

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF TAPE RECORDED MEETING
June 8, 2021 – 7:00 P.M.**

PAGE 1 OF 5

The Planning Commission of the County of Amador met on Tuesday, June 8, 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 Chair Gonsalves.

COMMISSIONERS PRESENT WERE:

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

COMMISSIONERS ABSENT WERE: None

Staff present: Chuck Beatty, Planning Director
 Glenn Spitzer, Deputy County Counsel
 Krista Ruesel, 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 Curtis, and unanimously carried to approve the agenda.

C. Minutes: May 11, 2021

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Kendrick, and carried to approve the May 11, 2021 minutes with a minor correction.

AYES: Byrne, Kendrick, Wardall
NOES: None
ABSTAIN: Gonsalves, Curtis

D. Correspondence: Item 1-Letters from Jonathan Lack and Amador County Public Works

E. Public Matters not on the Agenda: None

F. Recent Board Actions: Mr. Beatty shared that the Board of Supervisors directed staff to prepare a Resolution of Intent to modify the County Code to require conditional use permits for tasting rooms in all agricultural districts. The Board also repealed and vacated the rezoning decision made in December that had rezoned 1,150 acres west of Lone from R1A to Manufacturing, so that the zoning of that property remains R1A.

G. Agenda Items:

Public Hearings

Item 1: Request for Tentative Parcel Map No. 2879, proposing the division of 174.4 acres into 4 parcels (35.0, 29.7, 25.11, and 20.19 acres) with a 64.4-acre remainder. The project includes a General Plan Amendment (GPA-20;12-1) from the AG, Agricultural-General (40-acre) land use

designation to the AT, Agricultural-Transition (5- to 20-acre) land use designation, and a Zone Change (ZC-20;12-1) that would remove and replace the current zoning of R1A-B5, Single-family Residential and Agricultural with No Further Divisions combining district. The General Plan Amendment and Zone Change would apply to 139.4 acres of the project. (APN: 040-030-059)

Applicant: Luke R. Glavenich Revocable Living Trust-2006 (Michael Glavenich, trustee)

Supervisory Districts: 4

Location: South of Shake Ridge Rd. and north of Sutter Creek Rd, immediately east of the Sutter Creek city limits and approximately 1000 feet northeast from the intersection of Shake Ridge Rd. and Golden Hills Dr.

Chair Gonsalves introduced the item.

Ms. Ruesel presented the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full. She stated that two additional pieces of correspondence have been received and that there is a staff recommendation to adjust condition #16. She added that changes since the last meeting have been made with the addition of conditions #32 and #33 that address the mine on the property.

Chair Gonsalves asked if the project proponent is present.

Matt Toma, representative for the Glavenich Trust, stated that he agrees with all conditions as proposed, including the proposed amendments. He shared the history of the property being approved for a 10 lot subdivision in the 1990s which was never recorded, but zoning to maintain overall density by limiting future division was approved in anticipation of the project being completed. As a result, the zoning interferes with the current proposal, but he agrees with staff's recommendation to remove and replace the zoning to maintain density.

Jonathan and Denise Lack shared that environmental standards have changed and that the drought and water availability should be considered since it will affect them. They also shared concerns over privacy and desire for a greenbelt adjacent to their property, and asked how many homes could be built in the project.

Ms. Ruesel stated that the project could accommodate 10 homes, one primary home and once accessory dwelling per parcel.

Mr. Toma stated that no greenbelt was included in the project.

Elizabeth Lucas, neighbor of the project and also representing the neighboring Drake family, shared that their biggest concern is water availability. She asked what mitigations were in place regarding water supply and septic.

Ms. Ruesel responded that condition #31 addresses sewage disposal, and conditions #41 and #42 address well water supply and quality, and those conditions were developed from the CEQA Initial Study.

Ms. Lucas stated that she did not receive notice of how to obtain and review the CEQA document prior to the meeting.

Ms. Manges explained how to locate the agenda and all Planning Commission meeting materials on the County website.

Commissioner Kendrick stated that the public hearing notice that was mailed out includes those instructions.

Commissioner Wardall stated that he would prefer that the hearing move forward since adequate notice was provided and the meeting materials were available in advance.

Chairman Gonsalves agreed that the materials were available, but wanted to hear any additional comments from the public.

Andrew Gardner stated that the adjoining property owners had a right to understand how the project would affect them, and requested that the Commission continue to answer their questions.

Chairman Gonsalves asked Mr. Gardner if he had an opportunity to review the meeting materials.

Mr. Gardner stated that the documents had not been made directly available to him.

Commissioner Kendrick reiterated that the public notice was clear as to where the meeting materials could be found. He added that concerns regarding water availability were important, but 10 homes on 139 acres is very low density compared to surrounding developments.

Commissioner Byrne noted that the 64-acre remainder parcel provided a substantial buffer against Locust Lane.

Matt Toma noted that the 139-acres can currently be developed with only two dwellings. Under the proposed project, the 64-acre remainder which is almost half of the project would still be limited to two dwellings.

Ms. Lack stated that she believed the Glaveniches should be able to divide their property, but she wants to make sure the proposal is reasonable.

Mr. Gardner stated that the neighbors' intention was not to deny the Glaveniches the right to divide the estate for their children, but it is important for them to understand what the impacts would be and how those impacts are mitigated. He added that he was disappointed in comments to move the project forward without hearing the neighbors' questions.

There were no further public comments.

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

Commissioner Gonsalves asked for discussion amongst the Commission.

Commissioner Byrne asked if the project was in the Sutter Creek Sphere of Influence.

Ms. Ruesel stated that the project was outside the Sutter Creek Sphere of Influence.

Commissioner Byrne asked if the site was in a part of the county with poor water availability.

Environmental Health Director Michelle Opalenik stated that the site is in an area known to be a challenge for water, however, there are conditions related to both water availability and quality.

Commissioner Byrne asked what the density was of the previously approved subdivision.

Planning Director Chuck Beatty state the Baliol Ridge subdivision include 10 parcels, which would have allowed 20 dwellings.

Commissioner Wardall stated that the overall density for the project was much lower than adjoining subdivisions, and included a 60-acre buffer.

Commissioner Byrne what the effect of the zone change and General Plan amendment would have on overall density.

Mr. Beatty stated that proposed Parcel 1 could be divided in the future into 7 five-acre parcels. The proposed repeal and replacement of the B-5 designation would not apply to proposed Parcel 1. The net effect would allow one more parcel than the previously approved subdivision.

Mr. Gardner asked what the maximum density of the 64-acre remainder parcel could be.

Mr. Beatty stated that the remainder parcel could be developed with two dwellings.

Commissioner Byrne asked if proposed Parcel 1 would be allowed to be further divided.

Mr. Beatty stated that proposed Parcel 1 is currently in the 5-acre density general plan designation.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Curtis, and unanimously carried to accept the Mitigated Negative Declaration as the appropriate environmental document.

Mr. Beatty shared that the Conditions of Approval include conditions that the map cannot be recorded unless the Board of Supervisors approve the zone change and general plan amendment.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Kendrick, and unanimously carried

to approve Parcel Map 2879, and to recommend approval of the zone change and general plan amendment to the Board of Supervisors with the recommended findings in the staff report.

Ms. Ruesel stated that the Planning Commission has approved Parcel Map 2879 and has recommended approval of Zone Change 20; 3-1 and General Plan Amendment 20;12-1 to the Board of Supervisors with the findings included in the staff report. A public hearing will be scheduled at a later date.

Item 2: Request for Tentative Parcel Map No. 2873-Vaira Ranch, proposing the division of ±154 acres into three (3) parcels 10±, 64±, and 79.5± acres in size. Proposed use of the parcels is residential, and all parcels will retain existing X, Special Use District zoning and AG Agriculture General, General Plan Designation (40- acre minimum). This variation in parcel size is consistent with County Code Section 17.32.030 which allows the Planning Commission to authorize deviations in lot size provided that there is no more than ten percent increase in density in the overall development. This project does not propose an increase in overall allowable density. (APNs: 008-210-008, 008-210-009)

Applicant: Jean B. Ely, Judy L. Chaffee, and Janet M. Bawart

Supervisorial Districts: 2

Location: 15050 Vaira Ranch Rd., Drytown, CA

Chair Gonsalves introduced the item.

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

Chair Gonsalves asked if the proponent is present.

Robin Peters, Delta Engineering, representing the proponents stated that the project is a result of a court-ordered estate settlement. He noted that although one parcel is smaller than normally allowed by the General Plan, the other parcels are sized so that they cannot be divided in the future.

Commissioner Byrne asked for more detail on the reasoning for the court's recommendation on the parcel sizes such as overall value.

Mr. Peters stated that he did not have the information as to why the configuration was established.

There were no further public 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 stated that the X zoning is no longer consistent with the General Plan and asked why it is not being changed in this project.

Mr. Beatty stated that the request did not include a zone change, and that staff would be addressing the X zone as part of the zoning code update to be consistent with the General Plan.

Deputy County Counsel stated that court order does not bind the Planning Commission to approve the project.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Wardall, and unanimously carried to accept the Mitigated Negative Declaration as the appropriate environmental document.

Commissioner Byrne asked for clarification as to how the project meets the required finding of creating an improvement over the project if developed according to standard parcel sizes.

Robin Peters stated that creating the small parcel allows the creation of two parcels larger than the allowable minimum which are more conducive to agricultural use.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Curtis, and unanimously carried to

approve the parcel map subject to the findings and conditions as stated in the staff report.

Ms. Ruesel stated that the Planning Commission has approved Tentative Parcel Map No. 2873 with the Mitigated Negative Declaration and the conditions and findings included in the staff report. Anyone wishing to appeal this decision may do so by filing a written appeal with the clerk of the Board no later than 5:00 p.m. on June 18, 2021.

Item 3: CEQA Training

Counsel Spitzer shared a presentation on CEQA.

MOTION: It was moved by Commissioner Byrne seconded by Commissioner Kendrick, and unanimously carried to adjourn the meeting. The next regular meeting will be July 13, 2021.

John Gonsalves, Chair
Amador County Planning Commission

Mary Ann Manges, Recording Secretary
Amador County Planning Department

Chuck Beatty, Planning Director
Amador County Planning Department