

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF TAPE RECORDED MEETING
AUGUST 14, 2018 – 7:00 P.M.**

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The Planning Commission of the County of Amador met on Tuesday, August 14, 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 Chair Callsen.

THOSE PRESENT WERE:

Planning Commissioners: Keith DesVoignes, District I
Caryl Callsen, Chair, District III
Andy Byrne, Vice Chair, District IV
Ray Ryan, District V

Staff: Grace Pak, Deputy County Counsel
Chuck Beatty, Planning Director
Monica Ammann, Planner II

THOSE ABSENT WERE: 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 Commissioner Ryan, seconded by Commissioner Byrne and unanimously carried to approve the agenda as presented.

C. Minutes: June 12, 2018

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner DesVoignes, and unanimously carried to table the minutes of June 12, 2018 until the September 11, 2018, Planning Commission meeting.

D. Correspondence: Not included on the agenda or included in the Staff Report
Item #1 - Letter from Susan Bragstad on behalf of the Foothill Conservancy
Item #2 - Letter from Katherine K. Evatt on behalf of the Foothill Conservancy

E. Public Matters not on the Agenda: Chair Callsen advised anyone may address the Commission on any matter in the Commission's jurisdiction, but no action may be taken. There were no public comments.

F. Recent Board Actions: Chuck Beatty, Planning Director, introduced Mary Ann Manges as temporary Administrative Secretary.

1) On July 24th the Board granted the Appeal for an addition to an accessory dwelling unit that was previously denied by the Planning Commission.

2) On July 24th the Board directed the project proponents for the Mokelumne Bluffs subdivision to

resubmit the request for an extension as an item subject to CEQA and include an evaluation of their EIR relative to the mitigation measures in the General Plan.

Public Hearings

Chair Callsen recused herself from Item #1 due to a potential conflict of interest and passed the gavel to Vice Chair Byrne.

Item 1 - Review and recommendation to the Board of Supervisors relative to an ordinance amending County Code Title 19, Zoning, by establishing Chapter 50, Design Standards and Findings.

Applicant: County of Amador

Supervisory Districts: 1, 2, 3, 4, & 5

Location: All applicable portions of the unincorporated area of Amador County as as described herein.

Vice Chair Byrne introduced Item #1 and asked Staff to present the Staff Report.

Chuck Beatty, Planning Director, summarized the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full. He added that there are two items that the Board will have to consider next month in addition to the Commission's recommendation on the proposed ordinance.

- 1) Resolution that requires the Planning Department to distribute information to project applicants and realtors regarding the risks of wildland fire and available levels of fire and emergency response and wildland fire protection methods; and
- 2) Implementation of a performance monitoring system for select General Plan goals and policies that were defined in the General Plan Settlement Agreement including recommendations for correcting trends that would be inconsistent with the General Plan goals and policies

Vice Chair Byrne opened the public hearing.

Katherine Evatt, President of the Board of Foothill Conservancy, apologized for submitting a letter so late and requested that the Planning Commission support the basic provisions that were put forward by Staff. She shared that the Conservancy's concerns are minor and focus on the wording and placement of Design and Findings in the zoning code. She stated that that the average person should be able to understand and readily find these in the code, especially since the mandatory findings of fact are needed to approve a project. She stated that she is willing to work with the County to help with the wording so the public has clear information. She shared that the resolutions do not have the fire prevention measures and fire response standards attached with it and it is desired that these fire measures and standards are included before going before the Board of Supervisors. She added that the Conservancy would like to work with County Staff, Cal Fire, and the UC Cooperative Extension to come up with a set of agreed materials and a process for updating them periodically, especially with the current volatile, shifting, fire environment. She added that the Conservancy is also concerned about timeliness of measures for accountability and reporting systems and would like County Counsel and the Conservancy to discuss.

Commissioner Byrne asked about Staff's position on the proposed ordinance language and shared that he agrees with the simpler language.

Chuck Beatty, Planning Director, shared that Staff consulted the County's outside counsel who represented the County in the General Plan litigation regarding more easily read language and counsel advised that the ordinance language needs to closely mirror the language in the settlement agreement.

Grace Pak, County Council, added that the current version is a result of considering how the language tracks in the settlement agreement where it was agreed upon between the parties as part of the litigation.

Commissioner DesVoignes asked if the language can be later altered.

Chuck Beatty, Planning Director, replied that if decided by the Board of Supervisors, the language could be changed. He noted that any changes should be consistent with the settlement agreement.

Grace Pak, County Counsel, confirmed that changes to language can be made in the future, but if the Planning Commission desires specific changes they can be recommended tonight to go onto the Board where the Board can make and adopt changes.

Katherine Evatt, Foothill Conservancy, advised that any recommendations for language changes should not be done in a group meeting and should go on to the Board. She shared that the Conservancy previously cross checked the language that was in the settlement with the document and it is acceptable, but recommends more straightforward language as a courtesy to the public and future decision makers.

Commissioner Byrne, requested clarification of the Conservancy's letter regarding language of Findings of Fact.

Katherine Evatt, questioned the placement of the Findings of Fact in the Design Code section.

Commissioner Byrne commented that finding information has historically been a problem.

Chuck Beatty, Planning Director, commented that this is applicable to discretionary projects and that there will be staff meetings with the applicants before their first Technical Advisory Committee (TAC) meeting. He added that by the time an applicant has a complete application, they will have been advised of all applicable codes or required findings.

Commissioner Ryan agreed that applicants have to go through staff to get that information.

Katherine Evatt, Foothill Conservancy, commented that none of this is substantive.

There being no further speakers the following actions were taken.

Commissioner Ryan commented that because this developed out of a legal challenge as well as a legal settlement he recommends adoption of the proposed Chapter 50 as it is presented and to submit any changes to the Board of Supervisors.

MOTION: Upon a motion by Commissioner Ryan, seconded by Commissioner DesVoignes, and carried, the Planning Commission recommended that the Board of Supervisors adopt the proposed Chapter 50, Design Standards and Findings along with the findings included in the staff report.

Ayes: Byrne, DesVoignes, Ryan
Noes: None
Abstain: None
Absent: Wardall
Recused: Callsen

***NOTE:** Mr. Beatty, Planning Director, advised those present that the Planning Commission has recommended approval to the Board of Supervisors of an ordinance amending Title 19 of the Amador County Code by creating Chapter 19.50, Design Standards and Findings. A Public Hearing will be held on September 11, 2018 with the Board of Supervisors to consider the same.*

Chair Callsen rejoined the meeting and the gavel was passed to her.

- Item 2 - Continued Public Hearing – NOTE: This hearing was continued from June 12, 2018. The project applicant has requested that the hearing be further continued to September 11, 2018. Anyone wanting to speak at the August 14 hearing may do so but no project recommendation will be made by the Planning Commission before September 11, 2018.**

Review and recommendation to the Board of Supervisors relative to a Zone Change Request from the “R1A”, Single Family Residential and Agricultural district to “M”, Manufacturing district for 1,150+/- acres to achieve consistency with the General Plan’s Industrial Land Use Classification.

Applicant: Edwin Lands, LLC

Supervisory District: 2

Location: West of the lone city limits, north of Highway 104 and east and west of Michigan Bar Road (area includes the portions of APNs 005-020-019, 005-030-005, 005-050-008, 005-060-015, and 005-080-019 which are congruent with the 2016 General Plan land use classification of Industrial).

Chair Callsen introduced the item and asked staff to present the Staff Report.

Chuck Beatty, Planning Director, shared that the items included in the packet are the same items that were included in the June packet since the applicant requested a continuance. A courtesy notice was sent to property owners within one mile of the subject property advising that they had an opportunity to speak tonight and will also have an opportunity to speak on September 11th.

Chair Callsen opened the public hearing and asked if anyone wanted to speak.

Katherine Evatt, Foothill Conservancy, referenced the letter submitted and shared that the Conservancy believes that the program level EIR for the General Plan is not sufficient to cover the issues with this rezone. She shared concern that new uses that can come from converting R1A parcels of over 1000 acres in size in an area that has traffic, water use, water quality, biological resource, cultural resource, air quality, greenhouse gas emission, and potential cumulative environmental effects were not really reviewed in the General Plan. She also shared that the General Plan EIR was done at a level that was for the County overall and did not look at site specific impacts. She added that it is felt by the Conservancy that the California Environmental Quality Act requires the County to do site specific CEQA analysis and that it should be done with a project of this magnitude in this sensitive of a site. Katherine shared concern about the possibility of a rezone without site specific analysis and that more people will want the same process which would be a bad precedent to set. She urged that the Commission proceed with site specific CEQA review whether a mitigated negative declaration or a full EIR for the project. She commented that M zoning is broad and could have intensive water use and air pollution, with sensitive air quality receptors in the community nearby, and could contribute to the current water quantity issues in the ground water and waste water issues in the area. She urged for a full Environmental Review on this project instead of moving it ahead under Categorical Exemption. She added that lone LAWDA’s attorney and the Conservancy’s contract planner who worked on the General Plan do not believe it can be done under a Categorical Exemption.

There being no further speakers the following actions were taken.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Ryan, and unanimously carried to continue the public hearing until September 11, 2018 at 7:00 pm.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner DesVoignes, and unanimously carried to adjourn the meeting.

Adjournment: At 7:23 p.m. Chair Callsen adjourned this meeting of the Planning Commission, to meet again on September 11, 2018.

Caryl Callsen, Chair
Amador County Planning Commission

Mary Ann Manges, Recording Secretary
Amador County Planning Department

Chuck Beatty, Planning Director
Amador County Planning Department