

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF TAPE RECORDED MEETING
February 12, 2019 – 7:00 P.M.**

The Planning Commission of the County of Amador met on Tuesday, February 12, 2019 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 Byrne.

THOSE PRESENT WERE:

Planning Commissioners: Keith DesVoignes, District I
Dave Wardall, District 2
Earl Curtis, District 3
Andy Byrne, Vice Chair, District 4
Ray Ryan, District 5

Staff: Grace Pak, County Counsel
Chuck Beatty, Planning Director
Ruslan Bratan, Planner I
Krista Ruesel, Planner I
Mary Ann Manges, Recording 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 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 DesVoignes and unanimously carried to approve the agenda as presented.

C. Minutes: January 8, 2019

MOTION: It was moved by Commissioner DesVoignes, seconded by Commissioner Wardall, and carried to approve the minutes of January 8, 2019.

AYES: DesVoignes, Wardall, Byrne, Ryan

NOES: None

ABSENT: None

ABSTAIN: Curtis

D. Correspondence: Letter received by Bob Chrisman for Item #5, more legible map for Item # 6 and more legible addendum for Item #7

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

Vice Chair Byrne asked staff if there is going to be any ordinance or anything added to the brief paragraph in the General Plan that outlines the Town Center in Pine Grove.

Chuck Beatty, Planning Director, replied that part of the General Plan Settlement was that an ordinance is prepared that creates standards for the Town Centers in Buckhorn, Pine Grove, and River Pines, and possibly some other more dense areas. He shared that it would come before the Commission in the coming months.

Vice Chair Byrne asked if there would be input from the community before it comes to the Commission.

Mr. Beatty responded that workshops or public meetings would be held to solicit public input. He shared that the starting point is going to be the design standards that the Planning Commission looked at several years ago. He added that the design standards were recommended for approval, but the Board of Supervisors made them voluntary.

Commissioner Ryan asked if the workshops would be held upcountry.

Mr. Beatty, replied that he preferred they be held in those communities, same as River Pines.

Vice Chair Byrne inquired about Ethics Training.

Mr. Beatty replied that Ethics Training is forthcoming and will be available online.

Vice Chair Byrne asked if anyone else wanted to speak. There were no comments.

- F. Recent Board Actions:** Mr. Beatty, stated that the Board of Supervisors requested that the Planning Commission prepare and recommend an ordinance regulating short term housing rentals for all the unincorporated area.

Vice Chair Byrne asked if there are any models in mind.

Mr. Beatty stated that models are being gathered.

Commissioner Ryan added that there are quite a few models out there for the VRBOs and the Airbnbs.

Vice Chair Byrne commented that there definitely is a problem.

Commissioner Ryan stated that we are one of the few counties that does not have an ordinance.

- G. Agenda Items:**

Item 1 - Election of Chair and Vice-Chair for 2019

Commissioner Ryan stated that Andy Byrne is next to be Chair based on historical placement.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner DesVoignes and carried to appoint Andy Byrne as Chair.

AYES: Ryan, DesVoignes, Wardall, Curtis
NOES: None

ABSTAIN: Byrne

Chair Byrne shared that Commissioner Ryan is next in line for Vice Chair.

MOTION: It was moved by Commissioner DesVoignes, seconded by Commissioner Wardall and unanimously carried to appoint Ray Ryan as Vice Chair.

Item 2 - Appointment of Agricultural Advisory Committee Member and Alternate for 2019

Vice Chair Ryan pointed out the importance of appointing an Agricultural Advisory Committee Member as soon as possible.

Chair Byrne explained that once a quarter the Agricultural Advisory Committee meets and that it is a great opportunity for the newly appointed Commissioner to get a feeling for how the system works.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes and unanimously carried to appoint Earl Curtis as the Planning Commission representative on the Agricultural Advisory Committee.

Vice Chair Ryan asked if Keith was up to being the alternate.

Commissioner DesVoignes replied absolutely.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner Wardall and unanimously carried to appoint Keith DesVoignes as the Planning Commission alternate representative on the Agricultural Advisory Committee.

Item 3 -Appointment of the Recording Secretary for 2019

Mr. Beatty shared that the Planning Department Administrative Secretary typically is appointed as the Recording Secretary for the Planning Commission.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes and unanimously carried to appoint the Planning Department Administrative Secretary as Recording Secretary for the Planning Commission.

Public Hearings

Item 4 - Request for Use Permit for a 115' monopole wireless communication tower. The tower will include 12 antenna panels and related ancillary equipment.

Applicant: Epic Wireless Group, LLC, on behalf AT&T Mobility
Supervisory District: 5
Location: 3902 Highway 16 (Plymouth Sand & Gravel location)
APN 001-150-015

Chair Byrne introduced the item.

Mr. Beatty shared the item is withdrawn and will most likely come back in a different form sometime soon.

Item 5 - Request for a Use Permit (UP-18; 2-2) to construct a residential apartment on the second floor of an existing dental practice office. The parcel is located in a "C1," Retail/Commercial/Office zoning district which allows a single-family dwelling in the same structure as a commercial use, subject to an approved Use Permit.

Applicant: Sukhjeet Kaur, DDS
Supervisory District 4

Location: 19751 State Highway 88, Pine Grove, approximately 500 feet west of the intersection of Highway 88 and Berry Street (APN 030-160-033)

Chair Byrne introduced the item.

Mr. Beatty presented the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Chair Byrne asked if it was exempt from CEQA.

Chuck Beatty replied it is categorically exempt from CEQA as well as not subject to CEQA due to the general rule that it is not going to have an adverse effect to the environment.

Chair Byrne asked if the Proponent was present. The Proponent was not. Chair Byrne asked if anyone desired to speak. No one else wanted to speak.

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

Vice Chair Ryan shared that a letter was received in approval of the project. He added that he believes the residential apartment is a perfect use for the space as well as a way to find housing and make use of the space and land.

Chair Byrne asked if mixed use is standard with the Town Center idea.

Mr. Beatty responded that this blends directly with the Town Center concept.

Chair Byrne requested clarification of whether a Use Permit is required or if it is by right.

Mr. Beatty clarified that it is by Use Permit, but something that might come out of the Town Center ordinance is liberalizing that ordinance so that these things may not need Use Permits in the future.

Chair Byrne responded that it sounds good.

Commissioner DesVoignes added that he thinks it is great.

Commissioner Wardall stated he supports the project.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and unanimously carried to approve Use Permit (UP-18;2-2) to construct a residential apartment on the second floor of an existing dental practice office with the findings as recommended by staff.

Mr. Beatty stated that the Planning Commission has approved the Use Permit for a single family residence in the structure located at 19751 State Highway 88 in Pine Grove. Anyone wishing to appeal the decision may do so by filing a written appeal along with the appropriate fees with the Clerk at the Board of Supervisors by no later than 5:00 p.m., February 22nd.

Item 6 - Request for Tentative Parcel Map #2854, proposing a commercial land division of 9.69± acres into eight parcels ranging in size from 0.6± to 2.0± acres.

Applicant: Gerry Ninnis and Sean Edward Lyons, Trustee of the Kenneth H. Deaver and Mary Jane Deaver Trust I

Supervisory District 5

Location: 17705 Highway 49, Plymouth, at the SW corner of the intersection with Randolph Drive (APN 008-100-019)

Chair Byrne introduced the item.

Commissioner DesVoignes shared that he has had business dealings over the years with Mr. Deaver and Mr. Ninnis, but that it was a long time ago and does not believe it would interfere with his judgement or fairness to the project.

Commissioner Wardall stated that he had a phone conversation with Mr. Deaver during the last week involving information exchange concerning the project.

Mr. Beatty shared that due to a noticing error this item will have to be continued until March 12th so that Amador LAFCO has the opportunity to review the Mitigated Negative Declaration. He added that the hearing is open, but will be continued until March 12th keeping public comments open until that time.

Chair Byrne shared that comments should be accepted.

Chair Byrne asked if anyone wanted to comment at this time. No one desired to comment.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and unanimously carried to continue the public hearing until March 12, 2019 at 7:00 p.m.

Item 7 - Appeal of the Planning Department's denial of a Use Permit request for an outdoor Collection of collector vehicles pursuant to County code Section 10.32.030.

Appellant: Dale Schaefer

Supervisory District 3

Location: 15790 Schaefer Ranch Road, Pioneer, west of the intersection of Pioneer Creek Road and Schaefer Ranch Road (APN 031-030-002)

Chair Byrne introduced the item.

Mr. Beatty presented the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Commissioner DesVoignes shared that he has had real estate dealings with the Schaefer family in the past and asked if he should recuse himself.

Grace Pak, County Counsel, advised Commissioner DesVoignes that he can recuse himself if he thinks it

could impact his decision.

Commissioner DesVoignes on the side of caution recused himself.

Chair Byrne asked if the Proponent was present.

Patrick Keene, attorney for the appellant, asked if there were any objections and if the Planning Department is relying on any of them.

Mr. Beatty replied that the Planning Department is not relying on comments from others for the determination of the Use Permit.

Mr. Keene additionally asked if notice had been mailed.

Mr. Beatty responded that notice had been mailed to people within 300 feet of the project before action on the Use Permit and also before the appeal hearing.

Mr. Keene stated that he understands notice was given, but believes nobody objected or the objections would have been in the packet. He shared that he acknowledges that there are Code Enforcement issues that are not before the Commission at this point and that there could be issues that relate to that. He commented that his client appears to meet the criteria to fulfill the Use Permit. He questioned the Staff Report where it says that the vehicles appear to be inconsistent with the definition of requirements of collector vehicles and shared that a list had been provided with values for them. Mr. Keene stated that the application meets the criteria and since no opposition was received the Commission should overrule the determination of the Planning Department and grant the Use Permit subject to subsequent inspection. He shared that he advised his client that the rules need to be complied with as stated in the ordinance and asked if there were any questions that he, the appellant, or the appellant's brother Carl Schaefer could answer.

Vice Chair Ryan shared that statements have been made that all conditions for the Use Permit have been met, but based on the photographs in the packet that conditions 2, 5, and 6 of the Use Permit are in violation. He shared that the storage area shall not exceed ½ contiguous acre in condition number 2.

Patrick Keene, attorney for the Proponent, concurred and said that's the way it is right now.

Vice Chair Ryan added that in condition 5 the vehicles are scattered and not in rows or lines. He stated that in number 6 there is vegetation growing up, into, and around the vehicles creating a fire hazard. He shared that in condition number 7 all conditions need to be met before a Use Permit can be issued. He added that he understands that the Proponent will comply, but after the fact not before.

Mr. Keene asked if the Commission wanted to defer this and that he is willing to put this over for a month. He added that the Proponent has the ability and has forklifts and other moving equipment. He concurred that the vehicles are not in rows. His client's understanding was that approval was needed for where the designated storage area could be placed.

Vice Chair Ryan shared that the setbacks are clearly stated and suggested that the matter be tabled until the next dated meeting and if all of the above have been complied with by the next dated meeting then it becomes a collection based on requirements.

Mr. Keene shared that they could meet the criteria with the vehicles in rows all within the specified area. He asked if this could be put off for 30 days if the Commission is willing to do that and has told his clients that they need to do what they have to do with vehicles that do not meet the criteria.

Chair Byrne asked staff if it is the restored value of the vehicle or is it the potential restored. He shared that

if any vehicle gets restored its value is going to increase.

Mr. Beatty shared that the ordinance requirement says that a vehicle, if fully restored, would have a higher monetary value than when it was originally sold.

Chair Byrne questioned if fully restored and asked if that implies that it needs to be fully restored to store it or that you can store it because it can be fully restored.

Vice Chair Ryan commented that his interpretation is a vehicle at the time it was originally purchased and if this vehicle is restored this would be its value. He added, but as it sits today it is a collectable to someone who is interested in restoring that vehicle.

Chair Byrne shared that when he read it that was not clear to him.

Vice Chair Ryan commented that as of right now they are all parts vehicles.

Mr. Keene added that it would also meet the criteria and definition of parts vehicles.

Vice Chair Ryan asked staff and Counsel if this can be tabled or should we allow for two meetings because Code Enforcement needs to schedule time to go out and verify everything.

Chuck Beatty clarified if the Commission was asking if 30 or 60 days is appropriate.

Vice Chair Ryan asked if 30 days would be appropriate for Staff.

Mr. Beatty responded 30.

Chair Byrne asked if anyone else wanted to speak. No one desired to speak.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner Curtis, and carried to continue the public hearing until March 12, 2019 at 7:00 p.m.

AYES: Ryan, Curtis, Byrne, Wardall

NOES: None

ABSENT: None

ABSTAIN: None

RECUSED: DesVoignes

Commissioner Wardall shared that he is President of a Homeowners Association and has received complaints in the past from neighbors about junk and has seen many Use Permit violations around the County. He added that he wants to be fair to the applicant, but his property should be cleaned up and presentable before a Use Permit is issued.

Chair Byrne announced Commissioner DesVoignes' return to the room.

Item 8 - Appeal of the Planning Department's determination that the use of the appellants' property is commercial in nature and violates County Code 19.24.040, Residential Estates zoning district permitted uses.

Appellant: Bill & Bernadette Cramer

Supervisory District 4

Location: 17042 Robinson Road, Sutter Creek, immediately opposite the intersection of Ridge Road and Surrey Junction Lane (APN 042-080-015)

Chair Byrne introduced the item.

Mr. Beatty presented the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Chair Byrne asked if the Appellant was present. Bill and Bernadette Cramer were present.

Bill Cramer asked if the Commission received a copy of his rebuttal letter. He shared history of campgrounds throughout the Sierra Nevadas that he and his wife had managed where he had acquired much of the items to be sold. He added that the rest of the items were obtained from tenants who had left property behind as well as from contents contained in the appellants' barn at a rental property they had owned until sold last December. He shared that he bought 6 red, white and blue canvas tents to cover these items that now do not have a home. He added that the tents are a place where he can easily sort and liquidate the items. He shared that he has made progress selling things and that a 25' x 50' warehouse once full of items is now half empty. He shared that he has had challenges selling due to it raining 10 out of 12 weekends. He stressed that he is disposing his own personal property on his own property and is liquidating and not purchasing new items to sell. He shared that he does not want his family or privacy disturbed so is selling down closer to the road and will later sell the tents. He shared frustration that a man had bought many items from him and later resold them in two estate sales and that estates sales have specific guidelines which Mr. Cramer felt the man had not met. Mr. Cramer questioned how that what the other man was doing was okay and what he was doing was not. He added that violations should be given to somebody else with garage sale season coming up this summer. He asked if anyone had any questions.

Vice Chair Ryan asked how many sales he has had.

Mr. Cramer responded every Saturday for 12 weeks and added that he also had family and hired help to help him sort and has donated many items to thrift stores. He stressed that he is not in a commercial business. He added that his plan is to disc the land and let the wildflowers come up, but cannot with the tents there.

Chair Byrne inquired if Mr. Cramer has had other sales in the past for Chair Byrne believes he has seen sales while driving by.

Mr. Cramer shared that as a good neighbor he let the neighbors across the street sell items from his property.

Chair Byrne asked if anyone else has questions.

Commissioner Curtis asked Mr. Cramer how many more weeks he will be doing this.

Mr. Cramer responded that it depends upon the weather and that rain is expected and that his wife also wants this done quickly. He added that he could just store everything in the tent and not even put up a sale sign, but that he wants to dispose of it.

Chair Byrne asked if anyone else has any comments.

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

Vice Chair Ryan asked the Planning Department, staff, and Counsel what distinguishes a garage sale from a yard sale from a sale on your property. He acknowledged that sometimes people have garage sales several weeks in a row until everything is gone. He asked is it because of what you call it versus it

being on the highway.

Mr. Beatty replied that we have to look at what is customary for a yard sale which is usually a weekend or two weekends a year rather than multiple weekends that go on for months.

Chair Byrne shared also the scale of it.

Mr. Beatty concurred.

Chair Byrne added that his issue with this one is the scale.

Vice Chair Ryan commented that it sounds like the goal is to sell it as quickly as possible. He said that it is not commercial in a sense as it is someone out there replenishing stock and has set up camp forever. The goal is to get rid of what they own, just like if I had a barn full of furniture and it took me three or five weeks to sell it.

Chair Byrne stated that he has recollections over the past 10 or 15 years of there being things for sale where there have been weekends similar to the current ones and that there definitely have been vehicles for sale. He asked how all that fits in.

Mr. Beatty replied that if it is a single item like a car, boat, or recreational vehicle they do not draw a lot of attention, but with Mr. Cramer's magnitude and scale we are going to get a lot of complaints about it. He added that one is more commercial than the other even if they are just trying to liquidate.

Commissioner DesVoignes asked if the complaints were from neighbors.

Chuck Beatty replied neighbors or those just driving by.

Commissioner DesVoignes shared that he had a conversation with someone he knows who said Mr. Cramer has sold things for him where Mr. Cramer did not make any money. He asked where the line should be drawn.

Vice Chair Ryan commented that this is not the opportune time to be selling things outdoors and asked what would prevent the Cramers in Spring from setting up a few of these tents and put out items for sale and then close them all up and do it again the following Saturday and maybe skip a few Saturdays and then do it again. He added that the huge tents are very visible and that probably a lot of people take offense to seeing them there. He questioned how this is different from others who are allowed to have consistent garage sales several weekends in a row.

Chair Byrne responded that the scale is the difference.

Vice Chair Ryan shared that if churches have a big sale everybody in church brings something.

Chair Byrne added that the churches come in and get a Use Permit.

Vice Chair Ryan responded that there is no Use Permit here.

Chair Byrne shared that Use Permits have been granted for sales like that at churches and car show events. He added the process to have that available comes with mitigation and that is part of the scale issue.

Vice Chair Ryan said that he guesses that it comes down to how much is left and how many days it takes to sell it and shared that he is at a loss as to how to help this situation along. He added that he has a lot of empathy, but the tents are probably what caused the ire of whoever drove by and saw them.

Commissioner Wardall asked about the time limit on the Use Permit.

Chair Byrne and Vice Chair Ryan said that there is no Use Permit on it.

Vice Chair Ryan responded that this is question about a commercial use of property when it is not zoned for such.

Chair Byrne elaborated that his point about the Use Permit is that there have been things of this scale where there was a Use Permit to do it. He questioned whether that is even something that could be done.

Grace Pak, County Counsel, responded that it is not before the Commission at this time and that only the appeal is being considered.

Chair Byrne asked if this is something that could possibly be a remedy for the Cramers if the appeal is denied.

Mr. Beatty responded that there is not a Use Permit option for anything in Residential Estates.

Chair Byrne replied that is what he thought.

Commissioner Byrne asked if Mr. Cramer could apply for a Use Permit.

Mr. Beatty responded no.

Vice Chair Ryan stated that the hard part tonight is a yes or no answer.

Chair Byrne shared that they can appeal to the Board and that he is inclined to deny the appeal. He added that he does not see any vehicle that allows the Commission to reverse the decision and added that the scale puts this off. There are other places that do that, but unfortunately, the Cramers are on the main thorough fare and Code Enforcement is complaint driven. He added that if the County does not get a complaint that they get to do it.

Vice Chair Ryan added exactly.

Mr. Beatty shared that that is why those sales that Mr. Cramer sees that last longer than a customary yard sale are there. They are not complained about, but unfortunately that erodes the integrity of the ordinance.

Vice Chair Ryan reiterated that we are complaint driven.

Commissioner DesVoignes said it is unfortunate that it is black and white and that it seems that the County has bent over backward.

Vice Chair Ryan agreed, but said he is torn and that he wants to do something to help the situation. He added that it goes back to what is in the report, the code, and the findings based on fact. He shared that the determination tonight is whether the property is being used in a commercial nature since the sale of items, though not being replenished, are being sold in such a quantity. He commented that based on the photos and what has been presented that he has to decide that it is commercial. He added that there is the option to appeal it to the Board of Supervisors.

Bernadette Cramer, Appellant, asked how many complaints there were and who the complaints were from.

Chair Byrne replied that that information cannot be shared and that it does not matter how many complaints there are because all that is needed is one complaint to go to Code Enforcement.

Mrs. Cramer asked if the tents were not there if it would still be considered a garage sale.

Vice Chair Ryan responded that he does not think as much attention would have been drawn.

Chair Byrne concurred that the tents brought more attention and said that it is still the same scale.

Mrs. Cramer stated that this complaint came in right after the tents were put up. She added that the tents were put up so it would look neat, not be offensive, and that there are no houses directly across from them that are visible from the road.

Chair Byrne commented that it would not matter if it was just somebody driving by who complained.

Mr. Cramer said he has one alternative which is to remove the word commercial where he takes away the signs for sale, closes up the tents, and stores in them.

Chair Byrne asked if there are any restrictions.

Mr. Cramer responded that there are no restrictions.

Chair Byrne replied that before us is whether or not Mr. Cramer is in compliance.

Mr. Cramer said that he feels there is selective enforcement and that since he is a big guy he cannot have it, yet a little guy can.

Chair Byrne responded that only his is before the Commission and that a complaint was made.

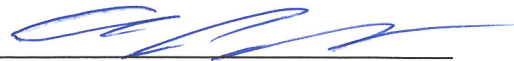
Mr. Cramer stated that he believes he has taken every precaution. He shared that there is no safety or health factors and feels he did everything he could because he knew that maybe sometime it could come up. He added that there are massive amounts of things to dispose of. He stressed that there will be no sales signs out there and that tents would be left up full of merchandise. He said he calls it liquidation and that he cannot be touched if he does not put out a sign.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner Wardall, and unanimously carried to deny the appeal.

Mr. Beatty stated that the Planning Commission has denied an appeal of the Planning Department's determination that use of the property at 17042 Robinson Road is commercial in nature and violates county code 19.24.040 in Residential Estates permitted uses. Anyone wishing to appeal the decision may do so by filing a written appeal along with the appropriate fees with the Clerk at the Board of Supervisors by no later than 5:00 p.m., February 22nd.

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

Adjournment: At 8:03 p.m. Chair Byrne adjourned this meeting of the Planning Commission, to meet again on March 12, 2019.



Andy Byrne, Chair



Mary Ann Manges, Recording Secretary
Amador County Planning Department

Amador County Planning Commission



Chuck Beatty, Planning Director
Amador County Planning Department