meadows Unit 1, in Kirkwood (APN 026-171-014).

Chuck Beatty, Planner, summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full.

There was no public comment.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Ryan and unanimously carried to close the public hearing.

Commissioner Ryan asked if granting the variance is contingent upon abandoning the easement. Mr. Beatty stated, yes, it is.

MOTION: It was moved by Commissioner Callsen, seconded by Commissioner Byrne and unanimously carried to recommend approval of a 5' front setback variance to the Board of Supervisors subject to the conditions and findings contained in the staff report, and find the project is categorically exempt from CEQA.

NOTE: Mr. Beatty advised the Planning Commission recommended approval of the Holley variance request. This matter will be heard at a future Board of Supervisors meeting and notices will be mailed out.

Item 4 - Request for a Use Permit pursuant to County Code Section 19.24.045 D.3. to allow an annual 6-day outdoor camp for approximately 100 youth and 25 support staff in an "R1A," Single-Family Residential & Agricultural District.

Applicant: West Point Community Covenant Church (Jeff Haight, Pastor)
Supervisorial District 3

Location: 35002 Highway 88, Pioneer, CA, approximately one-half mile south of Highway 88 along Panther Creek Road (APN 024-090-001).

Chuck Beatty, Planner, summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full.

Jeff Haight, Pastor for West Point Community Covenant Church, stated the camp has been in operation for the past 60 years, 32 years in the current location. Mr. Haight asked if it would be possible to phase the conditions; for example, provide potable water and septic this year and work on refrigeration next year and be allowed to continue to use the ice house this year.

Commissioner Ryan asked if there was electricity at the site. Mr. Haight stated there is no electricity which makes a potable water system an issue. Water is collected in a tank from a spring that delivers about 8 pounds of pressure at the faucet and that needs to be brought up to 20 pounds of pressure which will mean new tanks and a new water system. An option is to have water delivered and to use the spring-fed tanks for fire suppression.

Commissioner Callsen asked how the church became aware of the need for a use permit. Mr. Haight stated Larry Stanton with Amador Fire Protection District found the camp and advised him of the requirements.

Commissioner Wardall asked if there have been instances of food borne illnesses; Mr. Haight stated, no.

Commissioner Ryan asked how the ice house is constructed. Mr. Haight stated the ice house is an old dairy truck which is insulated; similar to a walk-in ice chest. The camp has one ton of ice delivered on the Thursday before camp prior to food arriving and there is another 600 pounds of ice delivered during the week. Mr. Haight stated the lack of electricity will make the required changes difficult. He further added the camp registration fee of \$60 per kid prohibits making all the improvements at once.

Bruce Forest, medical director for the camp, stated the fire safety issues will be addressed and in place this year. In a perfect world they would also have the refrigeration in place. In the 18 years he has been a part of the camp there have been no food borne illnesses. In response to Chairman Wardall, Mr. Forest stated the elevation of the camp is 5,000 feet.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Ryan and unanimously carried to close the public hearing.

Commissioner Byrne asked if the conditions could be delayed like the applicant is requesting. Mr. Beatty did not believe the Environmental Health conditions could be delayed; based on the discussion he believed the applicant is requesting compliance with Condition 11 be delayed. Ms. Grijalva stated Environmental Health would have to answer that question.

Commissioner Ryan suggested the Planning Commission make a recommendation to Environmental Health to delay compliance. Ms. Grijalva stated the motion can be made to approve the use permit subject to the proposed conditions with the acknowledgement each department could allow compliance with a condition to be delayed. She stated there may be alternatives that would be acceptable for a single event rather than an on-going event.

Chairman Wardall stated he has extensive experience as a Boy Scout leader and cooking merit badge counselor; he felt it would be a great disadvantage to the youth and community to require strict compliance with the proposed conditions that would not allow the camp to operate this summer. He felt the description of the ice house at an elevation of 5,000 feet would provide adequate refrigeration and suggested Environmental Health allow the ice house with monitoring the temperature of the food stored in the ice house.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Byrne and unanimously carried to adopt the mitigated negative declaration as the appropriate environmental document.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Byrne and unanimously carried to approve the use permit subject to the findings and conditions of approval contained in the staff report with the request Environmental Health review Condition 11 and work with the applicant in extending the time required to implement that condition for as long as possible to provide this beneficial service to the community.

NOTE: *Mr. Beatty advised the Planning Commission granted the use permit. If anyone wishes to appeal the decision of the Commission they can do so by submitting in writing to the Board of Supervisors a request for appeal prior to March 24, 2017, at 5:00 p.m. along with the appropriate appeal fee.*

Chairman Wardall recommended the applicant approach the various civic groups such as Lions Club and Rotary Club for donations to help make the improvements. He also suggested utilizing a diesel generator for power at the camp. Commissioner Ryan agreed stating Amador County is a very generous county; reaching out to the right people will be helpful for the church to comply with the conditions and continue operating the camp.

Item 3 – Request for a Zone Change from “R1A,” Single-Family Residential & Agricultural District to “AG,” Exclusive Agriculture District in conjunction with a request for inclusion into a California Land Conservation Act Contract and request for a variance from County Code Section 19.24.036 D(4) for inclusion of a parcel less than 40 acres.

APPLICANT: Town Centre Car Wash Company, Inc. (Jim Riskas, owner)

SUPERVISORIAL DISTRICT 5

LOCATION: 20550 Ostrom Road, approximately 0.30 miles north of Fiddletown Road (APN 014-170-035).

Chuck Beatty, Planner, summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full.

Commissioner Ryan stated he spoke with Katherine Venturelli. Commissioner Callsen stated she received an email from Katherine Venturelli with pictures of a semi-truck trying to navigate Ostrom Road which shows why something must be done about wineries and tasting rooms in the area.

Jim Riskas, property owner, stated he bought a vineyard and it is his intent to keep a vineyard and he has no interest in having a winery or tasting room; he has invested a lot of money in renovating the vineyard itself. He requested the zone change in order to take advantage of the tax benefits. Mr. Riskas stated he did not understand the concerns.

Mr. Beatty explained by changing the zoning of the parcel and including it in the Williamson Act it would mean a tasting room and unlimited events would be allowed by right rather than with a use permit. In the recent past, the neighbors have expressed concerns regarding increased traffic from proposed tasting rooms and existing wineries.

Commissioner Ryan stated there are a number of properties in the same area that are currently zoned to allow tasting rooms and wineries; recently there was a use permit request for a tasting room on Ostrom Road. Commissioner Ryan stated the biggest concern is increased traffic on the road especially during events. Mr. Riskas stated he has driven the road several times and has not seen very much traffic on the road.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Byrne and unanimously carried to close the public hearing.

Commissioner Byrne stated he is concerned about approving a zone change because of the allowable by-right uses despite the intentions of the current property owner; the allowed uses go with the land regardless of who the property owner is. A future owner could put in a winery and tasting room without a public hearing and that is a problem in this area based on previous Planning Commission meetings.

Commissioner Ryan stated he does not agree with new wineries on Ostrom Road and something does need to be done about Ostrom Road but despite his opinion of tasting rooms, he does not want to set a precedence to deny a zone change on the basis of what could happen in the future. He felt that 35 acres of grapes on a 39 acre parcel makes it a true agricultural operation. He is actually surprised the parcel has not been included in the Williamson Act before now; it should have been changed a long time ago. Commissioner Ryan did not believe it fair to the applicant to deny the request for a Williamson Act contract even when he considers the concerns of the neighborhood.

Commissioner Byrne stated it is not setting a precedence it is a judgement the Planning Commission can make; this is an area the Commission has heard from the property owners that there are concerns about allowing tasting rooms.

Commissioner Ryan asked what finding can be made to recommend denial of the request.

Ms. Grijalva felt the Commission agreed the parcel qualifies for the Williamson Act but the concern is the allowed uses set forth in the contract and zone district. The Commission agreed with the concerns. Ms. Grijalva explained the County implemented the Williamson Act program through the zoning code and other counties specify allowed uses in the contract rather than through the zoning code which may be an option if Amador County restructures the Williamson Act program. That would not solve the problem tonight.

Commissioner Byrne stated even wineries without a tasting room can impact traffic and roads and that needs to be considered.

Ms. Grijalva stated that would be a Public Works evaluation; if the program is revamped and the uses allowed under the contract are set within the contract as opposed to the zoning code. The uses would set in the contract unless or until the contract is renegotiated.

Commissioner Ryan asked if the Commission could recommend this contract is more specific than the current zoning code. Ms. Grijalva stated that would have to be researched by County Counsel.

Mr. Riskas stated rezoning his parcel to "AG" would have a marginal effect to the area based on all the other properties in the area which are "AG." He stated it would be inconsistent to place a restriction on his parcel considering what the zoning is for the area; if that is the Commission's decision it is fine because all he is seeking is the tax benefit.

Commissioner Byrne explained it is not just one project, it has been a huge cumulative effect and this request is caught in the middle of other requests for zone changes and use permits over the past five to ten years. He stated the Williamson Act is not only about tax relief but to preserve agricultural land.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Callsen and unanimously carried to continue this item to April 11, 2017 and direct staff to review the issue and research if conditions can be imposed on a Williamson Act contract to address the concerns raised regarding tasting rooms.

NOTE: Mr. Beatty advised the Planning Commission continued this item to April 11, 2017 and no new notices will be mailed out.

Adjournment: At 8:30 p.m. Chairman Wardall adjourned this meeting of the Planning Commission, to meet again on April 11, 2017.

/s/
Dave Wardall, Chairman
Amador County Planning Commission

/s/
Heidi Jacobs, Recording Secretary
Amador County Planning Department

/s/
Susan C. Grijalva, Planning Director
Amador County Planning Department