

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF TAPE RECORDED MEETING
November 9, 2021 – 7:00 P.M.**

PAGE 1 OF 4

The Planning Commission of the County of Amador met on Tuesday, November 9, 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
 Mark Bennett, District 5

COMMISSIONERS ABSENT WERE: None

Staff: Chuck Beatty, Planning Director
 Glenn Spitzer, Deputy County Counsel
 Krista Ruesel, Planner II
 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: October 5, 2021 and October 12, 2021

Mr. Beatty noted that October 5th minutes will be available for review at the next meeting.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Wardall, and unanimously carried to approve the October 12, 2021 minutes.

D. Correspondence: None

E. Public Matters not on the Agenda: None

F. Recent Board Actions: None

G. Agenda Items:

Public Hearing

Item 1: Request for Tentative Parcel Map #2899, which proposes to divide ±12.53 acres into two parcels of ±5.56 and ±6.97 acres in size. (APN: 015-220-076)

Applicant: Bret Brusatori

Supervisory District: 5

Location: 13513 Shake Ridge Road, Sutter Creek CA 95685

Chair Gonsalves 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 Gonsalves asked if the project proponent is present and if he wants to comment.

Bret Brusatori, proponent, shared that he is requesting to split the land into two parcels for himself and his in-laws for residential home construction.

Chair Gonsalves opened the public hearing and asked if there are any public comments. There were none.

Ms. Ruesel added that correspondence was received by Caltrans and the Auburn Rancheria with no objections, as stated.

Chair Gonsalves asked if there are any more public comments. There were none.

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

Chair Gonsalves asked for discussion amongst the Commissioners.

Commissioner Byrne said why the X zoning is not being cleaned up at this time.

Mr. Beatty responded because there is not a mandate from the Board of Supervisors to change the applications when submitted, and because the applicant would be subjected to additional CEQA analysis and cost to complete a zone change. He added that there are a lot of X zonings that need to be changed per the 2016 General Plan, and shared that the plan is to do all of them either in one process or divide them into a few groups.

Commissioner Byrne responded so more programmatically.

Mr. Beatty affirmed and added that a grant from the Department of Housing and Community Development has been received to work on General Plan consistency with the zoning code. He stated that it is being researched whether additional staff can be paid with grant funds versus hiring consultants.

Commissioner Byrne asked for clarification about the driveway and if the condition is that they will not necessarily be on one driveway.

Mr. Brusatori responded that both parcels will access from that driveway off of Shake Ridge.

Commissioner Byrne commented that the only thing that he would like to see is a condition for a Road Maintenance Agreement (RMA). He added that it would be good for the long term.

Mr. Brusatori shared that the existing driveway has an RMA with the neighbor at the north and that this would be an additional agreement.

Commissioner Wardall shared that he believes that it should be buyer beware with the Road Maintenance Agreement. He added that it could be a good idea if you ever sell, but it is up to you.

Commissioner Curtis stated that he believes that more than two parcels are served by the existing driveway.

Mr. Brusatori explained that the only parcels served now are the one at the very end of the driveway and the 12 1/2 acre parcel that is being split, so there would be three parcels.

Chair Gonsalves asked if there are any other comments regarding the RMA.

Commissioner Wardall commented to let the applicant decide if he wants an RMA, and asked Mr. Brusatori if he wanted one.

Mr. Brusatori responded that he would rather not have one.

Ms. Ruesel suggested that possibly the road could be annotated on the final map, similar to how the shared well was conditioned at TAC.

Commissioner Byrne asked that both new parcels be party to the RMA.

Chair Gonsalves stated that he believes they are not related.

Commissioner Byrne commented that if both of the new parcels will be using the road that he would like to see both of them as members of that RMA. He stated that since the property is being divided they both are going to be part of the RMA.

Counsel Spitzer asked if the RMA is recorded.

Mr. Brusatori responded that he believes that it is.

Counsel Spitzer added that he thinks that the RMA would run with the land, but that to eliminate confusion, it might be a good idea to clarify it with an updated agreement.

Ms. Ruesel stated that her concern as staff is that there would be no way to enforce this on a private road.

Commissioner Byrne said that they could prove there is an updated RMA in order to get their final map. He added that it has been done with a lot of projects in the past and eliminates future problems.

Commissioner Curtis shared that with regard to fire, there is an ordinance where it is necessary to maintain the road for passability when there are three or more parcels on it. He added that it does not say how it needs to be maintained or who is going to pay for it, though.

Mr. Brusatori commented that Counsel Spitzer is correct and that the RMA runs with the land. He stated that updating might clarify it, but that he does not know if it is necessary.

Counsel Spitzer said that he agrees with that.

Commissioner Byrne said the RMA is all he would add.

Commissioner Wardall does not want to see Mr. Brusatori become a victim to whatever other county standards might come with an RMA.

Counsel Spitzer said that he is not aware of any county rules and that Mr. Beatty might know better.

Mr. Beatty responded that because it is not a county maintained road and the road serves three parcels that it would fall back to the maintenance requirement in the county code. He added that if it is spelled out in an RMA, then there are no surprises with responsibility of maintenance or shared costs.

Chair Gonsalves asked if there are any further comments. There were none.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Curtis, and unanimously carried to approve the Mitigated Negative Declaration as the appropriate environmental document for the project.

Commissioner Byrne then asked for a motion to approve the map along with an updated RMA.

Commissioner Wardall commented that he is opposed to updating the RMA and that he believes that it is up to the proponent, in-laws, and third party. He shared concern that if the third party, who is not present, objects to updating the RMA that the applicant cannot record the map.

Commissioner Byrne reiterated that his motion stands.

Counsel Spitzer said that if this motion does not pass that a new motion can be made.

Chair Gonsalves asked if there is a second. There was no second to Commissioner Byrne's motion.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Bennett, and carried to approve Tentative Parcel Map #2899 with the findings and conditions in the staff report.

AYES: Wardall, Bennett, Curtis, Gonsalves

NOES: Byrne

Ms. Ruesel stated that the Planning Commission has approved Tentative Parcel Map No. 2899 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 November 19, 2021.

MOTION: It was moved by Commissioner Curtis seconded by Commissioner Bennett, and unanimously carried to adjourn the meeting.

John Gonsalves, Chair
Amador County Planning Commission

Mary Ann Manges, Recording Secretary
Amador County Planning Department

Chuck Beatty, Planning Director
Amador County Planning Department