

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 7:10 p.m. by Chairman Lindstrom.

THOSE PRESENT WERE:

Planning Commissioners: Ray Lindstrom, District I, Chairman
Caryl Callsen, District III
Andy Byrne, District IV, Vice Chairman
Ray Ryan, District V

Staff: Greg Gillott, County Counsel
Susan C. Grijalva, Planning Director
Heidi Jacobs, Recording Secretary

Consultants: Al Herson, CEQA Counsel
Jeff Goldman, AECOM
Matt Hertel, AECOM

THOSE ABSENT WERE:

Planning Commissioners: 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 Commission Ryan, seconded by Commissioner Byrne and carried to approve the agenda as submitted.
Absent: Commissioner Wardall

C. Minutes: June 14, 2016

MOTION: It was moved by Commission Ryan, seconded by Commissioner Byrne and carried to approve the agenda as submitted.
Absent: Commissioner Wardall

D. Correspondence: (Note: page numbers refer to the PDF file of draft minutes)

Correspondence from Staff (commencing on page 9):

- General Plan Errata Items – Updated as of July 19, 2016
- Staff Recommended Responses to Comment Letters Received After Staff Report Packet Distribution (marked with * below)

Correspondence received prior to and at the meeting and read into the record (commencing on page 30):

- Wendell G. Peart DVM
- Gary Reinoehl
- Elaine Zorbas
- Susan Bragstad *
- Judy Jebian
- Katherine K. Evatt
- Gwen Starrett
- Buena Vista Rancheria of Me-Wuk Indians

- Tom Infusino
- Foothill Conservancy
- Mark Bennett
- Rebecca Brown
- Photo from Kelly Trotter

Correspondence submitted at the meeting but not read into the record (commencing on page 135):

- Kathony Jerauld (NOTE: Ms. Jerauld chose not to speak at the meeting.)

Correspondence received prior to the meeting not read into the record (commencing on page 137):

- California Department of Fish and Wildlife *
- Melene Smith *
- Katherine Venturelli *
- Gwynne Pratt *
- Mark Bonar *
- Carol Lonergan *
- "rsharenbrock" *
- Melinda Wright *
- Kathryn Webb *
- Bob Kelso *
- "Christine" *
- Barranca Wren *
- Ann Hood *
- The Hubachs *
- California Department of Transportation
- State Clearinghouse
- Ken Deaver

E. Public Matters not on the Agenda: None.

F. Recent Board Actions: None.

Public Hearings

Item 1 - Recommendations to the Amador County Board of Supervisors on the following items:

- 1. Certification of the Final Environmental Impact Report (FEIR) prepared for the proposed Final Amador County General Plan;**
- 2. Adoption of CEQA Findings of Fact and Statement of Overriding Considerations;**
- 3. Adoption of a Mitigation Monitoring and Reporting Program;**
- 4. Adoption of the Proposed Final Amador County General Plan; and**
- 5. Approve the Implementation Plan**

Applicant: County of Amador

Supervisorial District: I, II, III, IV, and V

Location: Unincorporated area of Amador County.

Susan Grijalva, Planning Director, summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full. Ms. Grijalva also reviewed the "General Plan Errata Items – Updated as of July 19, 2016" and "Staff Recommended Responses to Comment Letters Received After Staff Report Packet Distribution," attached.

Chairman Lindstrom opened the public hearing and reminded the audience there will be a five minute limit for speaking.

Wendell Peart, DVM, read from his letter submitted on July 19, 2016, attached. He added that the S-1100 Tentative Ruling on Writ of Mandate referenced in his letter is from Placer County Superior Court.

Kelsi Himmel, introduced her daughters, Lili and Lexi. She stated she returned to Amador County to raise her children because she cherishes the rural character of the County. She asked the Commission to consider how the General Plan will impact the beneficial rural characteristics of the County such as wildlife, agriculture and peacefulness. Miss Lili stated "I like that it is quiet and peaceful and there is wildlife and how it's historic." Miss Lexi stated "I like this place because there's lots of my people here and I like everyone."

Gary Reinoehl read from his letter submitted on July 19, 2016, attached.

Kate Squire, Amador Pines, stated she is speaking as a homeowner and as an economic development professional. Ms. Squire stated she purchased the home because of Amador County's scenic beauty, rural character, air quality, the fire safety, the wild rivers, the historic character and the open space. She stated the General Plan and EIR need improvement to protect the County and promote a vibrant economy. She urged the Commission not to approve the EIR tonight. As an economic development professional she stated developers want clear rules and the current General Plan leaves to many unknowns to attract investment. The General Plan does not protect local homeowners' property rights because it does not deal with community altering retail, such as Dollar General. The General Plan does not promote design standards, does not adequately address fire safety based on the Board of Forestry recommendations; this lack of protections impact my property rights and the ability to enjoy my home in the future. She urged the Commission to not approve the documents and to further protect what people love about Amador County while promoting a vibrant economy.

Glenn Appell, husband to Kate Squire, teacher at Diablo Valley College, stated he and his wife, Ms. Squire, purchased their home because of the scenic beauty and natural open space of the area. He stated the County needs smart growth and good jobs. Mr. Appell stated a general plan that is too vague hurts everyone; the general plan needs to respect the natural beauty of the area while also allowing for smart development that encourages folks to move here and participate in a vibrant local economy. A vague general plan encourages chaotic growth which helps very few who live here and in fact makes the area less desirable. As a homeowner, he hopes to retire here and hopes the Commission will reconsider the vague nature of the environmental impact report. He wants to ensure the residents of Amador County will have the natural beauty of this area be protected in perpetuity.

Susan Manning, TriCounty Wildlife Care, stated in 1994 there were less than 200 wildlife patients and this year will be over 800 patients. She encouraged the Commission to establish clearly marked wildlife corridors because of numerous accidents involving wildlife. Ms. Manning stated within one-half mile of Lake Amador there are numerous accidents involving wildlife; they were successful in getting speed limit signs installed but still need to get wildlife crossing signs installed. She is sure there are other areas this is also needed to help protect the wildlife, residents and tourists.

Elaine Zorbass read from her letter submitted on July 19, 2016, attached.

Susan Bragstad read from her letter emailed on July 19, 2016, attached.

Judy Jebian read from her letter emailed on July 19, 2016, attached.

Katherine Evatt read from her letter submitted on July 19, 2016, attached.

Gwen Starrett read from her email submitted on July 19, 2016, attached.

Jeannette Simons read from the letter from Buena Vista Rancheria Tribal Council Tribal Historic Preservation Office Advisory Board submitted on July 19, 2016, attached.

Lynne Nightengale, Pioneer resident, stated that although she had not read the entire document the parts she has read of the General Plan and FEIR documents are disappointing. She found the creation of Town Centers as being positive; but throughout the document there are no timeframes included for developing the Town Centers or if the residents will be included in the planning of the Town Centers. She stated the entire document is full of vague and inadequate language. She asked why the implementation plan is separate from the document. She stated there are numerous unmitigated effects in the FEIR such as conflicts with current agricultural uses, potential depletion of groundwater supplies, more unknown mitigated traffic on busy roads, and no appreciable concern of folks living in areas prone to wildfires. She hoped the Commission will take more time to listen and address the many flaws in the documents.

Recess: Chairman Lindstrom recessed the meeting at 8:45 p.m.

Reconvene: Chairman Lindstrom reconvened the meeting at 8:50 p.m.

Tom Infusino, read from his letter submitted at the meeting on July 19, 2016.

Sondra West Moore, stated she was speaking as a private citizen, as the co-founder of Lone Valley Land Air and Water Defense Alliance (LAWDA), and speaking for the western half of the county made up of the ranching and farming community. She stated agriculture land is a fancy way of saying growing stuff to eat; people need to eat, there is a population explosion in California and we supply food to California and 70 other countries. She stated protecting agriculture protects the food supply chain and there is supreme value of grazing land in Amador County. She stated there are new groundwater and Surface Mining Act laws that are not reflected in the proposed General Plan. Ms. West Moore stated the General Plan is vague and does not commit to anything; if there are no rules there is chaos. She stated western Amador County is in permanent nonattainment for ozone and the particulate matter tables are not in the General Plan. Ms. West Moore urged the Commission to fix the plan.

Cecily Smith asked if she could read a statement from Charles Lietzell because he could not be at the meeting. Chairman Lindstrom asked, in the interest of time, the comments be submitted rather than read. Ms. Smith, Executive Director of Foothill Conservancy, read from her letter submitted on July 19, 2016, attached. She stated they would like to sit down and talk with the County. There are some good things in the Plan but it could be better. (NOTE: Mr. Lietzell's comments were submitted prior to the meeting as part of the Foothill Conservancy's comments. See pages 92 -93.)

Sean Kriletich, Jackson, read from his letter submitted at the meeting on July 19, 2016, attached.

Mark Bennett, Pine Grove, read from a prepared statement that he stated could be found on his blog, The Ivory Tower, a copy of which is attached.

Rebecca Brown stated she strongly agreed with most of the speakers that the FEIR and General Plan are still in need of a lot of work. She read from her letter submitted on July 19, 2016, attached.

Jim Scully stated he is here because of the wastewater issues in the EIR; the EIR is vague in nature as other people have stated. He stated there is one paragraph about the Amador County Regional Waste Water Management Plan and the EIR quoted Ecologic from 2005, a man called Harold Wellborn; this Ecologic and Harold Wellborn were run out of Lone in 2006 because they screwed it up so badly, they were run out of Jackson a couple years later. They don't do good work or have good results. Mr. Scully stated the EIR cites a regional study done in 2013 which was never going to work, it was not realistic. The latest Regional Plan was written by a man who was in the community for two years; Lone should have been able to irrigate in April but have not been able to since June because the Plan only considered two years of groundwater information. He stated the County adopted the Plan which puts ARSA and Lone a long way from being anywhere close to expanding the lone wastewater treatment capacity as the EIR states on page 4.13-22. Mr. Scully stated a cease and desist order was placed in 2003, there has not been one iota of improvement. He stated Lone has yet to meet a goal, yet the document implies

everything is working perfectly but nothing is working at all. Mr. Scully asked for the lone, ARSA, Sutter Creek wastewater issues to be looked at again; the document is inadequate and incomplete and should not be approved.

Kelly Trottier, Pine Grove resident, stated she hoped to find specifics regarding when zone changes or amendments to the general plan are allowed. She stated the Pine Acres North subdivision project was approved despite concerns raised by approximately 300 residents about wild fire and egress issues. Ms. Trottier submitted a photo taken on September 10 when evacuating during the Butte Fire, attached. The plan seems to dangerously allow for a case by case, ad hoc approval of projects that are inconsistent with the character, the surrounding area, which is one of the concerns they had; there were no dense projects like Pine Acres North in Pine Grove; we are concerned amendments to the general plan provide no guidance and set other property and business owners up for problems they never anticipated when they purchased property. Thank you for your consideration of all the comments and taking us seriously.

Kevin Walker, representing the Amador County Business Council, stated he heard concerns over scenic beauty, wildlife and cultural resources that he and the Council also want to preserve and protect. He stated there is a balance required; if one were to compare the current General Plan map with the proposed General Plan map there is relatively little change between the maps. He has heard many people say "fix the plan" and he says to trust the process; experienced staff, professional consultants and many good people have helped to steer the process over the last ten years. Mr. Walker stated the Amador County Business Council is continuing to review the proposed changes and believes it is time to move forward with staff's recommendations.

Ken Deaver congratulated staff and consultants on a job well done. He stated nothing is 100% accurate especially for a General Plan; it is general for a reason and should be flexible. There are certain aspects the State requires but other than that he believed it should be as general as possible. The rules and regulations are killing agriculture in Amador County and other areas. He stated the need for flexibility in a document that can grow. The process has been going on for 10 years and he has been involved since then so let's move on.

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

Absent: Commissioner Wardall.

Chairman Lindstrom announced a twenty minute break to allow Planning Department staff, Counsel and the consultants to confer.

Recess: Chairman Lindstrom recessed the meeting at 9:45 p.m.

Reconvene: Chairman Lindstrom reconvened the meeting at 10:10 p.m.

Ms. Grijalva stated after listening to the comments, staff would like the opportunity to provide responses to those comments received prior to the meeting that staff was not able to provide responses as well as those comments made tonight. The options available to the Commission are to either: 1) recommend approval of the proposed General Plan and EIR to the Board and instruct staff to develop responses and recommendations for submission to the Board when making their decision; or 2) continue the item and let staff provide their responses to the Commission to consider prior to making a recommendation to the Board.

Commissioner Ryan stated it would be a good idea to continue the item; he would like to see the responses and have additional time to consider the comments and responses provided for tonight's meeting. Commissioner Byrne, Commissioner Callsen and Chairman Lindstrom agreed.

Ms. Grijalva asked the Commission to set a date to which to continue the meeting.

The Commission asked if Commissioner Wardall could be provided a copy of this meeting's recording to which staff stated a copy would be provided to him.

Motion: It was moved by Commissioner Ryan, seconded by Commissioner Callsen and carried to continue this item to Tuesday, August 23, 2016 at 7:00 p.m.

Absent: Commissioner Wardall

Ms. Grijalva stated the Commission continued this item to a time and date certain, therefore no additional notices will be sent out.

Ms. Grijalva asked the Commission if they had any questions or concerns they would like addressed.

Chairman Ryan asked why the Implementation Plan is not an integral part of the General Plan. Jeff Goldman, AECOM, stated there is no particular requirement in State Law for a General Plan to have an Implementation Plan although many cities and counties do have Implementation Plans. There is no clear trend as to whether it is part of the General Plan or a stand-alone document; if the Implementation Plan is a part of the General Plan it can only be changed by a General Plan Amendment. Commissioner Ryan asked how often the Implementation Plan can be changed if it is a stand-alone document. Mr. Goldman stated it can be changed as often as desired. Commissioner Ryan asked if a cross-reference was available within the General Plan to the Implementation Plan. Mr. Goldman stated one can be created but if the Implementation Plan changes the cross-reference could become outdated over time.

Commissioner Ryan asked if there is any justification for not including or referencing recently adopted State Laws. Mr. Goldman stated that issue was discussed and would defer to Ms. Grijalva and Counsel. Commissioner Byrne added to the question asking if it is State Law does it automatically overrule the General Plan. Al Herson, Sohagi Law Group, CEQA Counsel for the County, stated if the General Plan is inconsistent with State Law, State Law will override the General Plan; the intent is to develop a General Plan that is consistent with State Law. Mr. Herson stated staff would need more time to consider if there are new State Laws that need to be incorporated in to the General Plan. Mr. Herson stated going back to the Implementation Plan, there was a comment that the EIR Mitigation Measures that rely on the Implementation Plan measures are not adequate because they are in the Implementation Plan; so what the County has created are "super implementation plan measures" that have become EIR mitigation measures and for those, there is a commitment under CEQA in the draft findings that the County shall do those implementation measures. There are two types of implementation measures; those that are harder to change because they are mitigation measures for the General Plan, and those that are more "flexible" because they are not mitigation measures in the General Plan EIR.

Commissioner Ryan asked if he understood correctly that if the Implementation Plan is not part of the General Plan it can be changed at any time by the Board of Supervisors based on changes in the County but any mitigation measure in this General Plan would require a change to the general plan. Mr. Herson stated the implementation measures that are the CEQA mitigation measures would require a look to see if the change to the mitigation measure would require more CEQA compliance because it would be a change to the General Plan. Commissioner Byrne was concerned about making changes to the Implementation Plan that would not be consistent with the General Plan. Mr. Herson stated having more time to respond to the questions they will be able to be clearer in the answers and sort out of the implementation measures, the ones that have become CEQA mitigation measures that would be harder to change and the ones that would be more flexible.

Commissioner Callsen stated she is looking forward to seeing all the responses to the comments as she has many of the same concerns. She stated many people referred to vague language and she agreed; the General Plan does not have teeth, it refers to "encourage" and nothing about "require." She is concerned about the lack of measurable goals and the fact there are so many significant findings. There are other details but due to the time she would not go into them, she reiterated she had many of the same concerns that were already mentioned tonight.

Commissioner Byrne was concerned that traffic mitigation still refers to a fair share program which the County doesn't really have; it shows traffic is mitigated but he's not sure it would actually be mitigated. He is concerned that there are mitigation measures in theory only which is a problem he has seen as a Commissioner and ideally that would be resolved with the new General Plan. There is a "lead economic development entity" and he asked if that is adequate to address the concern. Commissioner Byrne stated he has always been in favor of having firm language in the document but it was removed during the joint meeting process. He stated the firm language makes a big difference because it is beneficial to developers; as it stands now, everything happens at an ad hoc level and if "you are in with the in" you can get your project done and if you're not you might be able to get your project done. If the firm language is not in the documents that is how it will continue; he stated there are people who want it that way, but the Board will make the final decision.

Chairman Lindstrom stated the Commission has been considering many applications for wine tasting and it has become a real problem; he was concerned about how to balance promoting agri-tourism and tasting rooms with events and the impacts to traffic and noise. The Commission would need more specific guidelines included about what to do about wine tasting. Commissioner Ryan added it is the tasting room events and cumulative impacts that are a concern; he understands some of this is not part of the General Plan but it needs to be put in perspective because the Commission must protect the peace, morals, well-being, health and welfare of the community.

Commissioner Byrne stated mitigations for traffic always looks at Level of Service (LOS) but the physical condition of the road must be considered and asked how that can be tied in so it's not just the LOS the Commission looks at when considering developments because many roads in the County have deteriorated to the point the roads are not safe at all.

Commissioner Ryan asked for Mr. Scully's concerns regarding wastewater to be addressed; he stated he would like to have the appropriate Agency respond.

Commissioner Callsen did not see anything that would require design standards for developments, particularly in the Town Centers.

Item 2 - Review and recommendation to the Board of Supervisors relative to an Ordinance amending Chapter 19.24 District Regulations by creating a Scenic Highway Corridor Overlay Zone District for the purpose of incorporating the existing Scenic Highway Development Standards and Regulations which apply to property located within the Amador County Scenic Highway 88 Corridor into Title 19 Zoning, instead of in the Amador County General Plan.

Applicant: County of Amador

Supervisorial District: III

Location: All that portion of those properties lying within 250 feet of the centerline of State Highway 88 between the Dew Drop Fire Station and the Amador/Alpine County line.

Susan Grijalva, Planning Director, 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.

Mark Bennett stated he is not opposing this but recalled reading somewhere people do not like to travel Highway 88 because there are so few amenities there.

Tom Infusino stated Cook's Station is in the scenic corridor and has a great hamburger.

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

Absent: Commissioner Wardall

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Byrne and carried to recommend the Board of Supervisors find the project is categorically exempt from CEQA and approve the Scenic Highway Corridor Overlay Zone District Ordinance as presented.

Absent: Commissioner Wardall

Adjournment: At 10:35 p.m. Chairman Lindstrom adjourned this meeting of the Planning Commission, to meet again on August 9, 2016.

_____/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