

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
Andy Byrne, District 4, and Vice Chair

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 Wardall and carried to approve the agenda as presented.

C. Minutes: February 13, 2018 and March 13, 2018

It was moved by Commissioner DesVoignes, seconded by Commissioner Wardall and carried to approve the February 13, 2018 Planning Commission Minutes as presented.

Abstain: Andy Byrne, District 4

It was moved by Commissioner DesVoignes, seconded by Commissioner Wardall and carried to approve the March 13, 2018 Planning Commission Minutes as presented.

Abstain: Caryl Callsen, District 3 and Ray Ryan, District 5

D. Correspondence: Letter from Mr. and Mrs. Ensign

E. Public Matters Not on the Agenda:

Jill North introduced herself to the Commission and signed in at the podium. She had questions on Tentative Parcel Maps and the process for their extensions. She wondered why the extensions are given so routinely when their environmental reports are so outdated. She also brought up safety concerns for fire and emergency evacuation situations sharing that the information that was available at the project's initial review is now out of date. She added that she believes that the projects should warrant further review prior to approval.

Commissioner Byrne thanked her for bringing up the subject and shared that he would be bringing this up for further discussion.

Commissioner Byrne asked about the timeline for the Ethics Training. Mr. Beatty, Planning Director let the Commission know that the training would be forthcoming for everyone and probably in the next couple of months.

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 March Planning Commission Meeting. One item addressed was the General Plan where an agreement has been reached with the Foothill Conservancy and the lawsuit settled. While the General Plan has not changed, the settlement will require a series of Code amendments that will take place over the next two years. The first series will be have to be considered in the next six months, followed by a series that will need to be considered over the next two years.

Item 1 - Request for a six-year Extension of Tentative Parcel Map No. 2824 Sanders, proposing the division of 256.95± acres into four parcels (measuring 40.01±, 40.34±, 46.85±, and 43.25± acres) and a remainder parcel (measuring 86.50± acres).

Applicants: Richard and Lindy Sanders

Supervisory District: 5

Location: On the east side of Quartz Mountain Road North, approximately 2 miles south of Fiddletown Road in the Fiddletown area of Amador County. (APNs 015-010-056 and 015-020-037).

Commissioner Callsen read the information on Item 1 and asked if there was a representative. There was not.

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

Commissioner Ryan updated the Commission on the project and addressed the concerns in the extension process and how the downturn in the economy had necessitated the need for some of these recent extensions. He then explained how the State Extensions were instituted and the different merits between a partial extension or a full extension.

The Commission discussed the project.

Commissioner Byrne asked if there had been any progress on 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 6 year extension. The Martin Point Tentative Subdivision Map No. 170 will now expire on June 12, 2024

Ayes: Commissioners Ryan, DesVoignes, and Wardall

Noes: Commissioner Callsen

Absent: None

NOTE: Mr. Beatty, Planning Director, advised those present that the Planning Commission has Approved the 6-year Extension of Tentative Parcel Map No. 2824 Sanders. 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, April 20, 2018 at 5:00 p.m. along with the appropriate appeal fee.

Item 2 - Request for a six-year Extension of Tentative Parcel Map No. 2840 Pfaffle Trust, proposing the division of 16.64± acres into three parcels (measuring 5.1±, 5.6± and 6.1± acres).

Applicant: Kay Young, Trustee

Supervisorial District: 5

Location: 18701 Shake Ridge Road, approximately .35 miles east of Ponderosa Annex Road (APNs 030-630-001 & 030-630-002).

Commissioner Callsen read the information on Item 2 and asked if there was a representative. There was not.

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

Chair Callsen asked if anyone wanted to speak on the matter.

Commissioner Ryan asked what the required lot size was in the area.

Director Beatty stated the parcel is in an area with a 5 acre minimum and parcels in the area vary from 5 to over 100 acres.

Commissioner Byrne asked if any progress has been made on the project.

Mike Israel, Environmental Health Director, stated that the project proponent has complied with all of the Environmental Health Department requirements for water supply and septic system profiles. He shared that map configuration was reviewed and is consistent with what was found at the site and that road improvements have not yet been done, but due to cost, the Applicant may be waiting for a prospective buyer.

Chair Callsen asked if anyone else from the audience desired to speak.

Commissioner Byrne commented that he would give the Applicant a couple of years.

Commissioner Ryan stated that the Applicant has already made the investment and that meeting Environmental Health and the road are the hardest conditions. He shared that the road can be expensive to comply with county code and with the parcel size fitting the area has no problem with the 6 year extension.

Commissioner DesVoignes asked Mike Israel if the septic was completed recently.

Mike Israel, Environmental Health Director, replied that it was done quite a while ago.

Commissioner DesVoignes inquired if the map was approved in 2012.

Mike Israel, responded that a tentative map was approved probably a couple years ago.

Chair Callsen asked if anyone else wanted to comment.

Commissioner Wardall stated he was in favor of the 6 year extension since 5 acre parcels are in the area and there should be no big increase in traffic.

Chair Callsen stated that she prefers a 3 year extension, but approves the 6 year extension.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Wardall and carried to approve the 6-year Extension of Tentative Parcel Map No. 2840 Pfaffle Trust.

Ayes: Commissioners Ryan, Callsen, DesVoignes, and Wardall

Noes: Commissioner Byrne

Absent: None

NOTE: Mr. Beatty, Planning Director, advised those present that the Planning Commission has Approved the Request for a 6-year Extension of Tentative parcel Map No. 2840 Pfaffle Trust. 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, April 20, 2018 at 5:00 p.m. along with the appropriate appeal fee

Item 3 - Request for an Extension of Tentative Subdivision Map No. 120 Mokelumne Bluffs proposing the division of 137.86 acres into 98 single family residential lots and two recreational parcels; a zone change from “RE-10,” Residential Estates (10 acre minimum) District to “R1-B3,” Single Family Residential (40,000 sq. ft. minimum) District for those portions of the project not currently zoned “R1-B3,” and “RE-40,” Residential Estates (40 acre minimum) District to “RE-10,” Residential Estates (10 acre minimum) District for proposed Lot #35; and request for variance from Amador County Code Section 17.28.064 (3:1 width to depth ratio) for Lots 21, 22, 24, 30, 31, 32, 33, 34, 36, 37, 38, 48, and 49.

Applicant: Akeraje, Inc. (Kelly Engineer, representative)

Supervisorial District: 3

Location: Along the south side of State Highway 88, south Ranch House Estates and east of Gayla Manor (APN 038-210-068).

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 and asked if there was a project representative. There was not.

Commissioner Callsen asked if there was anyone who would like to speak on the item.

Jill North introduced herself and signed in at the podium. She expressed concern on the length of time that has passed since the original review of the project. She acknowledged that the project had received legislative extensions due to the economic downturn. She stated that the state representatives who had given the extensions do not live in Amador county or have first-hand knowledge of the community to where they understand that one road exists to handle the egress from that tentative subdivision in an emergency. She added that traffic and fire issues for this project need to be revisited.

Commissioner Callsen opened discussion between the Commissioners.

Commissioner Byrne stated his concerns with the project including environmental concerns and the evacuation progression that occurred during the Butte Fire. He shared that the evacuation during the Butte Fire went directly past the Tentative Subdivision and added that placing 98 additional homes could definitely impact an evacuation path.

Commissioner Ryan remembered the project and reminded the Commission that this project had come up last year for an extension. He stated that the Commission had discussed the lack of progress on this project and had then given them a one year extension to give the applicants an opportunity to show their intention to complete the project by making progress on the subdivision.

Commissioner Ryan asked if the zone changes and variance had already taken effect or if they would go into effect with the competition of the map.

Mr. Beatty, Planning Director explained that both the zone changes and variance would go into effect with the completion and recording of the map.

Commissioner Ryan brought up the lack of progress and the lack of representation at this Commission.

Commissioner Byrne asked for clarification on what the process would be if they denied the extension.

Mr. Beatty, Planning Director explained that if the extension is denied, then the applicant could appeal the decision to the Board of Supervisors. If that appeal was not successful, then the Tentative Map would expire in June.

The Commissioners discussed the project and expressed disappointment that there was no representative present for the request of extension.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Ryan and unanimously carried to deny the Request for an Extension of Tentative Subdivision Map No. 120.

***NOTE:** Mr. Beatty, Planning Director, advised those present that the Planning Commission has Denied the Request for an Extension of Tentative Subdivision Map No. 120, Mokelumne Bluffs. 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, April 20, 2018 at 5:00 p.m. along with the appropriate appeal fee.*

Public Hearings

Item 4 - Continuation of a Public Hearing requesting that the Planning Commission make a determination as to whether the existing operations of “The Hideout at Kirkwood” are consistent with the permitted uses of the “R1A,” Single-Family Residential and Agricultural District and the “O-R,” Open Recreation General Plan Classification.

Applicant: Hoover Enterprises

Supervisorial District: 3

Location: 2 miles east of State Highway 88; the entrance road being 1.5 miles west of Mormon Emigrant Trail and being specifically described as 43300 State Highway 88, Pioneer, CA 95666 (APN 026-060-018).

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.

Tom Hoover introduced himself and signed in at the podium. Mr. Hoover shared the 20 year history of the project with the Commission and introduced present staff members Jesse Shaw, a Water and Wastewater Engineer and Bruce Baracco, a consulting planner. He stated that his family had purchased the project in 1997 and that it was somewhat of a special project. He described how he and his sons had hand peeled the logs for construction of the building and added that they are not a hotel, do not serve meals, and that the plan has always been to be a family vacation home and vacation rental. He said they do not put on events and that the renters do the events. He shared that renters access the property from Hwy 88 across 2 miles of a one way gravel road that is an easement through private landowners' parcels. He shared that in 2010, they started renting out the property for family vacations, birthdays, and weddings. Mr. Hoover added that it is a very popular small facility that is booked solid 8 months out of the year with most activities arranged by the renters who use mostly local vendors. He said that Hoover Hideout is a beautiful property that fits Amador County to a “T.”

Mr. Hoover mentioned a letter that he had received from Aaron Brusatori, former Land Use Agency Director for Amador County, and the requests that he has received from the County for more information. He said they have been trying to work with the County, but feels that the County is trying to put them into a box that does not exist and that they do not fit. Mr. Hoover shared that this comes down to a conversation that he had with former Director Brusatori as to whether the activities that they hold on the property fit into the definition of recreation and Mr. Hoover added that he feels that they do.

Commissioner Wardall asked what they do for electrical power and water needs.

Mr. Hoover responded that for electrical power they use solar with backup batteries and have diesel generators for backup with well for water.

Bruce Baracco introduced himself and signed in at the podium. He provided some historical perspective on the property and stated that the Staff Report hones in on the R1A zoning. He added that at one time there were large parts of Amador County zoned “U”, which was contrary to state law. He stated that the solution that the County utilized was to convert “U” zoning to R1A and that no specific or unusual situations were taken into consideration in that process. He added that soon after the General Plan was updated and that the property is now recognized as “Open Recreation” Land Use Designation. Bruce shared that instead of looking at the R1A zone the “OR” Land Use designation should be looked at. He added that if looked at it from that perspective the activities that are going on are more consistent than

from the R1A stand point. He stated that the Staff Report provides two options both relative to the R1A perspective. He added that Mr. Baracco suggests that there is a third option that could include re-zoning to "Open Space" with the Use Permit to cover the current activities on the property.

Grace Pak, Deputy County Counsel, informed the Commission that the item before them is not a zone change request and she advised the Commission to stick to the zoning interpretation on the agenda.

John Munn introduced himself and signed in at the podium. He wanted to ensure that the Commissioners were aware that he was not present to complain he simply wanted to ensure that the items addressed in his letter were taken into consideration and continued to be taken care of moving forward.

Commissioner Callsen asked if there was anyone remaining who would like to speak on the topic.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Wardall and unanimously carried to close the Public Hearing.

Grace Pak, Deputy County Counsel, ensured that the Commission was aware of staff present to answer any additional questions on this item.

Commissioner Ryan thanked Mr. Hoover for coming to discuss his project then asked Environmental Health Department Director Mike Israel of the ability of the waste and water systems to handle the 400 guests that's listed on the Hoover Hideout Website.

Mr. Israel discussed the involvement that he and his team have had with the project since the report of the uses at the property came to the attention of the County. Mr. Israel visited the property several times and has evaluated the septic system which appears to be functioning adequately with no apparent signs of stress. He shared that the construction permit has never been finalized and there are still a number of punch list items that need to be completed in order to finalize that permit. He added that if the current activities were to be approved for large populations the Environmental Health Department would look for certification from a certified consultant in order for the waste water system or systems to be suitable for those uses. He shared that the water system permit is not finalized and that it came to his attention after the permit was applied for that the well is on adjoining property. He added that there would need to be an agreement or easement with the adjoining property owner to finalize that permit. Mr. Israel continued that Environmental Health does not foresee a problem with the structural aspects of the project. He added that if these uses continue in addition to the finalization of the septic and water permits and the agreement or easement they would need certification by a certified consultant for the waste treatment, a public water system permit, and possibly a food facility permit for the kitchen in order to prepare food items on site. Mr. Israel ensured that the Commission was aware that there could be additional items needed for completion depending on the decisions made for the direction of this project.

Commissioner DesVoignes stated that he would hate to lose this facility for Amador County and that the facility is an asset to the County.

Commissioner Ryan agreed that it is an asset, but the challenge is that the wedding and event center is in R1A zoning. He reminded the Commission of previous projects desiring to be an event center in an R1A zone and that the question before them was if an interpretation of the current uses are consistent with R1A zoning. Commissioner Ryan added that he feels that Hoover Hideout is an asset, but was concerned that approval would set a precedent and open the flood gates.

Commissioner Wardall agreed that it is an asset.

The Commission discussed the interpretation and all ramifications that could occur if interpreted as approved use in an R1A zoning. It was agreed that it could set a precedent.

Mr. Hoover wanted the Commission to be aware that he is still working on a couple of conditions. He shared that he previously owned the adjacent property with the well and sold it to friends who he has an agreement with. He added that he believes the average size of the weddings are around 130 attendees. He shared that he had had interactions with the County in past and said that the County thought this would fit into a Resort category with a Special Use Permit. He added that he feels the Commission could find it within their power to resolve this issue.

Commissioner Wardall asked if this could be resolved with a Use Permit.

Commissioner Byrne asked if these uses are permissible in an R1A zone with a Use Permit.

Mr. Beatty explained that if the Commission interpreted the uses of the Hideout to be consistent subject to a Use Permit, then the applicant would need to apply for a Use Permit and then this project would come before the Commission again.

Commissioner Callsen confirmed that that determination would then also set a precedent.

Commissioner Ryan agreed that it would set a precedent which would open them up to approving event centers in other areas of Amador County with R1A zoning.

Commissioner DesVoignes asked if the Open Space designation in the General Plan would make a difference.

The Commission discussed the definition of Open Space and if that would include an event center. They then discussed possible zoning that could work and the timeline for these changes.

Ms. Pak, Deputy County Counsel, reminded the Commissioners that the item before them tonight is the interpretation of uses in an R1A zone.

The Commissioners wrapped up the discussion and agreed that they did not have the necessary findings or justifications to interpret the current uses as consistent with R1A zoning.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Bryne, and unanimously carried to Interpret that the existing operations of “The Hideout at Kirkwood” are not consistent with the permitted or conditional uses of the “R1A,” Single-Family Residential and Agricultural District.

NOTE: *Mr. Beatty, Planning Director, advised those present that the Planning Commission has interpreted that the existing operations of “The Hideout at Kirkwood” are not consistent with the permitted uses of the “R1A,” Single-Family Residential and Agricultural District. 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, April 20, 2018 at 5:00 p.m. along with the appropriate appeal fee.*

Item 5 - Request for an interpretation of the requirement for road maintenance agreements pursuant to County Code Section 19.24.040, "A," Agricultural District regulations, subsection 12, which requires that wineries located on private roads shall have entered a road maintenance agreement with a majority of the owners of the road prior to commencing wine tasting and other activities.

Applicant: Mario & Ramona Bekeris

Supervisory District: 5

Location: 10601 Valley Drive, Plymouth, CA; .70 mile west of Bell Road (APN 007-040-037).

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

Grace Pak, Deputy County Counsel, stated that it is the opinion of County Counsel that the above referenced County Code Section, 19.24.040, is clear and unambiguous. According to County Counsel's review of the County Code, it is clear that there shall be a road maintenance agreement and in the absence of that the applicant should obtain a Use Permit.

With respect to CA Civil Code section 845, the opinion of County Counsel is that the County Code requirement is to address increased uses generated by winery tasting rooms and other uses in the "A" Agricultural District. To that extent, County Counsel does not believe that CA Civil Code Section 845 would supersede the County Code in this instance.

Commissioner Callsen opened the public hearing and asked if there was a representative.

Al Bozzo signed in at the podium and introduced himself as a representative for Mr. & Mrs. Bekeris.

Roger Pitto signed in at the podium, introduced himself, and explained his qualifications as a professional land surveyor.

Mr. Bozzo expounded on the position of Mr. & Mrs. Bekeris regarding the Road Maintenance Agreement and the improvements they've made on their property, on the roadway to their property, and the installation of a gate.

Mr. Pitto asked for clarification on the process and for confirmation that there would be an opportunity for a rebuttal after the public speaks.

Commissioner Callsen confirmed that there is the opportunity.

Commissioner Ryan asked for clarification on the before mentioned installation of a gate. Was it done in concurrence with the others on the road and with the permission of the property owners?

Mr. Bozzo stated that the gate that was put in to replace a prior gate that was there and in poor condition. He was not aware of other details.

Someone from the audience stated that they knew the details. Commissioner Ryan asked that they wait their turn to speak at the podium.

Commissioner Wardall asked for more information on the before-mentioned recently signed Road Maintenance Agreement.

Mr. Bozzo replied. He stated that it was signed, and then recorded last Friday, April 6th and turned into the Planning Department at that time.

Commissioner Ryan asked who had signed the agreement.

Mr. Bozzo replied that it was the applicant and future subdividers of the dominant tenement. The ones the easement serves. A copy of this Road Maintenance Agreement was provided to the Commissioners in the packet.

Stephen R. Zalkind, signed in at the podium and introduced himself as the attorney representing the property owners whose participation, consent, and agreement is essential for the required Road Maintenance Agreement along a critical component of Valley Drive. He explained the history of the Road Maintenance Agreement on the road with the gate that was installed on his client's property. Mr. Zalkind then read the letter that he had previously sent to the Commission. He showed the Commissioners the properties in question on a Map that he provided and discussed the photos of the gate that he provided to the Commissioners. He stated that his clients (the Hangebrauks) have never signed the Road Maintenance Agreement and they recognize that if they had that it would void the legal requirement or a Use Permit. He and his clients have had extensive negotiations with the attorneys' representing the applicants. However, all negotiations have been pertaining the acceptable combination of conditions for his client to allow and give her legal consent to maintain the exquisite and very expensive gate that was installed as a trespass and without her permission. Mr. Zalkind explained the legal issues of the gate being installed without his client's authorization.

Commissioner Ryan asked for confirmation on who Mr. Zalkind represents. Is it all of the property owners on Valley Drive?

Mr. Zalkind clarified that he represents the Hangebrauks and Noyes'.

Commissioner Callsen asked if there was anyone else who would like to speak.

Frank Moreno signed in at the podium and introduced himself. Mr. Moreno is a property owner on Valley Drive and had submitted a letter which was included in the packet. He explained the background of Valley Drive and read an excerpt from County Code Section 19.24.040 and the history of the RMA for Valley Drive. He expressed his concerns regarding the Mabera Tasting Room being opened without going through the correct process and the fact that it has continued to be operated without complying with the requirements for a tasting room on a private road.

Ted Akulian signed in at the podium and introduced himself. He discussed his background as an attorney that practiced law for 35 years. He wanted to ensure that the Commission understands the position of the property owners on Valley Drive. The residents live on a gravel road. They walk their dogs and ride their horses daily. They are farmers and grow grapes. They worry about dust on the grapes. He then discussed the language in County Code Section 19.24.040, the requirements outlined in the Code and the areas that the Bekeris' tasting room is failing to adhere.

Richard Breitmeyer signed in at the podium and introduced himself. He is a property owner on Valley Drive. He expressed his concerns with the increased traffic on the private road, the dust it creates, and the effect that it has on the residents, their animals and their crops.

David Fields signed in at the podium and introduced himself. He is a property owner on Valley Drive. He expressed his concerns with the traffic and told the Commission of an accident that occurred on Valley Drive by a non-resident which resulted in the loss of his dog. He would like to see action from the Commission on this matter.

Carol Laubach signed in at the podium and introduced herself. She is a property owner on Valley Drive. Ms. Laubach expressed her concerns with the increased traffic and the potential risk and liability for the property owners if someone is driving on that private road after drinking at the tasting room.

Al Bozzo again introduced himself at the podium and expressed his desire to correct some items. He told the Commission of an event that the Bekeris' had at their property in 2016 at which Supervisor Oneto had shown up uninvited. He described the steps that had been taken and the permits that had been requested by the Bekeris' property, including acquiring an ABC License. He mentioned an anonymous complaint that was made to ABC. He gave history on the challenges that had occurred for the Bekeris' while they were pursuing the construction of the tasting room.

Roger Pitto introduced himself and asked the Commission to bear with him while he read a lot of items into the record.

Commissioner Callsen asked for clarification on the time period he needed.

Mr. Pitto stated that it would take as long as it takes him to read.

Commissioner Ryan asked that he get to the point.

Commissioner Wardall asked if this could be submitted as a written copy.

Mr. Beatty, Planning Director confirmed that if someone submitted a written copy that it would be included in the record.

Mr. Pitto stated that he was not going to submit a written copy that he was going to give oral testimony as the law permits him to do.

The Commission explained that due to time constraints, they would give him five minutes.

Mr. Pitto said he would try to stay within five minutes. He stated that he objects to somebody trying to take away the rights of his clients.

Mr. Pitto stated that the Board of Supervisors did not deny the offer of dedication to the public of the road, they delayed it, and he doubts that they'd ever take it. He discussed the RMA and then gave his opinion that if dust is an issue then there are additives that could be applied to the road to control dust. He discussed parcel maps 1524 and 2067 and his opinion that offers of public utilities that were made and the past history of the Board of Supervisors with the denial of accepting those private roads as a public roads. He expressed his opinion that talking of a tasting room and people getting drunk is tort law. He said if somebody messes up then it goes to civil law if it's criminal they get arrested. He stated his opinion that under those two parcel maps they have an absolute right for the two non-exclusive easements that connect to Valley Road. He said it is beyond his comprehension why those people are getting a free ride. If they don't want a free \$25,000 gate that they have an access code to, then we'll move it. But the parties don't have a right to put up another gate to block the Bekeris'.

The Commission tried to remind him of the time constraints.

Mr. Pitto stated he's going as fast as he can. Mr. Pitto then read from County Code 19.24.040, item 22, and read the section. He then read the section on entering into a RMA and his opinion that it doesn't apply to this situation.

Commissioner Callsen reminded Mr. Pitto that he was over his five minutes.

Mr. Pitto stated that he would wrap it up as quickly as he could that he needed to get this into the record.

Commissioner Ryan suggested that he submit it in writing for the record and as was determined earlier, we would accept it for the record.

Mr. Bozzo came to the podium to discuss the history of the parcel in question, the previous winery permitted on Valley Drive (TKC Winery), and the zoning changes that occurred on that parcel. He stated that they (TKC) have a tasting room on a private road which to him is kind of a precedent. He acknowledged that accidents can occur, whether someone from a tasting room or a resident from Valley Drive on a tractor. He discussed an event that had occurred at the Bekeris property where they'd invited their neighbors and informed them of their plans. Mr. Bozzo stated that he's not trying to be adversarial, that he's trying to be fair, and that the point he's trying to underline is that they're trying to comply.

Commissioner Ryan asked for additional information from Mr. Moreno on the Road Maintenance Agreement that he'd mentioned earlier.

Mr. Moreno approached the podium and introduced himself. He explained that each Valley Road resident signs the Road Maintenance Agreement as they close escrow. He stated that he's included this information in the letter he submitted. The RMA was recorded with the County in 1991.

Ms. Laubach came to the podium and introduced herself again. She expounded on the event that occurred at the Bekeris' property and that at that event the need for a new Road Maintenance Agreement was discussed. She stated that she let them know at that time that she could not agree to it at that time.

Mr. Moreno approached the podium and introduced himself again. He expounded on the event and the discussion that occurred that day regarding the RMA and the need to have the property owners sign a new agreement. They needed 51% to sign a RMA that day to satisfy the requirement of the County. Mr. Moreno stated that 10 of the 19 properties (51%) were opposed to any type of tasting room on the property. After the event those property owners wrote a letter to the County and the Board of Supervisors.

Stephen R. Zalkind approached the podium and introduced himself. He stated that regardless of what occurred on Valley Drive, that his clients have the unregulated portion of Valley Drive. They have not been willing and are not willing to enter into a Road Maintenance Agreement.

Mr. Pitto approached the podium and introduced himself. He stated that he's been in the business a long time and that he finds it incredulous that the Noyes' and the other party are getting free road maintenance by the Bekeris'. The Noyes' have a free \$25,000 gate for which they have the access code.

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

Commissioner Ryan stated that he believes the County Code is very clear. He then ensured that everyone present was aware of the definition and difference between a winery and a tasting room. He stated that a tasting room on a private road requires a Road Maintenance Agreement. He stressed the need to be respectful to your neighbors.

Commissioner Wardall and Commissioner Callsen agreed that the County Code is very clear.

After further discussion by the Commission a motion was made.

MOTION: It was moved by Commissioner Ryan, and seconded by Commissioner Byrne and unanimously carried to find that the road maintenance agreement requirement of County Code Section


19.24.040, Agricultural district regulations, permitted use #12, applies to the applicants' situation and directed the applicants to comply with the Code prior to operating a tasting room at the subject property.

NOTE: Mr. Beatty, Planning Director, advised those present that the Planning Commission has found that the road maintenance agreement requirement of County Code Section 19.24.040, Agricultural district regulations, permitted use #12, applies to the applicants' situation and directed the applicants to comply with the Code prior to operating a tasting room at the subject property. 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, April 20, 2018 at 5:00 p.m. along with the appropriate appeal fee.

ADJOURNMENT: It was moved by Commissioner Ryan, seconded by Commissioner Byrne and carried to adjourn the meeting. Planning Commission Chair Callsen adjourned this meeting of the Planning Commission at 9:34 p.m. Planning Commission to meet again on May 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