

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

Staff: Greg Gillott, County Counsel  
Susan C. Grijalva, Planning Director  
Chuck Beatty, Planner (arrived at 7:30 p.m.)  
Heidi Jacobs, Recording Secretary

**THOSE ABSENT WERE:**

Planning Commissioner: Ray Ryan, District V

**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 carried to approve the agenda as presented.  
Absent: Commissioner Ryan
- C. Minutes: July 11, 2017**  
**MOTION:** It was moved by Commissioner DesVoignes, seconded by Commissioner Byrne and carried to approve the minutes of July 11, 2017 as presented.  
Abstain: Commissioner Callsen  
Absent: Commissioner Ryan
- D. Correspondence: None.**
- E. Public Matters not on the Agenda: None.**
- F. Recent Board Actions:** Susan Grijalva, Planning Director, stated the Board of Supervisors granted the Bensch Variance request in Kirkwood.

**Public Hearings**

- Item 1 - Request for Zone Change from the "R1A," Single-family Residential and Agricultural District to the "AG," Exclusive Agricultural District in conjunction with a request to include the recently acquired 545 acres (via a Boundary Line Adjustment) into an existing California Land Conservation Act contract.**

**APPLICANT:** Timothy and Jill Curran  
**SUPERVISORIAL DISTRICT II**

**LOCATION:** 1000 Cook Road, Lone, CA, approximately 1.5 miles west of Dave Brubeck Road (portion of APN 005-170-014).

Susan Grijalva, Planning Director, 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.

Jill Curran, property owner, was available for questions.

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

ABSENT: Commissioner Ryan

Commissioner Byrne asked for clarification about the boundary line adjustment. Ms. Grijalva stated the Curran's purchased property from the neighbor and the property line was adjusted to reflect the property purchased.

**MOTION:** It was moved by Commissioner Callsen, seconded by Commissioner Byrne and carried to find the zone change is categorically exempt.

ABSENT: Commissioner Ryan

**MOTION:** It was moved by Commissioner Callsen, seconded by Commissioner Byrne and carried to recommend approval of the zone change to the Board of Supervisors subject to the findings and conditions contained in the staff report.

ABSENT: Commissioner Ryan

***NOTE:** Ms. Grijalva advised those present the Planning Commission recommended approval of the zone change. This item will be heard at a future Board of Supervisors meeting and notices will be mailed out.*

**Item 2 - continued - Environmental document determination and possible project decision for Tentative Parcel Map No. 2864 proposing the division of 241+/- acres into two (2) parcels of 130+/- and 111+/- acres.**

**Applicant:** The Reed Leasing Group, LLC  
**Supervisory District II**

**Location:** Lying north and south of SR88, approximately one-half mile west of the intersection of SR88 and Martin Lane in the Lone area (APNs 005-240-001 and 005-190-005).

Susan Grijalva, Planning Director, summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full.

Robin Peters, representative, stated there is a peculiarity in the Subdivision Map Act which does not allow new roadways to create parcels. He explained the property was bifurcated in the 1940s when Highway 88 was constructed; this proposal would create two separate legal parcels that are divided along Highway 88. The parcel is currently in the Williamson Act and the proposed parcels will meet the Williamson Act requirements prior to recordation of the map.

Chairman Wardall opened the public hearing.

Bill May, area resident, asked if someone would be able to answer his questions on behalf of the property owner. Commissioner Byrne stated it appeared someone was available.

Mr. May asked where the potential homes would be built. Ms. Grijalva stated County Code setback

requirements are 30 feet from property lines. Mr. May asked if the applicant would be willing to have a greater setback imposed on the property so any building would not obstruct his view. Chairman Wardall explained there is nothing in the County Code to require that. Mr. May stated he has property rights and wants to preserve the view he has from his home. Commissioner Byrne stated any landowner who wants to prevent someone from building too close to them would be to purchase the neighboring property.

Mr. May asked what will be done with the property if water is not found. Ms. Grijalva explained it is a condition of the map to demonstrate potable water availability prior to the map being recorded. Mr. May asked for the applicant to answer his questions.

Greg Gillott, County Counsel, stated the applicant is not obligated to answer any questions; he explained Mr. May can ask the questions of staff or the Commission and if staff or the Commission would like to know the answer they may ask the applicant to answer the question.

Mr. May asked what would be done with the property if the map is not recorded. Commissioner Byrne felt that is not an appropriate question for the Commission to consider because it is not a matter pertaining to the land division that is before the Commission. Chairman Wardall agreed the questions Mr. May is asking are not applicable to the specific project and suggested Mr. May call the applicant to get his answers. Mr. May asked for a phone number for the applicant. Jeff Welch, George Reed, Inc., provided Mr. May with his business card.

Mr. May stated the property owner has not cut down the weeds growing up to the property line and he had to hire someone to create defensible space for his home. Mr. May stated he understood there was approval for a second driveway and that Ms. Grijalva was aware of that approval. Ms. Grijalva clarified that she had advised Mr. May to contact CalTrans to see if an encroachment permit had been issued for the property because it is an encroachment onto a state highway.

Mr. May stated he understood that both resulting parcels will be in the Williamson Act and there were no plans to non-renew the contract. Commissioner DesVoignes stated the Agricultural Advisory Committee did recommend approval of new contracts. Ms. Grijalva added the Williamson Act Contracts are auto-renewing until non-renewal is filed; at the time of non-renewal there would be nine years remaining prior to expiration of the contract.

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

ABSENT: Commissioner Ryan

Commissioner DesVoignes reiterated that he is on the Agricultural Advisory Committee and felt the project met the criteria for land division as conditioned. The Commission agreed.

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Callsen and carried to find the mitigated negative declaration is the appropriate environmental document.

ABSENT: Commissioner Ryan

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Callsen and carried to adopt the findings and approve the tentative parcel map subject to the conditions contained in the staff report.

ABSENT: Commissioner Ryan

**NOTE:** Ms. Grijalva advised those present the Planning Commission approved Tentative Parcel Map No. 2864. 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 August 18, 2017 at 5:00 p.m. along with the appropriate appeal fee.

Chuck Beatty, Planner, arrived at 7:30 pm.

**Item 3 - Appeal of the Planning Department's denial of Use Permit for a Detached Second Family Dwelling on a parcel that is allowed to have only an attached second family dwelling due to a change in the property's General Plan designation as a result of the October 2016 General Plan Update.**

**Appellants:** John and Susan Fiore

**Supervisorial District V**

**Location:** 18400 Live Oak Court, Plymouth, in the Burke Ranch Subdivision, Unit 3 (APN 008-420-029).

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

Ms. Grijalva announced that she and Mr. Gillott, County Counsel, reviewed the recently enacted accessory dwelling unit legislation and found the current County Code is negated because it does not meet the new State legislation. She explained the Fiore's proposal is consistent with the State legislation and because the current County Code has been negated an appeal is not required.

Commissioner Byrne asked how second units will be addressed in the future. Ms. Grijalva explained the County Code would have to be changed in order to meet State law and maintain the intent of the current code.

John Fiore asked why the County would adopt a code that contradicts State law. Ms. Grijalva explained the County Code existed prior to the new State law regulating accessory dwelling units which was enacted just recently.

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Callsen and carried to find that based on the adoption of the State law regarding accessory dwelling units the County Code is no longer valid and the appeal is not required.

ABSENT: Commissioner Ryan

**Item 4 - \*\*Request by Cedar Mill Farms, LLC, for a Use Permit pursuant to County Code Section 19.24.040 "M," Manufacturing District regulations item 13, to allow the operation of a log processing facility to provide milling, chipping, and fabrication of wood products in the "M," Manufacturing District.**

**Applicant:** Cedar Mill Farms, LLC (Steve Ogburn, representative)

**Supervisorial District III**

**Location:** 25270 and 25400 Highway 88, Pioneer, approximately one-half mile east of Defender Grade Road (APNs 031-060-015 & 031-010-117).

**\*\*Due to a noticing error, this item will be continued to September 12, 2017; new notices will be mailed out. However, if anyone wishes to attend the August 8<sup>th</sup> meeting and comment on the project they may do so but no decision can be made at that meeting.**

Chairman Wardall opened the public hearing.

Mike Goehner, area resident, was concerned about the potential noise that will be generated by the project and how it will be addressed. He stated he lived in the area when the previous cedar mill was running and would hear the mill running when he arrived home in the evening.

Commissioner Byrne stated noise is an item addressed during the review process and asked if time

limitations on the project would be an option to mitigated noise concerns. Mr. Goehner stated it would be good to limit the operation to daytime hours but would prefer not to hear the operation at all. He asked what the proposed water supply would be. Mr. Goehner explained he appreciated the potential for jobs but did not want a lot of noise from the project.

Commissioner Byrne stated water and noise are addressed during the environmental review and more information will be available at the next meeting.

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner DesVoignes and carried to continue this item to September 12, 2017.

ABSENT: Commissioner Ryan

**Adjournment:** At 7:52 p.m. Chairman Wardall adjourned this meeting of the Planning Commission, to meet again on September 12, 2017.

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/s/  
Dave Wardall, Chairman  
Amador County Planning Commission

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/s/ Susan C. Grijalva, for  
Heidi Jacobs, Recording Secretary  
Amador County Planning Department

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