

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF TAPE RECORDED MEETING
March 14, 2023 – 7:00 P.M.**

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The Planning Commission of the County of Amador met on March 14, 2023 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 Wardall.

COMMISSIONERS PRESENT WERE: John Gonsalves, Chair, District 1
Dave Wardall, District 2
Earl Curtis, District 3
Stacey Munnerlyn, District 4
Mark Bennett, District 5

COMMISSIONERS ABSENT WERE: None

Staff: Glenn Spitzer, Deputy County Counsel
Chuck Beatty, Planning Director
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. Call to Order. The meeting was called to order by Chair Wardall at 7:00 p.m.

B. Pledge of Allegiance:

C. Approval of Agenda:

MOTION: It was moved by Commissioner Gonsalves, seconded by Commissioner Curtis, and unanimously carried to approve the agenda.

D. Minutes: February 14, 2023

MOTION: It was moved by Commissioner Curtis, seconded by Commissioner Munnerlyn, and unanimously carried to approve the minutes of February 14, 2023.

D. Correspondence: Letters for Item 1 from Jessica Arditto, John Arditto, Gina Martin, and Tom McCleary

E. Public Matters not on the Agenda: None.

F. Recent Board Actions: Mr. Beatty reported that the Board of Supervisors approved the zoning ordinance amendment that requires rental terms for accessory dwelling units to be 30 days or longer. They also approved amendments to the Kirkwood Specific Plan tree ordinance to eliminate tree removal permits for hazard trees defensible space clearing.

G. Agenda Items:

Item 1 - 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 Next Airport.

Applicant: County of Amador
Supervisory Districts: 2 & 5
Location: 3 mile radius surrounding the Eagle's Nest Airport Runway

Chair Wardall introduced the item and announced that he is recusing himself because of his association with the airport and that he will leave the Board Chambers while the Commission deliberates and votes on the item.

Mr. Beatty shared that this item was carried over from January due to a noticing oversight and 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 and asked for public comment.

Gina Martin and Mark Dufrene shared that they just received notice and are concerned about the one mile perimeter. They stated that the family has been here over 100 years, that they are in the Williamson Act, and do not know what is going to happen in the future. They asked for the item to be continued because they have a family trust and have not been able to discuss this with all the family. They asked if it cannot be continued to at least send the proposed amendment to the Board of Supervisors.

Joe Truesdale, 18645 Lambert Rd., commented that he received his first notice a few days ago and asked why rights are being taken away from one group of people and then gifted to another. He shared that he is not sure if he is at the one mile or the two mile on the map. He asked if this is going to affect Sacramento County or just take rights away from those in Amador County. He voiced that this detracts from the value of his property for future use and seems to be rewarding others.

Dave Wardall shared that he built the airport with six other families in 1987. He said that they are concerned about encroachment and changes. He stated that over the years he has seen other airports forced to close in the Sacramento area. He shared that the purpose of the ordinance is to inform people there is an airport there and that it is not restricting use. He stated that if more houses are added or if a parcel split occurs that they just want them to be informed so it shows on the title search that there is an airport.

Mr. Truesdale asked why they are asking for limits to heights and lighting on buildings along with how many people can be in a building and that it sounds like this is taking rights away.

Mr. Wardall shared that this only affects commercial operations and that the height limits come from the Mineral Resource Zone and Ag-40 zoning which already has a 35-foot height limit. He said that someone will need to go to the Planning Commission and then the Board of Supervisors if they want something that is higher.

Mr. Truesdale said that it is interesting that Mr. Wardall is saying it is not taking his rights away, yet he was able to negotiate something else with a neighbor. He voiced that this is the first he has heard of it and Mr. Wardall has not talked to all of the people that it is impacting. He stated that if there is no impact then why make a change to county code. He added that people should be able to notice that there is an airport with airplanes flying overhead and that we each want to protect our interests.

Kristine Custino, representing 2nd Gen Properties, shared that she received notice Monday, believes she is in the 2-mile perimeter. She is concerned about being limited with assembly of people and the use of her property.

Norman Martin shared that he is part of the Dufrene family and asked for a continuance due to the short notice.

Jim Wirfel shared that he is in partnership with a group at Eagle's Nest. He said that the airport is already

there and that they just want people to know an airport is there. He said that it is not about restricting growth and that zones are not trying to be changed. He said that he believes that the airport is more than a playground and that it is an asset to the area with availability to assist firefighting, medical, and security efforts.

Tom McCleary, aviation safety officer for Eagle's Nest, shared that they have a tremendous safety record going on 30 years. He stated that the proposed ordinance ensures that they can continue to operate a safe operation for their neighbors and Amador County and that the airport is another asset in their safety toolbox. He said they want people to be aware that there are active aviation operations going on and that an aviation easement just says there is an airport with flying operations taking place.

Ms. Martin and Mr. Dufrene commented they are fine with an aviation easement, but do not agree with the other restrictions. Ms. Martin said they have been there since the early 1900's and that they did not complain about Eagle's Nest or try to take away others' property rights. Mr. Dufrene stated that in the future they might want to apply to split their property.

Mr. Wardall shared that this is a private airport and is not public for liability reasons and also because they are limited to 7500 flights per year. He shared details about uses of the airport and explained that in Sacramento County, Mather Airport requires an aviation easement for any new developments between Mather and the Amador County line. He added that their use permit has a condition that they have no objection to mining. He shared that he met with the Dufrenes on Sunday because they had a concern. He said they hammered out an agreement, but Mr. Beatty said that the agreement is not needed because it is already covered in the proposed ordinance. Mr. Wardall said that they also adjusted lines for the llama farm and have worked with the immediate neighbors. He asked Joel Lucich if he is okay with the proposed ordinance and Mr. Lucich confirmed.

Commissioner Curtis asked Mr. Wardall if a similar ordinance for Eagle's Nest was accepted in Sacramento County.

Mr. Wardall said that in 2007 that he took this exact ordinance to the Sacramento County Board of Supervisors after being unsuccessful with Amador County. He said that he made a presentation and that Jimmy Yee, Chairman of the Board of Supervisors, had asked why they can't have an easy to read map like Amador County. Mr. Wardall stated that the Board voted 5-0 and directed the Planning Commission to implement the ordinance, but it was not implemented. He shared that he assumed it was done and that it now is on his to-do list. He said that he used a guide provided by Counsel to the Planning Commissioners to look at things that need to be addressed and does not see anything objectionable.

Mr. Wirfel said that he would like to clarify that they are trying to notify folks that there is an airport that is already approved and not trying to restrict any land use changes.

Mr. Wardall said that the airport is not a playground and that there are facilities that build military components for both Navy ships and aircrafts and foreign military sales and that a lot of good comes out of the airport.

Carly Callsen said that it seems there should be a time limit for people to speak.

Vice Chair Munnerlyn stated that she does not believe there is a time limit.

Deputy County Counsel Spitzer shared that it is up to the Commission if they want to impose a time limit.

Vice Chair Munnerlyn said that she does not want to impose a time limit at this time.

Ms. Martin read from the ordinance where it says that it limits development densities, building heights, and prevents incompatible land uses within 3 miles. She said that some of her property is within the 1 mile in

Amador County and within the 2 and 3 mile area in Sacramento County. She stated that they do not need another layer and that maybe her children might want to apply to go down to 20 acres. She asked for more time to see how this affects them.

Thomas Martin, one of Ms. Martin's children, stated that he believes it might be beneficial for them to resubmit items that they say are already covered under other zoning laws or ordinances and that there is no need for redundancy.

Vice Chair Munnerlyn asked for further public comment. There was no additional public comment.

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

Chair Wardall exited the Board Chambers.

Vice Chair Munnerlyn asked for discussion.

Commissioner Curtis said that this ordinance got very wordy and sounds like the proponent wants to make sure that everyone knows that there is an airport by providing avigation easements. He stated that it seems like the easement is all that is necessary. He added that the 40-acre minimum zoning is not changing unless someone goes through a lot of work to change it.

Vice Chair Munnerlyn asked if the amendment being looked at tonight, beyond what was approved in January, refers to structures specifically within that one mile perimeter and exceeding 100 feet with the lighting.

Mr. Beatty responded that the change would prohibit any structures with a height above 35 feet for parcels that are both west of Carbondale Rd. and south of the southern terminus of the airport. Other structures over 100 feet high within one mile of the airport would be required to have obstruction lighting.

Vice Chair Munnerlyn inquired if the 50-person assembly in buildings changed.

Mr. Beatty responded no and that it was included in the original draft.

Vice Chair Munnerlyn asked about notification and if it is a different range.

Mr. Beatty stated that a 1/8 page newspaper notice was used for the January meeting which is allowed if the number of mail notices would exceed 1,000. After discussing that with County Counsel, since this ordinance has no affect in Sacramento County, that a first class mail notice needed to be done since there are 160 property owners affected.

Vice Chair Munnerlyn asked if Sacramento has approved an avigation easement for the 3 mile zone.

Mr. Beatty responded that Mather airport planning area extends to the Amador County line and they require an avigation easement for new developments within the planning area.

Vice Chair Munnerlyn said this part of Mather's requirement and does not include Eagle's Nest.

Mr. Beatty confirmed.

Commissioner Curtis said it is in place so people can get the disclosure during a real estate transaction of the avigation easement and airport. He added that this item should be continued until the next Planning Commission meeting so people can get ask questions of Mr. Wardall in the meantime.

MOTION: It was moved by Commissioner Gonsalves, seconded by Commissioner Curtis and unanimously carried to continue this until the next regularly scheduled Planning Commission meeting, April 11, 2023.

Commissioner Bennett shared that he is concerned about how the 3 mile zone squiggles back and forth and prohibits rights for commercial along the highway. He added that maybe notice should be given above legal notice and is concerned that it is not fair to property owners when they want to subdivide.

Commissioner Wardall returned to the dais.

Item 2 - Request for Use Permit Amendment UP-23;1-2 Coffee Tree (Previously UP-15;9-1) to allow a Mobile Coffee Trailer alongside an existing Food Truck to be located on a commercial property zoned C1, Retail Commercial/Office in the TC, Town Center General Plan Designation. (APN: 030-180-029)

Applicant: Jessica Carl

Supervisorial District: 4

Location: 19660 State Highway 88, Pine Grove, CA 95665

Chair Wardall reentered the Chambers and introduced the item.

Ms. Ruesel shared the staff report which is hereby incorporated by reference into these minutes as though set forth in full.

Chair Wardall opened the public hearing and asked if the applicant is present and if there are any comments from them or the public. There were no comments.

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

Commissioner Munnerlyn stated that she noticed that the original use permit expired and asked if we are amending or giving out a new use permit.

Mr. Beatty responded that the Commission's action would be a renewal of the existing expired use permit as well as an amendment to allow the additional use.

Manual Duarte said that coffee is needed in Pine Grove.

Commissioner Munnerlyn commented that there is existing coffee in Pine Grove.

Commissioner Curtis asked if this is the same one that is at Scotty's Corner.

Roy Carl, applicant, responded yes and commented that the reason that they want to move is that it is an easier location for them and that they will have power where they can plug right into the building rather than use a generator.

Commissioner Munnerlyn stated that there are not too many places in the county that have multiple food trucks and that she believes there is enough room, that there have been no negative comments from close by neighbors, and does not appear that there have been any complaints or problems.

Commissioner Curtis commented that this is not close to the other coffee shop.

Commissioner Munnerlyn shared that they will be closing two hours earlier than the taco truck and it seems they are compatible.

Chair Wardall shared that he sees no problems with this.

Commissioner Munnerlyn said that the original use permit needed to be renewed for an additional period of 5 years after the first year and that it is not something that she wants to carry over in the amendment.

Mr. Beatty responded that it was originally approved in 2016 and that there have been no negative comments. He added that after the first year, per the Planning Commission's original approval, it was reviewed at the staff level and determined there were no problems with traffic.

Commissioner Curtis asked if the use permit is for the people that operate the food truck or if it is for the owner of the property.

Mr. Beatty responded that it is for the parcel itself.

Commissioner Bennett asked if the original permit was for the food truck.

Mr. Beatty responded yes.

Commissioner Bennett asked if the property owner can change the rules for the food truck and coffee trailer.

Ms. Ruesel shared that the conditions will apply regardless of who fills the spot as the coffee trailer or the food truck as long as it is substantially the same business.

Commissioner Munnerlyn asked if this is only for a coffee trailer and a food truck, not two food trucks.

Ms. Ruesel said that it would depend if staff is considering that it is substantially the same use. If the staff response was not liked it could be appealed to the Planning Commission.

Commissioner Munnerlyn asked if it would take public comment if another food truck comes in.

Ms. Ruesel said that it would be up to staff to determine if they are in violation of the conditions.

Mr. Beatty said it would require staff to make a determination of whether the new use is substantially the same.

Commissioner Munnerlyn asked if it can be a concurrent use if the store opens.

Mr. Beatty responded yes.

Commissioner Bennett asked if it is up to the discretion of the property owner to continue food and coffee and whatever trucks.

Mr. Beatty responded yes.

Commissioner Munnerlyn said that she does not believe that having food trucks there discourages the ability of the property owner to continue business in the existing building, but this adds another layer of multiple food trucks in Pine Grove. She added that she does have concerns about that.

Commissioner Bennett commented that he is in favor of this and that it adds to Pine Grove and believes that it helps tourists to stop.

Commissioner Munnerlyn said that the restrooms are a bonus because a lot of tourists are looking for them and it is part of the conditions.

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Bennett, and unanimously carried to accept the Categorical Exemption as the correct environmental document.

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Gonsalves, and unanimously carried to approve amendment UP-23;1-2 Coffee Tree to allow the coffee trailer and food truck with no expiration.

Ms. Ruesel stated that the Planning Commission has approved Use Permit Amendment UP-23;1-2 along with the CEQA exemption. 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 March 24, 2023.

Item 3 - Request for a variance (V-23;2-1 Gonzales) from the rear and side yard setback requirement, to allow construction of a new metal building. The request is for a reduction from the required rear setback of 15' to 2' and the required side setback of 5' to 2'. (APN: 033-520-017)

Applicant: Carly and Paul Gonzales
Supervisorial District: 3
Location: 26324 Meadow Drive, Pioneer, CA 95666

Mr. Bratan introduced the item and shared the staff report which is hereby incorporated by reference into these minutes as though set forth in full.

Chair Wardall asked if anyone would like to speak.

Carly Gonzales, applicant, shared that they want to put up a metal building in their far left corner and are asking for a variance due to the location of their septic system and size of their lot.

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

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

Commissioner Bennett voiced that he is favor of granting this and commented that side yard setbacks are for fire access and to prevent the spreading of fire and believes is not a danger in this case. He added that a benefit will be that vehicle miles will be reduced from not having to go to travel to Jackson.

Chair Wardall said that he has no problem with this as long as it is not a safety issue with the fire department.

Commissioner Curtis stated that he does not believe that the fire department has looked at it and that this small lot with a tight footprint and is not typical for Mace Meadows. He voiced that property line setbacks are there for fire protection, a sheet metal building is not fire resistant, and that usually a self-standing one hour fire resistant wall is required when something is put two feet from the property line. He added that there is no control over what is stored in it and that two feet is not a fire lane even for people. He shared that infringing on setbacks should not get started even if okay with the neighbor and that other neighbors have done it probably without permits. He stated that he would feel better with a 5 foot setback.

Chair Wardall shared that Commissioner Curtis has raised a good point and that we do not want to be culpable if there is a fire there and will vote no on this.

Ms. Gonzales stated that this is going to be small type shed carport building for tools and their jeep which they now rent a shop for in Jackson. She said it is a hardship renting the shop and that moving is not

feasible. She shared that a neighbor has a carport right on the fence line. She voiced that their property is fenced with a gate with a utility easement right outside of the fence and that there is access for fire. She said this will help her husband not have to go 30 minutes down the hill to work on things.

Chair Wardall asked if this is a garage or a carport.

Ms. Gonzales responded it is a carport like a little workshop not any bigger than 18x24.

Chair Wardall said that if she goes down from 18 to 15 feet that it would give a 5 foot clearance on the property line.

Ms. Gonzales shared that she does not want her septic leach line covered.

Chair Wardall said that he is trying to compromise and provide a safety area up against that fence.

Ms. Gonzales shared access would be needed from the other side of the fence as well. She stated that she is trying to do things by the books and believes this is unfair.

Commissioner Munnerlyn stated that she believes the Commissioners concerns are valid and suggested reducing the 2 car garage size so that the easement is a little larger and so there is a compromise between fire safety and use for the property owner.

Commissioner Bennett said that comments made by the Commissioners are understandable and that this is a classic tradeoff decision between codes drawn up by bureaucrats and freedom of the applicant to use their property how they want and that he is favor of granting them the exception.

Commissioner Munnerlyn asked if there is a Mace Meadows property association.

Ms. Gonsalves responded that there is not and added that for fire safety there is a fire hydrant in front of her property, but that it might not currently work.

MOTION: It was moved by Commissioner Gonsalves, seconded by Commissioner Bennett, and carried to recommend approval of V-23;2-1 as written to the Board of Supervisors.

AYES: Wardall, Munnerlyn, Gonsalves, Bennett

NOES: Curtis

Mr. Bratan stated that the Planning Commission has recommended approval of V-23;2-1 Gonzales to the Board of Supervisors, and that a public hearing will be scheduled with the Board at a later date.

Item 4 - Request for Zoning Ordinance Amendment (ZOA-22;12-3). Discussion and possible recommendation to the Board of Supervisors regarding a proposed amendment to County Code Chapter 19.48.140 to establish regulations for detached room units to be used as overnight lodging for wineries.

Applicant: County of Amador

Supervisorial Districts: All

Location: The ordinance would apply to the unincorporated portions of the county which meets the guidelines described in the ordinance.

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

Chair Wardall opened the public hearing and asked if there was public comment.

Come Lague addressed the Commission and noted that he brought the concept of detached room units to the County's attention and added that his winery guests often ask if there are overnight lodging options in the Shenandoah Valley. The detached room units would allow him to accommodate overnight winery guests. The units would be constructed per the building code in two modular sections and assembled on site.

Chair Wardall asked staff how noise complaints would be addressed.

Mr. Bratan responded that the Sheriff's office has authority to investigate noise complaints which could result in a citation. Mr. Beatty added that wineries currently have a 10pm quiet time, and the 100-foot setback would help reduce impacts to adjoining properties.

Commissioner Bennett commented that this proposal could make it easier for tourists that want to visit Amador County to visit other destinations without having to find overnight lodging elsewhere. He voiced that comments have been made about possible problems, but that there will always be possible problems and that he is in favor of this.

Caryl Callsen, District 3 resident and Foothill Conservancy board member, asked if short term rental had a specific definition or time limit.

Mr. Beatty replied that short term rental is 30 days or less.

Ms. Callsen stated that in traditional bed & breakfast inns, all rooms are confined to a single dwelling which fits into a residential setting whereas the detached units are like separate motel rooms that will occupy more land. As more wineries opt for detached units, the Shenandoah Valley will become a commercial hotel area which will add to traffic and noise problems that the community is trying to avoid.

Commissioner Bennett commented that allowing each winery to apply for this use means equal protection under the law.

Mr. Beatty noted that a conditional use permit would be required for this use, as do traditional bed and breakfast inns. The ordinance is written so that an applicant can apply for either, but not both.

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

Commissioner Munnerlyn stated that she had a couple of concerns. The use of five units at 350 square feet each would occupy a lot of space and suggested that three detached units might be more acceptable. She added that the proposed ordinance does not address whether or not the units can have a kitchen, and that a previous version of the ordinance allowed for a sixth unit for an on-site manager.

Mr. Beatty responded that the proposed ordinance is written to allow the same number of rooms that can be rented in a traditional bed and breakfast inn, and added that if a separate unit with a kitchen is provided for an on-site manager, then that unit is the accessory dwelling unit for the parcel.

Commissioner Curtis asked if the accessory dwelling unit had to be larger than 350 square feet.

Mr. Beatty responded that the minimum size for a detached dwelling is 360 square feet.

Commissioner Munnerlyn asked how the kitchen is permitted.

Mr. Beatty responded that the kitchen would be required to have a food facility permit from the Environmental Health Department.

Commissioner Curtis noted that allowing overnight lodging could reduce traffic if those vehicles aren't making multiple trips into and out of the Shenandoah Valley.

Commissioner Munnerlyn asked if parcels that didn't meet the ordinance requirements could apply for a use permit. Mr. Beatty responded that they could apply for a traditional bed and breakfast inn use permit.

Chair Wardall asked if the Commission needed to address CEQA issues with the proposed ordinance.

Mr. Spitzer stated that the recommended exemptions are included in the staff report.

MOTION: It was moved by Commissioner Gonsalves, seconded by Commissioner Bennett, and unanimously carried to find the Categorical Exemptions as the appropriate environmental documents and recommended approval of the zoning ordinance amendment to the Board of Supervisors.

Mr. Spitzer asked that the Commission also consider the additional recommendations pertaining to Government Code section 65885 which requires the Commission to include the reasons for the recommendation and the relationship of the proposed ordinance to the general plan.

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Curtis, and unanimously carried to note that the reasons for the Planning Commission's recommendation to approve the proposed ordinance are that the project creates another option for the development of overnight lodging for wineries and it promotes agritourism in the region, and the project is compatible with the general plan in that it supports general plan land use policy 1.5 of encouraging the continued viability of agricultural production in the County's agricultural areas by increasing compatible land uses.

Mr. Bratan stated that the Planning Commission has recommended approval of Zoning Ordinance Amendment #22;12-3 to the Board of Supervisors, and that a public hearing will be scheduled with the Board at a later date.

MOTION: It was moved by Commissioner Gonsalves, seconded by Commissioner Curtis and unanimously carried to adjourn the meeting until the next regularly scheduled meeting on April 11, 2023.

Dave Wardall, Chair
Amador County Planning Commission

Mary Ann Manges, Recording Secretary
Amador County Planning Department

Chuck Beatty, Planning Director
Amador County Planning Department