

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF TAPE RECORDED MEETING
OCTOBER 13, 2015 – 7:00 P.M.**

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
Caryl Callsen, District III
Andy Byrne, District IV
Ray Ryan, District V, Chairman

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

THOSE ABSENT WERE: Dave Wardall, District II

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 Byrne, seconded by Commissioner Callsen and unanimously carried to approve the order of the agenda as presented.
Absent: Commissioner Wardall

C. Minutes: August 25, 2015; September 8, 2015.

MOTION: It was moved by Commissioner Lindstrom, seconded by Commissioner Byrne and carried to approve the minutes of August 25, 2015 as presented.

Abstain: Commissioner Callsen
Absent: Commissioner Wardall

MOTION: It was moved by Commissioner Callsen, seconded by Commissioner Lindstrom and carried to approve the minutes of September 8, 2015 as presented.

Abstain: Commissioner Byrne
Absent: Commissioner Wardall

D. Correspondence: Item 2: email from Susan Bragstad.

E. Public Matters not on the Agenda: None

F. Recent Board Actions: Susan Grijalva, Planning Director, stated the Board of Supervisors upheld the Planning Commission denial of Allred appeal regarding the wireless communication tower use permit on American Flat Side Road in Fiddletown. The Board added one additional condition to require slats in the cyclone fence to screen the equipment.

Public Hearings

Item 1 - 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 (APN 001-110-014).

APPLICANTS: Arditto Family Trust

SUPERVISORIAL DISTRICT V

LOCATION: 1351 Highway 16, approximately 1 mile west of Long Gate Road.

Susan C. Grijalva, Planning Director, 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. There was no public comment.

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

Absent: Commissioner Wardall

The Commission agreed with the Agricultural Advisory Committee's recommendation to approve a California Land Conservation Contract.

MOTION: It was moved by Commissioner Lindstrom, seconded by Commissioner Callsen and unanimously carried to recommend adoption of the findings contained in the staff report and approval of the zone change to the Board of Supervisors.

Absent: Commissioner Wardall

Item 2 - Request for Zone Change from the "R1A," Single Family Residential and Agricultural District to the "A," Agricultural District to allow expanded winery uses (APN: 007-120-009).

APPLICANT: 11000, LLC (Andis Wines/Jenae Plasse, COO)

SUPERVISORIAL DISTRICT V

LOCATION: 11000 Shenandoah Road, just northeast of the intersection with Dickson Road.

Susan C. Grijalva, Planning Director, 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.

Jenae Plasse, Andis Wines, COO, was available for questions.

Cecily Smith, on behalf of Susan Bragstad, asked for the concerns raised in the letter Ms. Bragstad submitted to be addressed; specifically why is this request exempt from CEQA because it will allow for an unlimited number of events [for up to 125 people] and an increase in events that would allow 450 people which could have significant impacts to traffic and noise.

Ms. Grijalva stated the County's CEQA Guidelines Appendix B does identify what is called comparable zoning or down-zoning; in the list of zoning hierarchy the "R1A," "A" and "X" zoning designations are considered to be comparable or possibly even down-zoning. That is the guideline staff has used for many years.

Commissioner Byrne asked how "A" would be a down-zoning of "R1A". Ms. Grijalva clarified it is considered comparable zoning or down-zoning; the by-right uses are not necessarily even for even, they are comparable to each other. There are some things in "R1A" that could generate the same potential impacts that are allowed in "A." The overall evaluation of the comparable or down-zoning was for the potential impacts, not necessarily the uses.

Commissioner Byrne stated he has asked the same questions before; this should be address especially since someone else has raised the same concerns. The Shenandoah Valley has impacts that may never be mitigated long-term for the whole area. Commissioner Byrne asked if staff knew of other areas that may want to request an agricultural zoning. Ms. Grijalva stated there are a lot of areas in the County that can apply for agricultural zoning or Williamson Act zoning; Williamson Act is categorically exempt and she does not recall anyone raising these questions when there are more uses allowed in Williamson Act than "A" or "R1A."

Chairman Ryan asked for clarification of how the zone change is supported by CEQA Guidelines.

Ms. Grijalva stated the CEQA has guidelines specific to the Williamson Act. The local CEQA guidelines have what we locally here have determined or accepted as being categorically exempt as well. The general rule of the state CEQA

Guidelines is where it can be seen there is no difference or change in impacts. In this case, there is a use permit for a wide variety of uses that are also allowed in the "A" zoning by right. There are differences in the numbers but in reality how many wineries are conducting 12 events per year with up to 450 people.

Commissioner Byrne stated the use permit would go through the CEQA process. Ms. Grijalva agreed and stated the existing use permit for this property did have a mitigated negative declaration and mitigation measures are in place. In this case, what more would the Commission ask for. Commissioner Byrne asked if the use permit is vacated upon the zone change the mitigations are no longer necessary. Ms. Grijalva stated the mitigations have already been done; the conditions and mitigation measures are included in the staff report.

Ms. Smith asked if there were limitations on the number of vehicles allowed or noise restrictions in an "A" zoning. Ms. Grijalva stated there are limits in the winery regulations in the "A" zoning regarding noise and amplified music. She added she is not aware of any restrictions on traffic trip generation; that would be a function of events. The winery regulations in the "A" zoning require parcels on private roads to either get approval of the road association or a use permit.

Frank Moreno, Valley Drive resident, distributed a letter to the Commissioners. He addressed the concerns in his letter that the County needs to improve the infrastructure and the winery ordinance needs to be updated. He voiced concerns regarding traffic impacts and adequacy of parking for events up to 450 people. He asked the Commission if this project is the right thing, at the right time and for the right reasons.

Commissioner Byrne asked for clarification on the parking requirements. Ms. Grijalva stated they would have to have adequate parking for a 450 person event. Commissioner Byrne asked how it is enforced. Ms. Grijalva stated if there is a building permit, parking would be have to be shown and be adequate; if it is an event, adequate onsite parking would need to be available, there is no parking allowed on Shenandoah Road and enforcement would be complaint driven. She added not everyone will do all of the events that are allowed by right in any zone district; it will give them the ability but it doesn't mean that is what will happen.

Commissioner Byrne stated this one does flesh out and he did not have an issue changing the zoning for this property but asked what the process for a zone change is when there is an "R1A" parcel with just a house and a request is made to change the zoning to "A." It seems the CEQA process gets skipped. Ms. Grijalva stated that can happen; also there are many properties currently zoned "A" that do not have a winery today but could tomorrow without CEQA.

Commissioner Lindstrom asked if the current use permit can be amended instead of changing the zoning. Ms. Grijalva stated that is an option and that was the original request; if the zone change is not granted a request can be made to amend the use permit. In light of the situation and what people have been doing in the Shenandoah Valley, as recently as at last month's meeting, it seemed the honest thing to do would be to offer the zone change which was not available due to the zone change moratorium that was in place when the use permit was granted.

Ms. Plasse stated under the current use permit sale of pre-packaged food was not allowed. Ms. Grijalva stated the use permit amendment request could be changed to include pre-packaged foods. She added there are two items in the current use permit which would be reduced if the zone change is approved; one is the allowable "gift shop" area would need to be reduced in size and the other is the 13 events of up to 150 people. All other items in the use permit are allowed by right in the "A" district. Ms. Plasse stated they would like to be able to cater their own events and serve the pre-packaged "cheese boards."

Commissioner Byrne stated that although he does not have an issue with this request the Commission does need to keep in mind the big picture of the County.

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

Absent: Commissioner Wardall

Commissioner Lindstrom stated isn't there a point at which a "line in the sand must be drawn;" there are more wineries and traffic but the roads have not been improved.

Chairman Ryan stated Ms. Grijalva did do the right thing by offering all options available to the applicant. The Commission has had previous discussion to update the codes but until the General Plan is updated the zoning codes

have to wait. It is a cumulative effect and it is getting worse; for example, the other night the Valley was “glowing” between the events going on; the traffic and noise at 11 at night was “out of control.” The one unknown is the effect the round-about will have once it is installed. Personally, he has nothing against the winery but has issues with the timing. It has gotten to a point where there are events taking place and there is no staff available to verify attendance numbers are in compliance with County Code. At the end of the day, there are a number of properties that have been approved to be a small tasting room and wine making facility and some have changed into larger facilities with less parking and in some cases vineyards have been removed to accommodate parking. It is a big commercial enterprise and something must be done now; Napa is no longer allowing new wineries and tasting rooms. Anyone who has a dream to open a winery will come to Amador County because the land is still cheap and the ordinances and rules in place allow them to do quite a bit; it would be foolish if you have the funds to not do it. In this case, a use permit is in place that limits and restricts activities based on the facility. The requested uses can easily be added to the existing use permit and the County can still maintain some control. Again, it’s all timing; two to three months ago this was not such a “boiling issue.” He stated he received 2-3 calls today before coming to the meeting. A lot of the winery owners may own the property but do not live in the Valley and leave staff to run the events and some have gotten out of control. He stated he can’t move forward and recommend approval because it’s the cumulative effect and approving this allows another facility having more events which generate more traffic, noise, and light pollution.

Commissioner Byrne stated the interpretation of Appendix B makes sense on a County-wide basis but he is not sure how much sense it makes for the Shenandoah Valley. The Shenandoah Valley is known for its wine-making; the uses allowed on an “A” property are significantly more than what is allowed on a “R1A” property regarding winery uses. Admittedly, there are other uses that may have similar impacts but in the Shenandoah Valley the uses are primarily winery related.

Commissioner Callsen agreed with Chairman Ryan. It seems the Commission cannot keep allowing “more and more” without updating the codes. She agreed that after the General Plan is updated the Shenandoah Valley and winery regulations need to be updated. She encouraged the applicant to go back to revising the use permit.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Lindstrom and unanimously carried to recommend denial of the zone change to the Board of Supervisors based on the following findings:

- 1) Nature of the Shenandoah Valley area that the interpretation of CEQA Appendix B as explained by Ms. Grijalva is not appropriate; “R1A” is not comparable to “A”
- 2) The requested uses can be granted by modifying the existing use permit
- 3) The cumulative effects of the last several years of projects in the Shenandoah Valley.

Absent: Commissioner Wardall

NOTES: Ms. Grijalva advised the Commission recommended approval of the Arditto Trust Zone Change and recommended denial of the Andis Wines Zone Change. These items will be scheduled for a future Board of Supervisors meeting and notices will be mailed out.

Adjournment: At 7:51 p.m. Chairman Ryan adjourned this meeting of the Planning Commission, to meet again on November 10, 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

From: <[REDACTED]>
Date: Mon, Oct 12, 2015 at 9:09 AM
Subject: Planning Comm./Andis/item 2
To: Susan Grijalva <[REDACTED]>

Susan Grijalva

I won't be able to attend the Planning Commission meeting Oct. 13th, so want to voice my concerns regarding the Zone change request by Andis Wines.

Andis is asking for a zone change from R1A to A. This makes big changes and impacts on traffic, noise, lighting, and possibly water use.

The yearly uses allowed presently are:

- 2 vintage release parties
- 13 additional events of 150 people max

New A zoning yearly uses will be:

- Unlimited events up to 125 people
- 12 events for 450 people
- 4 events per month
- Increased food prep

It looks like there will be no CEQA review for the new allowable uses. This is not acceptable, the new uses will cause huge impacts on the local roads, much more noise, more lighting and possible water use. If this is allowed with CEQA exemption every other property owner will be requesting similar action, creating a huge change to the Shenandoah Valley area, and definitely needs to be discussed by the community.

Thank you,

Susan Bragstad
Amador City, CA