

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 Wardall.

THOSE PRESENT WERE:

Planning Commissioners: Keith DesVoignes, District I  
Dave Wardall, District II, Chairman  
Caryl Callsen, District III  
Andy Byrne, District IV  
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 Byrne and unanimously carried to approve the agenda as submitted.

**C. Minutes:** March 14, 2017

**MOTION:** It was moved by Commissioner Callsen, seconded by Commissioner Byrne and carried to approve the minutes of March 14, 2017 as presented.

**D. Correspondence:**

**Item 1:** email from LAFCO with a response from Susan Grijalva, Planning Director;

**Item 2:** letter dated April 3, 2017 from Anthony Spinetta; letter dated April 9, 2017 from Gary Arnese and Mary O'Neal; email dated April 10, 2017 from Charlie Spinetta; letter from Rebecca Brown.

**E. Public Matters not on the Agenda:** Commissioner Callsen announced she and Supervisor Lynn Morgan met with Katherine Venturelli and Elaine Zorbas in order to tour Ostrom Road and discuss their concerns about the road and traffic as it relates to wineries and tasting rooms. Commissioner Ryan announced Supervisor Brian Oneto scheduled a public meeting to discuss the fiber optic deployment for the area on April 13, 2017 at 5 p.m. at the Shenandoah Valley Schoolhouse.

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

**Agenda Item**

**Item 1 - Request for a 6-year extension of time for Tentative Subdivision Map #147 Pine Acres North, proposing the division of approximately 44.2 acres into 66 single family residential lots (46 estate lots and 20 lots 6,000 sq. ft. min.), 3 low**

density multiple family lots (up to 4 units) and a 12 unit apartment complex. Two sewage disposal lots consisting of a 9.8-acre lot (Parcel A) and 2.3-acre lot (Parcel B), a 1.2-acre open space lot (Parcel C), a wastewater treatment area lot (Parcel D), and a propane area lot (Parcel E).

**Applicant: Parkinson Trust  
Supervisorial District IV**

**Location:** At the southeast corner of Hwy 88 & Tabeaud Road in Pine Grove (APNs 038-170-014-000; 038-180-040-000; 038-180-042-000; 038-180-054-000).

Commissioner DesVoignes stated he is part owner of a shopping center within one mile of the project and asked if that constituted a conflict of interest. Grace Pak, Deputy County Counsel, stated she did not believe it did.

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

Gary Reinoehl, upcountry resident, was concerned about granting an extension because of the traffic problems during the Butte Fire evacuations in the Pine Grove area. He asked the Commission to not extend the expiration date.

Commissioner Callsen stated she could not support an extension based on no work being done on the conditions of approval, the current traffic issues for the area and the traffic problems during the Butte Fire evacuations.

Commissioner Byrne stated he opposed the project in 2010 and voted to deny it; he opposed extending the project and is concerned the environmental document is stale.

Commissioner Ryan stated the Commission has granted previous map extension requests and he would be willing to grant a two year extension; if nothing happens in two years he'd be willing to look more closely at denying another extension.

Chairman Wardall felt a two to three year extension would be appropriate.

Commissioner Byrne stated the extensions granted by the Commission in the past have been for smaller land divisions of two to four lots not for subdivisions as large as this.

Commissioner Ryan stated the property ownership has changed and would like to give the applicant a chance to start work.

Commissioner Byrne reiterated that due to the larger scale of the project, the environmental document being stale and being opposed to the project to begin with he could not support an extension.

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner DesVoignes and carried to grant a two-year extension of Tentative Subdivision Map No. 147 Pine Acres North.

Ayes: Ryan, DesVoignes, Wardall

Noes: Byrne, Callsen

**NOTE:** Mr. Beatty advised the Planning Commission approved a two-year extension of Tentative Subdivision Map No. 147 Pine Acres North. 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 April 21, 2017, at 5:00 p.m. along with the appropriate appeal fee.

### Public Hearings

**Item 2 - Request for a Use Permit to exceed the 35' height limit in the "A," Agricultural District to allow for construction of a 55-foot tall tower with a point-to-point antenna for the purpose of providing high-speed internet to the site.**

**APPLICANT:** Renwood Winery / Cal.net, Inc.

**SUPERVISORIAL DISTRICT 5**

**LOCATION:** 12225 Steiner Road, Plymouth, CA at the intersection with Upton Road (APN-014-020-013).

Commissioner Ryan recused himself because he does business with Renwood Winery and the antenna is for the exclusive use of Renwood. Commissioner Ryan left the room at 7:21 p.m.

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

Chairman Wardall opened the public hearing.

Angela Kookan, representing Renwood Winery, requested approval of the antennae in order to operate the winery. She stated Renwood Winery currently has a T1 line from AT&T which drops service at least once a month. Renwood has a satellite internet service for backup but it does not provide the required static IP address that is needed to conduct their business. The issues for not having a reliable internet connection are that employees are not able to clock-in or clock-out, they are unable to connect to the corporate systems based in Napa, and the point of sale system regularly goes down. Ms. Kookan explained they would like to use an internet based point of sale system but they do not have the available bandwidth at this time. She explained the wine club sales are processed off-site at an employee's home because the winery site does not have the internet capability to do it. Ms. Kookan again requested the Commission approve the request in order for the winery to conduct their business.

Beth Goodland-Jones, local resident and owner of Amador Foothill Winery and Iron Hub Winery, voiced concerns about the design and appearance of the antenna. She understood the difficulties of having unreliable internet. She stated there are nine wineries and many vineyards without wineries in the area that should be protected. Ms. Goodland-Jones asked to have the structure look more like a tree or some sort of vegetation to protect the appearance of the bucolic, gorgeous valley rather than the proposed unattractive shiny steel colored antenna. She stated the tower would be highly visible and a distraction from the ambience of the wineries doing direct to consumer sales.

Rebecca Brown, upcountry resident, read from her letter, attached.

Gary Reinoehl, upcountry resident, understood that many projects regarding wineries and special events have been considered by the Planning Commission and there has been good discussion regarding the need to address the expanding uses in a comprehensive manner. He stated this request is an example of an issue that affects the whole Shenandoah Valley not just specifically Renwood Winery. Mr. Reinoehl encouraged the Commission to look at the request as a region-wide issue and plan for internet service rather than have individual requests so we can make this County the best we can for all of the businesses and all of the residents. He asked the Commission to postpone a decision so there can be further discussion and an overall plan to provide internet to the

whole Shenandoah Valley area.

Mark Herr, Cal.Net General Manager, stated internet is virtually non-existent outside of the cities along the west slope of the Sierra. He stated to provide internet to homes utilizing fiber optics is prohibitive when the parcels are measured in acres and wireless broadband is one of the solutions. Mr. Herr stated the Board of Supervisors supported Cal.Net pursuing a grant to bring wireless broadband to the County; the grant was awarded to provide wireless broadband from El Dorado to Tuolumne counties. He stated a comprehensive plan for Amador County is in the works; there will be many co-location sites as well as new sites. Mr. Herr stated there are no less than 6 towers along the drive into the valley which are all “see-through” antenna which do not draw the eye; a tree type tower will attract the eye more than the proposed “see-through” antenna. Renwood initiated the request for the tower and is paying for the project; at this time it is strictly for them. It is possible to turn it into an access point for the area which would require additional permits and additional equipment. Mr. Herr stated approving this request would be a step toward providing internet to the area. He added the FCC guidelines and laws are clear that jurisdictions cannot deter businesses or residents from obtaining services to their own home.

Commissioner Byrne asked if this is a good spot to service the area. Mr. Herr stated it is not an ideal spot but it is not bad. Commissioner Byrne stated the rendition shows a 45’ tower but the application is for a 55’ tower and wanted to know how tall the tower will be. Mr. Herr stated the request is for up to 55’ in order to have a direct line of sight to the Mount Aukum tower; if all of the 55’ is not needed it will not be used. He stated it is a small site; the rendition is not the best work his company has done. The footprint of the proposed project is an 8’ by 8’ area and the tower type is that which allows a technician to be dispatched quickly, usually within a couple hours, to do repairs and maintenance when needed. He stated if it is a tree type tower it would not only be a larger footprint but it would take longer to coordinate the equipment needed for repairs and maintenance.

Ms. Brown stated she lives in the eastern portion of the County and Volcano Communications does provide fiber optics in the County. She would like to see the negotiation begin so the tower be used to provide internet to the area.

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

Commissioner Callsen stated it would be nice to have community-wide internet access and found the rendition of the tower ugly. She understood the problems of not having reliable internet access.

Chairman Wardall asked if Renwood would be open to allowing others to utilize the tower. Ms. Kooken stated they are willing to allow others to use the tower but would first like to ensure there is plenty of bandwidth for their use. She stated the project is not inexpensive and Renwood is paying the cost in order to have a reliable internet connection that will meet their needs. Ms. Kooken stated Cal.Net has assured them there will be plenty of bandwidth available for their use and would be willing to allow the expansion of the use in the future. In response to Commissioner DesVoignes, Ms. Kooken stated no one has approached Renwood to share the use of the tower.

Chairman Wardall understood the problem of not having good internet service and appreciated Renwood is open to sharing the tower in the future.

Commissioner DesVoignes stated it seemed like the way to do it would be to have a joint plan but has learned that can take forever to coordinate something like that. He appreciated that Renwood is willing to build the tower and have it available for community use in the future.

Commissioner Byrne asked why the project is categorically exempt from CEQA. Mr. Beatty stated it was listed as categorically exempt because it is a small structure and does not have an environmental impact. Commissioner Byrne stated the tower appeared to have an aesthetic impact. Mr. Beatty stated the project as proposed meets the definition to have no impact and fits in the classification of being a small structure and categorically exempt from CEQA.

Commissioner Byrne asked Mr. Herr about the material of the tower. Mr. Herr stated it is a non-reflective tower that can be painted. Commissioner Byrne asked if there is a standard to make the tower the least visible. Mr. Herr stated a light color that blends with the surroundings; there is no standard because the surroundings would dictate the best color.

Mr. Beatty clarified this tower is for private use and a use permit would be required to change the use and allow the tower to be a co-location site which would allow access to others in the area.

Ms. Grijalva added the project the Commission is considering is a request for the tower, which is for private use, to exceed the height limit; for it to be a public wireless communication facility a separate use permit would be required.

Commissioner Byrne stated it is a tough decision and appreciated the neighbor's concerns. He would like to have a county-wide plan but understood the need Renwood has.

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

Ayes: 4

Noes: 0

Absent: 1, Commissioner Ryan

**NOTE:** *Mr. Beatty advised the Planning Commission approved the use permit. 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 April 21, 2017, at 5:00 p.m. along with the appropriate appeal fee.*

Commissioner Ryan returned to his seat at 8:00 p.m.

**Item 3 - Request for a Use Permit to exceed the 35-foot height limitation in the "R1A," Single-family Residential and Agricultural District allow a barn/riding arena with a 40-foot overall height. Per Amador County Code, structures may be permitted with a height greater than 35 feet subject to securing a Use Permit.**

**Applicant:** Jack Stewart (Do Hong-Quy Pham, owner)

**Supervisorial District V**

**Location:** 18877 Ponderosa Annex approximately 1,600' south of Shake Ridge Road in the Sutter Creek area (APN 030-020-086)

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

Gary Reinoehl stated there is a structure visible from Shake Ridge Road that seems to fit the description. He was concerned about such a large structure being on a private road that is partially paved and partially unpaved.

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

Commissioner Ryan asked if the project was complete. Mr. Beatty replied it is complete. Commissioner Ryan stated it is within 5' of the height limit so it seems like the Commission cannot tell them to take it down and fix it.

Chairman Wardall observed it would be difficult to tell the difference between a 35' building and a 40' building when driving on the road.

Commissioner DesVoignes asked how the height problem was discovered. Mr. Beatty stated the building permit had not been finalized and the new property owner wants to final the building permit. Ms. Grijalva explained when the plans were submitted for a building permit the proposed 40' height was specified on the plans but was signed off in error by Planning staff. The new owner is trying to final the permits and clear up the issues the previous owner left. Commissioner Byrne stated that helped clarify the situation for him.

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner Callsen and unanimously carried to find the project is categorically exempt and approve the Use Permit subject to the findings and conditions contained in the staff report.

*NOTE: Mr. Beatty advised the Planning Commission approved the use permit. 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 April 21, 2017, at 5:00 p.m. along with the appropriate appeal fee.*

**Item 4 - Continued - 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 and request for a variance from County Code Section 19.24.036 D(4) for inclusion of a parcel less than 40 acres.**

**Applicant:** Town Centre Car Wash Company, Inc. (Jim Riskas, owner)  
**Supervisory District V**

**Location:** 20550 Ostrom Road, approximately 0.30 miles north of Fiddletown Road (APN 014-170-035).

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

Jim Riskas, owner, was available for questions.

Commissioner Ryan remarked that as the applicant stated the property is surrounded by properties of similar zoning and he did not think the Commission should make a decision based on a perception of what may happen in the future. He stated again that he has considered which finding could be made to deny the request when so many other requests have been approved. He stated Ostrom Road does have problems and hoped the County will address the concerns before someone else decides to put in a winery or tasting room. Commissioner Ryan stated the number of acres in vineyards makes it a true agricultural parcel and did not think he could deny this one individual his property rights nor would it solve the problem.

Commissioner Callsen asked what would happen if the request is approved without restrictions on the

contract and the owner wanted to have a tasting room in the future. Ms. Grijalva stated currently properties in the Williamson Act can have a tasting room; if the code changes only those people who are doing those things legally would be able to continue, which is known as “legal non-conforming use.” If the zoning code is changed and wineries or tasting rooms are not allowed, then parcels that do not have a winery or a tasting room when the zoning regulations are changed would not be able to open a winery or tasting room.

Commissioner DesVoignes stated he is new and has not seen the issues but has to believe that knowing the Supervisors and the residents of the Shenandoah Valley something will be done so it will get better. He agreed with Commissioner Ryan not to penalize one individual when all the criteria are met.

Chairman Wardall allowed public comment even though the public hearing was closed.

Gary Reinoehl, upcountry resident, stated he understood Commissioner Ryan’s comments and has seen this discussion for the past couple years. He stated nothing has changed in the regulations and blamed the Commission and the Board of Supervisors for not taking action.

Commissioner Ryan stated the Commission has made recommendations to the Board of Supervisors but have had to wait for the General Plan update to be approved. The Commissioners will continue to pester their Supervisors to have something done but in the meantime the Commission must work with the current regulations.

Mr. Reinoehl stated he has not seen any advancement of looking at what is happening in the Shenandoah Valley in a comprehensive manner; there are traffic issues that must be considered. He stated the General Plan was approved in November so there has been time to work but as a public member he has not seen or heard that anything is changing.

Commissioner Ryan reminded Mr. Reinoehl the Commission has placed restrictions on use permits for events and tasting rooms and has recommended the Board of Supervisors direct staff to update the winery ordinance.

Mr. Reinoehl stated he would address the Board of Supervisors so it comes from the public as well as the Commission.

Commissioner Byrne stated one way to send a message to the Board of Supervisors is to recommend denial of the request so the Board would have to make the decision; the Commission did this in the past. He stated he does not like to “pass the buck” but sometimes it is not a bad thing. The Commission can only forward their opinion to the Board.

Commissioner Ryan felt this was a different request; the only reason he is applying for a zone change is to take advantage of the tax benefit. He asked what the findings would be to deny the request when they have recommended approval for similar requests in the past.

Commissioner Callsen stated she understood the Commission could recommend placing a restriction on the Williamson Act contract and not allow a winery or tasting room. Ms. Pak stated that is correct and clarified that the applicant would have to agree to the change because it is a contract.

Commissioner Ryan did not agree with placing a restriction on the Williamson Act contract.

**MOTION:** It was moved by Commissioner Callsen, seconded by Commissioner Byrne and failed to find the request is categorically exempt and to recommend the Board of Supervisors approve the

variance and zone change and place a restriction on the contract to not allow a winery or tasting room.

Ayes: Commissioner Callsen, Commissioner Byrne

Noes: Commissioner Ryan, Commissioner DesVoignes, Chairman Wardall

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner DesVoignes and carried to find the request is categorically exempt and to recommend the Board of Supervisors approve the zone change and variance subject to the findings and conditions contained in the staff report.

Ayes: Commissioner Ryan, Commissioner DesVoignes, Chairman Wardall

Noes: Commissioner Callsen, Commissioner Byrne

***NOTE:** Mr. Beatty advised the Planning Commission recommended approval of the zone change and variance request. This matter will be heard at a future Board of Supervisors meeting and notices will be mailed out.*

**Adjournment:** At 8:31 p.m. Chairman Wardall adjourned this meeting of the Planning Commission, to meet again on May 9, 2017.

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Dave Wardall, Chairman  
Amador County Planning Commission

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Heidi Jacobs, Recording Secretary  
Amador County Planning Department

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Susan C. Grijalva, Planning Director  
Amador County Planning Department