

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF TAPE RECORDED MEETING
October 9, 2018 – 7:00 P.M.**

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The Planning Commission of the County of Amador met on Tuesday, October 9, 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: Dave Wardall, District II
 Caryl Callsen, Chair, District III
 Andy Byrne, Vice Chair, District IV
 Ray Ryan, District V

Staff: Greg Gillott, County Counsel
 Chuck Beatty, Planning Director
 Mary Ann Manges, Recording Secretary

THOSE ABSENT WERE: Keith DeVoignes, District I

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: September 11, 2018

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Ryan, and carried to approve the minutes of September 11, 2018 with the following requested change.

1) Page 5 of 5, correct "**MOTION:** It was moved by ~~Chair Callsen~~, seconded by Commissioner DesVoignes, and unanimously carried to adjourn the meeting" to "**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner DesVoignes, and unanimously carried to adjourn the meeting."

D. Correspondence: None.

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

Commissioner Ryan shared that he will not be able to attend the December 11th Planning Commission meeting. No one else wanted to speak.

- F. **Recent Board Actions:** Chuck Beatty, Planning Director, stated that the Board of Supervisors recently adopted an amended tax rate for parcels located on roads that could only be accessed seasonally and lowered the fire district tax for those parcels.

Greg Gillott, County Counsel, clarified that direction was given to staff to move forward and that the changes will happen when parcels are annexed.

Public Hearing

- Item 1 - Request by Plasse Family Trust for Amended Tentative Parcel Map #2860, proposing the division of 62.2± acres into two parcels of 20± and 22.22± acres, plus a 20± acre remainder; in conjunction with a request for a variance from County Code Section 17.28.060, Easements, to allow parcel lines to be offset from existing easements, (APN 026-040-069)**

Applicant: Plasse Family Trust
Supervisory District: 3
Location: 31099 Plasse Road, Kirkwood, CA, approximately 0.6 miles east of State Highway 88

Chair Callsen introduced the item.

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

Chair Callsen opened the public hearing and asked if the Applicant was present.

John Plasse, Applicant, shared that the creation of a final map is expensive and that a tentative map was drawn up to closely comply with what was represented to CALFIRE when the acreage was first approved to be split. He added that before paying for the map to be drawn up he consulted with his surveyor, the person drawing up his maps, and the Planning, Surveying, and Public Works Departments in order to best comply with their requirements. He stated that he understands that 20 acres is a magic mark in Planning, that Surveying did not have problems with him deviating off of the county road easement to get enough acreage to even up the parcels, and that Public Works did not have problems with parcel lines being offset from easements. He stated that after paying for the map amendments he learned that the map was not substantially the same as the original tentative map and required additional review.

Commissioner Byrne asked to verify that the Applicant was speaking about the upper end of the road on parcel 1B.

John Plasse, Applicant, replied yes.

Commissioner Byrne commented that there is another road running through there.

John Plasse, Applicant, replied that the road was dedicated by his parents.

Commissioner Byrne added that otherwise 1A would need to be bigger.

John Plasse, Applicant, agreed and stated that it originally ended up 24+ acres with the other two 18 acres.

Commissioner Byrne commented that that was a logical place to do it.

Chair Callsen asked what the future plans are for the parcels.

John Plasse replied estate planning for his parents.

John Plasse commented that there are no development plans other than building their own cabins on it.

Commissioner Ryan added that there are only three or four months out of the year that the Applicant would have access to it.

John Plasse agreed and stated that it is tough to justify the expenditure of a cabin when you only have three or four months out of the year to use it. He added that you could snowmobile or cross country ski into though.

Chair Callsen asked if anyone else would like to address the Board.

Gary Reinoehl commented that any action tonight will be made under a different General Plan than the action previously taken. He shared that he has field experience of about 40 years in the field of Natural Resources as well as the application of CEQA. He added that he was surprised by the Staff recommendation that resulted in a less than significant impact and referred to a General Plan amendment reviewed earlier this year that had these same kinds of conditions attached to it. He added that the County Counsel deemed those conditions not appropriate and applied other mitigation measures that were consistent with the General Plan and the EIR. He concluded that the recommendations for Item #1 are inconsistent with the General Plan and the accompanied EIR.

Commissioner Dave Wardall voiced that CEQA and the General Plan are understood and addressed Chair Callsen requesting that there be a three minute limit for speaking so the salient points could be addressed.

Chair Callsen responded that since the audience is small time should not be limited to three minutes and stated that in the last two years a General Plan has been approved so CEQA may be different now.

Gary Reinoehl added that he desired to bring perspective on the mitigation measure that was suggested for this project. He shared concerns about potential unmitigated impacts regarding cultural materials using hypothetical examples of excavation workers having to choose whether or not to report any cultural findings, and requested that the mitigation measures be consistent with the current General Plan and the EIR.

Commissioner Ryan shared that simply planting vineyards can destroy cultural materials and commented that he feels that the Board of Supervisors needs to take this back into consideration.

Chair Callsen added that she believes that the difference is that the Plasse parcels have been identified to have high cultural resource activity.

John Plasse, Applicant, stated that he was unaware of that.

Chair Callsen added that it is in the Cultural Resources map located in the General Plan.

John Plasse inquired if it is the entire upcountry area.

Chair Callsen responded in the area surrounding Silver Lake.

John Plasse, Applicant, shared that Mr. Reinoehl hypothetically set forth that an excavator could possibly not follow mitigation measures. Mr. Plasse added that he is going to probably be the excavator if and when the time comes.

Mr. Beatty stated that if this application, or any other parcel map or an item requiring discretionary approval, was submitted as a completely new project before the Board it would require a Cultural Resource evaluation. He added that a qualified professional would need to review the parcel with the State records and check previous studies on projects in the same area. He shared that because the amendment to the parcel lines of an already approved map were unsubstantial changes outside of the variance request, staff did not require to go back through a new General Plan evaluation process.

Commissioner Wardall asked Mr. Beatty if the amended portion of the project required review under the new rules.

Mr. Plasse shared that a tentative map was already approved.

Greg Gillott, County Counsel, stated that he did not know of a technical exception to applying the new rules, but that in reality it is essentially the same project with slightly different lines from what had already been approved.

Commissioner Wardall requested confirmation that this was not a new project, but an amendment to it.

Commissioner Ryan replied that it is just a change to existing lines.

Mr. Gillott commented that practically the new rules should be applied, but that technically he did not know that there is an exception to apply the General Plan conditions. He added that new rules require either a study to be done to prove there are no culturally sensitive things in the area or have someone on site.

Mr. Beatty shared that a new project requires a study done to prior to submittal.

Commissioner Ryan commented that technically speaking it is the Commission's prerogative and that he leans toward the approval based on the fact that this was approved pre-General Plan. He added that if there is an issue with the approval it can be appealed to the Board of Supervisors where they can make a decision on this issue. He asked for clarification that the variance was to go before the Board.

Mr. Beatty confirmed that the variance would need to go before the Board for approval.

Commissioner Ryan stated that he was sharing his thoughts with staff and counsel to see if this sounds like a logical approach.

Mr. Gillott stated that it was the Commission's prerogative to do so.

Chair Callsen asked if anyone else desired to speak.

Commissioner Ryan moved to close the public hearing, seconded by Commissioner Wardall, and carried.

Commissioner Ryan stated that we went through this project two years ago and this process was done.

Commissioner Byrne stated that he was sympathetic to both sides of the argument.

Chair Callsen stated that she feels that since the General Plan has been approved that the guidelines of it should be followed.

Commissioner Ryan shared that it is financially unfair to the applicant.

Mr. Gillott asked if the Commission wanted him to get the exact language of the mitigation requirement.

Commissioner Ryan stated that he will not approve adding the mitigation language and the Board of Supervisors should make that call. He added that this is an old development that is pre-General Plan that has already been approved and has simply come back for a change.

Commissioner Wardall commented that he agrees with Commissioner Ryan. He shared that this is a ministerial type action since there is no change in scope, size, or total acreage and that the parcels are just being rounded up and cleaned up with CALFIRE and other agencies. He added that it is within the purview of the Commission to accept the negative declaration and recommend approval of the variance.

Commissioner Byrne agreed and added that the Board would not be hearing anything else unless it is appealed.

Chair Callsen asked why there was a need for a new CEQA.

Mr. Beatty replied the project description was updated in the CEQA document and the acreages were corrected. Also, based on a recent Board decision, one lot is now deemed a remainder.

Chair Callsen asked if the entire CEQA is up for approval again.

Mr. Gillott replied that technically speaking it would apply, but it may not be practical.

Commissioner Wardall asked if a CEQA finding needed to be found at this meeting.

Mr. Gillott confirmed that a CEQA finding was required. He added that it is not so much a CEQA issue with this map as it is complying with the General Plan, and it sounds like the Commission is considering not applying the new General Plan condition since the same application was previously approved.

Commissioner Ryan stated that if this was a brand new subdivision he would fully expect new General Plan conditions to be included. He continued that this could be the only one where a cleanup is needed.

Commissioner Byrne replied hopefully.

Commissioner Ryan added that there are a couple that have been given extensions and approved a while back and they would fall in line as well. He said this is not a major change and that the original document is still the original for this project. He shared that a mitigated negative declaration is required, not an EIR, and that it just needs to be approved.

Mr. Beatty agreed.

There being no further speakers the following actions were taken.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Wardall, to find that the environmental document included in the packet is adequate for this project.

Ayes: Ryan, Wardall, Byrne

Noes: Callsen

Absent: DesVoignes

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Wardall, to approve the amended tentative parcel map with the proposed conditions and findings as attached to this staff report.

Ayes: Ryan, Wardall, Byrne, Callsen
Absent: DesVoignes

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Wardall, to recommend to the Board of Supervisors to approve a Variance as requested by the Applicant.

Ayes: Ryan, Wardall, Byrne, Callsen
Absent: DesVoignes

***NOTE:** Mr. Beatty, Planning Director, advised those present that the Planning Commission has approved amended tentative parcel map #2860 and has recommended approval of a Variance to county code section 17.28.060, regarding easements and a Public Hearing will be held at the Board of Supervisors at a later date on that item.*

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

Adjournment: At 7:36 p.m. Chair Callsen adjourned this meeting of the Planning Commission, to meet again on November 13, 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