

The Planning Commission of the County of Amador met on Tuesday, February 13, 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 Planning Commission Chair Callsen.

THOSE PRESENT WERE:

Planning Commissioners: Caryl Callsen, District 3, and Chair
Keith DesVoignes, District 1
Dave Wardall, District 2
Ray Ryan, District 5

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

THOSE ABSENT WERE: Andy Byrne, District 4, and Vice Chair

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 Wardall and carried to approve the agenda as presented.

C. Minutes: January 9, 2018
Review and Approval of the January 9, 2018 Minutes are postponed until the next Planning Commission Meeting on March 13, 2018.

D. Correspondence: Gary Reinoehl

It was noted that each Commissioner received a printed copy and was forwarded an email from Mr. Gary Reinoehl. He expressed his concerns regarding Items 3 and 4 on tonight's Agenda.

E. Public Matters Not on the Agenda:

Mr. Reinoehl introduced himself to the Commission and signed in at the podium. He requested that Planning Commissioner names and email addresses be added to the Amador County Website.

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

Item 1 - Request for one-year Extension of Tentative Subdivision Map No. 170 Martin Point proposing to divide 14.4 acres into 33 single family residential lots and one duplex lot for a total of 35 dwelling units.

Applicant: Martin Point, LLC (Nate Whaley, Representative)
Supervisorial District: 3
Location: About ½ mile south of SR 88 on the west side of Kirkwood Meadows Drive, approximately 300 feet west of Loop Road. (APN 026-270-035).

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 asked if there was a representative. There was not.

The Commission discussed the project.

Commissioner Ryan stated that he had no problem with the extension.

Commissioner Wardall concurred and Commissioner DesVoignes was in agreement with the extension.

Commissioner Callsen expressed concern with the number of extensions and the timeline.

After further discussion by the Commission a motion was made.

MOTION: It was moved by Commissioner Ryan, and seconded by Commissioner DesVoignes and carried to approve the one-year extension. The Martin Point Tentative Subdivision Map No. 170 will now expire on June 12, 2019.

Ayes: Commissioners Ryan, DesVoignes, and Wardall

Noes: Commissioner Callsen

Absent: Andy Byrne, District 4, and Vice Chair

Public Hearings

Item 2 - Appeal of Planning Department’s Denial of a Use Permit (Temporary Uses – Hardship Situations), for a recreational vehicle to provide accommodations for an immediate family member in need of medical or other constant care for a long-term duration. The above-referenced Use Permit was denied on December 29, 2017, pursuant to County Code Section 19.48.055(B)(1)(a).

Applicant: Elizabeth O’Keefe
Supervisorial District: 3
Location: 22750 Rocky Lane, Pioneer (APN 030-290-007-000).

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

The Commissioners asked for additional information on time limits for camping on one’s property.

Chuck Beatty, Planning Director, explained that County Code limits occupancy of an RV to a cumulative 16 days unless in an RV Park.

Commissioner Callsen opened the public hearing and asked if there was anyone present who would like to speak.

Elizabeth O'Keefe introduced herself to the Commission and signed in at the podium. Ms. O'Keefe explained the reasons for her appeal citing her medical history and gave a description of her situation. With the Commissioners approval, she gave each Commissioner three photos of her property and the location of the RV. These photos had been included in the Planning Commissioners Packets (pgs. 39, 40 & 41).

Ms. O'Keefe explained that she'd brought people with her who would like to speak and who had direct knowledge of her situation.

Mr. Ken Williams introduced himself and signed in at the podium. He spoke on his relationship with Ms. O'Keefe and the growing homeless population.

Next, Mr. Gary Niskanen introduced himself and signed in at the podium. Mr. Niskanen explained that he was a friend and one of the three tenants that rented Ms. O'Keefe's house. He asked that the Commission consider approving this as a reasonable accommodation.

Then, Mr. Gordon Seelus introduced himself and signed in at the podium. He explained that he'd been Ms. O'Keefe's tenant at the Rocky Lane address for more than two years. He discussed the improvements that they made to the property in that time and his background.

Next, Ms. Kimberly Pearlman introduced herself and signed in at the podium. She explained her background and that she and Gordon Seelus have been Ms. O'Keefe's tenants for a number of years and that Ms. O'Keefe let them rent her house when they had nowhere else to go. Ms. Pearlman stated that this situation was beneficial to everyone.

Commissioner Callsen asked if there was anyone else present who would like to speak. Several raised hands.

Ms. Cathy Ensign came forward to the podium, introduced herself, and signed in. Ms. Ensign explained that she'd now submitted two letters stating her objections to Ms. O'Keefe living in the RV. She explained the reasons she objected (as stated in her letters) and then thanked Planning Director, Chuck Beatty for following the County Codes and denying the application.

Ms. Kathleen Magana introduced herself, and signed in at the podium. She explained that she's a resident on Rocky Lane, how long she's lived there and her reasons for objecting to the application and then appeal. As she stated in her letters, she's concerned about quite a few things some of which include property values, and questioned the credibility of the applicant.

Mr. Louis Quantararo introduced himself, and signed in at the podium. He explained that like all of the neighbors, he has sent two objection letters. Mr. Quantararo explained his concerns which included property values, fire risk, and expressed concern that allowing this to continue will devalue the neighborhood.

Ms. Melinda McCloud introduced herself, and signed in at the podium. She explained that she's also a resident on Rocky Lane and discussed her history with Ms. O'Keefe. She felt that most of her concerns were well outlined in her letters. Ms. McCloud feels that the Codes are there for a reason, and questioned the credibility of the applicant.

There were no others who wished to speak on the appeal.

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

Absent: Andy Byrne, District 4, and Vice Chair

The Commissioners discussed the issue and asked for further information on what inspections and approvals were done by the Environmental Health Department as they'd seen multiple reports of an odor.

Mr. Beatty explained that although Environmental Health had investigated a complaint about sewage, it was determined that the RV would need to be hooked up to the septic system and a building permit issued. Neither of which has occurred.

Commissioner Ryan asked for further information from Ms. O'Keefe. He discussed alternative solutions to the issue that would follow all codes. Suggestions were adding an additional room to the existing house, converting the garage or adding a second full time residential structure.

Ms. O'Keefe explained that she had no income and no money for any of those solutions.

Commissioner Ryan expressed empathy for Ms. O'Keefe's situation. But explained that she would need to come up with a solution.

The Commissioners discussed the appeal. However, they agreed that no findings were presented to support approval of the appeal.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner DesVoignes and carried to deny the Appeal of the Planning Department's Denial of a Use Permit (Temporary Uses – Hardship Situations), for a recreational vehicle to provide accommodations for an immediate family member in need of medical or other constant care for long-term duration.

Absent: Andy Byrne, District 4, and Vice Chair

NOTE: Mr. Beatty, Planning Director, advised those present that the Planning Commission has Denied the Appeal of the Planning Department's Denial of a Use Permit (Temporary Uses – Hardship Situations), for a recreational vehicle to provide accommodations for an immediate family member in need of medical or other constant care for a long-term duration for 22750 Rocky Lane, Pioneer. 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, February 23, 2018 at 5:00 p.m. along with the appropriate appeal fee.

Item 3 - Request for a General Plan Amendment from A-G, Agricultural-General (40-Acre Density) to A-T, Agricultural-Transition (5-20 Acre Density) and Request for a Zone Change from "R1A-B5," Single-family Residential and Agricultural (No Further Divisions Allowed) District and "X," Special Use District, to "R1A," Single-family Residential and Agricultural District.

Applicant: Pheasant Hill Partners, LLC (Lance Jagers, Representative)

Supervisory District: 5

Location: Along Last Chance Alley and Bunker Hill Road, approximately 800 feet east of the intersection with East School Street, immediately north of the Amador City corporate limits (APN 008-230-040-000).

Chuck Beatty, Planning Director, summarized the Staff Report and explained why this was previously appealed to the Board of Supervisors. The Staff Report is hereby incorporated by reference into these minutes as though set forth in full.

Commissioner Callsen opened the public hearing and asked if there was anyone present to speak on the project.

Lance Jagers, Representative introduced himself, signed in at the podium and explained the background of project.

Mr. Gary Reinoehl introduced himself, signed in at the podium and then presented each of the Commissioners with a handout he prepared titled "General Plan Amendment – Pleasant Hill Partners". Mr. Reinoehl expounded on the concerns he'd voiced in the email and handout.

The Commissioners asked for clarification on some of the topics including "cultural sensitivity".

They discussed the Initial Study and the General Plan.

Mr. Reinoehl restated his concerns. He felt that no effort was made to identify know resources and that the Initial Study is flawed. He listed what he believed a better process would be and what steps he felt should be implemented.

Commissioner Ryan asked for clarification that Mr. Reinoehl was suggesting that these additional steps and processes to identify cultural resources should be taken with each and every project before it's approved.

Mr. Reinoehl believes that this work was not done and asks that the General Plan and the Initial Study be consistent.

Commissioner Ryan asked for clarification from County Counsel.

The Commission, County Counsel and the Planning Director discussed the Initial Study and the General Plan.

Commissioner Callsen asked if anyone else was present and would like to speak on the project.

Mr. Gerald Peacock introduced himself and signed in at the podium. He explained that he owns adjacent property to the proposed project and supports the approval of the project.

Ms. Rebecca Brown introduced herself and signed in at the podium. She asked if they'd done any research on toxicity of the soil.

Planning Director, Mr. Beatty, explained that the applicant had disclosed that they had entered into a Voluntary Cleanup Agreement with the Department of Toxic Substance Control. Mr. Jagers explained the testing and that process moving forward.

Mr. Ken Miller introduced himself and signed in at the podium. He explained that he owns property close to the site of the proposed project and supports the approval of the project. Mr. Miller feels that the project is consistent with zoning.

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

Absent: Andy Byrne, District 4, and Vice Chair

The Planning Commission discussed the project and asked for clarification on the wording in the Initial Study and the General Plan from County Counsel and staff.

Discussion was made of the type of expert that would be needed for each and every project if changes to the order were made (i.e. archeologists, paleontologists, historians and cultural resource experts) and how this type of change would affect the timeline for approval of a project and costs to the applicant.

Commissioner Ryan asked if Native American Tribes had been notified and if so, had they offered any input.

Mr. Beatty, Planning Director responded that Native American Tribes were notified by mail and given 90 days to request consultation. However, we received no correspondence.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner DesVoignes and carried to recommend to the Board of Supervisors approval of the General Plan Amendment from A-G, Agricultural-General (40-Acre Density) to A-T, Agricultural-Transition (5-20 Acre Density) and approval of the Zone Change from “R1A-B5,” Single-family Residential and Agricultural (No Further Divisions Allowed) District and “X,” Special Use District, to “R1A,” Single-family Residential and Agricultural District subject to the conditions and findings contained in the Staff Report.

Ayes: Commissioners Ryan, DesVoignes, and Wardall

Noes: Commissioner Callsen

Absent: Andy Byrne, District 4, and Vice Chair

***NOTE:** Mr. Beatty advised those present that the Planning Commission had recommended approval of the requested general plan amendment and zone change. This item will be heard at a future Board of Supervisors meeting for which public hearing notices will be sent out to those receiving notice of tonight’s hearing.*

Item 4 - Request for a General Plan Amendment from A-G, Agricultural-General (40-Acre Density) to A-T, Agricultural-Transition (5-20 Acre Density) and Request for a Zone Change from “R1A,” Single-family Residential and Agricultural District and “X,” Special Use District, to “R1A,” Single-family Residential and Agricultural District; in conjunction with Tentative Parcel Map #2869, requesting the division of 15.76 acres into three parcels of 5.09, 5.23, and 5.44 acres.

Applicant: Logan Family Revocable Trust (Lance Jagers, Representative)

Supervisory District: 5

Location: Along Fremont Mine Road, approximately one-quarter mile north of the Amador City corporate limits (APN 008-230-038-000).

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 and asked if there was anyone present to speak on the project.

Mr. Logan, Representative introduced himself, signed in at the podium and explained the background of project and the extreme length of time that it’s taken to get to this point.

Mr. Gary Reinoehl again introduced himself, and then presented each of the Commissioners with a handout he prepared titled “General Plan Amendment – Logan Family Trust”. Mr. Reinoehl expounded on the concerns he’d voiced in the email and handout regarding this project. He felt that no effort was made to identify known resources and then a proper records search should be done to identify cultural resources.

The Commissioners asked him for clarification on some of the topics. A discussion occurred on the difference between this process and if the owner of the property had chosen to cover their property with grapes.

Commissioner Wardall asked if Native American Tribes had been notified and Commissioner DesVoignes asked if so, had they offered any input.

Mr. Beatty, Planning Director responded that Native American Tribes were notified by mail and given 90 days to request consultation. However, no input was received.

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

The Commission discussed the project.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Wardall and carried to approve Tentative Parcel Map #2869, requesting the division of 15.76 acres into three parcels of 5.09, 5.23, and 5.44 acres, and to recommend to the Board of Supervisors approval of the General Plan Amendment from A-G, Agricultural-General (40-Acre Density) to A-T, Agricultural-Transition (5-20 Acre Density) and approve a Zone Change from “R1A,” Single-family Residential and Agricultural District and “X,” Special Use District, to “R1A,” Single-family Residential and Agricultural District; in conjunction with
Ayes: Commissioners Ryan, DesVoignes, and Wardall
Noes: Commissioner Callsen
Absent: Andy Byrne, District 4, and Vice Chair

NOTE: *Mr. Beatty advised those present that the Planning Commission had approved Tentative Parcel Map #2869 and recommended approval of the requested general plan amendment and zone change. The general plan amendment and zone change will be heard at a future Board of Supervisors meeting for which public hearing notices will be sent out to those receiving notice of tonight’s hearing.*

ADJOURNMENT: It was moved by Commissioner Ryan, seconded by Commissioner DesVoignes and carried to adjourn the meeting. Planning Commission Chair Callsen adjourned this meeting of the Planning Commission at 8:50 p.m. Planning Commission to meet again on March 13, 2018.

Caryl Callsen, Chair
Amador County Planning Commission

Robin Rehart, Recording Secretary
Amador County Planning Department

Chuck Beatty, Planning Director
Amador County Planning Department