

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

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The Planning Commission of the County of Amador met on Tuesday, March 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 1  
Dave Wardall, District 2  
Earl Curtis, District 3  
Andy Byrne, Vice Chair, District 4  
Ray Ryan, District 5

Staff: Greg Gillott, County Counsel  
Chuck Beatty, Planning Director  
Ruslan Bratan, Planner 1  
Krista Ruesel, Planner 1  
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:** February 12, 2019

**MOTION:** It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and carried to approve the minutes of February 12, 2019. Commissioner DesVoignes recused himself from Item #2.

- D. Correspondence:**

Agenda Item G.2 - Letter by Patrick Keene, attorney for Dale Schaefer

Agenda Item G.3 - Letters by John Munn, Dallas Vaughn, Gary Reinoehl, Caryl Callsen of the Foothill Conservancy, Darrel Cruz of the Washoe Tribe of Nevada and California, Irvin Jim of Hung-A-Lel-Ti Woodfords Washoe Community Council, and Serrell Smokey of the Washoe Tribe of Nevada and California

Additional Agenda Item - Letters by Terri Sweet and Susan Peters of the City of Jackson

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

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

- F. **Recent Board Actions:** Chuck Beatty, Planning Director, stated that there were none to share pertaining to previous Commission agenda items.

**Public Hearing**

- Item 1 (Continued from February 12, 2019) Environmental document determination and possible project decision for Tentative Parcel Map No. 2854 proposing the division of 9.96+/- acres into 8 parcels ranging from .06+/- acres to 2.0+/- acres.**

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

**Supervisory District:** 5

**Location:** 17705 Highway 49, Plymouth, at the SW corner of the intersection with Randolph Drive (APN 008-100-019). The site is adjacent to the City of Plymouth corporate limits and located within the City's Sphere of Influence.

Chair Byrne 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 Byrne opened the public hearing and the following persons addressed the Commission with comments on the project:

Ken Deaver (applicant)  
Planning Director Chuck Beatty  
Community Development Director Mike Israel

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

General discussion among Commission members and staff concerning the item followed, resulting in the following motions:

**MOTION:** It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and unanimously carried to approve that the mitigated negative declaration is adequate for the project.

**MOTION:** It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and unanimously carried to approve Tentative Parcel Map #2854 subject to the Conditions of Approval and Findings included in the Staff Report.

**NOTE:** Mr. Beatty, Planning Director, advised those present that the Planning Commission had approved Tentative Parcel Map 2854. Anyone wishing to appeal that decision may do so by filing a written appeal along with the appropriate fee to the Clerk of the Board of Supervisors no later than 5:00 p.m. on March 22, 2019.

- Item 2 (Continued from February 12, 2019) Appeal of the Planning Department's denial of a Use Permit for collector's car collection pursuant to County Code Section 10.32.030(E), which allows a collector to maintain one or more collector vehicles provided that minimum conditions are met.**

**Appellant:** Dale Schaefer

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**Supervisorial District:** 3

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

Chair Byrne introduced the item.

Commissioner DesVoignes addressed County Counsel asking if he should again recuse himself.

Greg Gillott, County Counsel, responded that it would be appropriate if Commissioner DesVoignes finds himself in conflict.

Commissioner DesVoignes replied that he felt that he is, and left the Board Chambers.

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

Chair Byrne reopened the public hearing, and the following persons addressed the Commission with comments on the project:

Carl Schaefer, representing Dale Schaefer (applicant)  
Planning Director Chuck Beatty

Mr. Schaefer requested an extension due to bad weather.

General discussion among Commission members and staff concerning the item followed, resulting in the following motion:

**MOTION:** It was moved by Vice Chair Ryan, seconded by ~~Chair Byrne~~ Commissioner Earl, and carried to approve an extension and continue the hearing until May 14, 2019.

AYES: Ryan, Byrne, Wardall, Curtis

NOES: None

RECUSED: DesVoignes

Commissioner DesVoignes returned to the Board Chambers.

**Item 3**     **Review and recommendation to the Board of Supervisors regarding a proposed amend Section 19.24.045(D), Conditional Uses in the R1A, Single-family Residential and Agricultural Zoning District, by adding Section 19.24.045(D)(13), "Lodging and Special Event Facilities" pertaining to parcels 10 acres or larger in the R1A Zoning District and in the O-R/Open-Recreation General Plan land use designation. The amendment proposes to establish discretionary permitting processes and operational standards for such facilities.**

**Applicant:** County of Amador

**Supervisorial Districts:** 1, 2, 3, 4, & 5

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

Chair Byrne introduced the item.

Mr. Beatty shared the Staff Report which is hereby incorporated by reference into these minutes as

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though set forth in full.

Chair Byrne reopened the public hearing.

Carlyl Callsen, resident of Pioneer and representing Foothill Conservancy, confirmed that the Foothill Conservancy letter had been read and considered. Ms. Callsen relayed concerns that opening up 4,300 acres in remote areas for commercial use in Amador County could have significant effects to the environment, cultural resources, noise, lighting, and fire. She added that a full CEQA review should be completed before consideration and shared ongoing concerns about fire safety with a one lane road being used for ingress and egress by 200 people.

Lynne Van Tilburg, resident on Emily Way, asked if this ordinance will affect her property values with the home next door to her also zoned R1A and used as an Airbnb and for weddings.

Vice Chair Ryan shared that the proposed amendment includes only Open Recreation designations.

Greg Gillott, commented that this does not apply since the Emily Way property does not have the same General Plan designation that is being discussed.

Ms. Tilburg stated that she is residential and agricultural.

Chair Byrne added that the proposed amendment has been tailored specifically for this project.

Ms. Tilburg commented that she was done speaking.

Vice Chair Ryan added that Ms. Tilburg might be interested in the next item.

Katherine Evatt, resident of Volcano and owner of a summer cabin near the Hideout, requested that the focus be on the larger planning issues in order to avoid larger implications. She shared concerns regarding the tailoring of the ordinance to be applicable to the OR General Plan designation. She added that she believes that if this is allowed in the R1A/OR that the R1A/AG property owners will want to do this next. Ms. Evatt asked the Commission to focus on what is most valued about our remote wilderness character lands: their scenic beauty, protecting their natural and cultural resources, dark night skies, quiet, and peace. She shared that cabin owners in the area do not want noise past dark or increased fire risk to property and wildlands. She added that frequent events will make prescribed burns more challenging and stated that she believes event centers are inappropriate for remote areas unless tightly regulated. She shared concerns that she believes that Mr. Hoover had approached some of her cabin neighbors to rent their cabins with overflow of his commercial activity. Ms. Evatt shared that it is premature to move forward with an ordinance because landowners had not been notified and an environmental review has not been done on the 4,300 acres. She added that the Hideout is an illegal use that has been allowed to operate for years. She recommended issues with the Hideout be addressed and that the Hoovers apply for a General Plan amendment to their one parcel to the Commercial General Plan designation instead of creating a broad ordinance which could lead to a proliferation of event centers. Ms. Evatt said with that change there would be a full CEQA review and full mitigation with potential impacts. She also recommended a zoning code amendment to allow event centers in Commercial General Plan Designation.

Tom Hoover, representing Hoover Enterprises, denied that he approached cabin owners for overflow use. He stated that they originally started out as a vacation rental and that it has been claimed that they have been illegally operating for many years. He shared his knowledge of the OR designation and of the category in R1A for recreation. He added that he has come before the Commission in the past to define what recreation means since there is no definition. He shared that they pay hotel and property taxes and believes they were in compliance. He continued that his project was built with permits and he has made

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improvements. Mr. Hoover shared that he has a lot of issues with the conditions in the ordinance and that the County is trying to be restrictive and take a one-size fits all approach. Mr. Hoover added that neighbors are not close them, believes that a ridge blocks most of the noise, and shared that the property has meadows and that much done to make the property fire-safe. He referred to the General Plan which encourages his type of use and shared that what he has built is an asset to the County and that he is trying to get into compliance. He shared that they treat it as a vacation rental that allows events and disagrees with some of the conditions which will stymie small business such as not allowing caterers to cook onsite and having to shut down after 10:00 p.m. He added that they want to mix recreation with special events. He commented that he assumes that the County is heading towards a special use permit tailored to his property.

Chair Byrne replied that this hearing is not about the Hoover property, specifically, but an ordinance is being proposed that the property can fit in under and asked for his comments about the proposal.

Mr. Hoover responded that his facility is different than others and asked how we handle that.

Chair Byrne answered good question.

Mr. Hoover shared that one-size fits all does not work in this county and we are trying to create an ordinance that does that.

Chair Byrne replied that that is how county ordinances work.

Mr. Hoover responded that is also a reason for a special use permit

Chair Byrne shared that a special use permit cannot currently be used for R1A zoning.

Mr. Hoover stated that there have been proposals in the past to both the Board of Supervisors and the Planning Commission to tie R1A and O-R together to allow him to go forward with a special use permit.

Mr. Beatty shared that it could not be done in the past because there was not an option in the code.

Mr. Hoover responded that we are told that it does not happen and then we see evidence that is happening.

Chair Byrne commented that in order to do that legally, the code needs to be changed.

Mr. Hoover responded that the zoning already allows for a resort in my location.

Chair Byrne voiced that there is a difference of opinion on this.

Mr. Hoover answered that he is reading the County's own language and code and does not understand why he is being subject to this when planning documents show that this is allowed with a use permit.

Chair Byrne asked to hear from staff.

Mr. Beatty responded that the Open-Recreation General Plan classification is proposed to allow public or private type resorts, but under appropriate zoning and conditions which do not exist at this time. He added that the Board's direction was to prepare an ordinance that did that.

Chair Byrne asked if there would be other appropriate zonings versus creating this broad project with R1A.

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Mr. Beatty responded that there is not another zoning district to substitute for R1A that would apply to less acreage with an O-R General Plan.

Mr. Hoover commented that the County is advancing forward as if R1A and O-R have to be tied together.

Chair Byrne stated that Mr. Hoover is asserting that he has a recreational facility as opposed to a commercial one and the Planning Commission and Board of Supervisors have disagreed with Mr. Hoover on this in the past.

Mr. Hoover replied that he believes that this is bringing them into a situation where an application for commercial status would need to be made.

Chair Byrne responded that it was found that the operation was found to be more of a commercial nature, not a recreational one. He asked for clarification on history.

Vice Chair Ryan responded that Mr. Hoover's claim in the past was that they were providing recreation in an Open-Recreation General Plan designation.

Mr. Beatty added that they asked for interpretation from the Commission about whether the Hideout operations were an appropriate use consistent with recreation. He shared that both the Commission and the Board found it to not be an appropriate use.

Chair Byrne confirmed that was what happened and that staff is looking for an appropriate avenue that the Hoover property will fit into.

Mr. Beatty stated that other zones compatible with residential use in the Open-Recreation General Plan Designation are R1A, Exclusive Agriculture, Mineral Resources or Planned Development, but Planned Development is really the only other option.

Chair Byrne commented that Planned Development is what Kirkwood is under.

Mr. Beatty agreed and added that Kirkwood also has its own Specific Plan.

Vice Chair Ryan commented that it would take a General Plan amendment for this particular parcel.

Mr. Beatty clarified that it would take a zone change.

Mr. Hoover shared that he has difficulty following all this and commented that he believes there was no discussion of commercial at the last meeting and the concern was that if this type of activity is allowed in R1A that it would spill over into other R1A zoned parcels in Shenandoah Valley and around the County.

Chair Byrne added that that was part of it and also that commercial activities would spill over into the R1As.

Mr. Hoover responded that he did not remember the commercial aspect being brought into it only that the activity would spill over into the agricultural areas.

Commissioner Wardall stated that he disagreed with Chair Byrne and shared that The Hideout is Open Space recreation and that there is nothing in Shenandoah Valley that is Open Space.

Chair Byrne responded that that is why this is being done.

Commissioner Wardall continued that the Hoover parcel had no zoning on it for many years and stated

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that after talking to people in the county that the R1A zoning was randomly picked. He shared that it worked for a while, but now a problem has arisen and needs to be solved. He added that he has counted 58 lots that the proposed ordinance applies to, but this amount can be lessened if lots less than 39 acres and at elevations of 5000 or 6000 feet are eliminated. He commented that this is open space recreation and if you look at the Open Space zoning it includes resorts. He added that it is being said that it is not recreational and that it has a commercial feature, but that the Planning Commission has overlooked that it is more of a resort.

Chair Byrne concurred, but commented that in R1A resorts are not acceptable.

Commissioner Wardall stated that he prefers to change the ordinance because having Mr. Hoover apply to change the zoning is unfair. He added that Mr. Hoover should work with the Foothill Conservancy to tailor the ordinance so that the number of parcels is reduced, the ordinance is viable, and the environment is protected.

Mr. Hoover asked staff if O-R is used a lot for PG&E.

Commissioner Wardall responded that 12 PG&E parcels are on O-R.

Mr. Hoover replied that the acreage needs to be looked at and that they are both large numbers. He stated that he doubts that PG&E would be applying. He shared that in R1A there are a lot of things that are allowed, including recreation, but that there is no definition of recreation. He added that the Commission's interpretation of recreation does not suit his project.

Chair Byrne responded that that was the decision that both the Commission and the Board of Supervisors made.

Mr. Hoover shared that a definition was made that he has not seen.

Chair Byrne added that it is on a case by case basis and commented that he believes that the conversation is going in circles.

Mr. Hoover commented that he believes that this meeting's discussions reveal the problem.

Chair Byrne responded that he believes that Mr. Hoover disagrees with the Commission's last decision.

Vice Chair Ryan added that Mr. Hoover totally disagrees with the process and with the language of the proposed ordinance and questioned moving forward with it.

Mr. Hoover stated that if moving in the direction of an ordinance, then it needs work. He shared that what has been drafted must be brought in from other counties. He shared concerns about the restrictive conditions contained in the ordinance that could run him out of business. He added that he believes that he is not wanted there by some and commented that he did not ask for some of the conditions such as the 10 acres minimum, 200 people maximum, or 10 p.m. quiet time.

Chair Byrne added that we are discussing the ordinance tonight and are able to amend it and make suggestions to the Board.

Mr. Hoover commented that there is a lot of work to be done, that the ordinance does not fit Amador, and that 10 acres is too small. He shared that he is happy to work with staff.

Commissioner DesVoignes asked Mr. Beatty if the ordinance was drawn by the Planning Department.

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Mr. Beatty confirmed and shared that a variety of other ordinances were looked. He added that the main conditions that are included are conditions that would be asked of anyone applying for a use permit for a similar facility.

Vice Chair Ryan added that he noticed some conditions missing and would recommend more.

Bruce Baracco, representing Hoover Enterprises, shared that the original proposal was to implement a provision in the R1A zone which would allow for recreation facilities, but that the Planning staff took a different approach. He stated that the definition in the code regarding lodging houses limits a lodging house to 5 rooms, which limits a recreational facility. He continued that accessory uses are defined in the code, but not referred to in the proposed ordinance. Mr. Baracco suggested that a look be taken at Planned Development and Open Space zones that were mentioned by Mr. Beatty as being compatible with the O-R General Plan Designation and added that the Planned Development zone would allow the County more control.

Vice Chair Ryan asked Mr. Baracco if he agrees with a zone change to Planned Development.

Mr. Baracco responded that it could be something the County can look at since staff did not agree with what they had tried to put together previously for recreational facilities in R1A.

Greg Gillott, County Counsel, stated that he believes that direction from the Board originally was to keep the zoning consistent with what it was and to carve out a use permit path. He added that a viable path would be to pursue a zone change from R1A to Planned Development where the applicant can apply for a zone change and be evaluated along with CEQA and conditions. He added that under what is being proposed, they will have to apply for a use permit and get a project-specific CEQA completed which then will be used to condition their project.

Tom Infusino, representing the Foothill Conservancy, recapped the letter submitted and shared hope that the Planning Commission promotes continued collaboration by directing staff to notify potentially affected property owners, land owners, and concerned agencies. He shared desire to address concerns raised by amending the draft ordinance and bringing back a refined ordinance to the Planning Commission for review and recommendation. He added that Planned Development is another way to go and reminded that there will be similar conditions.

Vice Chair Ryan added that Kirkwood is an example.

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

Vice Chair Ryan stated that he feels that it is premature to recommend this to the Board of Supervisors. He added that more public input is needed and that some of the ideas presented are worthy of consideration. He shared that besides whatever needs to be done with the project, this ordinance has potential danger and value. If done right we can benefit from it, but it is going to take some time and work between concerned individuals, property owners, and staff. The ordinance should take into consideration all the properties that are going to be affected, not just this one property. He added that the impact is going to be on local property owners and recommended staff take public input, and come back with a final draft and discussion and then move forward to the Board of Supervisors

Commissioner DesVoignes concurred and shared that he feels confused about which direction to go.

Chair Byrne agreed and stated that he is inclined to take a more targeted approach by going with a zone change for The Hideout versus an ordinance since an ordinance would be effective county-wide and the zone change would only address a single project.



Commissioner Wardall desired clarification of Open Space as a zone.

Mr. Gillott answered that Open Space is a zoning district that is available, but it is not the appropriate zoning district for The Hideout.

Commissioner Wardall commented that right now it is R1A.

Chair Byrne added that the zoning is R1A and the General Plan Designation is Open-Recreation.

Commissioner Wardall asked for confirmation on whether there is not an Open Space zoning in addition to the General Plan.

Mr. Beatty elaborated that there is an Open Space zoning district, but the description in the zoning code says it applies to lands to be preserved in a natural state for the foreseeable future and that is not an appropriate zone.

Commissioner Wardall commented that that will not work.

Chair Byrne added that Planned Development is probably the most appropriate.

Commissioner Wardall shared that the key is to stop this from proliferating to all the other R1A areas. He added that a zone change should be looked at or steps should be taken to greatly reduce or limit it to parcels above 6000 or 7000 feet, 40 acres or more, and grandfather this one in. He added that the cost and length of time of changing the zoning to Planned Development needs to be considered, and shared that he thinks of Planned Development as more of a subdivision and not a recreational area which does not fit.

Mr. Beatty shared that Planned Development typically has been applied to larger developments with multiple units such as Kirkwood and Gayla Manor.

Commissioner Wardall stated that he does not have a solution other than thoughts of ways to limit the number of parcels.

Commissioner Curtis shared that 10 acres for an event facility is small and that noise travels. He asked how many people have a 10 acre parcel in the OR area with neighbors.

Mr. Beatty elaborated that eliminating all parcels smaller than the Hoover parcel would affect about two dozen parcels and 600 or 700 acres.

Chair Byrne shared that at the very least that should be done.

Vice Chair Ryan stated that this ordinance was assembled to address a problem and similar problems going forward. He added that considering this still may not address this project and questioned if staff and the County still see the need to have this ordinance. He shared that if the applicant is considering a zone change to Planned Development that specifically addresses their project and what they need to accomplish then why are we opening up this up for others to develop properties that fall into this designation.

Mr. Beatty commented that any affected property would have an opportunity to apply for it, with each opportunity subject to CEQA review as they go through the use permit process.

Chair Byrne added that it would be no different if each one individually asked.

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Vice Chair Ryan addressed Mr. Gillott and asked if the Commission is in a position to recommend to the Board to hold off or delay this until necessary.

Mr. Gillott replied that recommendation could be made to the Board or that staff could be directed to ask the owner if they desire to pursue some kind of alternative. If the owner agrees, then this can be taken off the table. If not, then staff can rework the ordinance and bring it back.

Vice Chair Ryan shared that he feels that is the appropriate direction.

Mr. Gillott commented that county code and the zoning ordinance does not require property owner specific notice for an ordinance amendment.

Vice Chair Ryan elaborated that property owners should know since it could be advantageous or ruinous to some.

Chair Byrne added though not required.

Vice Chair Ryan commented that it would be polite.

Mr. Gillott stated that could apply in the event that staff moves forward and rewords the ordinance.

Vice Chair Byrne added that the Commission would like to be notified a month or two in advance whether there is an ordinance in the works or a zone change.

Mr. Beatty shared that in addition to anyone that would be affected by this ordinance, should every property owner within 300 feet of these parcels will be notified because state law requires this if for a zone change.

Vice Chair Ryan agreed.

Chair Byrne commented that it would be prudent to err on the side of transparency.

**MOTION:** It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and unanimously carried, that staff have a conversation with Mr. Hoover to see if he is agreeable to a zone change. If not, continue working with property owners that would be affected by the proposed ordinance, including adjacent property owners and others who would have an interest in the language of the ordinance, and bring a revised draft back the Commission for review and further recommendation to the Board of Supervisors.

The Planning Commission then took a ten minute recess.

**Item 4 Discussion of Short-Term Rental impacts and benefits and scheduling of a public hearing to solicit comments.**

Following a presentation from staff and general discussion with the Commission, the following persons addressed the Commission concerning the agenda item:

Lynne Van Tilburg, resident of Emily Way  
Maureen Funk, Amador Council of Tourism

General discussion among Commission members and staff concerning the item followed, resulting in the Commission directing staff to schedule a special Planning Commission meeting to receive public input on

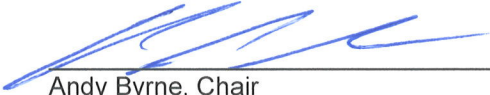
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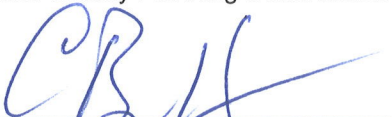
the matter. The meeting will be held Tuesday, April 23, at 7pm in the Board Chambers.

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

**Adjournment:** At 9:02 p.m. Vice Chair Byrne adjourned this meeting of the Planning Commission, to meet again on April 12, 2019.

  
Mary Ann Manges, Recording Secretary  
Amador County Planning Department

  
Andy Byrne, Chair  
Amador County Planning Commission

  
Chuck Beatty, Planning Director  
Amador County Planning Department