

The Planning Commission of the County of Amador met on Tuesday, January 09, 2018 in the Board of Supervisors Chambers 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: Dave Wardall, District 2, and Chairman  
Keith DesVoignes, District 1  
Caryl Callsen, District 3, Vice Chair  
Andy Byrne, District 4  
Ray Ryan, District 5

Staff: Grace Pak, Deputy County Counsel  
Chuck Beatty, Planning Director  
Robin Rehart, Administrative Secretary

THOSE ABSENT WERE: None.

**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 of this meeting is hereby incorporated into these minutes by reference. All Items from the Minutes and are stored in the Amador County Planning Department.

**A. Pledge of Allegiance.**

**B. Approval of Agenda:**

**MOTION:** It was moved by Commissioner DesVoignes, seconded by Commissioner Byrne and carried to approve the agenda as presented.

**C. Minutes:** December 12, 2017

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Callsen and carried to approve the minutes of December 12, 2017 as presented.

Abstain: Commissioner Wardell – as he was Absent for the December 12, 2017 Meeting.

**D. Correspondence:** Greenwood Letter

Chuck Beatty, Planning Director explained that each of the Commissioners have a copy of the above referenced letter from Madeline Greenwood. Mrs. Greenwood wished to express her concerns regarding the proposed communication tower that is Item #4 on tonight's Agenda.

Mr. Beatty also let the Commissioners know that they will also find a Chart with the Historical Data for Planning Commission Chair, Vice Chair and Agricultural Advisory Committee Member and Alternate. It was prepared at the request of Commissioner Ryan for informational purposes for tonight's Election of Officers.

**E. Public Matters Not on the Agenda:**

**Commissioner Byrne notified the Commission that he will most likely be unable to attend the February 13, 2018 Planning Commission Meeting.**

**Commissioner Callsen notified the Commission that she will be unable to attend the March 13, 2018 Planning Commission Meeting.**

**F. Recent Board Actions:** Chuck Beatty, Planning Director, updated the Planning Commission - there were no actions by the Board of Supervisors since the last Planning Commission Meeting:

**G. Planning Commission: Election of Officers and Agricultural Advisory Committee Members and Alternates for 2018.**

Commissioner Ryan referenced the above mentioned chart and discussed previous years, rotations and the importance that each Commissioner have the opportunity to serve as Chair. The Commissioners discussed the possible rotations.

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Ryan and unanimously carried to elect Commissioner Callsen as Chair.

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner Callsen and unanimously carried to elect Commissioner Byrne as Vice Chair.

With the Election of Chair, and Vice Chair, the Commissioners changed seats and Commissioner Wardell passed the Title of Chair and the gavel to Commissioner Callsen the newly elected Chair.

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner Byrne and unanimously carried to elect Commissioner DesVoignes as the Agricultural Advisory Committee Member.

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner Byrne and unanimously carried to elect Commissioner Wardell as the Agricultural Advisory Committee Member Alternate.

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Ryan and unanimously carried to appoint the Administrative Secretary of the Planning Department as Recording Secretary.

**Public Hearings**

**Item 1 - Request for a Variance from County Code Section 17.28.060, "Easements," to allow for lots #1 and #2 in Parcel Map #2868 to have public use and access easements which are offset from their property lines.**

**Applicant: Paul L. and Barbara I. Miller Revocable Living Trust**  
**Supervisory District: 2**  
**Location: Approximately 1,200 feet west of Willow Creek Road**  
**being 5990 Tonzi Road**  
**(APN 011-020-044).**

Chuck Beatty, Planning Director, summarized the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Commissioner Callsen opened the public hearing.

Robin Peters, from Cal State Engineering, signed in at the podium and greeted the Commission. He explained that this is the Tentative Map that was approved at the December Planning Commission Meeting. Mr. Peters explained that this Variance Request would allow them to align the easement with the existing driveway to avoid cutting in a new driveway. He stated that he believes this to be the most

logical way to move forward with this map and that they would appreciate if the Planning Commission could see the way to move forward with recommending approval to the Board of Supervisors.

Commission Callsen asked if there was anyone else present who would like to speak. There was not.

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

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner Byrne and carried to recommend approval to the Board of Supervisors for the Requested Variance from County Code Section 17.28.060, "easements," to allow for lot #1 and #2 in Parcel Map #2868 to have public use access easement which is offset from their property lines.

Absent:

*NOTE:* Mr. Beatty, Planning Director, advised those present that the Planning Commission has recommended approved of the Variance to the Board of Supervisors and a Public Hearing will be held at a future date.

**Item 2 - Appeal of staff's Denial of a Guest House Use Permit pursuant to County Code Section 19.48.070, which requires guest houses to be served by the same electrical meter and sewage disposal system as the main building. Applicant proposes to construct a 612 sq. ft. detached guest house with separate electric meter and separate septic disposal system from the main building.**

**Applicant: Brian Radice**  
**Supervisory District: 4**  
**Location: Approximately 1 mile south of Irishtown Road**  
**being 12951 Spagnoli Mine Road, Pine Grove**  
**(APN 038-140-080-000).**

Chuck Beatty, Planning Director, summarized the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Commissioner Callsen opened the public hearing.

Brian Radice, Applicant, signed in at the podium and introduced himself to the Commission. Mr. Radice further expounded on his Appeal. He wants to build a guest house for family that visit from out of town

Dennis King, adjacent property owner, signed in at the Podium and introduced himself to the Commission. Mr. King had already submitted a letter that outlined his concerns. He wanted to ensure that the Commissioners understood his concerns. Mr. King explained that his first concern when he saw construction had been how close the septic system would be to his well. Mr. King came into the County Administration Building, spoke with Environmental Health and Mike Israel came out to assess the project. Mr. King said that Mr. Israel report that "Yes, it would be a safe distance." So, with that resolved, Mr. King's remaining concerns are ensuring proper setbacks from the actual property line rather than the fence line. He said that the fence is not on the property line. He mentioned that that he had Toma & Assoc. do a survey and the fence is actually 3 to 4 feet over the property line and sits on Mr. King's property. The final concern shared is that the project could then evolve into a rental or permanent residence.

Commissioner Byrne asked if Mr. King had had the opportunity to have a conversation about this project with his neighbor, Mr. Radice.

Mr. King stated that he had not had the opportunity.

Commissioner Byrne and Commissioner Callsen agreed that observing the setbacks and understanding the location of the property lines is important.

Commissioner Callsen asked Planning Director, Chuck Beatty, for clarification on setbacks from the property lines.

Mr. Beatty clarified that the setbacks are measured from the property lines. He further explained that in this instance, because the applicant's parcel is over an acre, Cal Fire requires a setback of 30 feet from the property line. This supersedes local zoning ordinances. It would be incumbent on the applicant to ensure that he knows where the property line is before the footing was put in place.

Commissioner Ryan addressed Mr. King's concern of the possibility of the guest house becoming a permanent residence or rental. He explained that a County Code does not allow a guest house to become a full time residence.

Mr. King came back to the Podium for further clarification on if a guest house could become a full time residence.

Commissioner Byrne explained that Guest House is defined in very specific terms in the County Codes and that there is a difference in size of structure and that a Guest House cannot have a kitchen.

Commissioner Ryan asked Mr. Beatty for clarification of the sizing difference between a Guest House and Second Residence.

Mr. Beatty explained that the maximum for a Guest House is 799 sq. ft. and that there is not a minimum for a second full-time residence.

Mr. King expressed that with the comments that were made tonight with family visiting all the time and elderly parents visiting, and that he doesn't know if that will become a problem.

Commissioner Byrne explained that if that were to become a problem then it would become a Code Enforcement issue and he could report that to the Planning Department, or possibly speak with his neighbor. Also, that what we are discussing tonight and being appealed is a Guest House.

Commissioner Callsen asked if there were any further questions. There were not.

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

The Planning Commission discussed the Appeal and then Commissioner Byrne asked staff for further information on the recent findings with the California law that superseded the County on Accessory Dwelling Units and does it apply to Guest Houses?

Planning Director, Chuck Beatty explained that the State law does not apply to Guest Houses. It applies to Accessory Dwelling Units as the State calls them, or as we've called them Second Units or Second Family Units. In the past, if someone wanted to build a Second Unit, they would have need a Parcel that was twice the minimum lot size for their General Plan Classification and they would have had to get a Staff Issued Use Permit. The State law did away with those two requirements. Now you are required to get a Staff Issued Use Permit for a Guest House but not for a Second Family Unit.

Mr. Radice then asked for clarification. He asked that then if it did become an issue, then he could increase the size, apply for a Building Permit and add a kitchen?

Commission Byrne again explained the distinctions and that a Second Family Unit has a much larger impact fee.

Mr. Radice explained that although this wasn't his intention at this time; however, he did want to understand what his next step would be if this did become an issue.

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner DesVoignes to approve the Appeal of the Guest House Use Permit.

**NOTE:** Mr. Beatty, Planning Director, advised those present that the Planning Commission has approved the Appeal of the Planning Department's Denial of a Guest House Use Permit for 12951 Spagnoli Mine Road, Pine Grove, CA. If anyone wishes to appeal the decision of the Commission they may do so by submitting to the Clerk of the Board of Supervisors a written request for appeal prior to Friday, January 19, 2018 at 5:00 p.m. along with the appropriate appeal fee.

**Item 3 - Request for Use Permit for a 116' monopole wireless communication tower. The tower will include 12 antenna panels, 2 microwave dishes, and related ancillary equipment.**

**Applicant:** Epic Wireless Group, Inc., on behalf of AT&T  
**Supervisory District:** 5  
**Location:** Approximately 0.35 miles south of Shake Ridge Road and approximately 0.25 miles west of Darling View Court; being 15800 Shake Ridge Road (APN 015-120-037-000).

Chuck Beatty, Planning Director, summarized the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Commissioner Callsen opened the public hearing.

Stephanie Dowdle, of Epic Wireless, representative for AT&T signed in at the podium. Ms. Dowdle introduced herself, explained their request for a Use Permit and how crucial wireless communication and internet has become in our society.

Joy Finney signed in at the podium. Ms. Finney introduced herself and asked about possible radiation from the tower and how the tower might affect access for emergency services / airplanes if there were a fire.

Mr. Beatty addressed Ms. Finney's concerns. He explained that there was a report included in the packet which showed that the tower complies with the FCC Rules on electromagnetic radiation from the tower. Mr. Beatty didn't believe that the height would be a concern as at that location, the height wasn't much taller than the trees.

Commissioner Wardell confirmed that it wouldn't be a concern at that height.

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

The Commission discussed the proposal. Commissioner Byrne expressed the desire to see the pole camouflaged as a monopine. Commissioner Wardell stated his preference that it remain un-camouflaged as a monopole. The Commissioners discussed the merits of both poles, safety and aesthetics.

The Commissioners determined that they would prefer a monopine even with the required addition of 5 to 7 feet of height increase to change the pole to a monopine.

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner Wardell and unanimously carried to find the project is Categorically Exempt from CEQA and approve the request for a Use Permit for a MONOPINE Wireless Communication Tower subject to the conditions contained in the Staff Report and with the additional conditions that it be a Monopine instead of a Monopole with the branches as close to the ground as possible. It was noted that the Commission is approving the additional height of 5 to 7 feet needed for the change in pole.

**NOTE:** Mr. Beatty, Planning Director, advised those present that the Planning Commission has approved the request for a Use Permit for a MONOPINE Wireless Communication Tower at 15800 Shake Ridge Road. If anyone wishes to appeal the decision of the Commission they may do so by submitting to the Clerk of the Board of Supervisors a written request for appeal prior to Friday, **January 19, 2018** at 5:00 p.m. along with the appropriate appeal fee.

**Item 4 - Request for Use Permit for a 100' monopine wireless communication tower. The tower will include 12 antenna panels, 2 microwave dishes, and related ancillary equipment.**

**Applicant:** Epic Wireless Group, Inc., on behalf of Pinnacles Cellular, Inc. dba Verizon Wireless  
**Supervisory District:** 5  
**Location:** Approximately 0.35 miles south of Highway 16 and approximately 0.50 miles east of Moriah Heights Road; being 240 Highway 16 (APN 001-100-005-000).

Chuck Beatty, Planning Director, summarized the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Commissioner Callsen opened the public hearing.

Chet Goldman, of Epic Wireless, representative for Verizon signed in at the podium. Mr. Goldman introduced himself, explained their request for a Use Permit and how crucial wireless communication has become in our society.

Commissioner Ryan asked how long it takes for construction of a monopine.

Mr. Goldman explained the construction process.

Commissioner Byrne said that he appreciates the attempt to camouflage the tower and stated that he would prefer to have the branches on the tower begin 25' from ground level.

Mr. Goldman said that was possible.

Commissioner DesVoignes asked Commissioner Wardell for his input.

Commissioner Wardell expressed that he believes an un-camouflaged silver pole has better visibility for pilots which is why he prefers a monopole.

The Commission discussed the options and settled on a monopine with the addition of having the branches on the tower begin 25' from ground level.

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

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner Byrne and unanimously carried to find the project is Categorically Exempt from CEQA and approve the request for a Use Permit for a MONOPINE Wireless Communication Tower subject to the conditions contained in the Staff Report and with the additional condition that the branches begin 25' from ground level and subject to the conditions contained in the Staff Report.

**NOTE:** Mr. Beatty, Planning Director, advised those present that the Planning Commission has approved the request for a Use Permit for a MONOPINE Wireless Communication Tower at 240 Highway 16. If anyone wishes to appeal the decision of the Commission they may do so by submitting to the Clerk of the Board of Supervisors a written request for appeal prior to Friday, **January 19, 2018** at 5:00 p.m. along with the appropriate appeal fee.

**Item 5 - Request for a Use Permit for a single-sided off-premises quasi-public directional sign for Steiner Road wineries (Start on Steiner Association) pursuant to Amador County Code Section 19.32.010.J.**

**Applicant:** Jennifer Hunt, President  
Start on Steiner Association  
**Supervisory District:** 5  
**Location:** Northeast corner of the intersection of Steiner and  
Shenandoah Roads  
(APN 014-110-010-000).

Chuck Beatty, Planning Director, summarized the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Commissioner Callsen opened the public hearing.

Beth Goodlin Jones of Iron Hub Winery signed in at the Podium and introduced herself. She explained the proposal.

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

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Callsen and carried to find the project is Categorically Exempt from CEQA.

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner DesVoignes and carried to approve the request for a Use Permit for a single-sided off-premises quasi-public directional sign for Steiner Road wineries subject to the conditions contained in the Staff Report.

**NOTE:** Mr. Beatty, Planning Director, advised those present that the Planning Commission has approved the request for a Use Permit for a single-sided off-premises quasi-public directional sign for Steiner Road wineries. If anyone wishes to appeal the decision of the Commission they may do so by submitting to the Clerk of the Board of Supervisors a written request for appeal prior to Friday, **January 19, 2018** at 5:00 p.m. along with the appropriate appeal fee.

**ADJOURNMENT:** It was moved by Commissioner Callsen, seconded by Commissioner Byrne and carried to adjourn the meeting. Planning Commission Chair Callsen adjourned this meeting of the Planning Commission at 8:00 p.m. Planning Commission to meet again on February 13, 2018.

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Caryl Callsen, Chair  
Amador County Planning Commission

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Robin Rehart, Recording Secretary  
Amador County Planning Department

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Chuck Beatty, Planning Director  
Amador County Planning Department

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