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The Planning Commission of the County of Amador met on Tuesday, August 13, 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, Chair, District 4

Staff: Chuck Beatty, Planning Director

Ruslan Bratan, Planner I Krista Ruesel, Planner I

Mary Ann Manges, Recording Secretary

THOSE ABSENT WERE: Ray Ryan, Vice Chair, District 5

**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 DesVoignes, seconded by Commissioner Wardall and carried to approve the agenda as presented.

**C. Minutes:** July 9, 2019

**MOTION:** It was moved by Commissioner DesVoignes, seconded by Commissioner Curtis, and carried to approve the July 9, 2019, minutes as presented.

D. Correspondence:

Item 1 – Letter by Robert Weber

Item 2 – Letter by Mara Feeney from the Foothill Conservancy

Item 3 - Letter by Mara Feeney from the Foothill Conservancy

- E. Public Matters not on the Agenda: None
- **F.** Recent Board Actions: The Board of Supervisors approved a zone change for an agricultural preserve on Tyler Rd. that the Planning Commission previously recommended approval to the Board for and also directed staff and the Planning Commission to cease work on the Short Term Rental ordinance and instead pursue a draft Nuisance ordinance.

## **Public Hearing**

Item 1 - Discussion and possible recommendation to the Amador County Planning Commission regarding a request for a Variance from County Code Section 19.24.040, "PD-R1" District Regulations which requires a 25' front yard building setback. The Applicant proposes to construct an attached garage and enclosed walkway up to 25' into the building setback.

**Applicant:** George and Rae Charos

Supervisorial District: 3

**Location:** 34061 Danberg Drive, Kirkwood (APN 026-161-007)

Chair Byrne introduced the item.

Krista Ruesel, Planner, 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 asked if the applicant was present and wanted to speak.

Rae Charos, owner, shared that the variance has been approved by the Kirkwood Meadows Home Owners Association and that the HOA allows a 5 foot setback for garages.

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

<u>MOTION:</u> It was moved by Commissioner DesVoignes, seconded by Commissioner Wardall, and carried to close the public hearing.

AYES: Wardall, DesVoignes, Curtis, Byrne

NOES: None ABSENT: Ryan

Chair Byrne asked staff to address the letter received by Robert Weber regarding concerns that the easement would cut into public utilities.

Mr. Beatty, Planning Director, shared that the public utility easement and street rights-of-way in Kirkwood Meadows Unit 1 were abandoned by the County about 3 years ago dedicated to the homeowners association.

Chair Byrne inquired about utility lines in the easement.

Mr. Beatty replied that the Kirkwood Public Utilities District is aware of the project and will make sure utility lines are not affected.

Commissioner Wardall asked if any other objections were received.

Discussion ensued about multiple similar variances being issued for parcels in Kirkwood Meadows over the years due to steep grades.

**MOTION:** It was moved by Commissioner Wardall, seconded by Commissioner DesVoignes, and carried to recommend approval of the variance and recommended findings to the Board of Supervisors.

AYES: Wardall, DesVoignes, Curtis, Byrne

NOES: None ABSENT: Ryan

Mr. Beatty stated that the Planning Commission has recommended approval of the Variance at 34061 Danberg Drive and that a public hearing will be held with the Board of Supervisors at a later date.

## **OTHER ITEMS**

Item 2 - Request for a 2-year extension of time for Tentative Subdivision Map #147 (Pine Acres North), proposing the division of approximately 44.2 acres to accommodate up to 90 residential units (66 single family lots, a 12-unit apartment complex, and 3 multi-family lots accommodating 6 to 12 units. The project also includes two sewage disposal lots totaling 12.1 acres, a 1.2-acre open space lot, a wastewater treatment lot, and a propane storage lot.

The project also included a General Plan Amendment from Commercial (C), Residential-Low Density (R-L), and Residential Suburban (R-S) to R-L, Residential Medium Density (R-M), and Public Service (P-S), and a Zone Change from Planned Development Retail Commercial and Office District with a Special Use Combining District (PD-C1X), Planned Development Low Density Multiple Family Residential District (PD-R2), and Planned Development Single Family Residential and Agricultural District (PD-R1A) to Single Family Residential (R1), Low Density Multiple Family Residential (R2), High Density Multiple Family Residential District (R3), and Special Use District (X). The General Plan Amendment and Zone Change are to become effective upon recording of the final map. (Note: The project's Residential Suburban (R-S) General Plan land use designation was changed to Rural Residential (RR) upon adoption of the 2016 General Plan update.)

**Applicant:** Parkinson Trust **Supervisorial District:** 4

Location: At the southeast corner of Hwy 88 & Tabeaud Road in Pine Grove

(APNs 038-170-014, 038-180-040, 038-180-042, and 038-180-054)

Chair Byrne introduced the item.

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

Chair Byrne asked if the proponent was present. The proponent was not present and Chair Byrne opened the hearing to the public.

Caryl Callsen, representing the Foothill Conservancy, shared that the Conservancy is strongly opposed to the extension. She stated that they are concerned about changed circumstances since the original approval in 2010 and shared that many people came to the Planning Commission and the Board of Supervisors objecting to the approval with a number of issues. She added that circumstances regarding fire have become worse, and cited traffic being backed up on Tabeaud Road for two hours during the Butte Fire evacuation. She shared that traffic has increased substantially in the area and adding about 300 people to the corridor would be a disaster. She noted that the developer has not proceeded with any of the conditions for the project and that will serve letters for water or sewage have not been issued by affected utilities. She referred to a letter sent to the Board of Supervisors 10 years ago which lists issues with the project such as the lack of pedestrian or bike ways to cross Hwy 88 at the intersection with Tabeaud Road. She commented that the project density is 6.6 people per acre whereas the average density for the County in 2010 was 2.6 people per acre. She elaborated that this is not consistent with the rural character of the area and shared that the circumstances were bad in 2010, but circumstances have worsened and requested that the Commission deny the extension.

Lynn Morgan, from Pioneer, shared that she was not on the Board of Supervisors when the project was approved in 2010, but remembers hundreds of people objecting for the same reasons noted by Ms. Callsen. She added that since then, the Butte Fire has drawn attention to the dangers of adding more citizens in high fire hazard areas. She requested that the Commission deny the extension.

Jan Houghton, from Pine Grove and Vice President of the Pine Grove Civic Improvement Club, stressed that she is not representing the club, but noted that the majority of club members live in Pine Grove off of Tabeaud Road. She commented that issues regularly heard from club members include grave concerns about traffic and fire. She continued that she believes that those issues will worsen with increased numbers of people and 90 more houses. Ms. Houghton added other project issues include water and water storage, evacuation issues in the Tabeaud corridor, additional strain on local medical care, and challenges with keeping or obtaining fire insurance. She shared that she is a stakeholder on the Hwy 88/Pine Grove Improvement Project and that she has seen nothing done in the 10-12 years since it was initiated. She asked that the Commission deny the extension.

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

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

AYES: Curtis, DesVoignes, Byrne, Wardall

NOES: None ABSENT: Ryan

Commissioner Wardall stated that the proponent shared a letter that he is willing to downsize the project and shared that he is disappointed that the proponent is not present.

Commissioner DesVoignes shared that he proposes that the economy is going to dictate which direction the subdivision is going to go. He added that in the letter the proponent states that he wants to downsize to 20 or maybe 30 single family homes. Commissioner DesVoignes shared that he thinks that is probably what is going to happen and that he is not sure if the Commission should take away the proponent's opportunity or not. He commented that he is sure the proponent is financially buried in this and that he is on the fence about letting the proponent have 2 more years.

Commissioner Curtis asked if the letter from the proponent has any merit.

Mr. Beatty replied that downsizing the project is not before the Commission and that the project applicant asked for an extension of an entitlement that was approved in 2010. He added that if he wants to downsize the project a new project application and new environmental analysis will be required.

Commissioner Curtis asked if it is extended, would the project have to comply with the new General Plan.

Mr. Beatty shared that he does not see any way around complying with the new General Plan.

Chair Byrne stated that it sounds like if the project is downsized that it is a new project.

Mr. Beatty responded that it would be considered a new project.

Commissioner Curtis asked what if this is extended.

Chair Byrne commented that an extension or revision is a radical change to an environmental document and that it is not going to save the proponent anything. He added that even if there is no further environmental review, if extended, that concerns from the community will not be addressed.

Commissioner DesVoignes shared that what staff recommended can be added and commented that the proponent is going to have to jump through the hoops all over again.

Glenn Spitzer, County Counsel, stated that an environmental analysis is needed even before approving an extension. He explained that the Planning Commission can deny the extension today or the Commission can approve an extension, but that a new environmental analysis would be required prior to that approval.

Chair Byrne shared that he was opposed to the project when it first came up, voted against it, and that there were a lot of issues that were not resolved. He stated that he is entertaining a motion to deny.

Commissioner Wardall commented that he is very much for personal property rights and somebody getting use for their land, but that the proponent should be present to discuss what they are going to do.

**MOTION:** It was moved by Commissioner Wardall, seconded by Commissioner Curtis, and carried to deny a 2 year extension of time for Tentative Subdivision Map #147.

AYES: Curtis, DesVoignes, Byrne, Wardall

NOES: None ABSENT: Ryan

Mr. Beatty stated that the Planning Commission has denied a 2 year extension for Tentative Subdivision Map #147. Anyone wishing to appeal the decision may do so by filing a written appeal along with the appropriate fees with the Clerk of the Board of Supervisors by no later than 5:00 p.m., August 23, 2019.

Item 3 - Public Scoping Session for the Subsequent Environmental Impact Report for the Martell Business Park Master Plan Use Permit Amendment. The proposed Master Plan Amendment would include a land use designation for commercial uses and a modification of the land uses allowed in specific areas, in conjunction with request for a Zone Change from the "M," Manufacturing District to "PD," Planned Development District.

**Applicant:** Amador Ridge, LLC **Supervisorial District:** 1 & 2

Location: Situated on 262 acres north of SR88, south of SR104, and west of SR49 in the Martell community. (APNs 044-010-123 and -029; 044-480-001, 044-480-003, 044-480-004, 044-480-005; 044-480-008, 044-480-012, 044-480-013, 044-480-014, 044-480-015, 044-480-016, 044-480-017, 044-480-020, 044-480-021, 044-480-022, 044-480-023, 044-480-026, 044-480-029, 044-480-024, 044-480-025, 044-480-019, 044-540-001, 044-540-002, 044-540-003, 044-540-004, 044-540-005, 044-540-006, 044-540-007, 044-540-008, 044-540-009; 044-540-010, 044-540-011, 044-540-012, 044-540-013, 044-540-014, 044-540-015, 044-540-016, 044-540-017, 044-540-018, and 044-540-019

Chair Byrne introduced the item.

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

Chair Byrne asked if the proponent was present.

Dave Brown, representing Lawrence & Associates on behalf of Amador Ridge, LLC, shared that he has been involved with the site since 2003 when it was a sawmill. He shared a timeline of the property beginning with how Sierra Pacific Industries bought the property from Georgia Pacific in 1998. He stated that there was a Master Plan approved in 2002 and that one of the intents of the Master Plan was to have

something that fit with the community and could be a regional hub while at the same time preserve their other interest which is the Ampine Particle Board plant. He added that at the time they were partnered with them on the plant and wanted to assure that whatever development occurred would not interfere its operations. He explained that this is one of the reasons that residential is not seen in this project and added that it has always been office and manufacturing.

Mr. Brown shared that there has been some confusion on what comprises the Martell Business Park area. He displayed a map of the property from when it was acquired in 1998 and compared it to a current map, commenting that there is not much difference between the two. Mr. Brown continued that between 2002 and 2006 most of the demolition and reconstruction occurred with the shopping center and Lowe's being built around 2006. He added that around 2007 that the Health and Human Services building was built along Hwy 104. He explained that the area included in the Master Plan for the Martell Business Park is not everything bounded by the 3 highways of Hwy 88, Hwy 104, and Hwy 49. He commented that the northern limit is the Lowes site and that the boundary starts at Industry Blvd. He continued that the Amador Ridge Shopping Center is to the south, but does not include Ampine or the Sierra West Business Park, the Emerson cardlock or other uses near the intersection of Hwy 104 and Hwy 88.

He stated that in 2008, there was a desire to finish out the shopping center and build out the west side of Tower Drive. At the time, the proposed Gold Rush Ranch and the Wicklow subdivisions both could have had significant impacts on the highway intersections. He shared that the 2002 Master Plan circulation only had Prospect Road going out to Hwy 104, one access point at Industry Boulevard, and a second access point near the railroad tracks and Highway 88. He elaborated that there was no interconnection between the shopping center and Wicklow Way or the Amador Central Office Park and added that with Gold Rush and the Wicklow subdivisions coming in, impacts could be lessened at some of these intersections by introducing some internal roadways.

He added that instead of mitigating a big intersection, they desired to mitigate impacts by building some internal roadways to get people from residential area to shopping centers. He stated that this required an update to the Traffic Impact Study. In 2008, when trying to get commercial use on the site on the west side of Tower to finish out the shopping center, ACTC and Public Works asked for the Traffic Impact Study to be updated. He continued that a right of way to Wicklow Way was also requested to be added to the maps. He shared that when preparing the amendment package, Planning requested that an update to the Master Plan be completed so that the map more accurately reflected existing conditions. He stated that a draft of the amendment was prepared and that around that time the General Plan was updated where the area was re-designated as a Regional Service Center which is consistent with being a hub for the county. He commented that changes to CEQA have since occurred which require another revision to the Traffic Impact Study due to impacts being evaluated by vehicle miles traveled instead of level of service.

Mr. Brown continued with details of the proposed land use which included allowing commercial use to finish out the shopping center with the rest of it being a "catch up phase." He shared that there are slight differences on site locations where roads actually connect and that the north side of Amador Central Office Park is already mapped and built. He continued that the south side has not had the final map recorded and is not built, even though the intersection was built for the future extension of Boxcar Boulevard to Hwy 88.

Chair Byrne asked Mr. Brown if by not built meant he means that no buildings are built.

Mr. Brown replied that the south side of the project has no infrastructure built, no streets and no utilities, whereas the Office Park infrastructure is built where a building could be placed on a lot ready with water, sewer, roads, lights, and landscaping. He added that other areas of the site that are not improved include the former Wood Waste landfill and shared that the ultimate disposition of the site is a clean closure. He explained that the Ampine facility is the middle and that there is a lower tier where there is a 30 foot drop to the railroad grade right behind Meek's. He added that this area is within the flight zone for Westover

Field and will stay a manufacturing type area.

Chair Byrne asked about a small area on the map that looks like a strip mall.

Mr. Brown shared that it is a fitness center that was put in around the same time and that it is not within the boundary of the business park which stops at the former railroad. He added that Meeks and Arco are also not in the business park.

Chair Byrne shared that the fitness center came through the Planning Commission and added that it is hard to see where this project ends and the next one starts, but by referring to the railroad as a boundary it more clear.

Mr. Brown shared that he is glad that Chair Byrne brought it up and that he believes there is some public misconception about what this project is. He commented that they tried to make this a quality project with a shopping center that is different than projects around it by using smaller signs and directional signs inside. He added that the office park has more natural scenery with some of the entrances made out of some of the former railroad ties. He elaborated that the amendment today is looking at adding a commercial land use and also adding a PD zoning where there is no need to bounce between Master Plans. He added that the Master Plan Amendment itself is being updated so that the figures reflect what has actually been built. He continued that the east side has changed quite a bit with the amount of commercial use and that they are trying to take advantage of the upper tier of the property.

Chair Byrne asked if when they go to build the lower section if it is going to come back to the Planning Commission.

Mr. Brown answered that the office park by Hwy 104 and Sierra West Business Park have final maps and will not come back to the Planning Commission. He shared that he has been involved with almost every aspect of what has been developed out there for 15 years and asked if there were any questions. He added that if this comes back it will just be the final map phase.

Chair Byrne asked if the public has any comments.

Terry Velasko, general manager and representative for the Ampine particle board facility, shared that he has no real comments or concerns and added that he came to learn more about the project, meet everyone, and understand more about the process. He added that Ampine is encompassed to the south and west of this project.

Commissioner Wardall commented that he supports timber production, the timber industry, and manufacturing and asked if this project is going to have any negative consequences to the Ampine plant.

Mr. Velasko replied that he does not think so and that Ampine has been there for 47 years. He shared that people do not even know they exist and that they are an industrial facility working 24/7 generating the smell of pine wood and dust. He commented that some find that offensive and some do not. He added that he wants to make sure that long term there is not any impact to Ampine and shared that they are big employer and a good neighbor that contributes to the tax base.

Caryl Callsen, representing Foothill Conservancy, shared that this is an 18 year old master plan and that they are now asking for a supplement to the master plan. She added that the issue is that this should be a subsequent CEQA analysis.

Chair Byrne noted that the agenda refers to a public scoping session for the subsequent environmental impact report.

Ms. Callsen shared that the Conservancy's understanding is that it was a supplemental.

Chair Byrne asked for staff to comment.

Mr. Beatty responded that the intent was to do a supplemental so that it analyzes those areas found through the initial study that needed additional evaluation. He explained that it supplements the 2002 EIR and does not replace it and that there is no need to start from scratch and reevaluate all the CEQA items in a new EIR.

Chair Byrne commented that it is listed as a subsequent. He added that they are saying they are looking for what is written, but that it sounds like Mr. Beatty is saying it is not what is written.

Mr. Beatty replied that he believes that what the Conservancy is asking for is a new updated EIR that covers all CEQA items that would be covered in an EIR, not a focused approach with just 4 the items identified in the Initial Study.

Ms. Callsen replied, exactly, with new conditions and shared that the General Plan has been approved since the master plan was approved. She stressed that a lot of things have taken place that have changed since then and added that the Conservancy is asking that a CEQA analysis to be done based on existing conditions. She referred the Commission to look at page 4 of their submitted letter which has suggestions of what might be changed in the Master Plan.

Commissioner DesVoignes asked for clarification that the Commission is looking at a supplemental to the EIR.

Mr. Beatty responded that it is a supplement that focuses on four items including air quality, greenhouse gases, energy, and traffic and transportation.

Commissioner DesVoignes asked if that will bring it into compliance with the General Plan.

Mr. Beatty stated that there was an evaluation of the new General Plan mitigation measures when the initial study was prepared. He added that staff found that those mitigation measures were covered in the existing EIR with the exception of these four areas (air quality, greenhouse gas emissions, traffic, and energy).

Lynn Morgan shared that she was on the Board of Supervisors when they came up with the mitigated new General Plan. She commented that there are many issues such as residential areas and sidewalks as stated on page 4 of the Conservancy letter that are not part of the first EIR. She added that the Conservancy was very specific about what needs to be done to be in compliance with the current General Plan.

Chair Byrne asked if anyone else desired to speak.

Debbie Dunn, Amador county citizen and Pine Grove resident, shared that it is interesting that two of the three agenda items are focused on major projects and actions to move forward on construction development. She commented that she is a business owner who survived the recession and believes that the economic climate is not really good right now for doing a lot of development. She shared that she wants to go on public record that she is grateful to see any developer that is willing to take the time to update documents and stick with the County long term. She added that her single concern is under the category of public services with mostly a focus of fire. Ms. Dunn stated that there can be confusion surrounding fire protection, fire protection districts, who is going to respond first, who is supposed to respond second and when they are supposed to get there. She added that as a special district, the fire protection district is allowed to impose taxes and bonds and charge the public and that she does not want to see that happen. She asked what the timing is for the map.

Mr. Beatty shared that there is no time limit for the Master Plan Amendment.

Ms. Dunn commented that before it goes too much further, it should be sorted out.

Matt Dozeall, lone resident, stated that he is happy to see growth in the Martell complex. He shared that his concern is with the fire department and that he opposes paying a \$229 fee for an AFPD fire station to be included in this new development plan since there are three fire departments in the region that do not charge a fee to residents. He added that he is not sure if it is on the agenda.

Chair Byrne shared that he is not sure how that has an effect on what is being discussed tonight.

Mr. Dozeall added that it is a planned development and that he wants to make sure that it is on record that he is opposed to having an AFPD fire station in the Martell complex. He stressed that he just wants to make sure that a station does not slip through and gets on the map.

Mr. Brown shared that he wants to clear a couple things up. He explained that this project already has a map on it and that Subdivision Map #104 covers the Lowe's parcel and the entire Amador Ridge Shopping Center. He said that they are adding additional commercial space. He stated that there is no fire station right now proposed anywhere within the Martell Business Park and added that he is unaware that it is planned outside the business park.

Chair Byrne asked if anyone else desired to speak.

Mr. Beatty asked if there were comments or direction to staff.

Chair Byrne stated that he thinks he understands that what the Conservancy is asking for is the EIR being taken from what is on the ground today as opposed to what was approved as the baseline. He continued that staff is saying that that is pretty much what is being done and asked if there is discrepancy there.

Mr. Beatty responded that there was an evaluation of the General Plan mitigation measures in the new Initial Study and that staff's determination is that the plan would be in compliance other than with the four areas that need to be supplemented. He added that when looking at the Regional Service Center General Plan Land Use Designation, it requires mixed use including housing but does not require an approved project to do that unless and until there is a zoning ordinance that mandates mixed use. He explained that a good part of the Martell triangle is in airport safety zone so only those parcels by Conductor Boulevard and the HHS building would be compatible with residential use.

Commissioner Curtis asked of there would not be mixed used buildings with residential on top of commercial there.

Mr. Beatty shared that the applicants are not proposing that and that there is not a trigger to make it a requirement.

Commissioner Curtis added that because of the no fly zone it might be a hard thing to do.

Mr. Beatty stated that it is almost an impossible thing to do on the majority of the property.

Chair Byrne asked if the flight zone area shown on the map is the area that is prohibited or if it is wider than that.

Mr. Beatty answered that the flight zone is one mile from the airport and extends to the area that is designated as office space. He added that no housing is allowed in safety zone 2 and that even commercial use needs to be restricted to a certain number of people per acre per hour.

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Chair Byrne added that they are also trying to keep Ampine there.

Chair Byrne stated that he wants to add to the public record that there is a discrepancy with the list on page 4 of the Conservancy letter and elaborated that those are not requirements in the General Plan and that the General Plan asks for them, but that there are no ordinances that require it.

Mr. Beatty replied that the first one on the list refers to mixed use and apartments and condos over stores and offices which is only appropriate in the far west corner of the project.

Chair Byrne added because of the flight zones.

Mr. Beatty agreed, and continued to explain that the next two items on the referenced list talk about sidewalks and protected bike lanes which will be evaluated through the Transportation supplement to the EIR. He added that green building standards and the use of solar will be evaluated through the Energy portion of the revised EIR. Another item mentions design standards and form based codes, and those are recommendations of the General Plan. He shared an RFP has been issued for consultants to prepare design standards that will become part of the zoning code. He continued that transit stops and greenhouse emissions are going to be addressed through the EIR supplement.

**MOTION:** It was moved by Commissioner DesVoignes, seconded by Commissioner Wardall, and carried to approve to adjourn the meeting. The next meeting will be September 10, 2019 at 7:00 p.m.

Mr. Beatty commented that a supplemental document will be prepared and presented in a public hearing to the Planning Commission sometime in the future.

Chair Byrne stated that then it will go from a draft to a final.

Andy Byrne, Chair
Amador County Planning Commission

Mary Ann Manges, Recording Secretary
Amador County Planning Department

Chuck Beatty, Planning Director
Amador County Planning Department