

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: Dave Wardall, District II
Caryl Callsen, District III
Andy Byrne, District IV
Ray Ryan, District V, Chairman

Staff: Susan C. Grijalva, Planning Director
Chuck Beatty, Planner III
Heidi Jacobs, Recording Secretary

THOSE ABSENT WERE:

Planning Commissioners: Ray Lindstrom, District I, Vice Chairman

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: It was moved by Commissioner Byrne, seconded by Commissioner Callsen and carried to approve the agenda as presented.

C. Minutes:

It was moved by Commissioner Byrne, seconded by Commissioner Callsen and carried to approve the minutes of May 12, 2015 with a correction to the last new condition for Item 4 to read "Noise levels are not to exceed 95 dBA at the applicant's furthest property line from the event".

D. Correspondence: None.

E. Public Matters not on the Agenda: None

F. Recent Board Actions: Chuck Beatty, Planner III, announced the Board of Supervisors adopted the Energy Action Plan.

Public Hearings

ITEM 1 - Request for Zone Change in conjunction with a Boundary Line Adjustment No. 2015-001 from the "AG," Exclusive Agriculture District and "A," Agricultural District to the "AG-B5," Exclusive Agriculture District and the "A-B5," Agricultural District with "-B5" combining district (no further land divisions).

Applicant: Ken Deaver

Supervisorial District: V

LOCATION: 21643 Shenandoah School Road, near the intersection with Shenandoah Road, in the Shenandoah Valley (APNs: 014-160-023 & 014-160-026).

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

Ken Deaver, applicant, was available for any questions.

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

Commissioner Byrne asked if there would be any changes to the by right uses with the proposed changes. Mr. Beatty stated no the by right uses would not change.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Byrne and carried to find the project is categorically exempt from CEQA.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Callsen and carried to recommend approval of the zone change to the Board of Supervisors.

NOTE: Mr. Beatty advised the Planning Commission recommended approval of the Zone Change. This item will be scheduled for a future Board of Supervisors meeting.

Item 2 - Request for an amendment to the previously approved Conditions of Approval for Parcel Map No. 2840 for the purpose of obtaining approval of new roadway design and construction standards that were recently adopted by the County.

Applicant: Kay Young, Trustee, Wade V. Pfaffle Trust

Supervisorial District: V

Location: 18701 Shake Ridge Road, approximately 0.35 miles east of Ponderosa Annex Road and 1.3 miles west of Hale Road (APNs 030-630-001 & 030-630-002).

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

Robin Peters, representative, stated he has brought similar requests in the past. He is requesting modification to the condition to be consistent with the State PRC 4290 standard; the difference is in the width of the road and he is proposing two 9' lanes for the road which is consistent with the State standard.

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

Commissioner Byrne asked for clarification on the Codes.

Mr. Gillott stated in February the County repealed the old Chapter 15.30 and adopted a new code. The County then realized the new code must be approved by the State (CalFire) before it can be effective. The County cannot be less stringent than the State code and the County can implement its own code; currently, the County does not have its own code. The Board repealed the County code when they adopted the new code so there is no current County code for Chapter 15.30. Therefore the current State code is effective for the County.

Ms. Grijalva added that the County also amended the County road standards for development (i.e. 12.08 and 17.09). The request is for the proposed roads for the project to meet the new County road standards which are pretty much in sync with the fire safe regulations in PRC 4290. Mr. Peters stated that is correct.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Wardall and carried to find the amended mitigated negative declaration is the appropriate environmental document.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Callsen and carried to approve the amended Conditions of Approval and adopt the findings contained in the staff report for Tentative Parcel Map Number 2840.

NOTE: Mr. Beatty advised the Commission approved the change to the Parcel Map Conditions. If anyone wished to appeal the decision of the Commission they could do so by submitting in writing to the Board of Supervisors a request for appeal prior to June 19, 2015, at 5:00 p.m. along with the appropriate appeal fee.

Item 3 - Request for interpretation pursuant to County Code Section 19.48.120 which requires attached second family dwellings to have a common roof line or structural feature which does not exceed a distance of 30 feet from the main dwelling. The Lanes have proposed to construct a main dwelling and second attached dwelling which are separated by a garage which exceeds that 30-foot requirement. (APN 008-412-010).

Appellants: John & Brenda Lane

Supervisorial District: II

Location: 15235 Muller Road, Plymouth, in the Willow Creek Ranch Estates subdivision.

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

Jennifer Nguyen stated she is representing herself, her husband, Cahn Nguyen and her parents John and Brenda Lane. They are all co-owners. She reviewed the PowerPoint presentation contained in the staff report packet. She stated they interpreted the Code to be either attached with a common roofline or attached by a structural feature that does not exceed 30 feet. She asked the Commission to approve the design as submitted.

Chairman Ryan asked which buildings exist now. Ms. Nguyen said there are no structures yet.

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

Commissioner Wardall asked for clarification on the reason for denying the use permit. Mr. Beatty stated the use permit was denied because the maximum allowable distance between the two dwelling units is 30 feet. The plans are submitted with the closest point being 42 feet.

Chairman Ryan stated if nothing has been built the plans can be modified to meet the Code. He was concerned about the letter from the Willow Creek Ranch Homeowners Association which stated they are not in favor of the plan. Chairman Ryan asked if they had considered a redesign to meet County Code.

Ms. Nguyen stated even if the HOA denies the request there are other options they can pursue such as amending the CCRs or restructuring the house. She stated they did consider other design options. They did not want a breezeway or something between the two houses because her parents are getting older and her mother has had health issues. They do not want exposure to the weather in the event they had to provide care for her parents.

Commissioner Wardall asked if the plans would meet County Code if the garage were reduced from 42 feet to 30 feet. Mr. Beatty stated yes if the widest distance was 30 feet it would meet the County Code.

Commissioner Wardall did not see a problem with the proposed 42 feet on the five acre lot. The CCRs are there to protect the homeowners; that is an issue the appellants will need to resolve with the association. Chairman Ryan stated the 42 feet is at its narrowest point and it is as far as 50 feet at its widest point.

Ms. Nguyen stated the Code says "which does not exceed 30 feet" because the houses are angled it would not allow for the three car garage to accommodate the 30 feet requirement. She asked the decision not be influenced by the HOA letter; the County Code does allow the Commission to approve this request. This is the best house plan for them and their needs.

Commissioner Byrne stated findings must be made for the Commission to grant the request.

Ms. Grijalva stated the HOA approval is a separate matter and the County does not enforce HOA rules. She referred the Commissioners to page 14 of the staff report. She explained this is not a variance and the variance findings do not apply. The findings required are set out in the bottom paragraph: "Such appeal may be granted if the planning commission finds that it is infeasible to comply with these criteria and the modification is not detrimental to the public interest or surrounding residents or properties." She further explained the denial by staff was required by the County Code because staff can only grant the permit if the application complies with the

criteria set out in the code. She directed the Commission to County Code Section 19.48.120 D.7. which sets out the specific criteria that may be deviated from (subsections C. D.2. or D.3.) if granted by the Planning Commission on appeal subject to the finding outlined above.

Chairman Ryan stated by looking at lot placement he did not see where the placement and design of the structure would be detrimental to the public interest or surrounding residents or properties.

Commissioner Wardall stated it is a reasonable approach; because of the size of the lot and the widest point being 50 feet he did not see a problem.

Commissioner Byrne asked about visibility of the structure to the surrounding area. Ms. Nguyen stated the closest neighbor is to the west; there would be very little visual impact. There are five neighboring landowners and three of the homes are not visible from their building site. The back of the proposed structure would be visible from Muller Road. Ms. Grijalva clarified the layout of the lots and the locations of the existing homes; there is almost five acres between the proposed structure and the existing homes to the west.

Chairman Ryan stated even if they built a 3,000 square foot home without the second dwelling the roofline would be the same as what is being proposed.

Ms. Nguyen stated they interpreted the code as an “either/or” and if it was all one roofline it would meet the Code; it would be financially infeasible to go back and redo the plans and redo the bids; it would be onerous to have to redesign at this time.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Callsen and carried to grant the appeal and approve the plans as submitted finding it is infeasible to comply with the criteria and the modification is not detrimental to the public interest or surrounding resident or properties based on the size of the property and the request is a ministerial minor issue.

NOTE: Mr. Beatty advised the Commission granted the appeal. If anyone wished to appeal the decision of the Commission they could do so by submitting in writing to the Board of Supervisors a request for appeal prior to June 19, 2015, at 5:00 p.m. along with the appropriate appeal fee.

Item 4 - Use Permit request (UP-15;2-1) to allow retail sales of fruits and vegetables grown on-site in an “R1A,” Single Family Residential and Agricultural District.

Applicant: Fou Lio Lee

Supervisory District: IV

Location: 18230 Ridge Road, at the southwest corner of the intersection with Toma Lane, in the Pine Grove community.

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

Mr. Lee was available for questions.

Jim Wahlstrom, neighbor, stated he was concerned about the aquifer being affected if a well is being used for the project. He would prefer the project be required to connect to public water.

Steve Gast, neighbor, stated he was concerned about the use of pesticides because he is a beekeeper. He is also concerned about the width of the road for turning, the increased traffic and potential for accidents.

Jim Watson, neighbor, was also concerned about traffic issues and egress from Toma Lane. He handed out a picture taken from his vehicle at the intersection of Toma Lane and Ridge Road. In addition to the strawberry stand there is a new fence in front of the house which creates a blind spot. He felt the traffic situation is dangerous.

Al Ament, neighbor, stated the road is not a good road and there are a lot of people who exceed the speed limit. He felt the speed limit should be enforced; if people drove the speed limit there would be no problem. He lives across the street and gets honked at pulling into his driveway. He stated this project would be a good addition to the neighborhood.

Commissioner Byrne asked for clarification on the different requirements for driveways and the shared residential access recommended by Public Works. He asked what would happen if there are backups on Ridge Road.

Mr. Beatty stated the shared residential access is more than a residential driveway standard but less than a commercial standard. Mr. Beatty stated if traffic became a public nuisance we could readdress the conditions in the use permit.

Commissioner Wardall asked for clarification of the access location. Mr. Beatty stated it is directly off Ridge Road.

Chairman Ryan asked what the speed limit is. Commissioner Byrne stated it is 35mph and most people do not go the speed limit.

Mr. Ament stated commute times would be the most difficult time for traffic and the bottom line is people do need to slow down.

Commissioner Byrne asked if the water concerns can be addressed. Mr. Beatty stated no, that agricultural uses are allowed in the "R1A" zone district.

Chairman Ryan stated the same would apply to pesticide use. Ms. Grijalva clarified there are rules and regulations regarding drift; the Agricultural Commissioner would be the person to regulate the use and application of pesticides.

Commissioner Byrne asked about the fence issue. Mr. Beatty stated the Building Department and Transportation Department reviewed the fence and found it legal.

Chairman Ryan stated there are concerns about water and by right they can do what they are doing; there are concerns about traffic and how that can be mitigated. He asked what the proposed hours of operation would be.

Mr. Lee stated he would harvest in the morning and would open daily about 10 a.m. and close at 8 p.m. or when sold out.

Commissioner Byrne stated he has heard many discussions and the biggest complaints have been why it's taken so long for the stand to open and the traffic concerns and the width of the road. He asked what would happen if traffic became a public nuisance.

Mr. Beatty stated it would be a complaint to the Planning Department which could be brought to the attention of the Planning Commission.

Ms. Grijalva stated if there were concerns about traffic it could go to Public Works for review and possible consequences. The driveway was installed under an encroachment permit which requires review for site distance, access in and out, and distance between encroachments; the posted speed limit is 35 mph so that is what was reviewed for in the encroachment permit. If there are concerns about the fence the Building and Public Works Departments can be contacted.

Chairman Ryan commented that if the speed limit is observed, it should allow for anticipated traffic.

Commissioner Callsen stated she has heard many of the same comments as Commissioner Byrne. She is concerned about the traffic as well.

Ms. Grijalva suggested putting a review period of 1-2 years on the use permit. She asked Mr. Lee what produce would be offered. Mr. Lee stated strawberries are ready and vegetables are planted; he anticipates being open

for 5-6 months from now.

Chairman Ryan liked the review period and allowing the public to comment after he has been in operation; it won't be left to just complaints.

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

Commissioner Wardall appreciated the concerns and trying to balance everyone's property rights is difficult. He stated this is an agricultural county and felt it is important to support agriculture. He stated the one year review is reasonable.

Commissioner Callsen agreed.

Chairman Ryan was concerned the approval may be detrimental to the health and safety in terms of traffic. The traffic impact cannot be gauged until there is activity; in the Shenandoah Valley the posted speed limit is 55 mph but traffic actually dictates the speed and sometimes it is only 25 mph. He appreciated the review period.

Ms. Grijalva asked if the review would be limited to the traffic only. Chairman Ryan agreed it would be limited to traffic. Ms. Grijalva stated that does not preclude revocation proceedings if any of the conditions of approval are violated.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Callsen and carried to find the mitigated negative declaration is the appropriate environmental document.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Callsen and carried to approve the use permit subject to the findings and conditions contained in the staff report with the addition of a condition to review the use permit as it relates to traffic impacts in one year.

***NOTE:** Mr. Beatty advised the Commission approved the Use Permit. If anyone wished to appeal the decision of the Commission they could do so by submitting in writing to the Board of Supervisors a request for appeal prior to June 19, 2015, at 5:00 p.m. along with the appropriate appeal fee.*

Adjournment: At 8:30 p.m. Chairman Ryan adjourned this meeting of the Planning Commission, to meet again on July 14, 2015.

/s/
Ray Ryan, Chairman
Amador County Planning Commission

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

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