

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

PAGE 1 OF 5

The Planning Commission of the County of Amador met on October 10, 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
Nicole Sheppard, Planner II
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 Bennett, seconded by Commissioner Munnerlyn, and unanimously carried to approve the agenda.

D. Minutes: July 11, 2023 and September 12, 2023

MOTION: It was moved by Commissioner Curtis, seconded by Commissioner Munnerlyn, and unanimously carried to approve the July 11, 2023 and September 12, 2023 minutes.

E. Correspondence: Letters received from Amador Fire Protection district (AFPD) and Buena Vista Rancheria for Item 1

F. Public Matters not on the Agenda: Commissioner Gonsalves shared that there is a Hospice Benefit dinner at the National Hotel on October 13th.

G. Recent Board Actions: Mr. Beatty reported that the Board of Supervisors approved the variance and zone change that were on the Commission's agenda last month.

H. Agenda Items:

Item 1 - Request for a variance (V-23;9-1 Smith) from the front 25-foot setback requirement, to allow construction of a carport 4.56 feet from the property line. (APN: 023-570-012)

Applicant: Bruce L. Smith

Supervisorial District: 3

Location: 25498 Meadow Drive, Pioneer, CA 95666

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.

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

Bruce Smith, applicant, shared that he is trying to prevent four feet of snow from sitting on his truck in the winter.

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

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

Chair Wardall shared that this is pretty straightforward.

Commissioner Bennett stated that he has no objection and that this is similar to an item from the last meeting.

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Curtis, and unanimously carried to recommend that the Board of Supervisors approve the Categorical Exemption as the appropriate environmental document.

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Gonsalves, and unanimously carried to recommend that the Board of Supervisors approve V-23;9-1 including findings #1 through #3 in the staff report.

Ms. Sheppard stated that the Planning Commission has recommended approval of V-23;9-1 to the Board of Supervisors, and a hearing will be heard at a later date.

Item 2 - Review of the Countywide 6th Cycle Housing Element Update to the Amador County General Plan and possible adoption of a Resolution recommending that the Board of Supervisors adopt the Update.

Applicant: County of Amador
Supervisory District: All
Location: All unincorporated Amador County

Mr. Beatty introduced the item stressing that this is a required update to the General Plan's Housing Element and the only Element of the General Plan that has a mandatory update schedule of every 8 years as required by the government code.

Beth Thompson, Principal consultant from De Novo Planning Group, presented a PowerPoint presentation about the Countywide 6th Cycle Housing Element. She explained that community and public engagement was conducted throughout the process and that comments received were incorporated into the document. She added that comments received from Housing & Community Development (HCD) were also incorporated into the Adoption Draft.

Chair Wardall said that you would not see something like this in Montana or Wyoming. He added that this is coming out of the very liberal Sacramento legislature and from the Governor and asked if it can first go to a vote of the general population in Amador County for citizens to accept or decline it.

Mr. Beatty responded that the required contents of the Housing Element are very specific and that he does not think any ground would be gained by rejecting the resolution. He added that there is a statutory requirement to update the Housing Element every 8 years that cannot be avoided by a local referendum.

Commissioner Curtis said this does not require anybody to do anything now, but requires someone to follow when they want to develop housing projects.

Mr. Beatty shared that it does not require the county or the public to build any housing, but to have adequate sites available to accommodate the number of units that are anticipated to be needed during the planning period.

Commissioner Curtis said that we have room for housing, but not builders or money.

Commissioner Munnerlyn added or water.

Commissioner Gonsalves asked how much the state has spent on the study instead of helping people get housing.

Mr. Beatty responded that the contract was around \$156,000 which included the county and the cities.

Commissioner Gonsalves replied that is enough wasted money.

Commissioner Munnerlyn commented that California is a much more diverse state than Montana or other western states and believes that it is an important priority for the state to come up with policies that encourage inclusive direction for housing development, our basic necessity.

Chair Wardall said he has no problem with encouragement, but it is a state mandate, and in execution when somebody wants to build, then all of the laws and rules kick in and it costs taxpayers money. He said to look at the rehabilitation and maintenance of existing houses compared to low income houses and then asked who is going to own the houses.

Ms. Thompson responded that the Housing Element allows lower income housing that is home ownership housing where a developer receives state and federal funding to develop units which are purchased and maintained by lower income households. But, the majority of lower income housing is typically developed by a developer that partners with a non-profit and the non-profit manages those units.

Chair Wardall commented that there is a little bit of salvation that some of them will be owned and will be taken care of.

Commissioner Bennett asked if public comments should come first.

Chair Wardall opened the public hearing.

Sherry Curtis, resident of the Pioneer area, said that she cannot believe what she just heard and wants to see the difference between codes, policies, and the actual law. She shared that the state is mandating this and that she does not know if they have the right to mandate this on local governments. She added that she is not against helping those that need help and does not know how the public is expected to accept this. She asked for the actual law to be given to the Planning Commission so they have a chance to understand it.

Craig Baracco, Executive Director of the Foothill Conservancy, asked the county to adopt an affordable housing ordinance. He shared that the City of Jackson and other jurisdictions have one and the City of Jackson's says that with any development of 10 units or more that a certain percentage of units need to be affordable housing. He stressed that it helps to guarantee that we are actually building housing

addressing these needs and not just designating sites. He added that state- and county-wide there is a housing crisis with ever increasing rents and a lack of affordable housing for those wanting to buy their first house. He added that we have not built enough housing for our population. He shared that the Foothill Conservancy does a lot of clean ups for unhoused encampments as a way of mitigating their impact and stated that boarding houses, which are currently illegal, are far better than homeless encampments. He said that a lot of identified sites of affordable housing are in the upcountry, where there is ever increasing fire danger and fire insurance rates, will be pushed out. He asked that this maybe be addressed in the next cycle. He ended that the Housing Element is a plan that needs to be implemented and asked the Commission to be open minded and receptive to a variety of housing proposals.

Connie Gonsalves, resident of City of Jackson and Jackson City Council member, said that it is a beautiful plan, but that we are not going to see any development in Amador County because of all of these regulations and that other items needs to be addressed such as mental health and homeless issues. She stated that she understands that the Commission and Board are under pressure to pass this because it is procedure, but agrees with Chair Wardall that the reality is that because of these guidelines no developer is going to take these projects on. She said her personal opinion is that the City of Jackson is built out and cannot take this in.

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

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

Chair Wardall said he is shocked about the overreach with the regulations. He stated that our county roads are so bad that at times he has to go into four wheel drive. He shared that he cannot support it because of the impacts to the community, the cost to taxpayers, and the potential for crime and lawlessness with the ultra-low income. He shared his concern that the homeless either have a drug problem or are mentally ill and that we want to put that in our community.

Commissioner Curtis said that it is too bad that the state cannot tell the difference between large cities and rural counties. He added that all the ideas are great, but it just shuts down development and that this is a bunch of good ideas that he does not see having any real function. He added that if the state backed it up with money that maybe it would be a good idea and does not see it helping anyone build affordable housing or multiple dwellings. He shared that Accessory Dwelling Units sound good until you try to put one up.

Commissioner Munnerlyn said that the state is offering some funding for ADUs.

Commissioner Curtis responded that is great and he is looking forward to that. He said he believes that the Commission does not have anything to do with this except to make a resolution to send this forward to the Board of Supervisors and does not see that there is a choice.

Commissioner Munnerlyn said that she believes that Amador County is one of the few counties that is out of compliance for not having our Housing Element adopted which opens the County up to a lawsuit.

Commissioner Curtis added or a restriction of funds for the other things we want to do.

Commissioner Munnerlyn said that there are a lot of independent thinkers in Amador County and believes that it is important to try to build opportunities for those who have not had the opportunity to build generational wealth through home ownership. She added that there are not that many ways to do that unless there is policy to back it up and encourage it. She stated that she does not believe that the document is forcing these things on us, but giving us the opportunity to make these changes.

Commissioner Bennett said that he agrees with most of the criticism of the Housing Element and that he believes there is no choice but to send this on. He referred to the Amador County Annex on page 8 which talks about 3 and 4 story buildings in Martell. He said that he talked to the fire department who said there is no fire equipment such as a ladder truck for a fire in a 3 or 4 story building here. He added that fire suppression would need to be addressed when a project is proposed. He stated that the document does not deal with home hardening and believes that the solution is not low income housing, but economic development. He shared his views about the no growth movement which he believes is a view held by the Foothill Conservancy and their allied groups. He ended that subsidizing low income housing comes from taxes which further impoverishes the middle class and said he believes that the whole thing is absurd.

Commissioner Munnerlyn shared that she has a few minor corrections and believes that the response to findings were adequately addressed in the policy document in the back of the report.

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Curtis and carried, to recommend approval to the Board of Supervisors that the Categorical Exemption is the appropriate environmental document.

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

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Curtis and carried, to adopt a resolution recommending that the Board of Supervisors approve a resolution adopting the 6th Cycle Housing Element update to the County General Plan.

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

Mr. Beatty stated that the Planning Commission has adopted a resolution recommending that the Board of Supervisors approve a resolution adopting the 6th Cycle Housing Element update to the County General Plan, and the Commission also recommended approval of the Categorical Exemption. A hearing will be heard 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 November 14, 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