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The Planning Commission of the County of Amador met on Tuesday, February 8, 2022 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 November 9, 2021

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Wardall, and unanimously carried to approve the October 5, 2021 minutes with corrections.

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

- D. Correspondence: LAFCO, Daniel D'Agostini, Come Lague, John Munn, Lloyd Clark of Caltrans, Megan Fiske of Foothill Conservancy, Rich Vela of Public Works, Dave Wardall, AFPD, Susan Bragstad, Katherine Venturelli, Andrea Macon, Mara Feeney, Mark Hopkins of Public Works, Paul Bauldry of Caltrans, Anna Starkey on behalf of The United Auburn Community, Gregoria Ponce of Caltrans, Dr. Kelsi Williams, Bree Williams, Gary Arnese & Mary O'Neal, Art Toy, Linda Hein, Leah Hammerman, Elaine Zorbas of Mirabelle Vineyard & Orchard, Linda Smith & Jim Cohee, Matthew Dean, Claudia D'Agostini, Jane O'Riordan of Terre Rouge and Easton Wines, Mary Wilder, Mel Walsh & Bob Hartmann, Russ Frazier of Belledor Vineyards, Virginia Upton and Kimberly & Stephen Beckwith, George Reitter, Mary Puslkamp, Bill Easton of Terre Rouge and Easton Wines, Eric Rewitzer, Cathy Landgraf, Kim Coburn, Paul Moering, Vicki Moering, Aaron Wittman, Randy Livingston, and William L. Dillian.
- **E.** Public Matters not on the Agenda: Commissioner Byrne announced that this meeting will be his last and that he is resigning from the Planning Commission.

F. Recent Board Actions: None

G. Agenda Items:

Item 1: Election of Chair and Vice-Chair for 2022

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Curtis, and unanimously carried to re-elect John Gonsalves as Chair.

<u>MOTION:</u> It was moved by Commissioner Curtis, seconded by Commissioner Wardall, and unanimously carried to elect Mark Bennett as Vice-Chair.

Item 2: Appointment of Agricultural Advisory Committee Member and Alternate for 2022

<u>MOTION:</u> It was moved by Commissioner Byrne, seconded by Commissioner Curtis, and unanimously carried to appoint Mark Bennett as Agricultural Advisory Committee Member and Dave Wardall as Alternate.

Item 3: Appointment of Recording Secretary for 2022

<u>MOTION:</u> It was moved by Commissioner Byrne, seconded by Commissioner Wardall, and unanimously carried to appoint the Administrative Secretary of the Planning Department as Recording Secretary.

Public Hearings

Item 4: Request for Zone Change (ZC-21;7-1 Lyons) from H, Highway Commercial District to PD, Planned Development District in conjunction with the application for a Use Permit (UP-21;7-1) for a Commercial Storage Facility and Residential Use. (APN: 003-460-044)

Applicant: William and Alma Lyons 1999

Supervisorial District: 2

Location: Located southwest of the intersection of Camanche Parkway North and

Camanche Rd., Ione, CA 95640

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 desires to speak.

Robin Peters, with Delta Engineering representing the applicant, shared that this is a mixed storage facility with the idea to provide an opportunity for visitors to the Camanche area to be able to store their recreational vehicles without hauling them back to the valley. There is a high need for storage and especially in Ione. The site is a low sensitivity piece of property. The Use Permit covers phase 1 and phase 2 with the proportion to be determined based on demand.

Commissioner Curtis asked about fire protection and to hear about the mitigation for it because we do not know what is going to go in them.

Mr. Peters responded that there is a water main that runs in front of the site with 2 hydrants.

Commissioner Curtis commented that he assumes there will be fire flow for commercial buildings.

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Commissioner Byrne added that mitigation 19 is for fire service.

Commissioner Bennett asked if there would be employment opportunities.

Mr. Peters replied that certainly during construction and for routine maintenance.

Commissioner Curtis asked about the residence on the property.

Mr. Peters responded that there is a proposed residence for the caretaker or maybe the owner. He added that there usually will be nobody at the storage facility and clients would call for an appointment.

Commissioner Byrne asked about trash, questioning if there should be a mitigation from it.

Mr. Peters said he has done a lot of these and has never had issue with trash leaving the site. He shared that there would be no trash receptacles inside the facility.

Chair Gonsalves asked if there is any public comment. There was none.

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

There were no further comments.

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

Commissioner Wardall asked if there would be a caretaker on the property for safety and security.

Mr. Peters responded that the entire facility would be covered by a security system and largely unmanned with the possibility that the home might be occupied by a caretaker.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Bennett, and unanimously carried to approve UP-21;7-1 and recommend approval of ZC-21;7-1 to the Board of Supervisors subject to the conditions of approval and mitigation measures included in the staff report.

Ms. Ruesel stated that the Planning Commission has moved to approve the Mitigated Negative Declaration and UP-21;7-1 and moved to recommend approval to the Board of Supervisors of ZC-21;7-1 with 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 February 18, 2022.

Item 5: Request for an Amended Use Permit (UP-19;12-1) for La Mesa Vineyards. The request seeks to increase the limits on days of operation and special events. The project is currently limited to being open to the public four days per week, and a maximum of 6 special events per year with a maximum of 100 attendees, and live and/or amplified music until 5:00 p.m. The request seeks to expand those uses to:

Applicant: La Mesa Vineyards, LLC. Representative: Come Lague

Supervisorial District: 5

Location: 13200 Shenandoah Rd., Plymouth, CA 95669 (APN: 014-140-054)

Chair Gonsalves announced that he was contacted by Supervisor Crew. He gave him permission to give Mr. D'Agostini his contact information. He was contacted by Mr. D'Agostini and went out to his home, looked at his residence, walked the property, and looked at the property next door. No one else contacted him. He had no contact with the applicant. He added that he did not advise Mr. D'Agostini which direction

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he would vote. He spent about an hour there and listened to his concerns.

Commissioner Bennett shared that Supervisor Oneto contacted him and put him in touch with Mr. D'Agostini. He also walked the property and spent more than an hour there.

Commissioner Curtis stated that he had a similar visit with Mr. D'Agostini.

Commissioner Wardall announced that he also visited Mr. D'Agostini who had asked if he could stop by and look at his property and the location of the winery. He walked around property and looked at the winery next door. He added that he did not make any determinations. He took some pictures from the road of both properties. Later, he had a call from a long time winery in the area who shared that they are opposed to the increase in commercial activities there not related to producing wine. He asked if he should disclose who he spoke with.

Counsel Spitzer said he should disclose who he spoke with.

Commissioner Wardall shared that it was Ken Deaver of Deaver Vineyards.

Commissioner Bennett said that he would like to add that while visiting he was non-comital and that he also received a phone call from Ken and Jean Deaver.

Commissioner Byrne said that Mr. D'Agostini contacted him via mail with a packet about his farm. He added that he also called him and Mr. D'Agostini shared what his issues are.

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 they desire to present this project.

Come Lague, owner and winemaker at La Mesa Vineyard, shared some of the points in a letter submitted. He shared that he has been a resident of Amador County for over 10 years and since then has made many improvements. His winery is fulltime residence and job and employs 5 people locally. We found it difficult to operate because the operating terms granted in their 2020 Use Permit are among the most restrictive of any winery in Amador. Opening hours and events are the life blood of a winery and limits their ability to have a thriving business. He is asking for an expansion of permissions, but not to the full level of most wineries in Amador. He has met with Daniel D'Agostini to understand his concerns and made adjustments to his proposal because he understands that there has to be a balance of commercial operations with neighbor and environmental considerations. He has tried to adjust to ensure that it becomes a strong and viable business and shared his proposed changes. He desires flexibility for when visitors come to Amador. Events are important for wine club members held at the tasting room or at the winery. Most will be day time events. The Amador Vintners Association requires its members to participate in 2 events each year and take up to 6 event days. His entire Use Permit allocation gets taken up for these two events. He also wants to be treated like everyone else regarding noise with no music past 10 pm. He has agreed to report annually on his events. He shared things that he has done to address concerns and to be a good neighbor, including installing a gate to allow Mr. D'Agostini access to the rear of his property. He also installed a dog bag dispensing station and signage, 5 mph speed signs, no smoking signs; top-coating the parking area and put in round river rock to reduce dust; and worked hard with the planning department to address concerns.

Commissioner Bennett asked if the expansion would create more employment.

Mr. Lague statted that typical events require maybe 5 or 6 extra people.

Commissioner Bennett noted that the people objecting have said that other wineries have put in better ingress and egress, and asked if this is possible.

Mr. Lague stated that he already has an encroachment, and Public Works had no concerns with the traffic generated by the proposed expansion.

Commissioner Bennett asked where most of the visitors come from.

Mr. Lague noted that most, about 80%, come from 80% Sacramento, about 10% from Reno and Carson City, and about 10% are locals.

Chair Gonsalves asked if there are any other questions for the proponent and then asked for a 5 minute recess.

Chair Gonsalves reopened the public hearing.

Claudia D'Agostini sated she was a 6th generation Amador resident and lives about a half a block down the road from La Mesa. Her husband, Bill D'Agostini, has lived there 72 years and have seen a lot of changes over the years. The get up early and do not like the music. They do not mind the wineries or businesses, but have an issue with music. They have empathy for Daniel D'Agostini and added that it is not fair to Daniel or the other 5 families that live nearby. There is disruption in all of our lives not just Daniel's. He has a business and life, too.

Jeff Runquist shared that he was in a similar position a few years ago. He lived with Use Permit restrictions and still flourished and has one of the more successful wine clubs in the county. He has events every 60 days where he interacts with our 5000 wine club members that coincide with our business hours. He lives within 300 feet of Distasio Winery that, as part of their marketing plan, hosts weddings. The weddings are loud, but not that frequent, and it is disturbing. More frequent weddings would be difficult to live with it. When he hears a request for the proposed number of participants and the number of events, and how it is needed to handle the production from 11 acres, he is a little skeptical. Wine should come first. If I need to become an event center order to sell the wine, I might not be doing such a great job making the wine.

Commissioner Bennett asked where Mr. Runquist's patrons come from.

Mr. Runquist stated similar to where Mr. Lague's come from.

Jillian Buckholtz, homeowner and resident of Amador County, shared objection to request commenting that zoning in that location is there for a reason. She shared that should large events be requested, wineries should take advantage of the opportunity to drive more business into the cities instead of pulling business out of the city centers into the rural areas. She added that rural areas are rural for a reason, and large urban areas have noise and light pollution and further distractions.

Deborah Grady stated that there are hundreds of R1A zoned properties in Amador County which is many more than the ag zoned properties. We don't have to allow the others that qualify for use permits to ruin the peaceful quality of life. She is in favor of reviewing all of the current conditional use permits for R1A properties and setting standards for R1A properties.

Mara Feeney stated that this is an issue she has seen for some time. Use permits have been given willy nilly without monitoring. There are a lot of these wineries that have use permits. The County never should have approved a tasting room that close to a property line and thinks the County should rethink how they do the CEQA checklist when it comes to population and neighbor impacts. Somebody is living next door that was raised on that property, lives, works, hosts educational missions there, and she thinks as far as adding economic and cultural diversity, what Mr. D'Agostini offers far more interesting than another huge tasting room and event center. She is against reconsidering this and added that it is an insane use of County

energies coming back on an annual basis.

Steve Christensen shared that he visited La Mesa last week and has concerns about the size of the winery and the tasting room compared to what is being requested. There is not enough parking for 250 people, does not know with fire occupancy if tasting room can hold 250 people. There are no coverings for events in summer or during rain, he observed only one driveway in and out, and to go from 6 to 36 events is a huge leap and does not think the facility is able to handle the number of events they are requesting.

Susan Bragstad stated that maybe about ¾ county has R1A zoning and this proposal almost seems like a commercial zone. It sets a terrible precedent and the County needs to restudy R1A and what is allowed under that zone.

Mara Feeney shared again how the tasting room was put too close to the property line. If the County wants to consider more events, she suggested putting them the winemaking facility, which is a ¼ mile way.

Daniel D'Agostini shared that Mr. Lague has responded to him, but still wants to pursue what he wants to do. He clarified that he can enter his property from the east, the west, or right up his driveway and does not need to use Mr. Lague's gate. He shared the history of his learning about this tasting room. Tasting room clients look at him while in his gardens, so he bought and put up privacy screen himself and planted plants along the fence. He confirmed that everything he asked Mr. Lague to do, he has done. But he cannot control the laughter of his clients as they drink. Mr. Runquist knows a lot more about making the wine. Amador Vintner's Association owes them for bringing people to the area to begin with. He used to be able to meditate and did not realize that La Mesa was going to having a live musical event every Saturday. He feels that what he has is more than enough right now. Mr. Lague knew the rules when he started and shouldn't ask for rules to be changed in the second year of operation. He has already given up 4 days from 10 to 5:30 for the rest of my life and does not want to give up 7 days and especially the nights. We need to keep the country the country. He restated that he is not against businesses although he thinks we have too many wineries today. He applaud's his neighbor for being good at business and encouraged Mr. Lague to take that synergy and cultural events to the little towns.

Chair Gonsalves asked if there are any questions or 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 Bennett asked Counsel if the use permit were approved, if it sets a precedent, and what would the legal standing of everyone else be that wants these same exceptions.

Mary Ann Manges, Recording Secretary, announced that someone participating by Zoom has a comment and that she is unsure if the hand was raised before the public hearing was closed.

Counsel Spitzer said he noticed that a hand in Zoom went up right before public comment was close. He responded to Commissioner Bennett that there is no legal precedent that this would set, but that there would be a precedent in practice. He added that every application in the future would be judged on its own merit. A decision on this project wouldn't dictate or compel the same decision on a future application.

Chair Gonsalves asked the Commissioners if it is okay to hear another public comment. Commissioner Byrne responded yes.

Susan Port, farmer from another part of Amador County, commented that a lot of people in the Shenandoah Valley have put their hearts and souls into the land and that long term residents and people who have done all this work need to be respected.

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

Commissioner Curtis asked if the conditions that were placed on La Mesa's original permit two years ago were from the zoning code.

Mr. Beatty said that the conditions approved were based on what Mr. Lague asked for at the time. The R1A zone requires the Use Permit for tasting rooms, but doesn't provide guidelines or limits for operations. The limits for events have been established on a case by case basis. It has been widely assumed that the absolute maximum limits would be the same as the Ag zones – unlimited events with 125 people, and 12 events annually with 450 people – because that is the highest intensity allowed in the County.

Commissioner Curtis said so there could be some in the past that have asked more and we do not have an ordinance that limits what can be requested in R1A.

Mr. Beatty confirmed that staff prepares conditions and mitigations based on what it requested.

Commissioner Bennett knows that in the Shenandoah Valley it has been studied before, and that the solution rests with the Board of Supervisors and not the Planning Commission.

Commissioner Byrne shared that he and previous Commissioner Ryan have requested the Board of Supervisors to have a Specific Plan prepared for the Shenandoah Valley, but it has not been a priority even though we've been talking about it for a long time.

Commissioner Bennett said that all of this costs money. It costs the wineries money as well as the County, but a purpose of zoning is to clarify things, not confuse them. He asked if the Commission can recommend to the Board that this be analyzed again.

Commissioner Byrne said that was his point, that we've been saying that for a decade.

Commissioner Curtis stated that we still keep approving them rather than the placing limits.

Commissioner Bennett said that most of these people come from out of the County, and if you draw an hour and a half drive time circle around Sacramento or Reno, you can come up with numerous options for entertainment. The wine clubs create a sense of loyalty, but if we keeping making exceptions and turn an agricultural area into an entertainment district, the area will be too congested and noisy, and people will stop coming. People who come are reasonably affluent and have a number of choices.

Commissioner Curtis asked if the Ag-zoned and Williamson Act parcels can do more by right than R1A parcels.

Mr. Beatty said parcels that are in Ag-zoned or have a Williamson Act contract can have, by right, an unlimited number of events with up to 125 people and 12 events annually with up to 450 people. R1A parcels can have a winery, but require a Use Permit for tasting rooms an events.

Commissioner Curtis said that it is usually on a larger parcel.

Mr. Beatty confirmed.

Jeff Runquist noted that his parcel was five acres.

Commissioner Byrne said that there are smaller parcels in the Ag areas, but they are remnants before our

General Plan.

Mr. Beatty said the General Plan density for most of Shenandoah Valley requires a minimum of 40 acres.

Commissioner Curtis commented that a few years ago the applicant said it was adequate.

Chair Gonsalves shared that for the record he was not on the Commission then.

Commissioner Wardall stated that he has a problem with this as proposed and there if a tough balance between the property rights of both owners. Mr. D'Agostini enjoyed peace and quiet, and now there is music until 5pm, with a request to take it to 10pm. Access for the site for a large operation would be challenging in ideal situations, and worse in an emergency. He added and that he cannot support this based on the intrusion on Mr. D' Agostini's rights. He stated the required findings that the proposed use is not detrimental to the health, safety, peace, moral, comfort, and general welfare of the neighborhood or the County. When you apply that to the D'Agostini property, there is quite an impact to his property rights.

Commissioner Byrne said that if the applicant sells this property, the next guy might want to have 36 events per year though you say you do not plan to have that many. He added that there is a tree all wrapped in lights with the lights not down lit and that he believes it is a violation of his use permit.

Mr. Lague said that Mr. D' Agostini did not like his Christmas lights and that he since has taken them down.

Commissioner Byrne said limitations on a use permit go with land and that these are hundred-year decisions.

Mr. Lague said that it disturbs him greatly that two wineries near him are zoned Ag and can have more events. He added that the use permit, as amended, has added all sorts of mitigation measures and he can confidently say that type of music they play is not going to be less than an impact than heavy traffic.

Commissioner Byrne said noise ordinance makes sense if you are in an urban area. Sound carries really well. When you hear 70 db in the city traffic is that loud. Looks good on paper but in country where sound is 10 db it sounds really loud and at night noise goes even further. He said it is the same thing with the lights and that we used to have dark skies here. Those are huge by-right impacts.

Mr. Lague stated that it is unfortunate that my neighbor can have live music every night until 10 pm. We are asking for 24 events once every 2 weeks.

Commissioner Byrne responded that it could mean every weekend through the summer and not spread out. You could say you want events every 2 weeks, but that is not before us. You might not even use all these events but the next person might.

Mr. Lague stated that his neighbors have those rights and that impacts his standard of living.

Commissioner Byrne said that you do not have those rights because you are not zoned the same way.

Mr. Lague said that it is unfortunate that in the same neighborhood we can have those situations.

Commissioner Byrne elaborated that he would like to address the Shenandoah Valley as a specific planning area.

Mr. Lague said those that have those unlimited event rights are sitting pretty, and Mr. Runquist changed to Ag zoning so he could get those rights. Those wineries would oppose that.

Commissioner Byrne said when he started on the Planning Commission there were 15 wineries and we

have more than tripled that number. The one thing we almost never get, and it has not been addressed in your environmental review, is the cumulative effect of all this. It is a really hard one to address, it is something we are supposed to address and I do not think we have ever addressed this. Each winery does not think they are causing a cumulative effect.

Mr. Lague said that he believes that it was addressed.

Mr. Beatty said that we've tried to address the best we could recently and thinks staff addressed it better on this application the any previous ones.

Commissioner Byrne said that that is not a stab at the staff.

Commissioner Byrne said as the Planning Commission we are trying to look at the big picture.

Mr. Lague stated that is why we have a CEQA process and it has taken 6 months to get through all that. He shared that he has seriously taken input from Mr. D'Agostini and peeled back the request while still trying to make the business viable. He said that it is extremely difficult when 7 other R1A parcels have events and we are the only ones with 4 days.

Commissioner Byrne stressed that the R1A process is ad hoc because we are addressing a particular piece of property case by case.

Mr. Lague stated that the issue is transparency and setting expectations, and that none of that information was made available when he applied in 2019. He said that when he later met with the Supervisors, they questioned that he did not get all that information, and then said that it was created as of late because of additional applicants.

Commissioner Byrne said that the Planning Commission requested the spreadsheet be created about 2 years ago because that is when they were getting so many requests for wineries in R1A.

Mr. Lague commented that he wished he had seen that language and said he was not given that. He said there is standard language around the Amador Vintner's Association events that would have been helpful and stated that he now has to make a choice to be a member and Board Member of the Amador Vintner's Association or bow out because I have to meet their requirement to participate in these events.

Chair Gonsalves said out of respect for all he would like to close the dialogue.

Commissioner Wardall said he will make a motion to deny the amended use permit as written. In the findings we have to make, he cannot find that there is no adverse impact to the noise, peace, health, safety, moral, and tranquility, and not detrimental or injurious to the property and improvements in the neighborhood. This is a significant increase in the activity, and also for safety reasons with 250 people there and about 125 cars. He said that he probably has been the hardest advocate of personal property rights but is balancing that with the rights of Mr. D'Agostini with his house 50 feet from his property line and 250 feet from the event center.

Commissioner Bennett said he will second that, and concurs with Commissioner Wardall's remarks and repeated his earlier comment that if gets too congested, too noisy, with too many lights, people will stop coming and it will be deadly to the Shenandoah Valley and the County. He shared that he generally is regarded as pro-business and pro-property rights but thinks we are overdoing it here.

Commissioner Byrne said that the mere reason they are here today is that it is not a property right, but a privilege.

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

carried to deny amended UP-19;12-1, as written.

Ms. Ruesel stated that the Planning Commission has denied the request for the amended UP-19;12-1 based on finding #4. 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 February 18, 2022.

MOTION: It was moved by Commissioner Byrne seconded by Commissioner Wardall, 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