

**AMADOR COUNTY PLANNING COMMISSION MINUTES  
SUMMARY MINUTES OF TAPE RECORDED MEETING  
April 13, 2021 – 7:00 P.M.**

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The Planning Commission of the County of Amador met on Tuesday, April 13, 2021 in the Board Chambers at the County Administration Center, 810 Court Street, Jackson, California. The meeting was called to order at 7:00 p.m. by Vice Chair Gonsalves.

**COMMISSIONERS PRESENT WERE:**

Planning Commissioners:        John Gonsalves, District 1  
    Dave Wardall, District 2  
    Earl Curtis, District 3  
    Andy Byrne, District 4  
    Ray Ryan, Chair, District 5

**COMMISSIONERS ABSENT WERE:** None

Staff present:                        Chuck Beatty, Planning Director  
    Glenn Spitzer, Deputy County Counsel  
    Ruslan Bratan, Planner I  
    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 Kendrick, and unanimously carried to approve the agenda.

**C. Minutes:** February 9, 2021

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Curtis, and unanimously carried to approve the February 9, 2021 minutes.

**D. Correspondence:** Item 1 – Meyers e-mail

**E. Public Matters not on the Agenda:** None

**F. Recent Board Actions:** None

**G. Agenda Items:**

**Public Hearings**

**Item 1: (Continued from February 9, 2021) Request for Tentative Parcel Map No. 2898 proposing the division of 17.36± acres into three (3) parcels 4.25± acres, 5.00 acres, and 8.11± acres in size. Proposed use of the parcels is residential, and all parcels will retain the R1A, Single-family Residential and Agriculture zoning and AT - Agricultural Transition General Plan Designation (APN: 015-220-065).**

**Applicants:** John L. and Christine H. Trowbridge  
**Supervisorial Districts:** 5  
**Location:** 1440 Shake Ridge Rd., Sutter Creek, CA

Chair Gonsalves introduced the item and asked if the applicant is present and has any comments.

John Trowbridge responded that he is present and that he has nothing to directly add unless there are objections

that come up during the meeting.

Matt Toma, representing Mr. Trowbridge, stated that he received a set of draft conditions which they approved with all the conditions as proposed. He asked for clarification about #10 and is assuming that it is just the County's one page public report form and not the Department of Real Estate's report.

Mr. Beatty responded that it is just the County's report.

Mr. Toma asked to confirm that in plant survey #17 that there are no conditions at this time.

Mr. Beatty commented that if any public improvements on the parcel are done that it would invoke that condition.

Chair Gonsalves asked if there was any public comment. There were no further comments.

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

Chair Gonsalves asked for discussion amongst the Commission.

Commissioner Byrne asked if a well is required on each of the properties.

Michelle Opalenik, Environmental Health Director, stated a well was not specified for each parcel and that water quality testing was specified for the existing well which has a very high capacity. She shared that future conditions for other parcel maps will include some direction on either providing capacity and/or some notation that capacity is unknown. She added that a condition can easily be added, if needed.

Commissioner Byrne stated that we do not want to have properties that are undevelopable if no water is available.

Ms. Opalenik said that she can easily add some language such as to provide wells and show capacity or add something to notify future owners that capacities are unknown for those two parcels.

Commissioner Byrne commented that he would like water to be proven on the property.

Commissioner Wardall stated that he objects to that and asked why this should be a requirement of the property seller rather than the buyer's responsibility to do their homework.

Commissioner Kendrick shared that he agrees with Commissioner Wardall.

Commissioner Byrne said that it is important that when creating a subdivision and breaking up properties to show that water is available and this is being done for the long haul.

Chair Gonsalves asked Ms. Opalinek if the parcels can share the well.

Ms. Opalenik said that it is possible.

Commissioner Kendrick shared that he hates to impose new restrictions.

Commissioner Byrne commented that dividing property is not a right, it is a privilege, and that usually the requirements are set forth before the map is approved.

Commissioner Wardall shared that common sense should be used and that it is the buyer's responsibility to find out the water quality and quantity. He added that the Commission should not be involved in putting a mandate in to have a well on a small parcel split and that it is not the job of the Commission or government to do so.

Commissioner Byrne asked if Commissioner Wardall is also opposed to the septic requirement.

Ms. Opalinek shared that they have to do a conceptual design for septic for each parcel.

Commissioner Byrne said that it is required.

Commissioner Wardall responded by asking where the line is drawn.

Mr. Toma added that he has been doing this for over 30 years and that former Environmental Health Director Mike Israel typically would require one well per four or five parcels where the yield was expected to be high. He added that sometimes it is easier to find water in this county and that septic is sometimes harder to satisfy.

Commissioner Kendrick agreed.

Chair Gonsalves asked if there is any further discussion. There was none.

**MOTION:** It was moved by Commissioner Wardall, seconded by Commissioner Curtis, and unanimously carried to accept the proposed mitigated negative declaration as the appropriate environmental document.

Conversation ensued between the Commission and Mr. Beatty with details about the proposed density and that the variance will require a 2/3 vote of the total membership of the Planning Commission to meet Ordinance 17.16-17.28. Mr. Beatty clarified that 4 out of 5 votes are required because one of the parcels is less than 5 acres to avoid being bifurcated by the road and that it will not create an increase of overall project density.

**MOTION:** It was moved by Commissioner Kendrick, seconded by Commissioner Wardall, and unanimously carried to approve the variance in parcel size.

**MOTION:** It was moved by Commissioner Curtis, seconded by Commissioner Wardall, and unanimously carried to approve PM 2898 with the recommended findings.

*Mr. Beatty stated that the Planning Commission has approved PM 2898. 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, April 23, 2021.*

**Item 2: Request for a Zone Change (ZC-21;1-1) from R1A, Single-family Residential and Agricultural zoning district to the AG, Exclusive Agriculture zoning district for four parcels totaling +/- 160 acres into a new California Land Conservation Act (Williamson Act) contract. (APNs: 008-330-035, -036, -037, -038).**

**Applicant:** Obadiah Miller and Shelby Miller  
**Supervisorial Districts:** 2  
**Location:** 13890 Vaira Ranch Rd., Drytown, CA

Chair Gonsalves introduced the item.

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

Chair Gonsalves asked if the applicant is present and if they have any comments.

Obadiah Miller stated that he has no comments. There were no other public comments.

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

Chair Gonsalves asked for discussion amongst the Commission.

Commissioner Byrne asked if there is no environmental review because of the down zoning.

Mr. Beatty responded that it is considered categorically exempt because it is an open space contract.

Commissioner Byrne shared his concern that rights are greater in AG than in an R1A zoning and there could be environmental impacts because of greater by right uses.

Mr. Beatty responded that there is a potential for wineries and tasting rooms and events that go with them in AG and that the movement of property into the Williamson Act has always been treated as categorically exempt.

Commissioner Curtis asked if the property could go into the Williamson Act without a zone change.

Mr. Beatty stated newly contracted land requires a zone change.

Commissioner Byrne shared that he is looking at the big picture and that there is no oversight when putting in a tasting room because it becomes a by right. He added that it is straightforward to him that there is an environmental impact.

Counsel Spitzer stated that it is a determination for the Commission to make.

Commissioner Gonzalves added that he does not see that growing grapes and putting a winery there as being significant.

Commissioner Byrne said it is not the grapes or winery and that it is the tasting room that brings in the impacts.

Counsel Spitzer stated that this can return with an MND or environmental analysis.

Commissioner Wardall shared that he looks at 160 acres as a reasonable request protecting the land.

Mr. Miller stated that he respects the Commission's opinion, but that the concerns are not applicable since the area is undeveloped, there is a rough road, and a lack of water. He added that their intent is to always own the land and that this is undeveloped land that they want to keep as grazing agricultural land. He added that the Agricultural Advisory Committee requested the merge and that they are following their request.

Commissioner Byrne commented that combining is a good move, but that the applicants could sell to someone who does not care as much and want to turn it into something else even if road is not up to snuff.

Mr. Miller responded his belief that the Williamson Act is no longer serving its purpose which is to be a vehicle for conservation.

Commissioner Byrne said there is a need to relook at tasting room use permits not be allowed by right and that in the past the Board of Supervisors has not wanted to crack that open.

Commissioner Kendrick added that that should be changed and, as an example, there are bad roads full of patch work in Fiddletown with tasting rooms.

Mrs. Miller mentioned that because of there being no water and being off grid there would be a lot of hurdles for a tasting room.

Commissioner Gonzalves stated that the applicants' desired use of the land needs no water and power.

Mr. Miller added that grazing is the current use of the land and will continue.

Chair Gonzalves asked if there are any further comments. No were no further comments.

**MOTION:** It was moved by Commissioner Wardall, seconded by Commissioner Curtis, and carried to recommend approval to the Board of Supervisors that the project is categorically exempt from CEQA and to approve ZC-21;2-1.

AYES: Wardall, Curtis, Kendrick, Gonzalves

NOES: Byrne

*Mr. Beatty stated that the Planning Commission has recommended approval for ZC-21;2-1 to the Board of Supervisors. A public hearing will be scheduled at a later date.*

**Item 3: Request for a Variance (V-21;2-1) from County Code Section 19.24.040, PD-R1, District Regulations which requires a 25-foot front yard building setback, to allow construction of an attached garage with living space above. The applicant proposes to construct the attached garage encroaching approximately 12 feet into the front setback (APN 026-202-006).**

**Applicant:** Catherine and Preston Roper

**Supervisorial Districts:** 3

**Location:** The ordinance would apply to all portions of the unincorporated area of Amador County. 33838 Hawkweed Way, Kirkwood, CA

Chair Gonsalves introduced the item.

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

Chair Gonsalves asked if the applicant is present and if they would like to add anything.

Catherine Roper stated that they are not asking for anything different than what others in the area have before.

Chair Gonsalves asked if there is any more public comment. There were no comments.

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

Chair Gonsalves asked for discussion amongst the Commission.

Commissioner Byrne said this is similar to many variance requests in Kirkwood Meadows.

Mr. Beatty added that it also has been looked at by Kirkwood Meadows PUD and Tri-TAC.

Chair Gonsalves asked if there are any further comments. No were no further comments.

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Kendrick, and unanimously carried to recommend approval of V-21;2-1 to the Board of Supervisors with the recommended findings and conditions.

*Mr. Bratan stated that the Planning Commission has recommended approval of V-21;2-1 to the Board of Supervisors. A public hearing will be scheduled at a later date.*

**Item 4: Request for a Variance (V-21;3-1) from County Code Section 19.24.040, PD-R1, District Regulations which requires a 25-foot front yard building setback, to allow construction of an extension to an attached garage. The applicant proposes to construct the addition approximately 5 feet into the front setback (APN 026-164-004).**

**Applicant:** Dustin Corcoran  
**Supervisorial Districts:** 3  
**Location:** 33978 Fremont Road, Kirkwood, CA

Chair Gonsalves introduced the item.

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

Anne-Flore Dwyer, project architect, stated that this is pretty straightforward and that it is for the corner of the garage.

Chair Gonsalves asked if there are any public comments. There were no comments.

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

Chair Gonsalves asked for discussion amongst the Commission.

Commissioner Wardall stated that this is very straightforward and he believes that 5 feet is a very nominal intrusion into the setback.

Chair Gonsalves asked if there are any further comments.

No were no further comments.

**MOTION:** It was moved by Commissioner Wardall, seconded by Commissioner Byrne, and unanimously carried to approve the environmental document and recommend approval of the variance with the recommended conditions and

findings to the Board of Supervisors.

*Mr. Bratan stated that the Planning Commission has recommended approval for V-21;3-1 to the Board of Supervisors. A public hearing will be scheduled at a later date.*

**Item 5: Request for a Variance (V-21;3-2) from County Code Section 19.24.040, PD-R1, District Regulations which requires a 15-foot rear yard building setback, to allow construction of a detached garage. The applicant proposes to construct the detached garage encroaching approximately 10 feet into the rear setback (APN 008-080-016).**

**Applicant:** Thomas Binns  
**Supervisory Districts:** 5  
**Location:** 17200 Latrobe Road, Plymouth, CA

Chair Gonsalves introduced the item.

Mr. Bratan presented the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full. He added that for finding #2 that there is a typo and that it is a rear setback.

Mr. Gonsalves asked if the applicant is present.

Thomas Binns shared that it is very challenging trying to drive up to the house and to have to back up every time coming in and out. He added that there is only one area that is applicable for a garage and shared that he brought photos.

Commissioner asked to see and keep the photos.

Commissioner Curtis said that he guesses Mr. Binns is on quite a hill.

Mr. Binns shared that it is around a corner and that there is a hill there with 40 acres of pretty flat open land behind him that is downhill from him.

Commissioner Byrne asked that with 16 acres there is nowhere else to put a garage.

Mr. Binns responded there is if he wants to walk 600 feet up to his house.

Commissioner Byrne commented that it does not look like there is that much obstruction.

Mr. Binns asked Commissioner Byrne to refer to the pictures and that the house had been built way back on property.

Commissioner Wardall asked if the next door property owner has any objection to this encroachment to the setback.

Mr. Binns shared that the owner does not and that the owner is Sera Vina Winery.

Chair Gonsalves asked if there are any comments. There were no further comments.

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

Chair Gonsalves asked for discussion amongst the Commission. There was no further discussion.

**MOTION:** It was moved by Commissioner Wardall, seconded by Commissioner Curtis, and unanimously carried to approve the environmental document and recommend approval of the variance to the Board of Supervisors.

*Mr. Bratan stated that the Planning Commission has recommended approval of V-21;3-2 to the Board of Supervisors. A public hearing will be scheduled at a later date.*

**Item 6: Brown Act Training**

Chair Gonsalves introduced the item.

Counsel Spitzer shared a Brown Act Basics PowerPoint along with “Open and Public V” by the League of California Cities.

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Wardall and unanimously carried to adjourn the meeting. The next regular meeting will be May 11, 2021.

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John Gonsalves, Chair  
Amador County Planning Commission

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Mary Ann Manges, Recording Secretary  
Amador County Planning Department

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Chuck Beatty, Planning Director  
Amador County Planning Department