

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF TAPE RECORDED MEETING
June 9, 2020 – 7:00 P.M.**

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The Planning Commission of the County of Amador met on Tuesday, June 9, 2020 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 Ryan.

COMMISSIONERS PRESENT WERE:

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

COMMISSIONERS ABSENT WERE: John Gonsalves

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

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

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

- C. Minutes: May 12, 2020**

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Wardall, and carried to approve the May 12, 2020 minutes.

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

- D. Correspondence: Correspondence concerning agenda items was received from the following after the agenda was published:**

- Item 1 – Letters from Michael Martin; Basia Bullard; Jeff & Kathy Barraza (Sherman); Ashley & Jason Altschuler; Tyler Exter; Paul & Joyce Crowther; Ian MacKinnon & Nina Vasiliev; Theresa & Gary Almeda; John & Judy Albro; Walter Reuter; Jeanne & Don Dudak; John Albro; Jerry & Connie Samla; Seth & Jacqueline Paine; Douglas & Sue Blosl; Rebecca Cartwright; Jeffrey Cartwright; Ricky Grimshaw; Willow Creek Ranch Estates Homeowners' Association; Samantha Sullivan & Matthew Arnold; Lena Steward; Cameron, Jessica, Major &

Cannon Begbie; Chris Crandell; Mark & Leslie Garrett; Tom Rayzor; Martha Gamble; Michael & Lorin Jones; Gwen Starrett; Jennifer Nguyen; Larry & Jennifer Palka; Donny & Paula Soracco-Collins; Ken & Kathy Kobernik; Kerri & Gary Jones; Ralph & Susan Clark; Richard & Gale Knoetzch; J. Larry Drummond; and Laurie, Thomas, and Bobbi Bertken

- Item 3 - Letters from Lorenzo Muslia, and Tom Infusino on behalf of the Foothill Conservancy; and a letter from Gary Upton, Muriel Upton, Gary Upton JR., Katie Upton, Jeff & Margie Runquist; Amy Trippett, Rebecca Trippett, and Lewis Fambry.

E. **Public Matters not on the Agenda:** No one addressed the Commission on non-agenda matters.

F. **Recent Board Actions:** None related to recent Planning Commission agenda items.

G. **Agenda Items:**

Public Hearings

Item 1 - Request for Use Permit (UP-20;3-1) for a wine tasting room for Six Blocks Tasting Room in the "R1A," Single-family Residential and Agriculture district. The tasting room will be located within a 1,200 sq. ft. structure with 600 sq. ft. and be open seven (7) days a week from 9:00 a.m. to 5:00 p.m. The property will host a maximum of twelve (12) special events annually with a maximum of 125 attendees per event, and will conclude by 7:00 p.m. (APN: 007-070-051)

Applicant: Six Blocks Winery, Inc.
Supervisory District: 5
Location: 14920 Muller Rd., Plymouth

Chair Ryan introduced the item.

Ms. Ruesel, Planner, shared the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Chair Ryan asked if the applicant's representative desired to address the Commission.

Robin Peters, with Cal State Engineering and representing the applicants, stated that the staff report was complete, and that the applicants had no exception to the proposed Conditions of Approval, but suggested a change to Condition #11 that would require the use Muller Rd. extension exclusively as the means of access to the project's driveway from Willow Creek Rd. He clarified that the intent is to reach an agreement with those that use the non-private portion of Muller Rd. He recommended the change to address concerns noted in many comment letters regarding use of the private roads in the Willow Creek Ranch Estates to access the project.

Mr. Peters proposed adding five conditions that will prohibit the use of Willow Creek Ranch Estates by the project, by establishing and replacing signage at various locations to direct traffic to use the Willow Creek Road and Muller Road extension. He mentioned that other comments concerned the sight distance at Willow Creek Road and Muller Road extension. He shared findings from his own investigation of sight distance where it is believed that there is clear sight distance. He also noted that he was unable to get Google Maps to direct traffic through Willow Creek Ranch Estates to reach the project site. He added that tasting rooms historically have not caused problems on Willow Creek Rd.

Chair Ryan asked if the physical address for the facility was used when testing Google maps.

Mr. Peters responded yes and from multiple directions.

Chair Ryan provided direction that those present in the Board Chambers address the Commission first

and then commenters online.

Cameron Begbie, resident of 14989 Willow Creek, stated that he moved there because he wanted a place where they could raise their boys. He shared that in the area, children ride bikes and parents push strollers on the road. He voiced that he appreciated the Google maps data, but questioned the use of other navigation tools such as MapQuest and other individual car navigation systems. He stated that as the current president of the HOA that it is his job to protect the safety of the residents and shared that the HOA barely has enough money to maintain the roads without additional traffic. He shared that he appreciates that the applicants may not intend to use Muller Road, but there is no way to enforce it.

Chris Crandell, Vice President of the HOA, stated that he moved to Willow Creek Ranch Estates for a peaceful life and tranquility. The residents will be victims of increased traffic, noise, dust, and unwanted wine goers wanting to take a selfie with wildlife. He stated that Mrs. Orr threatened the HOA with litigation regarding maintenance of Muller Road extension. By the Orr's own admission, they will be hosting events which will draw thousands of people. Special events rarely stop at 125 people. Amplified music can be heard much further away than their property line. He was also concerned that the proposed Conditions require a Road Maintenance Agreement with terms that the tasting room has been negotiated. The unpaved portion of Muller Road extension is private and does not adhere to Caltrans standards, nor is it maintained by the County. The HOA is responsible for a portion of that road. He asked what happens when a tasting room attendee crashes their vehicle on the private roads. That person could sue the persons and entities who maintain that roadway for not meeting Caltrans standards. Law suits would turn residents into victims.

Canh Nguyen, current secretary of Willow Creek Ranch Estates HOA and past president, expressed concerns about road hazards on Muller Road which is not up to Caltrans or County road standards and shared that two vehicles can barely pass safely. He added that the applicant's character is concerning because she threatened litigation over maintenance of Muller Creek extension. He also was concerned that conditions cannot be enforced and that the numerous letters received in opposition to the use permit should be a good gauge of the sentiments of the residents. He questioned the accuracy of Mr. Peter's sight distance measurements along Willow Creek Road.

Commissioner Wardall asked Mr. Nguyen if the roads within Willow Creek Ranch Estates are owned by the individual property owners who shared frontage or if there was a right-of-way that separated the parcels. Mr. Nguyen stated that there is a right-of-way separating the parcels and it is owned by the HOA.

John Allen, representing Jason Reuter, stated that Mr. Reuter received late notice of the meeting and recently arrived from Idaho to protest the use permit. He shared that he is a trustee of his mother's property, which is crossed by the driveway to the project for 1,500 feet and elaborated that the Reuter property is used for cattle grazing, family recreation, and includes two ponds. He voiced that a commercial tasting room operation running 7 days a week, with music until nighttime, and larger events will be disruptive to the ranching nature of the Reuter property and will pose a liability to the Reuter family. He also shared concern that the lack of fencing could make the acreage and ponds an attractive nuisance to project attendees and that there is potential fire danger from vehicles leaving the dirt road and driving over dry vegetation. He also shared that the commercial nature of the tasting room presents many problems that are not mitigated through the project conditions.

Mark Garret, Muller Road resident, stated that he is here to support concerns and comments of the Willow Creek HOA members and that he lives closest to the project and will be impacted the most by noise and traffic.

Jason Reuter voiced that recently found out about the project and hearing and shared that his family bought the property for privacy and recreation use 40 years ago. He stated that he is concerned about fire danger, liability, trespassing, and loss of wildlife.

Commissioner Byrne asked if the driveway across the Reuter property that serves the project is separated by a fence. Mr. Reuter replied that the driveway is gated at each end, but not fenced off from the pasture and cattle are allowed to freely cross it.

Tim Murphy stated that his wife is the executor of the Reuter estate and that they are opposed to the issuance of the use permit and are in agreement with the concerns that have been expressed. He added that the access easement across the Reuter property does not give the project applicant the right to interfere with the normal use by the landowner. He added that use of the easement for tasting room access would be inconsistent with its intent, and it is not designed to accommodate commercial traffic. Recording Secretary Mary Ann Manges read two comments submitted online which expressed that the left turn movement from Willow Creek Road to Muller Road extension was more difficult and dangerous than presented by Mr. Peters.

Walter Reuter stated that he was a co-owner of the Reuter estate and sold his share to his parents when he moved to Idaho. He requested that the Commission deny the use permit.

Samantha Sullivan stated that she moved to Willow Creek Estates last year and shared her belief that the tasting room will ruin their peaceful way of life. She commented that excessive traffic will be detrimental to the numbers of people that use Muller Road for exercise and recreation because it is not heavily traveled.

Mara Feeney stated that she did not see her June 5th letter concerning proliferation of tasting rooms included with the agenda packet. She sympathizes with the residents who are concerned that their rural way of life will be ruined, which is what R1A zoning is supposed to protect. She noted that there is no enforcement or monitoring of conditions and mitigations placed on use permits because it is complaint driven. She also suggested that the County place a moratorium on use permits for tasting rooms until environmental reviews adequately examine cumulative impacts.

Don Reuter stated that encroaching commercial uses have had detrimental effect on farming over the years.

Jerry and Connie Samla stated that their home was very close the proposed project, and they are concerned with noise that travels, loss of wildlife, and loss of rural qualities is the use permit is approved.

Mara Feeney questioned the notice requirement for the hearings.

Krista Ruesel responded that staff sent first class mail notices to property owners within 1,200 feet of the project site, as well as all owners along Muller Road.

Robin Peters reiterated that the project does not intend to use Muller Road and that he has recommended conditions to prevent its use. He added that the project is more than 2,000 feet from the boundary of Willow Creek Ranch Estates. He proposed to reduce the number of events and attendees to half of the original proposal. He noted that the operation would not be commercial in the traditional sense and that it would be similar to other tasting rooms in the Willow Creek area.

~~Commercial~~ Commissioner Byrne questioned if project attendees would opt for use of a paved road even if it was not the intended access. Mr. Peters noted that the closest paved road from the project driveway is Willow Creek Road, approximately 800 feet from the driveway whereas the paved portion of Muller Road is 2,500 feet from the driveway.

Chair Ryan asked if there was a restriction on the number of vehicles that could use the easement across the Reuter property. Mr. Peters replied that there were no such restrictions written into the easement.

Commissioner Wardall asked where the parking would be provided for events that would host 125 guests. Mr. Peters responded that overflow parking would be provided on grass surface that is mowed and

watered before event use.

Commissioner Byrne asked what the improvement requirement was for the private driveway. Mr. Beatty stated that the County standard requires a 20-foot width and an all-weather surface capable of supporting a 75,000 pound fire truck.

Commissioner Wardall asked if the surface had to be gravel, concrete, or asphalt. Mr. Beatty replied that the surface could be any of the three.

Brian Oneto stated that the access from Willow Creek to Muller Road was a sharp turn and the sight distance is not very far. He asked if the Road Maintenance Agreement would be require all owners in the Willow Creek subdivision to agree to any proposed changes.

Robin Peters asked if the Planning Commission could postpone action until a later date to provide an opportunity to resolve the outstanding concerns that have been expressed.

Commissioner Byrne appreciated the applicant's offer to address the concerns.

Chair Ryan stated that it would be difficult to meet the recommended findings, even with modifications proposed by the applicant.

Commissioner Curtis expressed concern that the easement across the Reuter property was not intended to be for commercial use.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Curtis, and carried to close the public hearing.

AYES: Byrne, Curtis, Wardall, Ryan

NOES: None

ABSENT: Gonsalves

Chair Ryan asked for discussion amongst the Commission.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Curtis, and carried to find that the proposed Mitigated Negative Declaration was inadequate for the project.

AYES: Byrne, Curtis, Wardall, Ryan

NOES: None

ABSENT: Gonsalves

Ms. Ruesel stated that the Planning Commission found that the proposed Mitigated Negative Declaration was inadequate for the project. Anyone wishing to appeal the decision may do so by filing a written appeal along with the appropriate fee with the Clerk of the Board of Supervisors no later than 5:00 p.m. on Friday, June 19, 2020.

Item 2 - Request for a Use Permit (UP-18;2-1) for a wine tasting room for Ard Aven Winery and Vineyards in the "R1A," Single-family Residential and Agricultural district. The tasting room will be located in a 975 sq. ft. building and be open Friday-Sunday from 10:00 a.m. to 5:00 p.m. The property will host a maximum of four (4) special events annually with a maximum of 49 attendees per event. (APN: 008-150-027)

Applicant: Kirk Reuter

Supervisorial District: 5

Location: 15315 Willow Creek Rd., Plymouth, CA

Chair Ryan introduced the item.

Ms. Ruesel, Planner, shared the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Chair Ryan asked if anyone desired to speak. There were no public comments.

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

AYES: Byrne, Wardall, Curtis, Ryan

NOES: None

ABSENT: Gonsalves

Chair Ryan asked for discussion amongst the Commission.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Curtis, and carried to approve the Mitigated Negative Declaration as the appropriate environmental document and to also approve the project findings, mitigation measures, and Conditions of Approval recommended by staff.

AYES: Byrne, Curtis, Wardall, Ryan

NOES: None

ABSENT: Gonsalves

Ms. Ruesel stated that the Planning Commission approved Use Permit 19;12-1 for wine tasting and special events at 13200 Shenandoah Rd., Plymouth. Anyone wishing to appeal the decision may do so by filing a written appeal along with the appropriate fee with the Clerk of the Board of Supervisors no later than 5:00 p.m. on Friday, June 19, 2020.

Item 3 - Request for Use Permit (UP-19;4-4) for Blood Gulch Tasting Room as a duplicate tasting room Casino Mine Ranch Winery in the "R1A," Single-family Residential and Agriculture district. The tasting room will be located in a 3,616 sq. ft. building with regular business hours from 10:00 a.m. to 10:00 p.m. The property will host a maximum of three (3) special events per week with a maximum of 125 attendees, and a maximum of twelve (12) special events annually with a maximum of 450 attendees. (APN: 007-070-051)

Applicant: Blood Gulch, LLC

Supervisory District: 5

Location: 10690 Shenandoah Rd., Plymouth

Chair Ryan noted that the applicant had requested that this item be continued to another date to allow an opportunity to revise the project. With the project being revised, notices of the new hearing date will be re-mailed and republished.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Curtis, and carried to adjourn the meeting. The next meeting will be July 14, 2020.

AYES: Byrne, Curtis, Wardall, Ryan

NOES: None

ABSENT: Gonsalves



Ray Ryan, Chair
Amador County Planning Commission



Mary Ann Manges, Recording Secretary
Amador County Planning Department



Chuck Beatty, Planning Director
Amador County Planning Department

