

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

Staff: Jennifer Magee, Deputy County Counsel  
Susan C. Grijalva, Planning Director  
Chuck Beatty, Planner III  
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:** 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 Callsen, seconded by Commissioner Byrne and carried to approve the minutes of July 14, 2015, as presented.

Abstain: Commissioners Lindstrom and Wardall (Absent at July 14, 2015 meeting)

**D. Correspondence:** For Item 1:

- letter dated 8/11/15 from Frank H. Moreno

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

**F. Recent Board Actions:** None

**Public Hearings**

**Item 1- Request by Helwig Vineyards to amend Condition of Approval No. 15 related to the requirements for food preparation and catering for Use Permit (UP-15;2-2), which allows seven (7) one-day outdoor events annually, between the hours of 5:00 pm & 11:00 pm, including wine tasting and sales, food, and live music for approximately 750 attendees plus an additional 50 staff (APN 014-110-059).**

**Applicant:** David Helwig

**Supervisorial District V**

**Location:** 11555 Shenandoah Road, approximately one-half mile west of the intersection with Shenandoah School Road, in the Shenandoah Valley.

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

Chairman Ryan asked for clarification of the County code. Mr. Beatty stated the proposed change would allow the applicant the option to serve catered food prepared either on-site or off-site. Ms. Grijalva added that food preparation facilities are allowed by Code in the winery ordinance.

Chairman Ryan opened the public hearing.

Frank Moreno, area resident, submitted a letter addressing his concerns, attached. He stated allowing this food facility preparation kitchen could open the doors to restaurants being opened in the Shenandoah Valley. He recommended reviewing the winery ordinance to keep the Shenandoah Valley as an agriculture area and not turn it into Napa.

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

Commissioner Lindstrom asked for clarification about the winery ordinance and how Villa Toscano operates. Mr. Beatty stated the Villa Toscano use permit allows for the sale and preparation of pre-packaged foods; made to order meals are not allowed.

Chairman Ryan noted this language is for this specific use permit and the seven events it allows and a commercial kitchen would still be allowed by code. Ms. Grijalva stated the wording of the condition required the applicant to have a commercial kitchen prior to activating the use permit. The proposed condition will allow the applicant to have the ability to either continue using an off-premises caterer or to have a food preparation facility on-site that could be used to cater their events. The by-right use for the commercial kitchen is for catering on-site events; preparation of prepackaged foods would require a separate use permit.

Commissioner Byrne asked about the required finding about the environmental document. Ms. Grijalva stated the finding would be the amendment is consistent with the previously adopted environmental document.

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Wardall and unanimously carried to adopt the findings contained in the staff report and grant the condition amendment.

Chairman Ryan reiterated his request to revisit the winery ordinance after the General Plan has been updated.

*NOTE: Mr. Beatty advised the Commission approved the use permit condition amendment. If anyone wishes to appeal the decision of the Commission they may do so by submitting in writing to the Board of Supervisors a request for appeal prior to August 21, 2015, at 5:00 p.m. along with the appropriate appeal fee.*

**Item 2 - Request for a Use Permit (UP-15;5-4) to add a 20-foot extension, 12 panel antennae, a 15” microwave dish, and associated ground equipment to the existing 40-foot-tall communication tower located at 33502 Loop Road in Kirkwood (APN 026-270-016).**

**Applicant:** Epic Wireless on behalf of Verizon Wireless

**Supervisorial District 3**

**Location:** 33502 Loop Road, at the intersection with Kirkwood Meadows Drive

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

Chairman Ryan opened the public hearing.

Karen Lienert, with Epic Wireless, stated she was available for questions.

Commissioner Wardall asked if any equipment would extend above the tree-line. Ms. Lienert stated a whip may exceed the tree-line by approximately five feet but all other equipment will be below the tree-line.

Chairman Ryan asked if the improvements would increase the coverage. Ms. Lienert stated it will improve

coverage and add services; it is difficult to estimate how far the coverage will expand because of the natural terrain.

Elton and Laura Allred, Amador County residents, were concerned about the number of recent applications for towers and associated equipment and not fully understanding how County Code Section 19.48.150 is implemented. They read from notes which they submitted, attached. They also submitted the opinion from the Sprint Telephony PCS v. County of San Diego 2008 case, attached.

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

Commissioner Wardall stated he is a retired air tanker pilot and suggested adding a condition that the whip cannot extend more than eight feet above the tree-line. After discussion, Commissioner Wardall stated he was satisfied the whip would not interfere with potential emergency air traffic and rescinded his request for an additional condition.

**MOTION:** It was moved by Commissioner Lindstrom, seconded by Commissioner Byrne and unanimously carried to adopt the findings in the staff report, find the project is categorically exempt and approve the use permit subject to the conditions contained in the staff report.

*NOTE: Mr. Beatty advised the Commission approved the use permit. If anyone wishes 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 August 21, 2015, at 5:00 p.m. along with the appropriate appeal fee.*

**Adjournment:** At 7:40 p.m. Chairman Ryan adjourned this meeting of the Planning Commission, to meet again on August 25, 2015.

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/s/  
Ray Ryan, Chairman  
Amador County Planning Commission

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

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