

The Planning Commission of the County of Amador met on Tuesday, September 10, 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
Earl Curtis, District 3
Andy Byrne, Chair, District 4
Ray Ryan, Vice Chair, District 5

Staff: Chuck Beatty, Planning Director
Ruslan Bratan, Planner I
Krista Ruesel, Planner I
Glenn Spitzer, County Counsel
Mary Ann Manges, Recording Secretary

THOSE ABSENT WERE: Dave Wardall, District 2

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 Vice Chair Ryan, seconded by Commissioner DesVoignes and carried to approve the agenda as presented.

AYES: Ryan, DesVoignes, Curtis, Byrne

NOES: None

ABSENT: Wardall

C. Minutes: September 10, 2019

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and carried to approve the September 10, 2019, minutes as presented.

AYES: Ryan, DesVoignes, Curtis, Byrne

NOES: None

ABSENT: Wardall

D. Correspondence:

Item 2 – Letter from Mara Feeney on behalf of the Foothill Conservancy

E. Public Matters not on the Agenda: None

F. Recent Board Actions: Mr. Beatty shared that the Board of Supervisors approved the zone change for 160 acres on Carbondale Road for a Williamson Act contract which the Planning Commission recommended approval for at the September 10th meeting.

Public Hearing

Item 1 - Request for Variance (V-19;9-1 Bauer) from County Code Section 19.24.040, "R1," Single-Family Residential District Regulations which requires a 25 ft. setback, to allow construction of a ground-mount array within approximately 19 ft. of the front property line. (APN 036-180-014)

Applicant: Victoria Bauer (representatives: Brandon Gonzales and Jordan Lykins)
Supervisory District: 4
Location: 10994 Clinton Bar Rd., Pine Grove

Chair Byrne introduced the item.

Ms. Ruesel 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 proponent was present and wanted to speak.

Aaron Barnard, Gold Rush Energy Solutions in El Dorado Hills, shared details of the project explaining that the site was chosen based on the production level and the terrain and that the solar panel array will be placed out of site behind some hedges so as to not impede the view or the adjacent fire road.

Commissioner DesVoignes asked for clarification that the array will be behind the hedge.

Mr. Barnard replied that it would.

Lynn Warner, representing Pine Acres Servicing District Board of Directors, shared that they are retracting their previous objection to the project. He elaborated that they were unclear of where the array was going and that the drawing did not make it clear enough. He added that the Board of Directors wish they had been notified and commented that he was worried most about the placement of the array impairing fire equipment.

Commissioner DesVoignes asked for confirmation that the Board of Directors has withdrawn all objections to this project.

Lynn Warner stated that they are retracting their objection.

Ray Morse, neighbor who lives directly across the street from the applicant, commented that he initially opposed the project because he had issue with where the array was to be placed based on the wording in the project description. He shared that he had limited time to respond to the mailing and stated that he no longer has an objection since he understands where it is going to be placed.

Chair Byrne asked if anyone else wanted 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.

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

Vice Chair Ryan stated that he initially was a little concerned with the objections, but that he is no longer concerned. He asked staff to clarify the notification since the biggest complaints were the lack of notification and time to respond.

Mr. Beatty responded that the statutory requirements had been met on legal notification since a 10-day notice was placed in the newspaper and a 10-day mail notice was sent. He added that one of the consequences of moving of the posting date of the Planning Commission agenda from Thursday back to Tuesday to allow more public review is that it reduces the time for someone to respond in time for written comments to be included with the agenda packet. He commented that Mr. Morse is correct about the limited response time. If a mail notice is mailed out on Friday it is likely going to be received the following Monday, which means a person needs to respond by Tuesday in order to get their comments in the packet. Mr. Beatty added comments received after the packet is published are emailed to the Commission when they are received and hard copies are provided at the meeting.

Chair Byrne asked if there is a better way to make the information in the notice more clear and to let people know that their input is still acceptable.

Mr. Beatty shared the notices explain that there are essentially three options to respond: written comments before that packet is published, after it is published, and in person at the hearing. The notice explains that the Commission may not as much time to review written comments received after the agenda is published.

Vice Chair Ryan shared that his questions had been answered and does not see a problem with it.

Chair Byrne asked that a condition be added that the screening needs to be maintained.

Mr. Beatty responded that it can be added as a condition.

Chair Byrne commented that it sounds like a reasonable condition.

Vice Chair Ryan added that he thinks that is very reasonable.

Chair Byrne asked if anyone else had any comments. No one else had comments.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner Curtis, and carried to recommend approval of the Variance to the Board of Supervisors with findings as stated in the staff packet with the additional condition that current screening be maintained to ensure that the project is hidden as much as possible from public view.

AYES: Ryan, Curtis, DesVoignes, Byrne

NOES: None

ABSENT: Wardall

Ms. Ruesel stated that the Planning Commission has recommended approval of Variance (V-19;9-1) to allow a ground mount solar to be built within the 25 ft. front setback at 10994 Clinton Bar Rd., Pine Grove, to the Board of Supervisors and a hearing will take place at a later date.

Item 2 - Discussion and possible recommendation to the Board of Supervisors regarding a proposed amendment to Chapter 19.50 Design Standards and Findings, by adding Section 19.50.060, "Dark Sky Ordinance" to Amador County code pertaining to all parcels within the unincorporated County. The amendment proposes regulation for nighttime lighting in commercial and residential districts.

Applicant: County of Amador (Zoning Ordinance Amendment ZOA-19;9-1)

Supervisory District: All

Location: The ordinance would apply to all applicable portions of the unincorporated area of Amador County which utilize lighting sources as described herein.

Chair Byrne introduced the item.

Mr. Beatty shared that there is a letter in the packet with a request to continue this item until the next meeting. He shared that this item was part of the settlement agreement concerning the General Plan so it does not need to be adopted immediately. He added that staff has no objections to continuing it, but that since this is an advertised hearing it needs to be opened for any current comments.

Vice Chair Ryan commented that he has been a proponent of Dark Skies at every available opportunity and is glad that efforts are being taken to do this right.

Chair Byrne stated that comments will be taken after staff shares a presentation.

Ms. Ruesel shared a presentation containing details of the draft ordinance such as key ordinance requirements, descriptions of types and uses of lighting, prohibitions, grandfathering, new construction, and potential applications for commercial and residential uses. She shared that a goal of the Dark Sky Ordinance is to preserve Amador County's dark night sky for people to enjoy.

Vice Chair Ryan asked if in the draft there is a requirement for remodels, construction, or replacement to conform to dark skies lighting.

Ms. Ruesel responded yes.

Vice Chair Ryan stated that that is the expectation and that he would like it worded that way in the ordinance.

Chair Byrne concurred with Vice Chair Ryan.

Ms. Ruesel replied that it is the expectation, but that everyone is not going to be required immediately to replace all their lights. She commented that there is a certain expected deterioration and eventually lights will need to be replaced.

Vice Chair Ryan commented that it would be nice if there is some kind of educational process for shoppers.

Chair Byrne asked if stores can be kept from stocking nonconforming lights.

Vice Chair Ryan stated that you cannot keep anyone from selling something, but people can be discouraged from buying lighting that does not conform.

Ms. Ruesel shared that the market would regulate itself as efficient lighting become more economical.

Commissioner Curtis shared that some products may not meet the requirement for being fully shielded, but have motion sensors so do meet the exception. He suggested that consideration should be made for frequent triggering of motion sensors such as when dogs walk back and forth all night.

Chair Byrne commented that he had to turn his motion sensor off due to wildlife keeping them on all the time.

Susan Bragstad, representing the Foothill Conservancy, shared that they want to be able to continue this item so they can study other ordinances and make positive suggestions.

Chair Byrne asked if everyone is okay with this extending this. The Commissioners were. He asked if there was any other discussion.

Vice Chair Ryan asked how much time is needed for the extension in order to get research done for the Dark Sky Ordinance.

Ms. Bragstad shared that a month is enough time.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and carried to continue the item to the next Planning Commission meeting scheduled for 7:00 pm on November 12, 2019.

Chair Byrne desired confirmation that this is enough time for staff.

Mr. Beatty responded that it is.

AYES: Ryan, DesVoignes, Curtis, Byrne

NOES: None

ABSENT: Wardall

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and carried to approve to adjourn the meeting. The next meeting will be November 12, 2019 at 7:00 p.m.

Andy Byrne, Chair
Amador County Planning Commission

Mary Ann Manges, Recording Secretary
Amador County Planning Department

Chuck Beatty, Planning Director
Amador County Planning Department