

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF TAPE RECORDED MEETING
October 11, 2022 – 7:00 P.M.**

PAGE 1 OF 16

The Planning Commission of the County of Amador met on October 11, 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 Vice Chair Wardall.

COMMISSIONERS PRESENT WERE: Dave Wardall, District 2
Earl Curtis, District 3
Stacey Munnerlyn, District 4
Mark Bennett, District 5

COMMISSIONERS ABSENT WERE: John Gonsalves, Chair, District 1

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 Munnerlyn, seconded by Commissioner Bennett, and carried to approve the agenda.

AYES: Wardall, Curtis, Munnerlyn, Bennett

ABSENT: Gonsalves

C. Minutes: September 13, 2022

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Curtis, and carried to approve the September 13, 2022 with minor corrections.

AYES: Wardall, Bennett, Munnerlyn, Curtis

ABSENT: Gonsalves

D. Correspondence: Letters were received for Item 1 from William Prichard and the Central Valley Regional Water Quality Control Board and for Item 2 from Amador Water Agency.

E. Public Matters not on the Agenda: None.

F. Recent Board Actions: Mr. Beatty reminded everyone that the November Planning Commission meeting will be November 15th due to the Board Chambers being occupied on November 8th for Election Day.

G. Agenda Items:

Public Hearings

Item 1 - Request for Conditional Use Permit UP-22;6-3 Amador Brewing Company, to host up to two mobile food vendors and have up to forty-eight patrons seated outdoors at the Amador Brewing Company's Pine Grove tasting room, in a C1 Retail Commercial and Office zoning district (APN: 030-200-043).

Applicant: Amador Brewing Company

Supervisory District: 4

Location: 20171 State Hwy 88, Pine Grove, CA 95665

Vice Chair Wardall opened the hearing.

Commissioner Munnerlyn recused herself due to having a business located within 500 feet of the project.

Deputy County Counsel Spitzer advised that Commissioner Munnerlyn can sit with the public and comment if she would like, but must leave the Chambers during Planning Commissioners' deliberations and decision.

Planner Nicole Sheppard introduced the item and shared the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Vice Chair Wardall asked if the applicant was present and if they would like to speak.

Will Pritchard, manager and majority owner of Amador Brewing, stated that the tasting room is an approved use and that this will be a second tasting room for them that will also function well as a community gathering place. He shared that they are about 4 weeks away from opening. He shared that he noticed that the last revision letter that he submitted in June had previously been in the Technical Advisory Committee (TAC) packets, but was not in the packet for this meeting and that he wants to make sure that the full letter is there.

Commissioner Bennett asked how many employees will be at the location

Mr. Pritchard responded that he anticipates four employees.

Commissioner Bennett shared that he is in favor of the project and that he is surprised that our zoning does not account for an alcohol establishment close to a school.

Vice Chair Wardall asked for public comment.

Caltrans Transportation Planner Paul Bauldry asked for the proponent to address two things:

1. Safe ingress and egress, and
2. Set up a perimeter so that traffic is directed in one entrance or one exit

Mr. Pritchard voiced that the parking lot is all existing and that he is not changing anything about it and that traffic comes and goes from one primary spot.

Mr. Bauldry asked if Mr. Pritchard could sketch something out and submit it to Mr. Bratan to provide it to Caltrans.

Mr. Pritchard said the tasting room is a by right use, that redesigning the parking lot has not been discussed so far, and that they are a month from opening. He added that they have received and addressed 3 rounds of comments from Caltrans and that this would be a fourth round.

Mr. Bauldry said they are not trying to set up any barriers and asked for an explanation in writing so he can provide it to traffic operations.

Mr. Pritchard said that he would like to meet on site, that he does not have any concerns about the traffic, and that it is the amount of traffic that you would typically have for a restaurant.

Mr. Bauldry said that he understands, that traffic operations raised the concern, and that he will see what he can do to move the project forward.

Commissioner Curtis said that the map submitted looks like half of what is being asked for by Caltrans already.

Mr. Pritchard responded that the map could be expanded.

Mr. Bauldry commented that traffic operations is concerned that traffic will be crossing paths.

Vice Chair Wardall voiced that he has concerns and stressed that Caltrans is noticed through the State Clearinghouse. He shared that Caltrans has sent in 3 recommendations and that now on the night of approval they want a re-do. Vice Chair Wardall stated that he wants safety and functionality balanced with personal property rights of the applicant. He asked for Caltrans to get something together acceptable to the applicant and that he does not want to hold the project up because they have not responded in a timely manner.

Mr. Bauldry shared that Caltrans is coming at it from a safety aspect and that they just want a parking drawing.

Mr. Pritchard said that the application materials have not changed and that Caltrans' concerns have been addressed point by point. He shared that nobody has brought up cross traffic or that the project is unsafe and that now brand new issues are being brought up. He voiced that he is happy to provide information after this meeting, but does not want to hold up the approval for this project and that he cannot afford to have this held up. He said that he the Hwy 88 project will be happening and that he can add striping or something.

Mr. Bauldry said that his name is on the comment letters, that he is familiar with the process, and that traffic operations mentioned this a few days ago. He stressed that they want a narrative and a sketch of what is being proposed and will go from there.

Mr. Pritchard responded that he understands the request and that he is open to ongoing conversation, but is looking for an approval this evening.

Mr. Bauldry asked the Planning Commission if this will slow down the process.

Vice Chair Wardall said that they are voting on this project this evening and asked if there is anything else staff wants to add.

Ms. Sheppard shared that there is an option to amend the current proposed conditions of approval to have the request by Caltrans submitted before the use permit becomes effective.

Vice Chair Wardall said that he is not willing to do that and hold them up. He added that Caltrans has already sent 3 letters. He said that he will not do anything to make this an unsafe operation and that he is not going to let bureaucracy that is inefficient hold this up.

Deputy County Counsel Spitzer asked if this addresses a specific safety concern because the way it is being presented it sounds like it is an afterthought.

Mr. Bauldry responded that it does address a safety concern and is the only purpose for it. He asked if he can call his supervisor and ask her about it.

Vice Chair Wardall asked for guidance from Counsel.

Counsel Spitzer said that, if the Commission desires, he can draft some language along the lines that the applicant would meet with Caltrans within a given period and attempt in good faith to accommodate Caltrans' request.

Vice Chair Wardall said that he does not have a problem with that as long as the use permit is voted on tonight and that it is up to the applicant if he wants to comply with Caltrans' recommendation.

Commissioner Curtis said that this seems to be a parking lot striping issue.

Mr. Bauldry said he thinks it might be a striping issue and that he will call his supervisor and see if this can be resolved tonight. He said that the intent is not to slow or stop the opening.

Vice Chair Wardall said we will look for Counsel's recommendation.

Mr. Beatty asked if it is Vice Chair Wardall's intention to reopen the public hearing at the end of this meeting.

Vice Chair Wardall responded no and that Caltrans has had their opportunity for input and that he thinks the applicant will work with Caltrans to resolve the interior parking lot entry and exit routing. He asked if there was any more public comment. There was none.

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

AYES: Curtis, Bennett, Wardall

ABSENT: Gonsalves

RECUSED: Munnerlyn

Commissioner Munnerlyn left the Board Chambers.

Vice Chair Wardall asked for discussion amongst the Commission.

Commissioner Curtis shared that he believes that this meets the intent and that he is sure that staff has done their job with the negative declaration. He added that the proponent will meet with Caltrans and if the language comes from Counsel that it can be put in as a condition after the fact.

MOTION: It was moved by Commissioner Bennett, seconded by Commissioner Curtis, and carried to approve the Negative Declaration as the adequate environmental document.

AYES: Bennett, Curtis, Wardall

ABSENT: Gonsalves

RECUSED: Munnerlyn

MOTION: It was moved by Commissioner Curtis, seconded by Commissioner Bennett, and carried to approve UP-22;6-3, with the conditions proposed by staff and with the additional condition that the proponent meet with Caltrans about ingress and egress.

AYES: Curtis, Bennett, Wardall

ABSENT: Gonsalves

RECUSED: Munnerlyn

Ms. Sheppard stated that the Planning Commission has moved to approve UP-22;6-3. 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 October 21, 2022.

Item 2 - Request for a joint project submitted by Del Rapini Construction, Apex Energy Solutions, and ECORP Consulting, Inc. consisting of:

- 1) Tentative parcel map application, PM 2903 Del Rapini, proposing a division of a 6.39-acre parcel into three parcels 1.00, 1.59, and 2.52 acres in size, and Boundary Line Adjustment;**
- 2) General Plan Amendment of a ±3-acre portion of the above mentioned property from the RL, Residential Low Density General Plan Designation to TC, Town Center General Plan Designation (GPA-21;10-2 Del Rapini);**
- 3) Zone Change Application for the same ±3-acre portion of the previously referenced property from R1, Single-family Residential Zoning District to C2, Heavy Commercial Zoning District (ZC-21;10-2 Del Rapini); and**
- 4) Use Permit for a Battery Energy Storage Facility (UP-21;10-3 Apex Energy).**

Applicant: Delbert E. Rapini/Del Rapini Construction, Apex Energy Solutions, and ECORP Consulting, Inc.

Supervisory District: 4

Location: ±300 ft. southwest of the intersection of Ridge Rd. and Hwy 88 (APN: 030-740-022)

Vice Chair Wardall introduced the item and opened the hearing.

Planner Ruslan Bratan introduced the item and shared the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Vice Chair Wardall asked for clarification of which parcels are zoned heavy commercial.

Mr. Bratan responded that all are proposed to be heavy commercial, only the southern half of the proposed parcel would be rezoned heavy commercial.

Vice Chair Wardall asked where the access is.

Mr. Bratan replied that there would be an access road from Ridge Road to the southern parcel.

Mr. Beatty clarified that the access from Ridge Road was predetermined by a prior land division, and that this project is not going to change the access points.

Vice Chair Wardall asked if the project proponent has any comments. The proponent did not comment.

Mr. Bratan shared that a letter from the Amador Water Agency (AWA) that was not in the initial upload which contains additional conditions for the parcel map regarding obtaining wholesale water and wastewater will-serve letters from AWA, as well as the requirement to obtain a retail water will-serve letter from the Pine Grove Community Services District.

Vice Chair Wardall asked if the property is eligible to have private wells due to high AWA rates.

Mr. Beatty responded that the location is inside the Pine Grove Community Services District which would not allow for the installation of new wells when public water is readily available.

Z-Global Environmental Analyst Sarah Kaaki stated that she is part of the applicant team along with Director of Project Services Herve Pare, Senior Power Engineer Omar Itani, Vice President of Engineering and Markets Brian Rahman, and ECORP Principal Environmental Planner Chris Stabenfeldt, and together they can address any questions. She added that they had sent in an updated biological resource assessment with some mitigation measures and said that if there are any concerns that the team can answer them.

Commissioner Munnerlyn asked if those were included in their packet.

Planner Krista Ruesel responded that the proposed mitigations were included in the uploaded packet and that the report was included and is on file. She stated that she reviewed it and that the mitigations were standard measures along with some specific ones proposed by the applicant.

Mr. Bratan confirmed that the September 22, 2022 biological resources assessment is in the packet.

Ms. Kaaki shared that her concerns are addressed.

Herve Pare commented that he was going to mention what Ms. Kaaki said about the application, and the about the applicant team, and that they are available for any questions.

Vice Chair Wardall asked if there are any further comments. There were no further comments.

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

AYES: Wardall, Munnerlyn, Curtis, Bennett

ABSENT: Gonsalves

Vice Chair Wardall asked for discussion amongst the Commission.

Commissioner Munnerlyn stated that she wishes that there was more of an introduction about the project by the applicants and also about Apex Energy Solution Corporation and ZGlobal that were taken on as co-applicants. She asked Apex Energy Solution Corporation if they also intend to be the service and maintenance provider for the project.

Mr. Pare responded yes and that Apex Energy would be the operator and maintain the project.

Commissioner Munnerlyn asked what other projects of battery energy storage systems they are currently operating and maintaining and what size those projects are.

Mr. Pare responded that they are currently operating multiple projects with one of the most notable being a 30 megawatt project in Imperial County that they built and operated before they installed it in 2016. He added that they have multiple projects in development in El Dorado, Placer, and Merced Counties that include battery alarm or battery P-V panels.

Commissioner Munnerlyn asked if these projects are also using Tesla batteries.

Mr. Pare replied yes that most of the proposed projects involve Tesla batteries.

Commissioner Munnerlyn asked if most of the projects are for public entities and partnerships with power companies and also how many are currently partnered with private ownership.

Mr. Pare replied that there is no partnership with private entities. He stated that the energy generated is mostly arbitrage with the battery charging from the grid and discharging back to the grid when the demand is high.

Commissioner Munnerlyn said she understands that and asked who the service agreement with the power company is with.

Brian Rahman responded that most of these projects will either operate similar to the way Mr. Pare described on a pure merchant function with the utility. He stated that they are all wholesale operated assets that interact with the California Independent System Operators to buy and sell energy. He added that they will function in the wholesale energy market and that their ultimate consumption will be to one of the three Investor Owned Utilities in the State of California and most likely a local community choice aggregate or PG&E.

Commissioner Munnerlyn said that in this instance it will most likely be PG&E since we do not have a COA.

Mr. Rahman replied that it will most likely be PG&E because they are wholesale. They could be purchased and delivered to a different area within the State of California or within the Investor Owned Utility's control grid.

Commissioner Munnerlyn inquired about their safety record associated with current projects,

Mr. Rahman responded that the Coachella Energy Storage Project that went into operation in 2016 has had no incident of safety reported in its current operation and said that he does not believe that their other operating assets have had any loss time or injury.

Commissioner Munnerlyn said that she noticed that ZGlobal has numerous partnerships and maintenance and service on projects like this but it was stated that Apex Energy is going to be doing this. She asked if ZGlobal is still going to be in partnership or if they are just in the consulting phase of the project.

Mr. Rahman replied that they are in the consulting phase and that they have a long term relationship with Apex Energy Company providing engineering and maintenance services to them.

Commissioner Munnerlyn asked if ZGlobal is also an applicant or a project arm for the project applicant.

Mr. Rahman responded that, from a pure business structure, ZGlobal is a consulting service provider for Apex Energy and that it is the same type of service provided for all of our clients across the Western United States.

Commissioner Munnerlyn asked how many of the projects that are maintained by either ZGlobal or Apex Energy are located in forest environments.

Mr. Rahman responded that he believes they have 3 proposed within forest environments and others within various fire hazard regions and that he believes they are the ones Omar Itani is working on.

Commissioner Munnerlyn said so 3 are proposed, but none are currently operating.

Mr. Rahman responded that he does not believe that they have any have achieved commercial operations within a heavily forested environment.

Commissioner Munnerlyn asked what the response times are from detections within your systems before there is local action notification on the ground.

Mr. Rahman replied that their contracts for maintenance services vary, but that generally the people that

respond to the Pine Grove project are going to be in the Sacramento or Foothills area. He added that if Rancho Cordova is picked as a central area that response would probably be within an hour to two hours. He said they would also have local support services.

Commissioner Munnerlyn said that two hours seems like a long response time, especially when her main concern for this type of project is catastrophic failure.

Mr. Rahman responded that the facility is remotely monitored at all times with the 24/7 operation center. He shared that they will be monitoring the output, the operation of the battery, conditions of the battery, and have cameras that can see the security of the battery. He shared that it will be monitored and if there is an impending disaster or something that needs human attention that the response time would be one to two hours.

Commissioner Munnerlyn shared that she has seen that the recommended response time should be 15 minutes and asked if that is true.

Mr. Rahman replied that he is not sure about that on a national level and, if needed, local people can be hired to be a more rapid response for a fire or some immediate disaster. He said that these facilities are generally remotely controlled and have frequent visits from maintenance and operations personnel. He shared that they are generally remotely controlled in the evening and nighttime periods and for the most part during the day. He stated that they would operate it remotely from their operation center in Folsom.

Commissioner Bennett asked for clarification of whether he said Fulton or Folsom.

Mr. Rahman responded Folsom and that they probably could be to the site within an hour and that it is about 40 miles away.

Commissioner Munnerlyn commented that she thought Mr. Rahman said the site would be remotely monitored from the Sacramento area or Rancho Cordova, but the monitoring facility is in Folsom and in charge of sending out any local response.

Mr. Rahman stated that is correct.

Commissioner Munnerlyn asked how many facilities are being monitored, if it is a large facility, and what kind of workload is there.

Mr. Rahman replied that the head operators in Folsom monitor about 15 facilities and that the backup operation center handles real time operations and handles a similar number.

Mr. Pare added that the containers compute the files equation system which allows them to gain time in case of catastrophic events.

Commissioner Munnerlyn asked that if there is a catastrophic event if they will rely on the Amador County fire protection services or if they also send out their own hazard response team.

Mr. Pare stated that they rely on the local fire department and that they consulted with them before implementing this project.

Vice Chair Wardall asked if this project conforms to the uniform building code and national electric code as far as battery storage and battery safety.

Mr. Pare responded yes.

Vice Chair Wardall asked if a fire suppression system will be installed in the building and if it is water or

Film-Forming Foam.

Mr. Pare replied that there will be a fire suppression system in every single container and said that Omar can maybe answer more.

Vice Chair Wardall asked what kind of batteries these are.

Mr. Pare said they are lithium batteries.

Commissioner Munnerlyn added they are lithium ion Tesla batteries.

Mr. Itani confirmed that they are lithium ion batteries and there is going to be a water suppression system on the site. He stated that batteries are treated like any other built in. He added that they have other projects in forested areas that were just approved and that they just got a conditional use permit in Yuba County a couple months ago.

Commissioner Munnerlyn asked what the size is of that project.

Mr. Itani responded that it is the same size, number, and technology as this one.

Commissioner Munnerlyn asked if it is correct that she saw that the fire suppression system is handheld fire extinguishers on the outside of the storage units.

Mr. Itani responded yes.

Commissioner Munnerlyn asked if there is an existing easement for a bus stop with Amador Transit.

Mr. Beatty said that the location of that bus stop was a condition of approval for a parcel map that was approved 10 years ago and that it would not be relocated as a result of this project.

Commissioner Munnerlyn said as it stands there are no local jobs created and that there is also the potential of removing one residential lot because of the rezoning.

Commissioner Curtis stated that it is interesting that we have this very complicated industrial project going before us at the same time as we have a zone change for much needed residential.

Commissioner Munnerlyn shared that she has seen quite a bit of construction in very late phases in the closest neighborhoods there with many properties for sale in the \$700,000 to \$800,000 range with this proposed facility within their view. She stated that aesthetics is a big concern as well as public welfare and safety of the project. She commented that she believes the 6 foot fence with 2 feet of razor/barbed wire will be visible even though there is an upslope as headed east on Hwy 88, that it would certainly be visible from Ridge Rd. as headed into town, and also visible from those going westbound on Hwy 88.

Commissioner Curtis commented that not long ago that residential zone was approved because of its location to all the amenities in Pine Grove.

Commissioner Munnerlyn added that the area is adjacent to the Pine Grove town center general plan designation.

Commissioner Munnerlyn stated that we are in the middle of updating the Housing Element and that it is not a good time for removing residential property in Pine Grove. She shared that the General Plan says that the environment should create regional destinations for tourists, provide business and economic growth opportunities and jobs for residents, and generate additional tax revenues, but the proposed project does not create jobs, or additional taxes besides property tax in that town center area. She added that only a

certain amount of General Plan amendments can be sent to the Board annually.

Mr. Beatty said that 4 General Plan Amendments can be approved annually and that 1 has been approved this year.

Commissioner Munnerlyn said the Planning Department and the Technical Advisory Committee (TAC) have done their due diligence in working through the conditions of approval, but that she sees some gaps with the conditions of approval to protect the residents of Amador County and that safety is her first concern. She shared that she is looking at the overall reliability of Tesla mega pack facilities and that Tesla is still considered a technology in its infancy in this country. She added that the largest in the nation is the Moss Landing facility that has been pretty riddled with failures and fire. She stressed that she thinks that addressing the fire protection services in the conditions of approval is very important, does not see any additional fire protection services, and asked if local fire agencies are prepared to respond and address a failure at this facility.

Commissioner Curtis shared that one thing he notices is that these things are in containers which is like a transformer bank at a substation and that it says in the details that they have an evacuation system where if it catches on fire it shoots the flames vertically. He added that at this point he wishes that there was a representative from the fire department to tell us how much training they have had proposed by the applicant. He stated that there is a CO2 extinguisher on the outside of the container, but that it assumed that someone is on site to use it.

Commissioner Munnerlyn shared that it is really the thermal running that creates the fire that they have trouble stopping.

Vice Chair Wardall voiced that lithium ion batteries are a very dangerous proposal and with that magnitude in a residential area that he does not support it.

Commissioner Munnerlyn stated that it is also within proximity of our major highway artery and that there are not too many ways in and out of Pine Grove. She shared that in the emergency plan in condition #37 is relying on the applicant to provide a map or a plan for the location of the fire hydrants. She said that she saw only one fire hydrant when she drove by and that a gas station is within eye sight of the location.

Commissioner Curtis stated that water may not be the first thing to put on this fire.

Commissioner Munnerlyn said that they currently do not have water allotted to the facility nor are they proposing in their original proposal that water be present on site.

Commissioner Curtis shared that the water extension would be just a couple hundred feet, but that the CO2 extinguisher should be about a 500 pound one not a 25 pound one.

Commissioner Munnerlyn asked if the container itself has been compromised how the container can be approached. She said that a water tank was part of the condition for use permit for a project in Stockton, but asked is water what is needed.

Commissioner Curtis said it would prevent exposures.

Commissioner Munnerlyn commented that there is venting out the top and there is a lot of tree canopy.

Commissioner Curtis added and Pine Grove is in a high fire zone.

Commissioner Bennett said that he wants to thank his fellow Commissioners for their intelligent and insightful comments. He shared that on page 2 or 3 that there could be some offsite workers so there could be some employment there. He stated that regarding the Apex safety record that he cannot dispute it, but

that eventually that the odds catch up with you. He stated that he likes the idea that the project will create some jobs and tax revenue, but that he has misgivings about lithium ion battery fires. He said that they propose fire hydrants in Condition #37, but that water is only good for vegetation fires and that it cannot put out lithium ion fires. He added that In Condition #21, it notes a special tax, but he does not know if it will make any difference, particularly for the Pine Grove fire station.

Commissioner Munnerlyn asked if this is our existing special tax and not a new tax.

Mr. Beatty responded confirmed it is the current Community Facilities District tax.

Commissioner Bennett commented that there is a bigger context for this project. He stated that our schools and transit are getting electric busses and AWA is under pressure to get electric vehicles with money being spent in some of our cities on charging stations for electric vehicles. He voiced that we are not prepared for lithium ion battery fires in this County. Has said he has informally spoken with people from the fire district and that they are aware of this problem, but that he cannot, in good conscience, approve the project without the necessary countywide effort. He added that, if approved, this should be an impetus for our county to prepare for lithium ion fires. He stated that the Board of Supervisors and fire districts need to take up this issue. He asked other Commissioners and Counsel how we can we approve this contingent upon the needed specific lithium battery preparedness.

Commissioner Munnerlyn said that one of the reasons behind the project was to increase the availability and reliability of power for the Pine Grove community during times of power safety, power shut-offs, or extreme weather events. She stressed that you cannot put power onto lines that are down and not functioning and that it does not make sense that this is adding to our reliability.

Commissioner Curtis shared that he thinks this could supplement the power in the evening and stressed that in a PSPS or wildfire that it would not be useful.

Commissioner Munnerlyn commented that the power could go to a different part of the State or out of state and that the consultant said there is no guarantee of where that power is going.

Commissioner Curtis shared that they said that they comply with current fire code and NFPA standards, but that he believes that there has not been enough testing or time passed to put this kind of batteries all together in a concentrated place. He said that he would rather not see a failure in the middle of Amador County in the high fire severity zone.

Commissioner Munnerlyn said that she agrees and that it seems hazardous and not wise even thinking about expanding our current exposure and that it adds a whole other layer that maybe we are not prepared for yet.

Commissioner Curtis asked if this is not approved tonight if the applicant can appeal it to the Board.

Mr. Beatty said the Commission has two roles: one as a decision maker on the use permit and parcel map and one as an advisory role to the Board of Supervisors for the zone change and general plan amendment. He added that if the use permit is denied that the applicant has the opportunity to appeal that decision to the Board.

Commissioner Curtis asked if the use permit concerns just the battery building.

Mr. Beatty responded yes but that the use permit is contingent upon the Board approving the zone change and the general plan amendment.

Commissioner Munnerlyn said that we also have to vote to approve or deny the mitigated negative declaration.

Commissioner Curtis said that he does not think it is going to hurt the environment unless something happens.

Commissioner Munnerlyn commented that she believes that the mitigations do not go far enough on the aesthetics.

Commissioner Curtis voiced that chain link fence with little ribbons in it is not a beautiful thing to have.

Commissioner Munnerlyn added the fence includes 2 feet of razor wire above it, and that the top of the storage container is clearly visible coming in and out of Pine Grove from directions.

Commissioner Curtis said he has never seen very many substations that were attractive and this project is about what that is like, but that we know how to fight fires with transformers full of oil and do not know if we know what to do with lithium batteries that have gone berserk.

Commissioner Munnerlyn asked if the Commissioners would like to continue and put forth some additional conditions of approval before voting and then asked if they feel it is necessary.

Vice Chair Wardall said he has a lot of concern about lithium ion batteries. He shared that he has not done any research about fire suppression systems that are needed and really work and that everything he has seen is that once they catch on fire they explode. He stressed that chemicals are going to be put in the atmosphere.

Commissioner Munnerlyn added that they do talk about a shelter in place order being necessary in the event of any kind of failure like that.

Vice Chair Wardall responded right and we are going to subject our citizens to that. He stated that the most he can do is to ask the applicant to come back with a fire suppression system that will work and suppress the fire and prevent explosions. He said he has seen enough controversy here and cannot approve a project if it is going to upset the peace and tranquility of the neighborhood or cause an unsafe situation.

Commissioner Munnerlyn said that she is in agreement.

Commissioner Curtis asked for clarification of where the C2-zoned parcels are.

Mr. Bratan said approximately the northern half towards Ridge Road and the only change for the rezone would happen to the southern half.

Commissioner Curtis said the one covered with trees where they want to put this in.

Mr. Bratan responded yes.

Commissioner Munnerlyn shared that the fence line around the storage containers is about 78 feet from Hwy 88 and that she is surprised that Caltrans did not request a plan for shelter in place and evacuation of the highway.

Vice Chair Wardall asked if there is further discussion.

Commissioner Bennett voiced concern that we are approving an industrial use adjacent to an R1 type zoning area and to remember why zoning came into being in the first place.

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Bennett, and carried to reject the adequacy of the Mitigated Negative Declaration.

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

Deputy County Counsel Spitzer advised because the mitigated negative declaration was denied that the use permit and the parcel map cannot be approved, but that a vote can be taken.

MOTION: It was moved by Commissioner Curtis, seconded by Commissioner Bennett, and carried to deny Use Permit 21;10-3 and Parcel Map 2903.

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

MOTION: It was moved by Commissioner Curtis, seconded by Commissioner Munnerlyn, and carried to recommend to the Board of Supervisors denial Zone Change 21;10-2 and General Plan Amendment 21;10-2.

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

The Commission discussed their desire to have the Board of Supervisors get started on dealing with lithium ion battery fires in this county.

Mr. Bratan stated that the Planning Commission has moved to deny UP-22;6-3 and PM 2903. 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 October 21, 2022.

Mr. Bratan stated that the Planning Commission has recommended denial of ZC-22;2-2 and GPA-21;10-2 to the Board of Supervisors with the hearing to be held at a later date.

Item 3 - Request for a Zone Change (ZC-22;7-1) from the H, Highway Commercial zoning district to the R3, High Density Multiple Family Residential zoning district for 0.90 acres currently occupied by the El Campo Casa Resort Motel (APN: 044-040-025).

Applicant: Kennedy Flat, LLC (Nick Pham & James Burkett, representatives)
Supervisorial District: 1
Location: 12548 Kennedy Flat Road, Martell, CA

Vice Chair Wardall opened the hearing.

Mr. Beatty introduced the item and shared the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Vice Chair Wardall asked if the applicant is present and desires to speak.

Nick Pham, owner, introduced himself and said that he is available for any questions.

Vice Chair Wardall asked if it is currently a facility for veterans.

Mr. Pham responded that the motel is located to the north of the veterans' facility.

Commissioner Munnerlyn said that El Campo Casa is the one with the white façade with the arch.

Commissioner Curtis commented that the sign says it is a resort.

Mr. Pham added from the backside that it looks like a resort.

Commissioner Curtis asked if the facade is going to stay the same.

Mr. Pham responded yes.

Vice Chair Wardall commented that there is a State recommendation to increase housing, that this would be a conversion from a motel to apartment housing, and that he imagines that it would be moderate income.

Mr. Beatty said that the conversion to apartments is not a requirement for the zone change, but the conversion is not possible without it.

Vice Chair Wardall asked if there is any public comment.

John Kirkpatrick, property owner around the project, asked if there would be any effect to his Williamson Act property. He shared that the motel currently uses a 30 foot strip to get to the back of the hotel and he has a long term agreement where Mr. Pham pays a dollar a year to use the easement. He shared that he is considering maybe doing something with the 30 foot strip and the property to the west when The Elks' lease ends. He voiced that he does not like his field being used as a driving range and for walking dogs and that it was not as much of a problem when it was used as a motel, but now is used as extended stay.

Mr. Pham stated that he believes that he and Mr. Kirkpatrick have a good working relationship and that he thinks it will continue and if there is a concern of any future tenancy he will be glad to take care of it. He shared as permanent residents come into play that he will need to do background checks. He shared that right now, with short term tenancy, that he cannot do background checks. He added that with long term tenancy that he should have good tenants.

Mr. Kirkpatrick said he has problems with permanent residents all around his property where they put gates in and use his field to get rid of their waste, but believes that permanent residents might be better at the motel.

Vice Chair Wardall stated that if Mr. Kirkpatrick and Mr. Pham can work something out that is acceptable to Mr. Kirkpatrick that the Commission can move forward. He added that if not that the Commission can have a discussion.

Mr. Kirkpatrick shared that his grandmother started the long term lease about 40 to 50 years ago and that he thinks that they can work something out. He added that Mr. Pham had recently paid for the next two years lease.

Commissioner Curtis said that it looks like an access to Mr. Kirkpatrick's property.

Mr. Pham shared that it is grandfathered in and that he would like to continue that relationship.

Mr. Kirkpatrick responded that it is a PG&E access. He shared that he has had issues with drainage that the City of Jackson caused. He shared that when people put something next to agricultural land that they do not think that it affects the people next to them.

Vice Chair Wardall asked if there is any other public comment.

Duane Van Housen stated that he has owned the 5 acre property directly across the highway for a few years and is not sure what he is going to do with his property. He voiced concern about permanent multifamily housing versus a hotel there. He asked Mr. Pham if he is going to convert El Campo Casa and make a deal with a State agency for bringing homeless people there. He said that he is very against housing for homeless, government subsidized housing, or low income housing there and asked Mr. Pham if it is a

problem with there being a condition to not allow it.

Mr. Beatty responded that the County cannot place that condition on a zone change.

Mr. Van Housen said that he figured that there would be some political ramifications.

Mr. Beatty replied that it is not political, it a matter of State law that the County cannot condition a zone change to exclude by right uses.

Mr. Van Housen said he does not have a problem with homeless housing, but that it needs to be an extended analysis. He said that he would like to have more input and wants to be aware of anything that is happening.

J. R. Burkett, broker and representative of Mr. Pham, said that Mr. Pham has multiple properties in different counties and is very familiar with what he can and cannot do as a property owner. He stated that Mr. Pham will comply with Federal and State laws and that he does not discriminate. He shared that Mr. Pham's intent is to not put in low income housing, but that a Section 8 application, as an example, cannot be refused and must be considered the same way as any other application. He shared that it is not Mr. Pham's intent to put the homeless in there or make such an agreement with any Federal, County, or State organizations.

Vice Chair Wardall asked if he is taking approximately 20 units and making them into 10 apartments.

Mr. Burkett said the configuration currently is conducive to that and that they will do whatever needs to be done to make them comply with building codes. He added that there will be an attached house that already has everything in it and it will be managed properly.

Mr. Van Housen said that he is comfortable with the clarification.

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

AYES: Wardall, Curtis, Munnerlyn, Bennett

ABSENT: Gonsalves

Vice Chair Wardall asked for discussion from the Commission.

Commissioner Munnerlyn commented that we are in the midst of completing our Housing Element update and that she believes that this is an appropriate location for multiple family and high density housing.

Vice Chair Wardall said that he does not see a problem with this project.

Commissioner Curtis stated that he thinks that Mr. Pham's plan will cause less problems and that he wishes that he was going two stories and making 16 apartments, but thinks that having 8 apartments in that area is probably pretty good.

Commissioner Munnerlyn shared that this type of conversion is commonly happening and welcomed throughout the State, especially since during COVID that owners were not able to rent properties.

Commissioner Curtis commented that it is probably time to remodel these units anyway.

Commissioner Bennett stated that he applauds the addition to moderate income housing in the County and wishes that it was a more desirable location. He said that he likes the idea of converting an existing facility and that not engaging in waste is extremely important. He added that it is sad to see an entrepreneurial business fade away, but that he thinks it is a great project and a way of providing housing.

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Bennett, and carried to approve the Notice of Exemption as the appropriate environmental document.

AYES: Wardall, Curtis, Munnerlyn, Bennett

ABSENT: Gonsalves

MOTION: It was moved by Commissioner Curtis, seconded by Commissioner Munnerlyn, and carried to recommend approval to the Board of Supervisors for Zone Change 22;7-1.

AYES: Wardall, Bennett, Curtis, Munnerlyn

ABSENT: Gonsalves

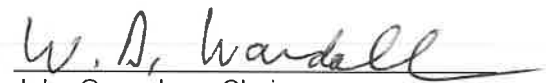
Ms. Beatty stated that the Planning Commission has recommended approval for ZC-22;7-1 to the Board of Supervisors and a hearing to be held at a later date.

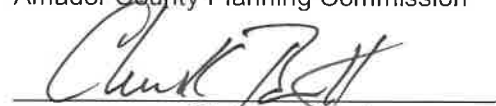
MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Bennett, and carried to adjourn the meeting.

AYES: Wardall, Curtis, Munnerlyn, Bennett

ABSENT: Gonsalves


Mary Ann Manges, Recording Secretary
Amador County Planning Department


John Gonsalves, Chair
Amador County Planning Commission


Chuck Beatty, Planning Director
Amador County Planning Department