

**ACTION MINUTES
LAND USE & COMMUNITY DEVELOPMENT COMMITTEE**

August 25, 2022

MEMBERS PRESENT: Frank Axe, Supervisor District 4
Richard Forster, Supervisor District 2

STAFF PRESENT: Chuck Beatty, Planning Director
Mary Ann Manges, Recording Secretary

Supervisor Forster called the meeting to order at 2:00 p.m.

AGENDA: Approved.

PUBLIC MATTERS NOT ON THE AGENDA: None.

APPROVAL OF MINUTES: July 27, 2022 approved with minor corrections.

CORRESPONDENCE: Letters from Daniel D'Agostini and Dave Wardall.

ITEM 1: Discussion regarding a possible Resolution of Intention to amend the zoning code to require Accessory Dwelling Units to be rented for terms longer than 30 days.

Supervisor Forster introduced the item.

Mr. Beatty read the referral memo providing background.

Discussion ensued amongst the Committee with Supervisor Forster stating that he would like the code to be consistent with State law and that he would like to take the staff's two tier recommendation. Supervisor Axe concurred and asked how many Category I ADUs that there are. Mr. Beatty commented that most of the ADUs have been larger than 800 feet. The Committee recommended that the ADU code be amended and to forward it onto the Board of Supervisors for a Resolution of Intention.

ITEM 2: Discussion regarding a request to amend the zoning code to include separate, detached rooms as overnight lodging units similar to a bed and breakfast.

Supervisor Forster introduced the item.

Come Lague, La Mesa Vineyards, shared that he would like to build bed and breakfast units on the west side of his property and explained his plan for customized, detached units. He stressed that by having separate units that it will spread them out and fill the need for frequently requested lodging.

Discussion ensued amongst the Committee with Supervisor Forster asking if food will be cooked inside the units. Mr. Lague responded that there will be a coffee maker and small frig and that renters will be provided with breakfast. Supervisor Axe asked if there is a caretaker unit. Mr. Lague responded that there is. Supervisor Forster said that it is kind of like glamping. Mr. Lague responded that this is more luxurious than glamping and with a shower. He shared that he ran this idea by Pat Chew at the Amador Fire Protection District (AFPD) who said that as long as there is access that it will be good. He added that the units are relatively low cost, meet local building codes, and energy efficient. Supervisor Forster commented that he is intrigued by the idea but does not think it is a traditional bed and breakfast and that it should be called something else.

Supervisor Axe asked Mr. Beatty if Mr. Lague's property is zoned R1A and if that zoning allows a bed and breakfast. Mr. Beatty responded that it is zoned R1A and that a bed and breakfast is allowed with a use permit in any residential or Ag district. He stressed that the action for Item 1 does not preclude someone

from having a bed and breakfast because the primary house is still available for bed and breakfast use and the units proposed by Mr. Lague are not considered ADUs because they have no kitchen and aren't intended as permanent housing.

Supervisor Axe asked Mr. Lague if these units will be over the hill from where you enter the winery. Mr. Lague responded yes and that the closest neighbor, Steve Swason, is 1,000 feet away is very happy to see this. He added that his neighbor, Daniel D'Agostini, is 1,250 feet away and over the hill so there is no visibility or sound impact to him. Supervisor Forster said that one of Mr. D'Agostini's questions was proximity of these units and if guests would be looking at his property. He continued that it sounds like the proposed location should not bother Mr. D'Agostini and asked staff about the implications of changing the zoning code. He stressed that one of the biggest implications is that if it is allowed at Mr. Lague's that everyone else is going to want it. Mr. Lague added that keeping it as a use permit would help address that since there would be a public hearing.

Supervisor Forster responding to a second question by Mr. D'Agostini in abstentia and asked Mr. Beatty if it will change the current conditions of the R1A zoning code and specifically the operating conditions of the tasting room. Mr. Beatty said it wouldn't change the operating conditions of the tasting room, but would definitely require an amendment to the R1A zone and probably the Ag zones. Supervisor Forster said there are a lot of R1A parcels in the County.

Mr. Beatty stated that R1A currently allows a bed and breakfast with a use permit and this would be adding another potential use. He said that the bed and breakfast code can be amended. Supervisor Axe asked how that would work. Mr. Beatty said it would be a recommendation for a Resolution of Intent to change the bed and breakfast code and then go to the Planning Commission for a recommendation and then back to the Board of Supervisors for final approval. Supervisor Forster asked if it would fit in the bed and breakfast code. Mr. Beatty said since there is the similarity of overnight lodging with breakfast it would make sense of adding this use to that part of the code. Supervisor Axe questioned how many others would want this. Supervisor Forster responded a lot.

Supervisor Axe asked about any other examples where something like this has been implemented. Supervisor Forster said that he is not talking about taking this to the BOS for a ROI yet and that examples are needed. Mr. Lague said the closest he has seen is 49er RV camp. He added that these would alleviate pressure for people to convert ADUs to Airbnbs and also help farmers with some extra income.

Supervisor Axe asked if there will be a caretaker there every day. Mr. Lague responded yes and that he also lives there.

Supervisor Forster asked Deputy Fire Marshall Chew with AFD to comment. Deputy Fire Marshall Chew stated that he has no fire code issues since there are less than 5 units and it is not a hotel. He stressed that an access road is important and that County Code 15.30 access standards will apply so the units can be reached for medical aid. Supervisor Axe said with a caretaker unit that this is actually 6 units and asked if a water tank would be needed. Deputy Fire Marshall Chew responded that since the units are individual buildings they do not fall into any sort of category but will need to comply with fire code.

Discussion ensued amongst the Committee with Supervisor Forster suggesting that limitations are needed such as having them be associated with a business or rural residential neighborhoods could get out of control. Mr. Beatty added that a minimum acreage can be required or that the units be associated with a winery or tasting room onsite. Supervisor Axe commented that adequate space may be needed. The Committee recommended to take this to the BOS for discussion before doing a ROI to see if they are receptive and to look at examples and see what their code is like.

Supervisor Forster asked if there is enough time to get this to the BOS meeting September 13th and asked if Mr. Lague can make it.

Jamie Lubenko, Fiddletown, commented that this is fairly common in Napa and San Luis Obispo and is similar to Sorenson's. She stated it can also go from one type of individual unit to others such as yurts,

airstream trailers, and auto camps.

Supervisors Forster and Axe were to discuss any other thoughts after the weekend and take this to the BOS and open it up there.

ITEM 3: Discussion regarding a request to create an overlay zone to limit land uses and structure heights around Eagle's Nest airport.

Supervisor Forster introduced the item.

Supervisor Axe shared that he met yesterday with Mr. Wardall and had a tour of the facility at Eagle's Nest.

Dave Wardall shared some history referring back to 2007 when all 58 counties had to update their general plan and to 2017-2018 when requests were made to include reasonable land use limitations to protect the airport from future encroachment. He was told that it is a private airport both times. He stated that things have changed and said that he is asking for consideration for an ordinance that would implement simple protections from encroachment around the airport. He relayed that there has been a little bit of airport expansion and added avigation easements and shared that they try to be a good neighbor and watch noise and their footprint. He added that the airport is very supportive of the community supporting medevac, CAL FIRE, and REACH. Mr. Wardall continued that there is a three mile ring and that he is asking in the one and two mile rings that there be no schools, churches, or assemblages of persons. He added that within three mile, any parcel splits or ADUs would get a simple avigation easement in order to inform people of what is there.

Discussion ensued amongst the Committee with Supervisor Forster asking if restrictions would be in place within the one and two mile ring if given an air avigation easement. Mr. Wardall stated that he would like to talk to staff to see about maybe limiting bed and breakfasts and ADUs within the first two miles and that in the three mile ring to look for any parcel splits or ADUs. Supervisor Forster asked about assemblies within the 2 mile rings. Mr. Wardall shared that there are some Federal air regulation codes regarding congested areas. Supervisor Forster asked why Westover Field has so many restrictions on it. Mr. Wardall shared that he wants to prevent that 10-20 years from now. Supervisor Forster asked if this would affect assemblies at the airport. Mr. Wardall did not know and said that the airport is closed when they have gatherings. Supervisor Forster commented that he wants to be consistent. Supervisor Axe stated that there is not a lot of water out there for any of this development any way. Mr. Wardall concurred.

Supervisor Axe inquired about surrounding properties with Mr. Wardall responding that most are ranches and environmental wetland easements. Supervisor Axe commented that they seem like they are compatible uses with the airport. Supervisor Forster asked Mr. Wardall what Sacramento did with this. Mr. Wardall replied that in 2007 the Sacramento County Board of Supervisors voted 5-0 to implement the letter and the map. Mr. Beatty contributed that most of the properties within 3 miles of the airport have a General Plan designation of at least 40 acres, with the remainder being the County industrial park and Mineral Resource Zones for surface mines.

The Committee recommended that this be taken to the Board of Supervisors for a Resolution of Intent (ROI).

The meeting was adjourned at 2:49 p.m. The next regular Land Use Committee meeting is tentatively scheduled for September 22, 2022 at 2:00 p.m.