

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF TAPE RECORDED MEETING
August 9, 2022 – 7:00 P.M.**

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The Planning Commission of the County of Amador met on August 9, 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: Chuck Beatty, Planning Director
Glenn Spitzer, Deputy County Counsel
Ruslan Bratan, Planner II
Krista Ruesel, Planner II
Nicole Sheppard, 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 Curtis, seconded by Commissioner Bennett, and unanimously carried to approve the agenda.

C. Minutes: June 14th, 2022 and July 12, 2022

Chair Gonsalves questioned whether the minutes could be approved due to there not being a quorum at the last meeting.

Deputy County Counsel advised that the minutes can be approved for the June 14th meeting and those present at the July 12th meeting can approve the July 12th meeting.

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Bennett, and unanimously carried to approve the June 14, 2022 minutes.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Bennett, and carried to approve the July 12, 2022 minutes.

AYES: Wardall, Bennett, Curtis, Munnerlyn

NOES: None

ABSTAIN: Gonsalves

D. Correspondence: Amended Conditions of Approval for Item 3 along with letters from Philip Blaich and Shannon Glavenich for Item 5.

- E. **Public Matters not on the Agenda:** None
- F. **Recent Board Actions:** Mr. Beatty shared that at the last meeting that the Board of Supervisors approved the three amendments to the zoning ordinance regarding temporary use of RVs and mobile homes as well as a reduction in the minimum size of a family dwelling.

Commissioner Wardall asked if Zoom meetings need to be continued. He shared that he believes they are convenient, but hard to manipulate and also difficult to listen to someone talking on the phone. He added that people should feel it is important enough to come to the meetings and requested that the Planning Commission look at doing away with Zoom meetings.

Deputy County Counsel Spitzer responded that he will look into it and he will report back at the next Planning Commission meeting.

Commissioner Munnerlyn stated that she believes there is more participation from the public with the use of Zoom and sees the value in having it continue. She added that she does not think that it is necessary to think that someone is not willing to put in the effort to come to the meetings. She said that considering the distance to travel in the County that she believes Zoom is appropriate.

- G. **Agenda Items:**

Public Hearings

- Item 1 - **Request for a 6-year extension of the expiration date of Tentative Parcel Map #2854, proposing a commercial land division of 9.69± acres into eight parcels ranging in size from 0.6± to 2.0± acres. The original expiration date is March 12, 2022; the request received prior to this date (APN 008-100-019).**

Applicant: Deaver Trust/Gerry Ninnis

Supervisory District: 5

Location: 17705 State Highway 49, Plymouth, CA 95669

Chair Gonsalves introduced the item.

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

Chair Gonsalves asked if there are any comments.

There were no public comments.

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

Commissioner Munnerlyn stated that she noticed that the original approval was for a 3 year term and 6 is the maximum allowed in the County. She asked why moving ahead with 6 years instead of another 3.

Mr. Beatty responded that the State statute allows for a 3 year initial term and lead agencies have the authority to grant up to 6 additional years. He added that the request was for all 6 years, but the Commission has discretion for how much time, if any, to extend the entitlements.

Commissioner Munnerlyn commented that she believes the first 3 years were all used up by COVID-related delays.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Bennett, and unanimously carried to approve a six-year extension of the expiration date of PM #2894 to March 12, 2028.

Ms. Sheppard stated that the Planning Commission has moved to approve the extension of Tentative Parcel Map #2854. 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 August 19, 2022.

Item 2 - Request for a Use Permit (UP-22;3-2) to allow up to 2 tables in front of the store, 5 tables in the rear, and live music on weekends and holidays in a C1 Retail Commercial and Office zoning district (APN 029-043-007).

Applicant: Tommy Sizemore
Supervisory District: 3
Location: 16146 Main St., Volcano, CA 95689

Chair Gonsalves introduced the item.

Mr. Bratan 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.

Thomas Swett, representative, stated that the draft conditions are acceptable and believes are fair to all involved. He added that several concessions have been made to keep the rest of the individuals running businesses in downtown Volcano, and people are happy with what the applicant is doing.

Commissioner Munnerlyn asked if the benches with the tabletop are close to the street.

Mr. Swett responded yes, next to the posts that hold up the overhang in front of the building.

Commissioner Munnerlyn inquired about the benches against the building.

Mr. Swett replied that they are just seating benches without a tabletop and not intended for someone to sit down and eat.

Commissioner Munnerlyn stated that one of the conditions is that the seating in front is not to interfere with County right of way and asked if the County had any concerns about the sidewalk.

Mr. Swett said that they have addressed it and that there is sufficient distance between both the tabletop benches and the benches against the wall to traverse through if people are sitting as designed. He shared that there was concern that if a crowd is gathered it could be more difficult. He added that the sidewalk is private and that the sidewalk past The Country Store is in pretty bad shape.

Commissioner Munnerlyn asked if there is a town agreement regarding the public restroom maintenance.

Mr. Swett said that it is not in the conditions, but that Mr. Sizemore is taking care of the bathrooms right now as an accommodation for the town as an act of charity.

Commissioner Munnerlyn asked if there is a Volcano Theater representative designated that Mr. Sizemore can coordinate with regarding theatre performances.

Mr. Swett said that he does not believe that there is a specific representative and that the Mr. Sizemore and several theater members communicate with reasonable regularity. He added that Mr. Sizemore will get

their schedule so that he does not plan something that overlaps with theater events.

Commissioner Bennett asked that grease from the restaurant be trapped and not dumped into the waste disposal system.

Mr. Swett said this proposal does not change the operations of the store in that part and that Commissioner Bennett's concern is noted. He added that they are aware that the Volcano waste system is fragile and that it is in Mr. Sizemore's interest to act responsibly.

Commissioner Bennett commented that he is just making a statement. He added that there have been some complaints about noise and voiced that people have to take responsibility for where they live and if they live in the center town they are naïve if they expect a condition of stasis.

Chair Gonsalves asked staff if Environmental Health has required a grease receptor.

Mr. Bratan said conditions #7 & #8 address food service.

Chair Gonsalves noted that condition #7 already includes the grease interceptor and they probably already have one.

Paul Crosby asked if Mr. Sizemore can hold live music concerts every Saturday and Sunday and every holiday without any form of restrictions.

Mr. Bratan responded if approved with proposed conditions that he can hold live music weekends and holidays between 1 p.m. to 7 p.m. with the condition that the exterior noise levels do not exceed 70 decibels at the property line and so that it does not coincide with Volcano Theatre performances.

Mr. Crosby commented that for people who live inside of Volcano this is what life could be like. He asked if it can be every other weekend so can get some respite and stated that it is an imposition for members of the town block. He stated that he recognizes what Mr. Sizemore has brought to Volcano, but for yearlong that it seems like an imposition.

Commissioner Curtis asked what 70 decibels is compared to.

Mr. Crosby responded that in Mountain View that 55 decibels is considered a nuisance.

Ms. Ruesel said that 70 decibels is taken from the General Plan's limit for commercial uses adjacent to residences.

Commissioner Curtis commented that motorcycles there are much louder than 70 decibels.

Barbara Stein stated that motorcycles do not roar through town consistently from 1-7. She voiced that the noise from The Country Store travels throughout the town and does not just impact the immediate area. She shared that she chose to live outside of the commercial district, but that this will impact her greatly. She added that she has had to go inside when music was playing and will have to go inside to escape if it is every weekend from April through October.

Jim Estes, President of Volcano Theatre, stated that he is looking forward to their 50th season next year. He shared that they have a couple concerns about the wording. He stressed that Tommy has been a wonderful neighbor, but is concerned that the conditions could be read differently if Mr. Sizemore does not want the store anymore. He stated that in the component section it says typical 1-7 pm. He explained that typical is a bit ambiguous and reads as if it could be before or after. He also wants to make sure that there are no performances when having plays next door and that it is important to make sure that condition is in writing and upheld. He said if the seating is approved, that he did not see any restriction about having music

in the front and that it could create a possible hazard with people walking around in the streets and not being able to move up and down the sidewalks.

Chair Gonsalves read condition #9 and told Mr. Estes that he believes it addresses his concerns.

Mr. Estes responded that that wording would suffice, but that he urges for stronger language for the word typical used in the original one.

Commissioner Wardall and Chair Gonsalves responded that it is in there and that the language in condition #9 is very specific and not ambiguous.

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

Deputy County Counsel Spitzer shared his research that 70 decibel noise includes sound from a dishwasher, shower, average office noise, traffic, and a vacuum.

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

Commissioner Munnerlyn asked if in condition #9 if both the theatre and the amphitheater locations are included in the theater performances.

Deputy County Counsel Spitzer said that he assumes that this language covers both.

Mr. Swett added that it is also the applicants understanding that it covers both.

Chair Gonsalves asked if it is Mr. Estes understanding also.

Mr. Estes responded yes.

Commissioner Curtis commented that it is a pretty compact place and asked why amplified music is even needed.

Mr. Swett responded that they are asking just for the possibility of amplified music in case someone has a small amp to plug into their guitar.

Commissioner Munnerlyn commented that she wants to address the caller who was concerned about the number of live performances. She asked if a certain number of weekends should be considered and to avoid Volcano Theatre performances.

Chair Gonsalves said that maybe he is missing something but he does not see any condition of approval that addresses the number of months.

Commissioner Munnerlyn said that she sees in the report that it should be April through October, but it did not make it into a condition.

Mr. Bratan said that it is in the project description at the beginning of the conditions of approval.

Chair Gonsalves responded that he sees that and that he was looking for that in the conditions of approval.

Mr. Swett said they are already limited by not overlapping the theater company and that this provides a slot of time that reduces the impact, but gives the applicant the flexibility to bring acts or not. He said they do not want to hypothesize now as to what is going to be economically viable.

Chair Gonsalves said that it is clear that Mr. Sizemore is a good neighbor and continues to want to be a good neighbor and asked if there is further discussion.

Commissioner Bennett said that he is very happy the store has been revived and that there is more live music available.

Commissioner Munnerlyn asked for assurance that April through October is in the project description.

Mr. Bratan confirmed that it is.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Bennett, and unanimously carried to approve the negative declaration as the adequate document.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Curtis, and unanimously carried to approve UP-22;3-2 and accept the recommended findings and conditions of approval.

Mr. Bratan stated that the Planning Commission has approved UP-22;3-2 and the Negative Declaration 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 August 19, 2022.

Item 3 - Request for Tentative Parcel Map PM 2910 Simpson/Snyder, proposing a division of 160 acres into four parcels, ±38.5, ±38.8, ±38.8, and 40-acres in size. All present and proposed parcel(s) would not experience a change from the existing zoning of R1A, Single-Family Residential and Agriculture, and General Plan designation of AG, Agricultural General (APNs: 007-010-023 and 007-020-008).

Applicant: James Thomas Simpson and Lorena Snyder
Supervisorial District: 5
Location: 10169 Bell Rd., Plymouth, CA 95669

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. She shared that updated Conditions of Approval are in the back of the room with revisions to conditions #7, #8, #9, #10 and that condition #25 should include some findings by the cultural resources consultant.

Chair Gonsalves had Ms. Ruesel read the added findings for condition #25.

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

Matt Toma, representative, stated that they agree to all conditions as proposed and one of the conditions is dedication of a 60 ft. right away for Bell Road.

Commissioner Munnerlyn asked if there is a Road Maintenance Agreement for Bell Rd. or Quail Rd.

Mr. Toma responded that there is not an agreement for Quail Rd. since there are no common driveways proposed on Quail. He added that Bell Rd. is county maintained.

Chair Gonsalves asked if there is any public comment. There was 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.

Commissioner Bennett said the questions he had were about Bell Rd. and have been answered.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Munnerlyn, and unanimously carried to approve the mitigated negative declaration, approve PM #2910 with the recommended findings and conditions of approval including the amended condition #25, "Historical and Cultural Resources mitigation measure 3."

Ms. Ruesel stated that the Planning Commission has moved to approve the Tentative Parcel Map #2910. 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 August 19, 2022.

Item 4 - Request for a Use Permit Amendment UP-22;3-3 ACES Waste, 2022 Amendment, Pine Grove Transfer Station, requesting increased permitted Tons per Day and Permitted Daily Traffic, in conjunction with Zone Change Application ZC-22;3-1 proposing a change from the X, Special Use Zoning District to LM, Light Manufacturing. The property is 3.6 acres, and has a General Plan Designation of TC, Town Center (APN: 030-140-067).

Proposed changes to the Use Permit permissions are as follows:

- 1) Increased permitted tons per day (TPD) from 99 TPD to 150 TPD.**
- 2) Increased permitted traffic from 125 incoming vehicles, and 5-10 outgoing hauling vehicles, to 170 incoming vehicles, and 15 outgoing hauling vehicles.**

Applicant: ACES Waste Services, Inc.
Supervisory District: 4
Location: 19801 Berry St., Pine Grove, CA 95665

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. She stated that the applicant petitioned the Planning Commission to continue the item to the next Planning Commission meeting due to pending comments by CalRecycle.

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

Commissioner Munnerlyn stated that there is a request for an increase in vehicles, but not in hours. She asked for the record if the applicant might be willing to increase their hours above 6 hours a day.

Chair Gonsalves asked if this is scheduled for the September Planning Commission meeting or is it to be determined.

Ms. Ruesel stated that notices were sent for comments up to the next meeting and the request is that it is continued until the next meeting.

MOTION: It was moved by Commissioner Curtis, seconded by Commissioner Bennett, and unanimously carried to continue the hearing until the September 13, 2022 meeting.

Mr. Bennett commented that he read opposing points of view that there is going to be more traffic because of this in Pine Grove, but that there will be less to Buena Vista.

Item 5 - Request for a variance V-22;5-1 Vinciguerra for a 0' front setback and 0' side setback for a 24'x26' storage building on the west end of the property within the R1, Single-family Residential Zoning District. The property is 0.34 acres, with standard setbacks of 25' front, 15' rear, and 5' side (APN: 020-471-007).

Applicant: Vinciguerra James H. & Kim S. Family Trust - 2011
Supervisory District: 1
Location: 13504 Buckeye Ct., Sutter Creek, CA 95665

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. This item was requested by the applicant to be postponed or withdrawn until further notice because he is not sure he wants to continue the application.

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

Ms. Ruesel shared that comments were received after upload from Phillip Blaich and Shannon Glavenich.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Curtis, and unanimously carried to approve to continue this item until further notice.

Commissioner Bennett commented that side yard setbacks are for fire prevention and access of fire equipment not for aesthetics.

Item 6 - Request for a Use Permit (UP-22;6-2 R Square Hotels Inc.) for outdoor seating to allow up to 48 seats placed along an existing commercial building in a C1 Retail Commercial and Office Zone district (APN: 031-310-026 & 031-310-028).

Applicant: R Square Hotels, Inc. (Rick Lahkar: Representative)
Supervisory District: 3
Location: 24140 State Highway 88, Pioneer, CA 95666

Chair Gonsalves introduced the item.

Mr. Bratan stated that due to a noticing error that this item needs to be rescheduled until the September 13th Planning Commission meeting. He shared the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Jim Rochelle asked to elaborate on the noticing error and if the applicant knows about the continuance.

Mr. Bratan explained that notice in the paper had the wrong date, but that the notices to the neighbors were correct. He said that Mr. Lahkar was notified.

Rick Lahkar, applicant, shared that Mr. Bratan had notified him of the continuance, but wanted to be at this meeting anyway in case there were any comments or objections.

Chair Gonsalves asked if there were any other comments. There were no other comments.

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

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Curtis, and unanimously carried to continue the hearing to the next regularly scheduled Planning Commission meeting.

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

