

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF TAPE RECORDED MEETING
April 12, 2022 – 7:00 P.M.**

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The Planning Commission of the County of Amador met on April 12, 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
 Stacey Munnerlyn, District 4
 Mark Bennett, District 5

COMMISSIONERS ABSENT WERE: None

Staff: Glenn Spitzer, Deputy County Counsel
 Krista Ruesel, Planner II
 Ruslan Bratan, 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 Munnerlyn, seconded by Commissioner Curtis, and unanimously carried to approve the agenda.

C. Minutes: March 8, 2022

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Bennett, and unanimously carried to approve the March 8, 2022 minutes.

D. Correspondence: None

E. Public Matters not on the Agenda: Commissioner Wardall shared that the Eagle's Nest Airport will be conducting FAA approved emergency medevac helicopter training and certification May 2nd, 4th, and 6th with all the local fire departments and the REACH medevac helicopter.

F. Recent Board Actions: Ms. Ruesel shared that the Board of Supervisors granted an appeal with amended conditions for La Mesa Vineyards which the Planning Commission recently denied. She added that they also adopted a Resolution of Intention for the revision of the existing county codes on the use of RVs as temporary dwellings and reducing the minimum square footage of a dwelling.

G. Agenda Items:

Public Hearings

Item 1 - Request for Variance (V-22;1-1 Baggett) from County Code Section 19.24.040, PD-R1,

District Regulations which requires a 25 foot front yard building setback, to allow construction of a new home. The request is for a reduction from the required setback of 25' to 14'-7" to the house itself, and from 25' to 6'- 0" to the front deck at the main floor. (APN: 026-172-013)

Applicant: Baggett T & N Trust
Supervisorial District: 3
Location: 33889 Fremont Road, Kirkwood, CA 95646

Chair Gonsalves introduced the item and asked if the proponent is present and if they want to comment.

Joel Baumgardner, architect for the project, shared details about the project and how the plan is in line with the adjacent neighboring homes.

There was no further public comment.

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

Chair Gonsalves asked for discussion amongst the Commission.

Commissioner Bennett stated that he thinks that what they are requesting makes sense and asked if this is a common problem.

Commissioner Munnerlyn suggested that maybe we need to revisit and update the Kirkwood Specific Plan so that there are not so many requests for variances.

Commissioner Wardall stated that the neighbors on either side are not objecting and that this is common sense.

Commissioner Munnerlyn commented that the neighbors previously supported the variance.

It was moved by Commissioner Munnerlyn and seconded by Commissioner Bennett to recommend to the Board of Supervisors to approve the variance with the conditions and findings in the staff report. Counsel Spitzer reminded that there needs to also be a recommendation on the environmental document. Commissioner Wardall asked Commissioner Munnerlyn if he can assist with the motion. Commissioner Munnerlyn agreed.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Curtis, and unanimously carried to amend the motion and find the project Categorical Exempt from CEQA and recommend approval to the Board of Supervisors for V-22;1-1 with the conditions and findings included in the staff report.

Mr. Bratan stated that the Planning Commission has recommended approval of V-22;1-1 to the Board of Supervisors with the conditions and findings included in the staff report and a public hearing will be held at a later date.

Item 2 - Request for zone change, ZC-22;2-2, from the "A," Agricultural zoning district to the "AG," Exclusive Agriculture zoning district in conjunction with a request for inclusion of 120 acres into a California Land Conservation Act (Williamson Act) contract. (APN: 001-230-014 & 001-230-019)

Applicant: 2003 Kevin W. Bohall Trust
Supervisorial District: 5
Location: 2727 and 2749 Irish Ridge Road, Lone, CA 95640

Chair Gonsalves introduced the item and asked if the proponent is present and if they want to comment.

Kevin Bohall, owner of the two parcels, shared that his family has been running cattle there for over 40 years. He shared that the Agricultural Advisory Committee wants them to merge the two parcels, but that to meet the intent there is nothing that says that it has to be one parcel. He stated his reasoning is that the home site that his parents live on is on the front parcel and that it might be difficult for his parents to be to get a loan to remodel the house if it is a larger parcel.

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

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

Chair Gonsalves asked for discussion amongst the Commissioners.

Commissioner Bennett stated that he assumes that it can be rezoned again in the future.

Mr. Bratan shared that the contract could be non-renewed after ten years, and would expire after another ten years, adding that there is a minimum 20-year commitment to enroll in a Williamson Act contract.

Commissioner Bennett shared that he has no objection.

Commissioner Wardall asked if this goes from A to AG can wineries go on it with unlimited operations.

Mr. Bratan responded that wineries and tasting rooms are allowed as a permitted use now in both A and AG zones.

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

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Bennett, and unanimously carried to approve a Categorical Exemption for the project.

Commissioner Munnerlyn asked if the parcel merger needs to be separated out in a motion.

Mr. Bratan said that it does not need to be in the motion and that the Agricultural Advisory Committee's recommendation to merge the parcels goes to the Board for their consideration.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Munnerlyn, and unanimously carried to recommend approval of ZC-22;2-2 to the Board of Supervisors with the conditions and findings included in the staff report.

Mr. Bratan stated that the Planning Commission has recommended approval of ZC-22;2-2 to the Board of Supervisors with the conditions and findings included in the staff report and the hearing will be held at a later date.

Item 3 - Request for zone change, ZC-19;12-1, from the "X," Special Use zoning district to the "AG," Exclusive Agriculture zoning district in conjunction with a request for inclusion of 40 acres into a California Land Conservation Act (Williamson Act) contract. (APN: 011-140-036)

Applicant: Kristine Cazadd and Jason Cazadd

Supervisory District: 1

Location: 9949 State Highway 88 Jackson, CA 95642

Chair Gonsalves introduced the item and asked if the proponent is present and if they want to comment.

Kristine Cazadd, part owner with Jason Cazadd, shared that the property currently has a producing vineyard and a wine cave and that it used to be in the Williamson Act but was non-renewed in the early 1990s. She said that they purchased it around 2010 or 2011 and would like re-enroll the parcel into a new contract.

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

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

Chair Gonsalves asked for discussion amongst the Commissioners. There was none.

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

Commissioner Curtis asked the applicant if this parcel is adjacent to another contracted parcel.

Ms. Cazadd replied no.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Curtis, and unanimously carried to recommend approval to the Board of Supervisors with the conditions and findings included in the staff report.

Mr. Bratan stated that the Planning Commission has moved to recommend approval of ZC-19;2-1 to the Board of Supervisors with the conditions and findings included in the staff report and a hearing will be held at a later date.

Item 4 - Request for Tentative Parcel Map #2904, which proposes to divide ±118 acres into three ±20-acre parcels, one ±11-acre parcel, and one ±47-acre remainder. (APN: 011-270-003)

Applicant: ERJ Enterprises, LLC

Supervisory District: 1

Location: Located approximately 2,000 feet west of the SR88 & SR104 intersection and immediately north of Sunset Drive.

Chair Gonsalves introduced the item and asked if the proponent is present and if they want to comment.

Matt Toma, with Toma & Associates representing the applicant, stated that the applicant desired to go with larger parcels and that they agree with staff's recommended conditions.

Mr. Bratan shared that the Auburn Rancheria requested to consult on the project. A site visit was held with the applicant, an archaeologist, and staff with mitigations reached and consultation closed.

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

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

Chair Gonsalves asked for discussion amongst the Commissioners.

Commissioner Wardall commented that it is a common sense project. He said that they are maintaining open space and that they could go down to smaller parcels.

Commissioner Curtis asked if the parcel sizes differ due to the geography.

Mr. Toma responded yes.

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.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Bennett, and carried to approve Tentative Parcel Map #2904 with the findings and conditions in the staff report.

Mr. Bratan stated that the Planning Commission has moved to approve Tentative Parcel Map #2904 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 April 22, 2022.

Item 5 - Request from Orion Fowler for:

- 1) **Zone Change (ZC-21;10-1) from the RE, Residential Estates zoning district, to the PD, Planned Development zoning district, for 7.29 acres to bring the current multi-family residential use of the property into compliance with County Code; and**
- 2) **General Plan Amendment (GPA-21;10-1) from the AT, Agricultural Transition land use designation to the SPA, Special Planning Area land use designation for 7.29 acres to bring the current multi-family residential use of the property into compliance with County Code; and**
- 3) **Use Permit (UP-21;10-2) to bring the current multi-family residential use of the property into compliance with County Code.**

Applicant: Orion Fowler (Delta Engineering Inc., Representative)

Supervisory District: 5

Location: 14674 Tanyard Hill Road, Pine Grove, CA 95665 (APN: 030-090-063)

Chair Gonsalves introduced the item asked if anyone desires to speak.

Mr. Bratan shared that he needs to add in the Conditions of Approval that the use permit is only valid if the Board of Supervisors approve the Zone Change and the General Plan Amendment.

Robin Peters, with Delta Engineering, shared that the owner believes that the situation has existed since the 1980's and that it was advertised as having multiple dwelling units on the parcel and that the owner had no idea it was a problem and assumed the situation had been taken care of long ago. He shared that there would be no new construction and no change in use.

Commissioner Munnerlyn asked if the current owner knew things were not permitted.

Mr. Peters responded that the owner assumed that the permitting was already taken care of until the problem popped up and now they are trying to fix the problem.

Commissioner Curtis asked if the dwellings have separate utilities or share a septic system.

Mr. Peters responded that they share a new septic system permitted about a year ago and that the utilities are separate. He shared that once this use is cast in stone any change in use would have to come back to the Planning Commission.

Mr. Bratan confirmed that the PD zoning is tied to the Use Permit as one project.

Commissioner Curtis stated that this seems backwards.

Mr. Peters responded that this is the only combination that works.

Mr. Bratan concurred.

Commissioner Curtis commented that this makes it a unique parcel within the neighborhood.

Mr. Peters said that is a unique situation with 5 houses on it and this will bring the property into conformance. He added that the owner will have to get it all up to code, building by building, once the use permit is in place.

Commissioner Munnerlyn asked if all 5 units are occupied.

Mr. Peters responded yes and that it provides a low cost housing option for the neighborhood and that one resident has lived there for a very long time.

Commissioner Munnerlyn asked if that resident manages the property.

Mr. Peters said that the owner manages the property.

Commissioner Bennett stated that in the packet there were complaints from neighbors but the neighbors are not present.

Mr. Peters said there were comments about parking along Tanyard Hill Road and shared that the applicant owns most of both sides of the road and said that the residents have onsite parking and that he does not think the residents themselves are parking there. He added that there were comments about fireworks but that they do not know what that is about.

Commissioner Curtis stated that he visited the property and that there should be mitigation for narrowness of the road. He shared that manzanita grows high by the driveway and that he is very concerned about fire and does not understand the County changing codes to fix things that out of compliance. He added that the rest of the neighborhood is not that high density.

Mr. Peters responded that there is a condition that the property comply with County Code 15.30 for access. He added that there is a housing crisis and that this already exists and that the owner does not want to have to tear them down.

Chair Gonsalves asked if there is going to be any attempt to widen that area so that it conforms with County Code 15.30.

Mr. Peters responded that the onsite improvements will comply with County Code 15.30. It is not possible to bring all of Tanyard Hill Road up to modern road standards. The applicant is trying to preserve the affordable housing that is in place.

Commissioner Munnerlyn commented that she understands about wanting to maintain affordable housing in that area but that the General Plan did not designate this to be here.

Mr. Peters said that it is not the best planning situation, but that the density has been in place for a long time.

Commissioner Wardall asked if this is a county maintained road.

Mr. Peters responded that it is a private road.

Commissioner Wardall asked if there is a Road Maintenance Agreement (RMA).

Mr. Peters replied that he does not know.

Commissioner Wardall asked if a private well is the source of water for those structures and asked what the source of water is for fire on the property.

Mr. Peters responded yes to the questions about the well and added that the applicant could add what is required and that a condition for that could be included.

Commissioner Wardall asked what the width of the road is.

Mr. Peters said that the width varies.

Commissioner Wardall said that he can see a situation for this and other parcels in the area.

Chair Gonsalves asked if there is further public comment. There was no further comment.

Commissioner Wardall reminded that those in the audience need to share any concerns. There were none.

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

Chair Gonsalves asked for discussion amongst the Commissioners.

Commissioner Wardall said that he believes in personal property rights, but if the property is not conforming that there needs to be conditions and limitations. He asked that AFPD examine the property and come up with appropriate gallons needed and shared that it needs to be installed to code and maintained or that the use permit be revoked. He stated that it should be recorded in the title that there be no further construction on the property so that it can be found in a title search. He added that they could improve existing structures.

Counsel Spitzer said that he does not see it is an issue to make that a condition on the use permit.

Mr. Peters said that is commonly done and that a constructive notice could be attached to the title that there is a use permit. With respect to water storage, the applicant would have to do whatever is required for a dwelling.

Commissioner Wardall said there are multiple dwellings there.

Counsel Spitzer said that point is to bring it up to current code.

Commissioner Curtis asked that current code would include fire sprinklers.

Mr. Peters said that Commissioner Wardall's comment was specific to water storage and that code would be between the applicant and the Building Department.

Commissioner Wardall said that he wants it to be compatible with the surrounding land and then asked if the Negative Declaration is the appropriate document.

Counsel responded yes and that it is because changes are determined from the current baseline.

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

AYES: Munnerlyn, Gonsalves, Wardall, Bennett
NOES: Curtis

Commissioner Bennett stated that he visited the property and that it looked attractive but the road is inadequate. He shared that affordable housing is severely needed, but that this sets a precedent. He added that having to bring it up to code could be a disincentive.

Commissioner Wardall said he wonders how this can be mitigated.

Commissioner Bennett responded that there are no magic answers and that it depends on how strict the current code is.

Commissioner Wardall asked to look at the recommended use permit conditions 1-12.

Commissioner Curtis stated that he spoke to the fire chief and that the fire marshal is out of town and he does not know if the fire marshal looked at the property.

Mr. Peters commented that Pat Chew, AFPD, was at the Technical Advisory Committee (TAC) meetings and that the applicant will have to grind through that process however it works out.

Commissioner Munnerlyn said that it was stated that the owner may decide to not pursue bringing a unit up to code.

Mr. Peters commented that it could cost too much to bring a particular unit up to code and that he will find out along the way.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Bennett, and carried to approve UP-21;10-2 with added conditions to record a constructive notice that there is a use permit; prohibit parking on Tanyard Hill Road for uses pertaining to this use permit; installation and maintenance of an appropriate fire protection water system; and with use permit subject to Zone Change and General Plan approval by the Board of Supervisors.

AYES: Wardall, Bennett, Gonsalves
NOES: Curtis, Munnerlyn

Mr. Bratan stated that the Planning Commission has approved the Negative Declaration and UP-21;10-2 subject to the amended conditions, and recommended approval to the Board of Supervisors of ZC-21;10-1 and GPA-21;10-1 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 April 22, 2022.

Item 6 - Request for Tentative Parcel Map #2891, which proposes to divide 246 acres into 6 parcels ranging in size from 40 to 45 acres. 234 acres are included in Williamson Act contract #305; an additional 12 acres of non-contracted land from and adjacent parcel will be included in the project. The project includes a request to rezone said 12 acres from the A, Agricultural district to the AG, Exclusive Agricultural district. [APNs: 011-090-021 and 011-100-031 (12- acre portion)]

Applicant: Vineyard Village Lone, LLC. (Fred Ott, Manager)
Supervisory District: 2

Location: 6601 Sutter lone Road, lone, CA 95640

Chair Gonsalves read the item and asked if the proponent is present.

Robin Peters, Delta Engineering and representative for the proponent, clarified that they had asked that this be postponed so that they have more time to prepare.

Counsel Spitzer stated that public comments at this time will become be part of the public record and are relevant in the event there is a challenge in the future. He shared that comments can be heard now and also in the future and that the matter is to be heard at a later date.

Robert Wagner, resident on Paine Road, shared that they are concerned about water and would like water addressed at some point. He shared that he has not seen a proposal and that all they have is rumors about what is going to be placed there.

Counsel Spitzer commented that the plans will be available at least 3 days before the hearing.

Mr. Bratan explained that the plans for Item 6 are in the current packet. Ms. Manges explained how to access the materials on the County website and also informed how to contact the Planning Department to submit comments or receive project notifications.

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


Mary Ann Manges, Recording Secretary
Amador County Planning Department


John Gonsalves, Chair
Amador County Planning Commission


Chuck Beatty, Planning Director
Amador County Planning Department

