

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF TAPE RECORDED MEETING
January 10, 2023 – 7:00 P.M.**

PAGE 1 OF 13

The Planning Commission of the County of Amador met on January 10, 2023 in the Board Chambers at the County Administration Center, 810 Court Street, Jackson, California. The meeting was called to order at 7:05 p.m. by Chair Gonsalves.

COMMISSIONERS PRESENT WERE: John Gonsalves, Chair, District 1
Dave Wardall, District 2
Stacey Munnerlyn, District 4
Mark Bennett, District 5

COMMISSIONERS ABSENT WERE: Earl Curtis, District 3

Staff: Glenn Spitzer, Deputy County Counsel
Ruslan Bratan, Planner II
Krista Ruesel, Planner II
Nicole Sheppard, Planner I
Mary Ann Manges, Recording Secretary
Chuck Beatty, Planning Director

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. Call to Order. The meeting was called to order by Chair Gonsalves at 7:05 p.m.

B. Pledge of Allegiance

C. Approval of Agenda:

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Munnerlyn, and carried to approve the agenda.

AYES: Bennett, Wardall, Munnerlyn, Gonsalves

ABSENT: Curtis

D. Minutes: December 13, 2022

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Curtis, to bring back the December 13, 2022 minutes due to the vote being 2 ayes and 2 abstains.

AYES: Bennett, Munnerlyn,

ABSTAIN: Gonsalves, Wardall

ABSENT: Curtis

D. Correspondence: Joel Lucich letter for Item 6 and Terri Sweet letter for Item 7.

E. Public Matters not on the Agenda: None.

F. Recent Board Actions: Mr. Beatty shared that the Board of Supervisors reappointed Commissioner Curtis and Commissioner Bennett as Planning Commissioners to their 4 year terms, and granted a temporary waiver for Jackson Valley Quarry to work outside of their normal operating hours due to demands for stone and rock for storm mitigation.

G. Agenda Items:

Item 1 - Election of Chair and Vice-Chair for 2023

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Bennett, and carried to elect Dave Wardall as Chair.

AYES: Gonsalves, Munnerlyn, Bennett

ABSTAIN: Wardall

ABSENT: Curtis

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Gonsalves, and carried to elect Stacey Munnerlyn as Vice-Chair.

AYES: Bennett, Wardall, Gonsalves

ABSTAIN: Munnerlyn

ABSENT: Curtis

Item 2 - Appointment of Agricultural Advisory Committee Member and Alternate for 2023

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Wardall, and carried to appoint Mark Bennett as Agricultural Advisory Committee Member.

AYES: Bennett, Gonsalves, Munnerlyn, Wardall

ABSENT: Curtis

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Munnerlyn, and carried to appoint John Gonsalves as Alternate Agricultural Advisory Committee Member.

AYES: Bennett, Gonsalves, Wardall, Munnerlyn

ABSENT: Curtis

Item 3 - Appointment of Recording Secretary for 2023

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Munnerlyn, and carried to appoint the Administrative Technician, Mary Ann Manges, of the Planning Department as Recording Secretary.

AYES: Gonsalves, Bennett, Wardall, Munnerlyn

ABSENT: Curtis

Public Hearings

Item 4 - Request for a Use Permit (UP-22; 5-1) to allow for a contractors storage yard to store, repair, and maintain various tree servicing equipment and to allow for up to 6 cargo containers. APN's 005-200- 010 & 005-200-011.

Applicant: Douglas Legros Petersen & April Dawn Petersen

Supervisorial District: 2

Location: 4531 & 4545 State Highway 88, Lone, CA 95640

Chair Wardall 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 Wardall asked if the applicant is present.

Douglas Petersen, applicant, stated that they have been very busy the last couple of weeks and that there is a need for tree services in the County.

Commissioner Bennett asked if anyone lives in the house on the site.

Mr. Petersen responded that he and his wife have lived in the house for three years.

Commissioner Bennett asked if it is nonconforming because it is a residence in a commercial zone.

Mr. Bratan confirmed.

Mr. Petersen added that his parents lived on the property in the 1960s.

Commissioner Bennett said that he read Mr. Petersen's application letter and agrees that there are too many hoops to jump through and stated that he is in favor of the project.

Chair Wardall asked if there is any public comment. There was no public comment.

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

AYES: Gonsalves, Wardall, Munnerlyn, Bennett

ABSENT: Curtis

Chair Wardall asked for discussion among the Commission and shared that he believes that this is pretty straight forward and reasonable.

Commissioner Munnerlyn said that she agrees.

Commissioner Bennett stated that he also agrees.

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Gonsalves, and carried to approve the Negative Declaration as the appropriate environmental document.

AYES: Gonsalves, Bennett, Munnerlyn, Gonsalves

ABSENT: Curtis

MOTION: It was moved by Commissioner Gonsalves, seconded by Commissioner Bennett, and carried to approve UP-22;5-1.

AYES: Wardall, Munnerlyn, Gonsalves, Bennett

ABSENT: Curtis

Mr. Bratan stated that the Planning Commission has approved UP-22;5-1. 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 January 20, 2023.

- Item 5 - Request for General Plan Amendment GPA-22;12-1 – Proposed amendments to the Kirkwood Specific Plan Tree Ordinance to clarify that dead, dying, diseased, and hazardous trees and vegetation removal required for defensible space clearing per Public Resources Code 4291 do not need a permit from the Tri-County Technical Advisory Committee provided that the tree/vegetation removal is certified by a qualified forest professional.

Applicant: County of Amador

Supervisory District: 3

Location: 732 acres included in the Kirkwood Specific Plan

Chair Wardall introduced the item.

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

Mr. Beatty shared that defensible space notices from CALFIRE in the fall of 2019 prompted this and that it was decided to clarify that the local tree ordinance is subordinate to the Public Resources Code and streamlined the tree removal process for hazardous trees and defensible space clearing.

Beth Mc Allister, Kirkwood Firewise Group, stated that she is in support of approving this and that a lot of defensible space work did not get done because a tree ordinance was in the way and this this was not in place.

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

AYES: Gonsalves, Wardall, Munnerlyn, Bennett

ABSENT: Curtis

Chair Wardall asked for discussion among the Commissioners and the consensus was that it is pretty logical and common sense.

Commissioner Bennett stated that the problem was created because too many agencies were involved.

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

AYES: Gonsalves, Wardall, Munnerlyn, Bennett

ABSENT: Curtis

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Gonsalves, and carried to recommend approval of GPA-22;2-1 to the Board of Supervisors with the recommended findings.

AYES: Bennett, Wardall, Munnerlyn, Gonsalves

ABSENT: Curtis

- Item 6 - Request for Zoning Ordinance Amendment (ZOA-22;12-1) to amend County Code Chapter 19.77 to establish an overlay zone to limit development densities, building heights, and prevent incompatible land uses within three miles of Eagle's Nest Airport.

Applicant: County of Amador

Supervisory District: All

Location: Amendments would be applicable to the unincorporated area of Amador County with the exception of those specific to Eagle's Nest Airport

Chair Wardall recused himself stating that he lives on the airport and is the airport manager.

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

Vice Chair Munnerlyn opened the public hearing.

Dave Wardall, Eagle's Nest airport manager, stated that the Eagle's Nest Airport is an asset to the County and that it is used as a staging area by CALFIRE and the Amador Fire Protection District for various emergencies, and facilitates day and night medivac landings. He shared that they desire to work with neighbors and that they are prepared to close the airport for private events and assemblages of people at the airport. He referred to Section 6 of the General Plan, Conservation, where it states that with mineral resource zones the continued viability of mineral and aggregate resources should be a factor when considering future development proposals. He asked for avigation easements for second residences and parcel splits within the proposed overlay zones so people are noticed that there is an airport and a prohibition of schools, churches, and other places of assembly. He stated that this would not prevent private weddings, private funerals, or private birthday parties, etc. He added that assemblage of persons only applies to commercial and institutional buildings of 50 or more persons and not to open mining operations.

Commissioner Bennett asked if any of this can be construed as inverse condemnation under the 5th amendment as far as the properties that will be within this 2 and 3 mile zone.

Mr. Wardall responded that he cannot address that.

Commissioner Bennett stated that he does not think it is a problem, but it can be a potential problem in some areas and desires awareness of it.

Deputy County Counsel Spitzer stated that an issue potentially could be raised if there is a substantial restriction of the use where, for instance, there is no longer any right to develop on it. He added that with a restriction like this, it would not constitute inverse condemnation. He stated that the restriction is already contemplated in the General Plan and otherwise.

Joel Lucich, owner of the North Carbondale Surface Mine, shared that he believes that he did not receive proper notification. He stated that he has retained counsel to evaluate their position on the overlay zones and look into how this proposal will affect them. He shared that they are considered to be the most valuable mine on an acreage basis in the entire region according to their resident geologist. He asked that the Commission delay their vote.

Commissioner Bennett said that he does not see how the airport will inhibit mining, except for maybe height.

Mr. Lucich responded that there are words in the proposal that they are trying to define and is asking for more time for clarification.

Mr. Wardall said that one of the conditions in the airport's use permit is that they have no objection to mining. He stressed that they like mining because there are no residents who are going to object to airport noise. He voiced they are happy to discuss any concerns.

Mark Carey stated that he supports the protection of the airport and desires to support the local economy through his engineering endeavors which support a lot of disadvantaged communities throughout California.

Tom McCleary, resident of Eagle's Ranch Road and aviation safety officer, shared that this lends itself very well to protecting folks and property and encourages its support.

Marcos Lucich shared that he recently found out about this and that he wants to bring up some questions that do not need to be answered, but thought about.

- incompatible land uses is vague and should be defined
- there are conflicting statements about the effect on the environment
- where the aviation easement comes into play
- it is restricting land use and is a taking
- no public outreach
- private airfield dictating public restrictions
- no environmental impact with right to flight, exhaust noise, fumes, lights, vibration, particulate matter, endangered species
- why no schools, churches, or other places of assembly if environmentally perfect and do not need a CEQA evaluation

Mr. Lucich urged for discussion before a decision is made.

Nick Beck, Eagle's Nest Road resident, shared that the airport is private, but available for public use. He shared that particulate matter from a mine is more than from an airport. He stated that they do not want growth creeping in around the airport that will close it down and that this is for protection of the airport in the distant future. He stressed that they are not trying to shut the mine down and that they do not want homes around who want to change it later. He stated that he supports what the airport is doing and that the airport is for everyone in the community such as medivac and CALFIRE practicing their water spray.

Tobias Stockler, resident at the Hope Foundation property, said that the property probably falls into the 2 mile radius. He stated that there has been a church there for 65 years and a private school for 30 years. He shared that he heard about this at the last minute and would like a little time to make sure that this does not negatively affect their operations.

Mr. Beck said this has been in the paper and was advertised according to the law and that he has known about it and it is everyone's responsibility to keep up with it.

Ken Warfall, neighbor of the airport, stated that he desires to clarify that CEQA was done when the airport was constructed. He said they are not looking to bypass any laws and they just want people who come into the area to know that there is an airport.

Mr. Wardall shared that they have many approvals such as a designated airspace and an aerobatic box along with a California transportation permit and Amador County use permit. He voiced that they are the only HOA that has 5 members on the Board and questioned how particulate matter on the local highways is effecting people. He stated that the Hope Foundation would be grandfathered in and that they are aware about the noise possibilities of the airport. He shared that a noise study was done on the airport. He stated that the airfield is a Department of Defense landing field and is an asset to the County.

Deputy County Counsel Spitzer informed Commissioner Wardall that he does not need to leave the Chambers until public comment is closed. He shared that this item was noticed by publication and the public could contact the County for future notices on the matter.

Ryan Hughes stated that he and his business partner own a few parcels north of the airport and have a pending mitigated negative declaration and would like some more time for their attorneys to review this since they recently heard about it.

Vice-Chair Munnerlyn asked if there is any further public comment. There was none.

MOTION: It was moved by Commissioner Gonsalves, seconded by Commissioner Bennett, and carried to

close the public hearing.

Chair Wardall exited the Board Chambers.

AYES: Munnerlyn, Gonsalves, Bennett

RECUSED: Wardall

ABSENT: Curtis

Mr. Beatty informed that when an ordinance amendment affects the permitted uses of a property, instead of the standard small newspaper advertisement, that a 1/8 page ad needs to be published. He added that when the standard mail notification exceeds a 1,000 persons, the statute allows the County to use a 1/8 page newspaper ad instead of a first class mail notice.

Vice-Chair Munnerlyn asked for confirmation that no first class mail notices were sent.

Mr. Beatty responded correct.

Commissioner Bennett said so it was not necessary.

Mr. Beatty replied that it was not a requirement.

Deputy County Council Spitzer reminded that people could be added to any project notification list by contacting the Planning Department. Ms. Manges provided the Planning Department phone number, 223-6380.

Vice-Chair Munnerlyn asked for discussion amongst the Commission.

Commissioner Gonsalves moved to table the project until the next meeting.

Commissioner Bennett said that he does not think that is necessary and that we are talking about mining and an airport. He stated that he sympathizes with those who found out at the last minute, but understands that the law was followed and that maybe the Planning Department should exceed the law in the future. He added that he does not find it critical enough to hold up the approval.

Mr. Beatty clarified that this is a recommendation to the Board of Supervisors and that a hearing would be at least month away.

MOTION: It was moved by Commissioner Gonsalves, seconded by Commissioner Bennett, and carried to recommend approval of ZOA-22;12-1 to the Board of Supervisors.

AYES: Munnerlyn, Gonsalves, Bennett

RECUSED: Wardall

ABSENT: Curtis

Deputy Counsel Spitzer reminded that they also need to make a recommendation or make the exemption determination.

MOTION: It was moved by Commissioner Gonsalves, seconded by Commissioner Bennett, and carried to recommend that the project is Categorical Exempt subject to the CEQA findings in the staff report to the Board of Supervisors.

AYES: Munnerlyn, Gonsalves, Bennett

RECUSED: Wardall

ABSENT: Curtis

Ms. Sheppard stated that the Planning Commission has recommended approval of ZOA-22;12-1 to the Board of Supervisors subject to the findings included in the staff report, and a hearing will be held at a later date.

Chair Wardall re-entered the Board Chambers.

Item 7 - Request for Zoning Ordinance Amendment (ZOA-22;12-2) to amend County Code Chapter 19.72.050 to establish that the rental terms for Accessory Dwelling Units permitted in accordance with that Code Section be longer than 30 days.

Applicant: County of Amador

Supervisorial District: All

Location: Amendments would be applicable to the unincorporated area of Amador County.

Chair Wardall introduced the item.

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

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

Commissioner Munnerlyn asked if there is an error with the wording for the location for this item.

Mr. Beatty responded that there is and that this amendment would be applicable to all of the unincorporated areas of Amador County.

Commissioner Munnerlyn asked if Ms. Sweet is confused because she wrote that she has concerns about changes to short term rentals throughout the County. Commissioner Munnerlyn asked for confirmation that this does not restrict current short term rentals in the unincorporated area.

Mr. Beatty responded that Commissioner Munnerlyn is correct and that it does not affect short term rentals of existing primary homes. He shared that there is no restriction on the use of the primary house as a short term rental.

Commissioner Munnerlyn said so technically someone can move into their ADU and rent out the primary house as a short term rental as long as they have the proper permits.

Mr. Beatty replied that is correct.

Commissioner Munnerlyn asked how many short term rentals permits there are in the unincorporated area.

Mr. Beatty responded that the County doesn't issue permits for short term rentals. He added that the only way we have to track how many exist is if they register with the Tax Collector to pay Transient Occupancy Taxes.

Commissioner Munnerlyn asked if there are any inspections or mandates for items to be put inside short term rentals.

Mr. Beatty responded there are none.

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

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

Commissioner Bennett asked if there is a requirement for rent to be paid, for instance, by grandparents who might live there and help take care of the kids.

Mr. Beatty responded there is no requirement that ADUs be rented.

Commissioner Bennett said that he believes that this ordinance is to prevent ADUs from becoming like AirBnBs and stated that ADUs are intended to provide affordable housing, particularly in extended family situations.

Mr. Beatty said that increasing the supply of permanent housing was primarily the intent of the State legislation for ADUs. The concern from the Board of Supervisors is that recent reduction in dwelling size to 360 square feet could increase the number of ADUs used as short term rentals.

Commissioner Bennett said ADUs should be a solution to housing and a revival of the extended family. He shared that he understands Ms. Sweet's objection that they are rentals and fall under State law.

Commissioner Munnerlyn stated that she believes that this is a complex issue and that the Board of Supervisors has done a thorough job investigating the reasons why to adopt this. She said they have discussed what property owners could be opposed to for essentially denying them the ability for a short term rental and taking away some flexibility of an ADU. She shared that having a 30 day minimum provides renters rights and limits the property owner in how they want to use their ADU. She added that the County Housing Element happens to be being done in tandem and shows that in 2019 the unincorporated County was only at 1.9% of the target for the rental quota. She stated that it has drastically decreased in the years she has been here and is surprised that rental properties are so few. She said that there is no guarantee that property owners are going to want to rent for 30 days or more and that this is not necessarily a solution to our rental shortage, but could go a long way depending on how many units are built.

Commissioner Gonsalves asked how this is going to be policed.

Mr. Beatty responded said that our code enforcement is complaint driven.

Commissioner Munnerlyn said there is some accountability through the Transient Occupancy Tax.

Mr. Beatty responded that he believes that Airbnb is the only platform that collects the tax and diverts it to the County.

Commissioner Bennett said that if he had an ADU to rent and wanted to rent to friends to ski or hike that he would rent it for 29 days and get out of the 30 day rule.

Commissioner Munnerlyn shared that many surrounding counties are restricting short term rentals and ADUs as well as vacation rentals and all properties in general. She said that she said she saw that San Francisco outlaws ADUs as vacation rentals and that Los Angeles does not.

Commissioner Bennett said if he understands this correctly that you can rent out an ADU for 10 or 20 days.

Mr. Beatty responded that this ordinance amendment would require rental terms to be at least 30 days.

Commissioner Munnerlyn said the expense of removing a tenant that is not working out can be very expensive.

Commissioner Bennett recalled back to the El Campo Casa converting from a motel to apartments which

was essentially a motel functioning as an apartment building. H commented that he sympathizes with Ms. Sweet, but there is nothing that can be done about the State law.

Commissioner Munnerlyn said the State law currently has the rental restriction for shorter than 30 days just for the units in Category II and that we are talking about the larger units. She shared that the reason this was first brought forward to the Board of Supervisors is because they were concerned that when the square footage was reduced that maybe tiny houses would be put on a lot and that they would become short term rentals. She said that those are already taken care of under State law.

Chair Wardall prompted that we can either make changes to this or we can send it up to the Board of Supervisors.

Commissioner Munnerlyn said that she considered making amendments to the ordinance, but that this seems to be the simplest way to regulate it whether either it is 30 day plus or not. She shared that the gray area would require a complete overhaul and is sure would come at an expense.

Chair Wardall said the four of us are not happy with the proposed ordinance and how do you balance the rights of neighbors and the rights of the property owner. He stated that he remembers the party houses with owners that lived out of County and who did not care when there were complaints and said he does not have an answer. He asked if Mr. Beatty if he is happy with this ordinance the way that it is and if there is anything than can be done to improve it.

Mr. Beatty said if you try to provide some options for something other than the 30 day rental you are going to get into a situation where we are starting to regulate short term rentals which is what the Board of Supervisors did not want to do a couple of years ago.

Chair Wardall said that the party houses did not have anyone living on site and asked if that was ever resolved.

Commissioner Munnerlyn said that she believes it was resolved with making sure people were adhering to the Noise Ordinance.

Deputy County Counsel Spitzer said that there was one particular party house and a short term rental ordinance was put forward with a lot of debate and in its place was the compromise, the Noise Ordinance.

Commissioner Munnerlyn stated that she has gone back and forth on this one because it is really important to weigh the rights of property owners, but looking at our Housing Element and what kind of rental allotment we are facing as a shortage it seems common sense to try and move potential new properties. Short term rentals still can be used with owner moving into ADU and then rent out their home so not necessarily removing the option from the property owner.

Chair Wardall asked if we should send this as is or send it with recommended changes and that he is open to any reasonable changes.

Commissioner Munnerlyn asked if we are getting a really big influx for ADU construction is this something than can be revisited.

Deputy County Counsel Spitzer responded that once approved by the Board of Supervisors that we can go through this process again and redo it.

Commissioner Munnerlyn stated that this is a viable strategy to alleviate some of the strain on housing in the County.

Commissioner Gonsalves stated that this is making a problem out of a non-problem.

Chair Wardall asked the Commission what they want to do.

Commission Munneryn said the Resolution on Intention has been unanimously passed by the Board as is and that she does not have any recommendations for altering it.

Commissioner Bennett shared that he does not think it should be restricted if it is rented out for two weeks here and there to friends of friends or when the grandkids come. He added that it is very clear that the ordinance was written to create much needed housing, but is conflicted because it seems to restrict the owner's freedom too much.

Commissioner Munneryn stated that short term rentals will still be available to property owners and that this could be a good way to start. She added that we can start over if there are a lot of complaints.

Commissioner Bennett said he agrees with that and does not want to hold up any ADUs that could be housing next fall.

Deputy County Counsel Spitzer clarified that there is no restriction for family stay over, only for renting it out.

Commissioner Munneryn added, but if accept payment from friends it would technically be breaking the ordinance.

MOTION: It was moved by Commissioner Munneryn, seconded by Commissioner Gonsalves, and carried to approve that the project is Categorically Exempt.

AYES: Bennett, Wardall, Munneryn, Gonsalves

ABSENT: Curtis

Commissioner Bennett stated we cannot solve the housing problem with this ordinance.

Commissioner Munneryn stress that we cannot solve the housing crisis and asked if we should try to put ideas forward to alleviate the problem. She stated that this is new and has not been proven in California, but that it is the intent.

Chair Wardall asked for a motion. There were no motions made.

Mr. Beatty said that it will proceed to the Board of Supervisors with no recommendation.

Commissioner Bennett said the idea is to create affordable housing, but it is in your backyard and is a little different.

Commissioner Munneryn stated that she sees reasons to move forward to support the findings and send this on to the Board but that she also sees limits on a property owner and that we are placing our needs for housing on the backs of property owners to increase that rental stock.

Chair Wardall said we could send this forward without a recommendation with a set bullet points listing our concerns.

Commissioner Bennett commented that he likes that idea. He voiced that we are in a quagmire and that when putting up an ADU that you can use the existing well and septic of the main house and at same time large affordable housing projects are turned down because Amador Water Agency (AWA) does not have the capacity to supply the water.

Chair Wardall added that no water kills any type of high density housing and said that we need to move

forward.

Deputy County Counsel Spitzer said he would like to address the water and sewage issues and stated that the County can deny an ADU application if there is insufficient water or septic availability.

Commissioner Munnerlyn questioned how septic systems and wells are allowed.

Mr. Bratan responded that it is up to Environmental Health and that typically they require a separate tank for the ADU and in certain cases they might be able to share leach lines and that he is unsure about the well.

Chair Wardall asked for the Commission to look at the big picture and to pick an alternative and go forward.

Commissioner Bennett said the most honest thing is to send this to the BOS with the items we have discussed that make this difficult.

Commissioner Munnerlyn said that she would like to make a bullet list.

- Commissioner Bennett said that this is not a solution to the lack of housing, but something that will help and that it reinforces the extended family which is the normal way people have lived throughout history. He added that some people have objected that they will fall under very restrictive pro-tenant State laws.
- Commissioner Munnerlyn stated that her main concern is that it restricts property owner rights by how they want to use their property and benefit from its development. She added that another concern is the cost of having a tenured tenant removed.
- Commissioner Gonsalves said that he believes that it makes an issue out of a non-issue and cannot support it.
- Chair Wardall stated that he has a lot of problems with it and cannot support it as it is.
- Commissioner Bennett commented that he is torn and, if approved as it is, that some units will be built, but not that many. He added that if there are unusual problems, they will be solved when the come up.
- Commissioner Munnerlyn shared that there is no uniform regulation over it until someone complains. She added that an unknown number will be flying under the radar and able to rent theirs out short term. She stressed that it may not be very equitable for all property owners with ADUs.

Chair Wardall suggested to entertain a motion to send this forward with comments as just listed from Commissioners.

MOTION: It was moved by Commissioner Bennett, seconded by Commissioner Gonsalves, and carried to not recommend approval of ZOA-22;12-2 as submitted, and to forward Commissioner concerns to the Board of Supervisors.

Mr. Beatty clarified that this is a recommendation to not approve the ordinance as is.

Mr. Beatty stated that the Planning Commission has recommended that the Board of Supervisors not approve ZOA-22;12-2 and a hearing will be held at a later date.

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

AYES: Bennett, Wardall, Gonsalves Munnerlyn
ABSENT: Curtis


Mary Ann Manges, Recording Secretary
Amador County Planning Department


Dave Wardall, Chair
Amador County Planning Commission


Chuck Beatty, Planning Director
Amador County Planning Department