

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

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The Planning Commission of the County of Amador met on Tuesday, November 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, Chair, District 4
Ray Ryan, Vice Chair, District 5

Staff: Chuck Beatty, Planning Director
Ruslan Bratan, Planner I
Krista Ruesel, Planner I
Glenn Spitzer, Deputy County Counsel
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 Vice Chair Ryan, seconded by Commissioner DesVoignes and unanimously carried to approve the agenda as presented.

C. Minutes: October 8, 2019

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and carried to approve the October 8, 2019, minutes as presented.

AYES: Ryan, DesVoignes, Curtis, Byrne

NOES: None

ABSTAIN: Wardall

D. Correspondence:

Item 4 - Letters from Jack Sales of the International Dark Sky Association, Katherine Evatt representing the Foothill Conservancy, and Gary Price from the Bank of Stockton

Item 5 - Letters from Susan Edwards, Terry Watt representing the Foothill Conservancy, and Katherine Evatt representing the Foothill Conservancy

Item 6 - Letter from Matthew Gefland of Californians for Homeownership

E. Public Matters not on the Agenda: Chair Byrne shared commented that he appreciated the CEQA training on October 29th at the Jackson Civic Center. Mr. Beatty added that four

Commissioners were able to attend as well as several staff from local jurisdictions.

- F. **Recent Board Actions:** Mr. Beatty shared that the Board of Supervisors approved the variance for a solar array that was recommended for approval at the October 8th Planning Commission meeting.

Public Hearing

- Item 1 - **Request for a use permit (UP19;8-2) to exceed the height limit in the “RE,” Residential Estates zoning district. The height limit for structures in the “RE” zoning district is 30 feet. The applicant wishes to construct a 38 foot high detached garage with an accessory dwelling unit on the second floor. Pursuant to County Code §19.48.090, structures in “R” districts may exceed the specified height limit, subject to a Use Permit (APN 015-530-026).**

Applicant: Philip G. McCormick & Janet R. McCormick
Supervisorial District: 4
Location: 14550 Surrey Place, Pine Grove

Chair Byrne introduced the item.

Mr. Bratan 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. The proponent was not present. 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 DesVoignes, and unanimously carried to close the public hearing.

Vice Chair Ryan stated that he does not see any issues with it and that he likes to see another dwelling unit included with the accessory building.

Commissioner DesVoignes asked if we need to use the new accessory dwelling rules to approve this.

Vice Chair Ryan responded that the use permit is for the height whereas the old ordinance would have required a use permit for the accessory unit, as well.

Commissioner DesVoignes replied ok.

Chair Byrne said with old ordinances cannot say that the accessory unit also needed to be attached.

Mr. Beatty shared that the old rules required that it be attached unless it was on a parcel with twice the minimum size required by the General Plan. The old requirement for a staff-issued use permit was also eliminated by the new State law for accessory units.

Commissioner Curtis asked for clarification that the structure is a garage or a house.

Chair Byrne replied that it is both, and that specifically it is a second dwelling unit. He added before the state changed the law it would have required a use permit and a variance due to parcel size.

Commissioner Curtis asked if the use permit is needed because of its excessive square footage.

Chair Byrne answered no, and that the dwelling unit is not attached to the main house. He shared that a variance is no longer required which is another reason the Commission is considering Item #6.

Commissioner Curtis asked if this limits the size.

Chair Byrne replied that size limit is not the issue with this one.

Vice Chair Ryan added that height is the only issue.

Commissioner Curtis asked if this is zoned an "M" or an "R".

Chair Byrne replied that it is an "R".

Commissioner Curtis commented that for an attached garage that it is pretty large.

Chair Byrne stated that it is a large, detached garage.

Commissioner Curtis added that it is a large detached garaged underneath a dwelling unit.

Chair Byrne shared that it is a three car garage.

Vice Chair Ryan commented that he has a garage that is larger than the proponent's with a dwelling unit on top and then asked if there was any further discussion.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner Wardall, and carried to accept the Notice of Exemption (NOE) as the appropriate environmental document and approve the project with all the findings and conditions as recommended in the staff report.

AYES: Ryan, Wardall, DesVoignes, Byrne

NOES: None

ABSTAIN: Curtis

Mr. Bratan stated that the Planning Commission has approved use permit (UP19;8-2) to exceed the 30 ft. height limit in the "RE," Residential Estates zoning district at 14550 Surrey Place, Pine Grove. Anyone wishing to appeal this decision may do so by filing a written appeal with the clerk of the Board of Supervisors by November 22nd by 5:00 p.m.

Item 2 - Request for a Zone Change from the "R1A," Single Family Residential and Agricultural to the "AG," Exclusive Agriculture district, in conjunction with a request for inclusion of the same 136.67 acres into California Land Conservation Act contracts (APNS: 001-110-001, 001-110-013, and 001-140-016).

Applicant: John Arditto

Supervisory District: 2 & 5

Location: APN 001-110-001: 30.10 acres located on the north side of SR16 approximately 1,700 feet east of Copper Hill Road;

APN 001-110-013: 64.92 acres located on the north side of SR16 approximately 2,400 feet west of Cattle Drive;

APN 001-140-016: 41.65 acres located on the south side of SR16 approximately 1,700 feet south State Highway 16.

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 opened the public hearing and asked if the applicant was present and wanted to speak. The applicant was not present. 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 DesVoignes, and unanimously carried to close the public hearing.

Chair Byrne commented that this different with three parcels in one application.

Vice Chair Ryan added that it is a clean up.

Chair Byrne asked if the applicant owns the other property that it is joined with.

Mr. Beatty replied yes, and that it is all part of the Arditto ranch, but that it is in three separate Williamson Act contracts based on when portions of the ranch were entered into the program.

Commissioner Wardall added that it is preservation of ranch land.

Chair Byrne stated that it is just an unusual situation with three small pieces being added to other pieces.

Mr. Beatty added that these parcels were acquired after the other contracts were created, and were required to be merged with larger parcels in order to meet the Williamson Act contract requirements.

Vice Chair Ryan said that it sounds like they are reassembling the ranch.

Chair Byrne concurred.

Vice Chair Ryan asked if there was any further discussion.

Chair Byrne confirmed he had no more questions.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner Wardall, and unanimously carried to recommend approval of the Zone Change to the Board of Supervisors with findings as recommended in the Staff Report.

Mr. Beatty stated that the Planning Commission has recommended approval to the Board of Supervisors of the Zone Change from "R1A" to "AG" for 136.67 acres for APN 001-110-013 and APN 001-140-016 and a public hearing with be held with the Board at a later date.

Item 3 - Request for a Use Permit (UP-19;6-3) to allow for the uses of the subject property to include commercial recreation, boarding and guest facilities in an "AG," Exclusive Agriculture zoning district. Pursuant to County Code §19.24.036(l)(6), the above proposed uses are allowed in the "AG" district when carried on as a clearly secondary use in conjunction with a primary agricultural use, subject to a Use Permit (APN 007-020-006).

Applicant: Jim Giuffra, Greg Briski, and Dena Kirkland
Supervisory District: 5
Location: 11125 Courier Rd., Plymouth

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.

Jim Giuffra, one of the applicants, asked if the Commission if they had any questions about the project

Vice Chair Ryan asked if there were going to be any nighttime activities.

Mr. Giuffra responded no.

Chair Byrne stated that the Commission would call him back if they had further questions and asked if anyone else desired to speak.

Duane Allen, adjacent land owner, shared that he supports the applicants' efforts but has concerns about possible overuse of dirt bikes or ATVs on the paths as well as activities on the adjoining BLM land. He requested that the guests have respect for the BLM land and to use it correctly.

Chair Byrne asked if anyone else desired to speak.

Vice Chair Ryan asked Mr. Giuffra if he has been able to review the conditions that were provided to the Commission this evening.

Mr. Giuffra responded that he had and is okay with them.

Vice Chair Ryan asked about use of ATVs, quads, and motorcycles.

Mr. Giuffra replied that they are not going to allow dirt bikes due to risk and insurance problems. He elaborated that anyone bringing a UTV would have to meet state exhaust requirements. He added that they probably would be renting the property out 60 days a year and that he was sure how many of the renters would want to bring an ATV. He stressed that they are targeting the horse community.

Vice Chair Ryan shared that it would be neighborly to mitigate noise and dust.

Mr. Giuffra shared that they groom the roads and are going to go over rules and expectations with the guests and that he is going to check any ATVs to make sure that they are compliant with State regulations. He also voiced that he is going to share owner expectations for use of the property and will stress that it is a "no flame" property.

Vice Chair Ryan commented that Mr. Giuffra can include that into the requirements when rented.

Mr. Giuffra shared that any riders will need to have helmets. He again stressed that they are targeting the horse community and would be promoting wine tasting on horseback.

Chair Byrne asked for confirmation that guests will not be allowed to bring dirt bikes.

Mr. Giuffra, commented that they do not want dirt bikes and added that if someone brings a UTV that he will advise them about fire danger. He shared that he does not want problems with the neighbors and has cleaned up the property to minimize fire risk, making it safer for everybody.

Commissioner Curtis asked if this is more like a vacation rental by owner or a bed and breakfast.

Mr. Giuffra replied that it is not a bed and breakfast.

Commissioner Curtis inquired if an owner is going to be onsite.

Mr. Giuffra responded that guests will have a walk-through and that a caretaker will be onsite.

Commissioner Curtis acknowledged that a caretaker will be onsite.

Mr. Giuffra shared that their rental contract is pretty tight.

Commissioner Wardall asked if open fires will be allowed.

Mr. Giuffra replied no.

Chair Byrne commented that he appreciates what Mr. Giuffra is doing and reminded that a use permit goes with the property so the conditions have to be specific no matter who owns the property.

Mr. Giuffra stated that they are not going to sell the property and that they are improving it.

Commissioner Curtis asked if the access road has been improved to meet the requirements of the County Code Chapter 15.30 (Fire and Life Safety).

Mr. Giuffra responded that it is already designed for heavy trucking and paved up to the house with places to turn around from when his father held antique truck shows and Christmas light shows at the property. He added that the County will also benefit from the Transient Occupancy Tax.

Vice Chair Ryan shared that he remembers the Christmas light layout and that he used to attend the truck shows which could handle several hundred cars a night. He commented that he believes that agritourism is a great compatible use because it allows a family to maintain ownership of their ranch and at the same time bring people to appreciate the outdoors. He shared that he understands that neighbors are concerned about noise and possible dust from ATVs and believes that the applicant has a good understanding about their concerns. He stated that he feels good about the project.

Chair Byrne asked if anyone else wanted to comment. There were no other comments.

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

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and unanimously carried to approve that the Mitigated Negative Declaration (MND) as the appropriate environmental document for the project.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner Wardall, and unanimously carried to approve the Use Permit for this project with findings as recommended in the Staff Report and with the revised conditions of approval submitted by staff.

Mr. Beatty stated that the Planning Commission has approved the Use Permit at 11125 Courier Rd., Plymouth. Anyone wishing to appeal this decision may do so by filing a written appeal with the clerk of the Board of Supervisors by November 22nd by 5:00 p.m.

Item 4 - Request from Bank of Stockton for a Use Permit (UP;6-1) to allow for a drive-through for the bank. The project consists of demolishing 6,700 square feet of commercial space and constructing 7,000 square feet of combined commercial space, including a bank with drive-through. The parcel is located in a "C1," Retail/Commercial/Office zoning district which allows drive-in/drive-through uses subject to a Use Permit (APN

030-200-074).

Applicant: Bank of Stockton
Supervisory District: 4
Location: 19892 State Highway 88, Pine Grove

Chair Byrne introduced the item.

Mr. Bratan 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.

Gary Price, representing the Bank of Stockton, shared that the project engineer, Robert Wood, and property owner, John Lundgren, are present and available for questions. He added that the architect, Thomas Lomin, is not present but is available by phone for questions. He added that they are pleased with working with staff and concur with the findings and conditions in the staff report.

Chair Byrne asked if anyone else would like to speak.

Caryl Callsen, representing Foothill Conservancy, asked if staff and legal counsel could explain their interpretation why this project is not subject to an economic impact analysis as required by the General Plan Settlement Agreement.

Mr. Beatty shared that one of the new ordinances related to the General Plan settlement requires an economic impact analysis for new commercial developments of 5,000 square feet or more that are approved as a discretionary decision. In such cases, the County chooses the consultant and the applicant pays for the economic analysis. The intent of the ordinance is to inform the public and decision makers of the impact of new development is on existing businesses before a decision is made. With this project, the interpretation that it is not "new" is consistent with our CEQA analysis that it meets the exemption for replacement and reconstruction of an existing project. A strict application of the ordinance would mean that the Bank of Stockton would have to do the economic impact study to replace their existing 5,000 square-foot building because the drive through makes it a discretionary approval. It is staff's analysis that this project does not meet the intent of what the new ordinance.

Mr. Spitzer concurred with staff's interpretation.

Vice Chair Ryan asked for confirmation that Mr. Beatty said that the analysis is discretionary.

Mr. Beatty replied that the new ordinance only applies to discretionary projects.

Vice Chair Ryan responded right.

Mr. Beatty added that it is the drive through that is making it discretionary.

Chair Byrne added that there is a slight difference in that they are not tearing down the building that they are in and will stay open until the new bank is built so the bank is not impacted. But, they are tearing down a building that has two businesses in it who will be impacted immediately when it is torn down. They are building a new building which is not the building they are replacing where the square footage is going to stay the same, but there is going to be another empty building two doors up the road. Does this change the calculation or is it just a numbers game.

Mr. Spitzer explained that it's a numbers game as far as CEQA is concerned with replacement and reconstruction. If the interpretation that is not new development under the State law, it wouldn't be G:\PLAN\PC Packets 2007-2019\2019\PC 11-12-19\Amended Minutes\PC Meeting Minutes 11-12-19.FINAL DRAFT amended.docx

practical to consider it new under the local ordinance for a different purpose.

Vice Chair Ryan asked if the Conservancy's concern is that there is a negative impact.

Ms. Callsen responded it would be a very inexpensive analysis but because it is discretionary and over 5,000 square feet it should be considered new and could set a bad precedent for the interpreting the settlement.

Commissioner Curtis added that there is commercial there now.

Vice Chair Ryan asked if it is a concern that it is a negative impact economically and added is this what is driving that concern.

Ms. Callsen replied no, and that it is more of a concern that it is setting a precedent for future development.

Vice Chair Ryan asked if the Conservancy wants to make it where every single project falls under the new ordinance.

Ms. Callsen responded that it meets the criteria as new, commercial, and discretionary because it has a drive through and is over 5,000 square feet.

Vice Chair Ryan replied that he is trying to understand and asked if they have a negative concept of business where the business is not wanted there, and are trying to drive in a wedge by saying you want the analysis or is there is a another reason that you actually want the analysis done? What is the benefit going to be if the sole purpose of the project is to improve what is there and to allow for businesses to continue to be there which would have a positive impact? He added that he understands the concern about not setting a bad precedent because the Commission tries to do that all the time and that it comes down to staff's interpretation.

Ms. Callsen commented that the issue is the staff's interpretation versus the Conservancy's interpretation of the settlement agreement.

Vice Chair Ryan stated that he believes that staff's interpretation was adequately explained. He added that for another project it may not be adequate, but for this project he is comfortable with the explanation.

Chair Byrne shared that he sees a difference and that the building being torn down houses several businesses and that he is unclear as to what is going to happen to those businesses.

Ms. Callsen added that she does not know that either.

Mr. Price explained that the idea is to keep the businesses there after reconstruction. It will be a re-occupancy of the two businesses that are there with the existing bank being relocated to the adjacent property.

Chair Byrne asked what happens to the businesses during construction.

Mr. Price answered that they will not be in business during construction. He added that he will have to talk to the bank to find out what is happening but that the intention is to preserve those businesses.

Chair Byrne commented that when a business is taken down for 6 months sometimes they cannot come back. That would be the type of economic impact I can see from this project.

John Lundgren, with Volcano Telephone, commented that they own the existing building and are working
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with the Bank of Stockton. He added that they are working on some options to temporarily house the businesses such as in the Sierra House.

Chair Byrne replied so that is in the works?

Mr. Lundgren added that they do not have an absolute answer but do not want to run them off.

Chair Byrne commented that he knows that Volcano Telephone has a vested interest in the community, but it is a concern. An economic impact study could be interpreted if it is necessary or not. He added that it could be an economic impact on the small businesses.

Mr. Lundgren shared that they have explored demolishing an old Quonset hut on adjacent property and placing temporary structures there.

Mr. Price shared that an economic impact analysis is not inexpensive and added that they would have done one three months ago if they needed to do one. He stated that he was told by staff that the net impact of replacing building for building would not result in an adverse economic impact on the community and that he definitely concurs with that.

Vice Chair Ryan asked if they get approvals, when do they plan to start construction.

Mr. Price conferred with Mr. Lundgren and responded in the next building season when the rain stops.

Vice Chair Ryan asked once they break ground at what point will it be completed.

Mr. Price replied if they start in the spring, they should be done by fall.

Vice Chair Ryan continued that the businesses there are instrumental to the local community.

Mr. Price added that the Bank of Stockton is doing a major enhancement of the neighborhood.

Vice Chair Ryan concurred.

Mr. Price stated that to discourage replacement is not a good thing for the County and added that requiring an economic impact analysis chases business away.

Vice Chair Ryan replied that he agrees and commented that as a landlord it is important to keep tenants. He shared that the Commission is looking at both sides and that he knows that it will be a vast improvement.

Mr. Lundgren shared that Volcano Telephone has outgrown their existing building and they intend to move their customer service over to the old bank building.

Commissioner DesVoignes commented that he has a big interest in Pine Grove and believes that this is going to be a very positive thing short and long term for Pine Grove. Anything we can do in Pine Grove is a plus.

Vice Chair Ryan added that it is a designated Town Center so you want to build upon that. A lot of that was talked about during the General Plan discussion.

Jack Sales, member of International Dark Sky Association, shared that he is not representing them but desires to share information. Bev Sales distributed a Dark Sky brochure. Mr. Sales commented that LED lighting should be used and that due to the amount of floor space being changed and believes that outdoors lighting should have to adhere to Title 24 of the building code. There is also adaptive lighting

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and motion sensor control that can help with security. He added that he is available to answer any questions about this technology that is available today.

Chair Byrne asked if anyone else desired to speak.

Larry Brown, Amador County Astronomical Society, shared that a big thing to point out is that pupils constrict when light bulbs are shining at them and does not allow a person to see a perpetrator properly. Law enforcement is a big issue needs to be considered.

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

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

Vice Chair Ryan asked if there is any more discussion.

Commissioner Wardall shared that he believes that this will be a marvelous improvement to the community and applauds the bank for investing in the community.

Chair Byrne added that he is concerned about the interpretation and commented that he likes the idea of putting the Dark Sky conditions on the project.

Vice Chair Ryan asked if it naturally applies when permits are issued next year. He added that it is anticipated the Dark Sky ordinance will already be through the Board of Supervisors by then.

Mr. Beatty answered that even if it is not a condition placed tonight, the ordinance should be in place when the permits are pulled and they would be subject to those new requirements.

Chair Byrne said we could add that external lighting needs to meet Dark Sky criteria.

Vice Chair Ryan commented that he does not believe that they have to because it will be automatic.

Chair Byrne replied if the ordinance gets done by then. We have seen ordinances not make it through in that manner before.

Vice Chair Ryan asked if we go through with it the Dark Sky tonight, when it would go before the Board.

Mr. Beatty responded if it is recommended for approval this evening, it would on the Board's agenda in about a month.

Vice Chair Ryan said so possibly this year.

Chair Byrne stated that it could but he would like to add the condition.

Vice Chair Ryan with the condition that says that if the ordinance has not been approved to adopt the standards from the Dark Sky.

Commissioner Wardall shared that he objects to that and that he has great concerns about compromising safety. He stated that he believes there are a lot of problems with the proposed Dark Sky ordinance. With industrial plants, safety and other things, good lighting is necessary. He does not want to force this onto the use permit for the bank not knowing what ordinance is going to be adopted.

Chair Byrne shared that he disagrees with Commissioner Wardall.

Commissioner Wardall replied that he understands and that we can comment on that during the Dark Sky ordinance discussion.

Vice Chair Ryan shared that we do not want to give up safety and security and that technology has come far. He added that the ordinance needs to contain the language that continues to provide for security and safety and at the same time embraces the technology.

Commissioner Wardall shared that under the proposed ordinance, if he went to sell it his home would be illegal.

Vice Chair Ryan said that we have not gotten to the ordinance yet and that Mr. Wardall has a problem with the ordinance as it is today. He stated that as a condition of this when they apply for their construction permits if the ordinance has been changed they will comply with it and that if the ordinance is still in the making, there is nothing to make them comply. We want to make sure that they are in compliance with this ordinance.

Commissioner Wardall said that he disagrees with that but he understands.

Vice Chair Ryan commented that Mr. Wardall is against the whole ordinance or at least parts of it and we can deal with it when we get to it.

Commissioner Wardall responded okay.

Vice Chair Ryan continued that there are parts of the ordinance that he has a problem with and some changes that he would like to see.

Commissioner DesVoignes commented that it almost sounds like overkill to add something to the use permit because it is almost inevitable that something is going to be passed. He shared his experience with outdated lighting at a shopping center that he needs to address.

Mr. Beatty reminded that there is a condition of approval already in the packet that deals with lighting.

Chair Byrne said that it just says that it needs to be shielded.

Mr. Beatty shared that the Commission can go above and beyond that.

Vice Chair Ryan stated that all that is mute if the ordinance is adopted anyway. They still have to apply with the language in the ordinance.

Mr. Beatty responded correct.

Chair Byrne added that the Board has not had a good record in getting ordinances through in the last year in a timely manner.

Vice Chair Ryan replied that he understands and that he would hate to hold up a project and not let it get through especially for waiting for an ordinance to go through. Hopes they can come to terms, come to an agreement, and get something together to send to the Board of Supervisors so that it is in their court.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner Wardall, and carried to accept the Notice of Exemption (NOE) as the appropriate environmental document and approve the project with the findings and conditions as stated in the staff report.

AYES: Ryan, Wardall, DesVoignes, Curtis

NOES: None

ABSTAIN: Byrne

Mr. Beatty stated that the Planning Commission has approved Use Permit (UP;6-1) for the Bank of Stockton for a project to be located at 19892 State Highway 88, Pine Grove. Anyone wishing to appeal the decision can do so by filing a written appeal with the clerk of the Board of Supervisors by 5:00 p.m., November 22, 2019.

Item 5 - 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 artificial lighting sources as described herein.

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 anyone desired to speak.

Carlyl Callsen, representing Foothill Conservancy, stated that they had submitted a letter and shared gratitude for the drafting of this ordinance and for Jack Sales making relevant comments regarding the Dark Sky ordinance. She added that they support the Malibu, CA, lighting ordinance and that Inyo County is looking at a Dark Sky ordinance which has some interesting pictures which can help answer some questions about glare taking away from safety.

Commissioner Wardall commented that to some degree he disagrees with that.

Ms. Callsen continued that the Malibu ordinance talks about color temperature of 3000 degrees Kelvin, but new recommendations are for 2700 degrees Kelvin. She shared that the Conservancy feels strongly that compliance timeframes should be put into the ordinance to where compliance is required upon transfer of ownership. She added that they are willing to help distribute lighting suggestions to places that sell lights in order to promote the lighting to those that sell it and also assist consumers with compliance.

Wally Robertson, representing the Sacramento Valley Astronomical Society, stated that this is a great opportunity to promote Dark Sky and at the same time promote huge savings. He shared that he observes the sky at about 5000 feet at Blue Canyon near Emigrant Gap and has seen over the years light encroaching further and further from the light dome from the Sacramento Valley. He explained that light energy is being wasted. Mr. Robertson shared that lighting technology has changed and LEDs can be used to retrofit what we have and for new construction. He stated that the cost savings will motivate people to change their lighting.

Mr. Brown concurred with Mr. Wardall that making everything dark is dangerous. He continued that the idea of controlling light pollution is to keep light directed downward so things can be better seen.

Mr. Sales stated that the sole purpose in his being present at this meeting is to answer questions and provide education. He shared frustration about the last item on the agenda and commented that there was already a requirement for shielding. He stated that regardless of whether there is a Dark Sky

ordinance or not, we get the requirement and the advantage of having fully shielded lighting which brings the light down and does not go out into neighboring property. He shared that a concern with excessive lighting is light trespass, and that both El Dorado and Butte County ordinances were initiated by light trespass shining into neighboring property. He elaborated that with dusk to dawn lighting, there is a constant level of light. He added that with motion sensor or adaptive lighting, when the environment changes it causes you to look to see what is going on. He shared that his biggest concern is the problem with LEDs and explained that the lighting industry, Lighting Designers International, and the International Dark Sky Association were extremely excited about LEDs because of the energy savings, directionality, and ability to control where light goes. He added that the CA Energy Commission adopted LEDs as a requirement just based on energy conservation, but that one of the main things that needs to be addressed is the color temperature.

He explained that the IDA standards and the Dark Sky standards require the light to be 3000K or less and shared that Tucson, AZ, has been successful with lower levels of light saving money, reducing light, reducing emissions, and reducing the light dome. Mr. Sales shared that lowered levels of light are still safe and appropriate levels. He demonstrated 2200K, 2700K, and 5000K with a color temperature light as well as showed pictures of lighting that depicted zero light trespass. He commented that grandfathering existing lighting is up to the County with a suggestion to replace fixtures with new technologies when they need to be replaced. He voiced that he fully supports the outdoor lighting ordinance and reassured that nothing in the Dark Sky idea reduces security and safety. He added that the way to do this is with shielding, motion sensors, and the quality of light.

Ms. Ruesel asked if the color temperatures that he demonstrated have the same luminescence.

Mr. Sales said that the 2700K and the 5000K are 800 lumens which is what was in the ordinance to begin with and typically compares to a 60-watt lamp. He added that number it is not uncommon as a maximum lighting level in many ordinances. He commented that when you get better lighting, you do not need 100- or 150-watt lamps and explained that the 2200K is actually 80 watts and it is hard to tell the difference between it and the 2700K.

Ms. Ruesel asked if the higher kelvin temperature color is higher in blue light and if it can interrupt circadian rhythms.

Mr. Sales said in the first generation of LEDs, there was a high blue content which was the same color that affects the circadian rhythm posing concerns about health issues. He added that there are a number of issues with the blue content and shared that it is the same color as the daytime sky. He stated that it is part of the spectrum that scatters more including scattering in your eye and creating more glare. He shared that the idea is to get the blue content lower by using 2200K and 2700K.

Chair Byrne thanked Mr. Sales and said that he would like to see the temperature regulated and then asked if anyone else desired to speak.

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

Vice Chair Ryan said that he agrees with Chair Byrne and wants to have it identified in the ordinance with a "not to exceed" number to reduce the glare.

Chair Byrne asked if the grandfathering is per bulb replacement or would take effect if someone sold their property.

Ms. Ruesel responded not currently.

Vice Chair Ryan asked if a parking lot light post is run into and needs to be replaced if all the light poles
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need to also be replaced.

Ms. Ruesel replied it would only apply to the fixture itself that is broke.

Discussion ensued amongst the Commission that led to agreement that a not to exceed number be added to the ordinance in order to promote reduction of glare. Various lighting scenarios were shared by the Commission with a decision made that they did not want an ordinance that is onerous.

Mr. Sales reminded that LEDs save money and are more reliable and that all lights, light fixtures, and lamps are going to be LED and that they will pay for themselves.

Vice Chair Ryan asked about construction and if only the portion that is remodeled invokes the ordinance. He stressed that he wants to assure that a remodel does not trigger a whole house retrofit.

Ms. Ruesel said that the current draft ordinance addresses new construction only and that there is no requirement to retrofit the home.

The Commission discussed that it is in the best interest for people to change out lighting and that the ordinance will reduce the current level of glare, and going forward the light trespass would not be increasing. Discussion continued again about whether a home would need to be retrofitted upon sale and staff reiterated that it is not in the current language. It was discussed that retrofit upon sale would like to be seen, but decided that language to be too onerous and it was suggested that the ordinance could be part of a disclosure for awareness.

Commissioner Wardall voiced that he has several issues. He shared that he is cognizant of energy usage, but has strong concerns about having adequate lighting for safety around his home, hangar, and runway. He voiced that he believes that wide area lighting helps with safety. He ask that it not be voted on tonight and asked to be able to go home and take pictures to present later. He questioned why larger parcels will be part of this and asked to be able to have more time to be able to come up with suggestions. He especially had concerns about applicability to airports. Staff confirmed and clarified that airports are exempt in the ordinance.

Commissioner Curtis stated that he would like to see this in the Building Code for new construction and that it needs to be taken into consideration about what lights are going to be shined upon. He shared that he believes there is light pollution in the commercial areas, too, and questioned it being complaint driven.

Vice Chair Ryan said to be clearer there is going to be a grandfathered date to be determined by the Board of Supervisors and any new construction after this date will fall under the guidelines of this ordinance. He added that there would be no impact on existing structures unless there is an addition, remodel, or construction change that requires a permit to be pulled for that specific portion of the project.

Commissioner Curtis stated that he thinks the ordinance should be specific to only new luminaires.

Chair Byrne concurred, and said that the ideal would be to eliminate grandfathering, but he knows he will not win that fight.

Vice Chair Ryan asked which ordinances the draft was adapted from.

Ms. Ruesel answered a variety were used including the City of Malibu and El Dorado County.

Vice Chair shared that a few things need to be changed in the ordinance such as kelvin, maximum number of kelvins and maximum number of lumens.

It was discussed that the Commission does not want to create something that from day one is going to
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cost people a lot of money. They discussed options for special circumstances such as a use permit and suggestions for airports. Vice Chair Ryan suggested that Mr. Wardall provide staff with suggestions regarding his concerns. It was also discussed to extend this to the next Planning Commission meeting in order have more time to review the Conservancy's comments and prepare comments for staff.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Curtis, and unanimously carried to move this item to the next Planning Commission meeting scheduled for December 10th with specific draft change requests to be received within 10 days, until November 22nd.

Ms. Ruesel stated that the Planning Commission has moved that the discussion of the Dark Sky code amendment be postponed until the next Planning Commission meeting on December 10th.

Item 6 - Resolution of Intention to initiate proceedings to amend the Amador County Code as it relates to Accessory Dwelling Units

Applicant: County of Amador
Supervisory District: All
Location: All of the residentially zoned portions of the unincorporated area of Amador County

Chair Byrne introduced the item.

Mr. Beatty shared the state laws changed in 2017 regarding accessory dwelling units are staff was in the process of preparing the necessary code changes to be compliant with state law. In October, the Governor signed 18 more bills related to housing and accessory dwellings that staff will have to evaluate before presenting code changes to the Commission for review. Adoption of the Resolution of Intention will authorize staff to prepare the necessary code amendments.

MOTION: It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and unanimously carried to approve a Resolution of Intention to initiate proceedings to amend the Amador County Code as it relates to Accessory Dwelling Units.

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 December 10, 2019 at 7:00 p.m.


Mary Ann Manges, Recording Secretary
Amador County Planning Department


Andy Byrne, Chair
Amador County Planning Commission

Chuck Beatty, Planning Director
Amador County Planning Department

