

**AMADOR COUNTY PLANNING COMMISSION MINUTES  
SUMMARY MINUTES OF TAPE RECORDED MEETING  
JUNE 14, 2016 – 7:00 P.M.**

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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 Lindstrom.

**THOSE PRESENT WERE:**

Planning Commissioners: Ray Lindstrom, District I, Chairman  
Dave Wardall, District II  
Caryl Callsen, District III  
Andy Byrne, District IV, Vice Chairman  
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 remove Item 3 approve the agenda.

**C. Minutes:** April 12, 2016; May 10, 2016

**MOTION:** It was moved by Commissioner Ryan, seconded by Commission Byrne and unanimously carried to approve the April 12, 2016 Planning Commission minutes as presented.

**MOTION:** It was moved by Commissioner Ryan, seconded by Commission Byrne and unanimously carried to approve the May 10, 2016 Planning Commission minutes as presented.

**D. Correspondence:**

- **Item 1 – Perry Use Permit Request**
  - Letter dated June 13, 2016 from Trenton M. Dielh, Snider, Diehl, Sloup & Rasmussen, LLP
- **Item 3 – Fancher Use Permit Request**
  - Letter dated June 14, 2016 from Wayne Fancher
- **Item 4 – Malone Use Permit Request**
  - Letter dated May 31, 2016 from Steven Gaiser, Distant Cellers
  - Letter dated June 12, 2016 from Elaine Zorbas
  - Letter dated June 12, 2016 from Beverly and Leon Misamore
  - Email dated June 11, 2016 from Rhea Irvine
  - Email dated June 10, 2016 from Richard Stanley
  - Letter dated June 9, 2016 from Deborah Grady
  - Letter dated June 9, 2016 from Mara Feeney

**E. Public Matters not on the Agenda:** None.

**F. Recent Board Actions:** None.

Public Hearings

**Item 1 - Request for a Use Permit to allow a commercial office coach as temporary office space in the "PD," Planned Development District at the USFS Ranger Station for a period of four years.**

**Applicant:** Gregory Perry

**Supervisory District:** III

**Location:** 26820 Silver Drive, just south of Highway 88 in the Buckhorn area.

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

Gregory Perry, applicant, was available for questions. He stated he has had a good working relationship with the Forest Service. Mr. Perry stated he did not believe the conflict with the other owner is a matter the Planning Commission needs to address.

Vincent Martinez, attorney with Twitchell and Rice, LLP representing Moen Properties, LLC, stated his letter was submitted to ensure the County knows Mr. Perry is not the sole owner of the property.

Chairman Lindstrom asked for Deputy County Counsel to address the concerns.

Grace Pak, Deputy County Counsel, stated Mr. Perry and Moen Properties, LLC are tenants in common. Counsel's opinion is there is nothing to prevent the Commission from making a decision on the use permit request. Ms. Pak stated any dispute between the owners would have to be resolved between them.

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

Commissioner Ryan did not see anything that would prevent them from approving the use permit request. Commissioner Wardall agreed.

Commissioner Byrne asked how long the permit would be valid. Mr. Beatty stated the request is for four years.

**MOTION:** It was moved by Commissioner Callsen, seconded by Commissioner Ryan and unanimously carried to determine the project is categorically exempt from CEQA and grant the use permit for four years with the ability to ask for an extension subject to the findings and conditions in the staff report.

*NOTE: Mr. Beatty advised the Planning Commission granted the use permit request. 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 June 24, 2016, at 5:00 p.m. along with the appropriate appeal fee.*

**Item 2 - Request for a Use Permit to allow the conversion of an existing 9,000 square foot building and parking area to a 60-unit self-storage facility and 5 RV storage spaces in the "LM," Light Manufacturing Zone District.**

**Applicant:** Emilio Arco

**Supervisory District:** III

**Location:** 26690 Wagon Wheel Drive, on the south side of Highway 88 in Buckhorn.

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

Chairman Lindstrom opened the public hearing.

Wayne Garibaldi, representing the property owner, was available for questions. He believed this is a good use for the property and supported the project. Mr. Garibaldi stated Emilio Arco is the applicant and is not here tonight.

David Carlson, real estate broker for the property, asked if the conditions were forwarded to the applicant and if the amount of the traffic mitigation fees has been determined. Mr. Beatty stated the proposed conditions were sent to the applicant and the traffic mitigation fee has not been determined yet.

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

Commissioner Ryan stated it was a great use of the property and sees no problems in approving the request. Commissioner Byrne and Commissioner Callsen concurred.

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner Callsen and unanimously carried to determine the project is categorically exempt is exempt from CEQA and grant the use permit subject to the findings and conditions in the staff report.

*NOTE: Mr. Beatty advised the Planning Commission granted the use permit request. 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 June 24, 2016, at 5:00 p.m. along with the appropriate appeal fee.*

**Item 3 - Request for a Use Permit to allow the retail sales of agricultural products (nuts, fruits and vegetables) grown on-site in the “R1A,” Single Family Residential and Agricultural District.**

**Applicant:** Wayne D. Fancher

**Supervisorial District:** IV

**Location:** 14133 Ridge Road, approximately 2.5 miles east of Hwy 49 in the Sutter Creek area.

Chuck Beatty, Planner, announced the applicant submitted a letter withdrawing his use permit request, attached.

**Item 4 - Request for a Use Permit to allow a tasting room, winery tours and retail sales of wine and wine-related products in conjunction with an on-site winery, including 12 events annually with up to 125 attendees in the “R1A,” Single Family Residential and Agricultural Zone District.**

**Applicant:** Thomas E. and Sarah Malone Trust (Plein Air Vineyards)

**Supervisorial District:** V

**Location:** 21090 Ostrom Road, approximately 1 mile north of Fiddletown Road, Fiddletown.

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 the applicant does not take exception to the proposed conditions and is available for any questions.

Chairman Lindstrom opened the public hearing.

Beverly Misamore, area resident, read from the letter she submitted, attached. Her concerns were the noise and traffic that would be generated by 12 events per year with 125 people at each event and that water is limited in the area. She stated they moved here because it is a quiet area.

Elaine Zorbas, area resident, read from the letter she submitted, attached. She stated that historically Ostrom Road is a grape growing area and not a wine tasting area. She was concerned about the potential domino effect of granting a use permit for a tasting room.

Leon Misamore, area resident and husband of Beverly Misamore, was also concerned about excessive noise from the tasting room and water usage and supply; they have drilled another well.

Mara Feeney stated she owned property on Ostrom Road for 25 years and it is a quiet rural road except for the Moose Lodge events. She reiterated the concerns addressed in her letter, attached.

Deborah Grady, area resident, stated this is a small property and the use being proposed is a commercial use not an agricultural use. Commission Byrne stated the parcel is 21.5 acres so it's not that small. Ms. Grady apologized but stated her point is still the same.

Bob Tieslau, Fiddletown resident since 1971, stated he knew the previous owners did run out of water and had to drill a new well. He believed that is part of the reason the property took so long to sell. Mr. Tieslau agreed water supply is an issue for the area and the road is in poor condition. He stated the property has been stripped bare of the trees.

Ms. Zorbas agreed the oak trees have been removed and it appeared grapes are being planted in an area that has insufficient water and inadequate infrastructure for the proposed use.

Katherine Venturelli, area resident, asked who would enforce the County regulations and conditions, like the number of people at events, if the use permit is approved. She stated her other concerns have already been addressed by other people who spoke.

Commissioner Byrne stated enforcement of County regulations is done by complaint.

Mr. Peters stated the issue of water availability has been discussed with the owner and Environmental Health; the well has been deepened and now produces approximately 14 gallons per minute. He explained the tasting room is what requires a use permit which does not use very much water. The winery and vineyard are uses which are allowed by-right and are what will use the most water. Mr. Peters stated he and the owner have reviewed other tasting room applications and the noise concerns raised by area residents so they propose operations will end at 5:00 p.m., special events will end at 7:00 p.m., and amplified music will end at 6:00 p.m. Mr. Peters agreed that Ostrom Road is a narrow road, not unlike Shenandoah School Road, the traffic volume is very low and the level of service is very high; in addition, Public Works looked at the history of accident reports and found they are very low. Mr. Peters stated Mr. Gaiser submitted a letter which details the amount of traffic the adjacent Distant Cellars tasting room receives.

Commissioner Byrne understood Mr. Peters' comments and added the Commission has to consider the cumulative effects of having two tasting rooms near each other; he anticipates there will be more traffic generated having two tasting rooms rather than just having one tasting room. Mr. Peters stated he believed it would be the same customer base.

Mr. Peters continued addressing the concerns raised; he stated a zone change from "R1A" to "A" would have allowed more events with more people; the Board denied the zone change request in order to allow the public a chance to comment on the conditions.

Commissioner Ryan stated there are only 8 parking spaces shown and asked where the 125 guests would park. Mr. Peters stated overflow parking is shown on the parking plan. Commissioner Ryan stated the CEQA document indicates 75% of the property is wooded and asked if that is still correct. Mr. Peters replied the property to the east is steep and has not been cleared; it is only the western and northern areas that have been cleared. Commissioner Ryan asked if the owner will plant vines and build the winery if the use permit is denied. Mr. Peters stated the construction of the vineyard is progress; this will be a wine making facility and the owner also wants to have a tasting room.

Commissioner Lindstrom asked if the owner is living on-site. Mr. Peters replied the owner lives there part-time.

Commissioner Callsen referred to page 30 of 73 and Mitigation Measure 12.1 which states music will cease at 9 and 10. Mr. Peters stated that would be an error and the proposed Conditions of Approval are correct.

Mr. Misamore asked if the overflow parking would be at the Moose Lodge. Commissioner Byrne stated all parking must be contained on-site.

Mr. Tieslau reiterated his concerns about water.

Ms. Feeney stated allowing outdoor amplified music is not acceptable; she suggested having a test run of amplified music before approving the use permit to see how the sound travels. Mr. Peters stated the owner would eliminate amplified music if the Commission requested it.

Tom Malone, property owner and applicant, stated he purchased the property in 2013 and it was advertised as having vineyard potential. He stated the first question he is always asked is "when will the grapes be planted?" He stated he is planting three acres of grapes. He stated he understood the concerns of the neighbors; especially the water concerns. He understood it is a tough decision to make. He stated this is his dream; his son will be the winemaker and his wife will be living on the property fulltime in the next week.

Commissioner Ryan asked if Mr. Malone had considered an off-site tasting room. Mr. Malone stated he did not think he could afford it; there is less overhead by having the tasting room onsite. He buys French architectural salvage and has a dream of a French style tasting room using the items for the tasting room.

Commissioner Byrne stated the Commission must consider the future and possible different owners with different ideas. Mr. Malone understood and is open to revising the conditions.

Chairman Lindstrom asked when the tasting room would be opened. Mr. Malone thought it would be about a year and a half.

Commissioner Byrne asked if the tasting room can be opened before the grapes are ready for production. Mr. Beatty stated the winery must be in place to open the tasting room; grapes do not have to be grown on site. Commissioner Ryan added that it is a common practice to purchase grapes and/or bulk wine for production in wineries.

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

Commissioner Ryan stated traffic is his biggest concern; Ostrom Road is not a safe road, it is not conducive to traffic because it is narrow and there is a narrow bridge. He stated his belief that traffic will increase exponentially if additional tasting rooms are opened. Commissioner Ryan stated the biggest problem he sees for the area is that some zoning districts allow tasting rooms by right and it is causing cumulative impacts. He stated all tasting rooms should require a use permit. Commissioner Ryan stated

his concern is the traffic, the proximity to the Helwig driveway, and the location itself for a tasting room, especially with large gatherings, will put an undue burden on the neighbors. He stated the Commission must consider not only this project, but the potential cumulative effects and also make findings the project is not detrimental to the health, safety, peace, morals, comfort and general welfare of the County and the neighbors have stated the project will be detrimental.

Commissioner Wardall stated he supports personal property rights, agribusiness and tourism. He acknowledged the roads are a problem because they are narrow and twisty in that area and the potential cumulative effects are a serious concern.

Commissioner Byrne stated the biggest problem is there is no money to improve the roads in the County, minimal maintenance is being done and maintenance of the roads is backlogged. He stated there needs to be a program to fix the roads. He understood there are not many cars but the road itself is really narrow and really broken; the level of service is only number of cars per hour which is not what the Commission is talking about. The Commission must consider the condition of the road itself not just the level of service. He stated the capacity and dangers of the road must be considered by the Commission. Commissioner Byrne stated the condition of the roads has been an issue since he became a Commissioner.

Chairman Lindstrom noted the City of Plymouth is looking at putting in 1,300 additional homes and having a tasting room in Plymouth could be very beneficial.

Commissioner Ryan stated many local wineries have tasting rooms in the different cities because it is not always practical to have a tasting room at the winery location. He stated this is not an adequate location for a tasting room.

Commissioner Byrne asked if the Commission would be willing to consider a revised request with a smaller number of people allowed at one time, reducing the number of parking spaces, and requiring appointments for the tasting room, similar to what was required for the Shenandoah School Road tasting room. Commissioner Ryan stated those are good considerations but there are still underlying factors that make this a poor location; Ostrom Road is a very different picture than Shenandoah School Road.

Commissioner Callsen stated she did not see how the request could be granted given the condition of the road, the comments from the area residents and her fellow Commissioners.

Commissioner Ryan stated he could not make the findings required to grant the use permit; specifically the second finding because of the traffic and noise concerns.

Mr. Peters asked for the specific concerns about noise; is it the number of events, the number of people or the amplified music. He asked what would need to be adjusted in order to eliminate the concerns regarding noise.

Commissioner Ryan noise could be easily mitigated but traffic and safety is a greater concern. There is already a tasting room in the area, the plans for the Helwig property is not known; the potential of three tasting rooms within 100 yards is a safety concern. Commissioner Ryan stated the use permit process allows the neighbors and the Commission to analyze each project.

Mr. Peters suggested removing the request to have events at tasting room. Commissioner Ryan stated he still has to look at the future; each event will draw additional traffic and it comes back to the condition of the road itself. He is not aware of any mitigation measures that could mitigate the concerns of the cumulative effect and the potential number of accidents would be a burden to the neighbors.

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner Wardall and unanimously carried to deny the use permit based on the findings contained in the staff report, specifically G.2 which

states that the project, with proposed conditions will not be detrimental to the health, safety, peace, morals, comfort and general welfare of the County. The concerns being traffic numbers and safety due to the road conditions, noise from traffic, music, and events which would be disturbing to the neighbors, and the cumulative effect this tasting room, if approved, would have with additional tasting rooms that would follow in the area.

*NOTE: Mr. Beatty advised the Planning Commission denied the use permit request. 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 June 24, 2016, at 5:00 p.m. along with the appropriate appeal fee.*

**Adjournment:** At 9:01 p.m. Chairman Lindstrom adjourned this meeting of the Planning Commission, to meet again on July 12, 2016 or thereafter.

\_\_\_\_\_/s/\_\_\_\_\_  
Ray Lindstrom, Chairman  
Amador County Planning Commission

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

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