

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF RECORDED MEETING
February 13, 2024 – 7:00 P.M.**

PAGE 1 OF 14

The Planning Commission of the County of Amador met on February 13, 2024 in the Board Chambers at the County Administration Center, 810 Court Street, Jackson, California. The meeting was called to order at 7:02 p.m. by Chair Gonsalves.

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 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 Gonsalves at 7:02 p.m.

B. Pledge of Allegiance:

C. Approval of Agenda:

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

D. Minutes: January 9, 2023

Commissioner Bennett suggested to distinguish better in the minutes statements made by him and by Reid Bennett.

MOTION: It was moved by Commissioner Curtis, seconded by Commissioner Wardall, and unanimously carried to postpone the approval of the minutes and bring them back with corrections to the next Planning Commission meeting.

E. Correspondence: Letters received after publication of the agenda for Item 1 from Soluri Meserve and Matthew Emrick and for Item 4 from Robin Peters

F. Public Matters not on the Agenda: None

G. Recent Board Actions: Mr. Beatty reported that the Board of Supervisors approved a variance recommended for approval at the last Planning Commission meeting.

H. Agenda Items:

Public Hearings

Item 1 - Discussion and possible recommendation to the Board of Supervisors regarding a request for a Zone Change (ZC-23;9-1) from the M, Manufacturing district to the RE, Residential Estates zoning district for an approximate 24.67 combined acres to establish consistency with the AG, Agriculture General Plan classification (APNs 030-020-102 and 030-020-108).

Property Owner: Ketron Family Living Trust and Volcano Gold, LLC (Representative Doug Ketron)

Supervisory District: 3

Location: No situs. On both sides of Charleston Road approximately 1,400 feet northwest of the town of Volcano.

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 Gonsalves asked if the applicant is present and if they have any comments.

Doug Ketron stated that the object is to restrict any future uses on these properties and to make the zoning conform with the General Plan. He added that this is a remnant of a much larger parcel and 152 acres of that parcel is protected and has turned into a 501(c)(3) Conservancy for a cave conservancy. He stated that this zone change will restrict the use of these remnant parcels.

Chair Gonsalves opened the hearing for public comment.

Craig Baracco, Foothill Conservancy, stated that this is one of several properties around the Volcano area zoned Manufacturing that is left over from the 1950's and 60's when it was hoped to do more heavy intensive mining operations and is not appropriate for the rural setting. He shared that a correction has already been made in the General Plan and this is catching up with that change. He added that the Foothill Conservancy urges the County to do a comprehensive zoning map change to bring all parcels in the county in compliance at one time with the 2016 General Plan so that applicants do not have to come in one at a time.

Commissioner Bennett asked why the applicant is requesting RE zoning for almost 25 acres stating that it seems to be an unnecessary restriction. He stated that since the landowner requested this, he does not object to it.

Mr. Ketron shared that a rezone to R1A was initially requested, but that it raised controversy among some individuals. He said that the RE restriction is better for the town and restricts future development.

Chair Gonsalves asked Mr. Ketron about the letter received regarding the water line right of way owned by the Bonneau family that traverses the Ketron property.

Mr. Ketron responded that the Volcano Community Service District (VCSD) gets its water from the Cleveland Channel. He explained that the parcel in question is upstream of the Cleveland Channel so there is no effect on it from any operation on the property. He added that the town receives its water from the tunnel and an individual in town ran a pipe line across private property and across this parcel. He said that he believes that the agreement was that the pipeline was to maintain an old redwood tank, but the tank has not been maintained and the pipe had holes in it and has not had water in it for a couple years. Mr. Ketron said he removed the pipeline off of the Volcano Gold parcel and that it was basically trespass without permission. He added that the town water line is buried in the Charleston Road, was rebuilt and established in 1986, and does not affect the town water system at all.

Craig Bonneau said that he has been in the Volcano area since he was a child and that he thinks that what Mr. Ketron said is not true. He said that the Bonneau family has hired a water attorney and that they are in the process of getting together the history of this.

Chair Gonsalves asked what specifically is not true that Mr. Ketron is saying.

Mr. Bonneau said that he is familiar with the site and the history of the Cleveland Channel. He said that he had the Sheriff come to view his family's pipe that had been vandalized at the worksite where the garage is and that they are in the process of seeing who did that vandalizing. He stated that a lot of this is not settled yet and that he is contesting what Mr. Ketron said tonight. He asked what address is 1400 ft. from Volcano.

Mr. Bratan responded there is no specific address assigned for the parcels to be rezoned.

Mr. Bonneau asked how excavation and building permits were issued without a situs address.

Mr. Bratan said there is a grading permit and a permit for the garage and that he does not have the permit on hand. He asked Mr. Ketron if an address was assigned to it.

Mr. Ketron answered 16400 and 16401 Charleston Rd.

Mr. Bonneau continued that the old Bonneau house is directly across the street from it.

Mr. Bratan said that the parcel with the house is not part of the project.

Mr. Bonneau then referred to the Technical Advisory Committee (TAC) meeting. He said that he heard one of the Committee members say that Mr. Ketron must be a geologist due to his knowledge of the history of the Volcano area.

Chair Gonsalves said that he believes that Mr. Ketron is a mining engineer.

Mr. Bonneau commented so he is not a geologist.

Chair Gonsalves stated that he is not certain about that and that he does not see how it is relevant.

Mr. Bonneau shared that he believes it was relevant at the TAC meeting because they were mentioning that Mr. Ketron must be a geologist.

Commissioner Munnerlyn asked if there is an easement for the water line through the property.

Mr. Bonneau responded they have had a pipe going from the Cleveland Tunnel down through that area.

Commissioner Munnerlyn asked if they have ever acquired a legal easement through another's private property for that water line.

Mr. Bonneau replied that they have not gone to court but that the town and the VCSD have always recognized their right to the overflow.

Commissioner Wardall asked Mr. Bonneau to focus on the property that is subject to this zone change and asked if the water district or Mr. Bonneau has an easement recorded on the property for a water line.

Mr. Bonneau responded that it has been uncontested and that they have been bringing water down from the Cleveland Tunnel ever since the house has been there.

Commissioner Wardall said so there is no easement, but it the water use has been there for many years.

Mr. Bonneau commented that is how you obtain a water right, by use.

Chair Gonsalves stated that it is a prescribed easement.

Commissioner Wardall said that water rights and using the water is one issue and bringing water over someone's property is another issue and that as a Planning Commissioner it has no impact on the request for the zone change. He added that Mr. Bonneau, the neighbor, and the attorneys can iron that out later.

Mr. Bonneau stated that he wonders why all this information was brought up at the TAC meeting.

Commissioner Curtis asked how the Bonneau house is getting water now.

Mr. Bonneau said that it gets town water and is part of the town system. He added that there are very strict restrictions on water in Volcano, that the town has tried drilling a well and from what he has heard that the well is pretty much useless, and that water that they do get is full of iron.

Commissioner Curtis asked where the Bonneau house gets their water.

Mr. Bonneau responded not from the well, but from the VCSD system from the Cleveland Tunnel and that they have always claimed the right to the overflow that the town is not using. He shared that this is why they have consulted a water attorney and added that the VCSD has never contested this right.

Commissioner Curtis asked how long it has been since they have been able to get water through the pipe.

Mr. Bonneau replied that the pipe was vandalized right around the time that the garage was built.

Commissioner Curtis asked where the water ended up when the pipe was working.

Mr. Bonneau said Nick, who is a contracted employee for VCSD, said he received a phone call from Mr. Ketron saying that the water needs to be turned off because the pipe was broken. Mr. Bonneau then said that they were not getting any water out of there because it was vandalized and because Mr. Ketron told Nick to turn the water off the pipe.

Commissioner Curtis asked where the water was stored after it came down through that pipe.

Mr. Bonneau responded that it goes across the road and that there is a culvert, a specific ditch, that went down from the Cleveland Tunnel down to the Bonneau house. He said that he remembers when he was a kid going behind his grandpa's house and seeing a lot of green in the summer. He shared that his grandpa had a massive garden there and after he passed away that it was used for an orchard. He added that the water went from the ditch to a black pipe, the Bonneaus have always claimed that right, and the right was never questioned by the water district.

Chair Gonsalves asked how the project affects water rights and use.

Mr. Bonneau responded that if somebody is going to build on a property that they at least should be told if there is an easement over it. He stated that they have to maintain the ditch which now has become a pipe. He added that if you have a water right you have an easement and that they have spent 20 years in civil court over this.

Commissioner Wardall asked if there is a water right if that translates to having an easement across somebody's property.

Deputy County Counsel Spitzer responded that he has not really looked into this, that water rights are complicated. He added that the easement is either there or not, prescriptive or documented in some way through sale or deed, and that he really cannot speak to the water right issue.

Mr. Bonneau said that he can speak to that, and that his family spent 20 years in a lawsuit with their other property up there. He explained that they had a water right on a property north of the Giuliani property and that similarly the water came down from a spring, down through a ditch, into a reservoir on the Giuliani property. He shared that they spent 20 years and had 3 different civil trials establishing that water right. Once they established that right they had an easement to maintain that water right by ditch and then it became a pipe. He voiced that it is common sense that if you have a water right that you have a right to maintain it and go onto someone else's property if that is the type of water right that you have. He said he can provide the Commission with the lawsuits on that other property.

Deputy County Counsel Spitzer stated that he is not clear how this relates directly to this project because if you have an easement and a water right that it is going to be there regardless of a zone change.

Mr. Bonneau said that the impression that he got at the Technical Advisory Committee (TAC) meeting was that there was no water right on any of those properties and that no one had a right to go on there and that they went on there without the owner's knowledge.

Deputy County Counsel Spitzer shared that he wants Mr. Bonneau to be clear on the process and explained that TAC will make a recommendation related to technical issues related to the project and the environmental impacts. He explained that this Commission is making a recommendation and then the Board will make a final decision. He stated that if anything was raised at TAC it does not mean that any decision was made or that anything happened affecting any rights or easements.

Mr. Bonneau said that the VCSD kind of supercedes the rights. He then referred to a subdivision on Ridge Rd. that put in a giant well that he said affected the springs all in that area, notably the Hale Ranch.

Commissioner Wardall asked the Chair if the Commission can move on. He explained that we are talking about the water supply, it is unknown whether there is an easement across the property, and that neither have a bearing on what is being decided. He stated that if this was going to be a subdivision that the applicant would have to provide proof of water, but that this is not a subdivision. He expounded that the issue is what the impact is to this property owner for the zone change and there is no impact.

Mr. Bratan clarified that the two subject properties are located outside of the VCSD.

Matthew Emrick, attorney with the Law Offices of Matthew Emrick, stated that he wants to focus on a few items that were brought up by the Law Offices of Soluri Meserve with respect to the adequacy of the Negative Declaration. He said that there are 3 areas of concern.

- 1) There is a water course across that property and for the purposes of rezoning and approval there needs to be some clarification as to the nature of it. He said it is subject to impacts from future residential development such as septic and that a Negative Declaration does not disclose, analyze, or mitigate those potential impacts.
- 2) The Negative Declaration and to some extent the application discusses special status species on the property and yet the Negative Declaration concludes that because the project is regulatory in nature and no development is proposed that there will not be any impact. He said that the rezone will allow future residential development and at the very least there should be a species survey. He added that this also was a former mining property and there is a potential for hazards which

have not been addressed. He stated that the Negative Declaration fails to meet the requirements of CEQA

- 3) There are water right issues and lines across the property and those lines have been there since at least the 1920s. He added there is a lot of documentation about the existence of that water right and that Mr. Ketron admitted cutting those water lines and if he cut those lines that future residents also may cut them and they need to be protected.

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

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

Commissioner Bennett stated that he believes that there is a prescriptive right with the water pipes, that there are people accusing other people of illegal acts, and that a determination is beyond the Planning Commission's purview. He said that there is a lot of extremism on the two positions and that lawsuits are probable. He shared that he thinks the Commission should recommend approval of the rezoning because it makes sense to remove an archaic Manufacturing zoning that no longer applies.

Commissioner Wardall said that this is for a zone change from Manufacturing to Residential Estates and asked to clarify if there is a parcel split in this package.

Mr. Bratan said that there is not parcel split involved, and due to General Plan density limitations, the property is too small to be split.

Commissioner Wardall stated that a homeowner may want to build a house on the property and is entitled to do that. He said that he does not see any merit to the environmental issues that Mr. Emrick brought up and that it is tough if a house is built on it. He voiced that the applicant is not splitting the property or doing anything in accordance with CEQA that requires to have any mitigations.

Deputy County Counsel Spitzer stated that if there is an impact from the decision that could lead to a significant environmental impact that mitigations would be required. He said that CEQA would and does apply here and that the question is what is the baseline circumstance, and what is this zone going to do to impact that baseline circumstance.

Commissioner Wardall asked with Manufacturing zoning if he can go out and mine on that property.

Deputy County Counsel Spitzer said his understanding is that he can mine and put a commercial use shop out there. He added that there are a lot of uses that he has rights for now and this would be a change from those impactful uses to a residential use which currently is not an allowed use. He explained that the impact is a house which is not there now.

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Wardall, and unanimously carried to recommend to the Board of Supervisors that the mitigated negative declaration is the appropriate environmental document.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Bennett, and unanimously carried to recommend approval of ZC-23;9-1 to the Board of Supervisors.

Mr. Bratan stated that the Planning Commission has recommended approval of ZC-23;9-1 to the Board of Supervisors and that a hearing will be heard at a later date.

Item 2 - Discussion and possible recommendation to the Board of Supervisors regarding a request for a variance (V-23;12-1 Johnson) from the front property line setback, and from the Public Utility Easement (PUE) setback on Final Subdivision Map No. 116, within the

PD-R1, Planned Development, Single-family Residential Zoning District. The property is 3.47 acres with standard setbacks of 25 ft. from the front, 15 ft. from the rear, and 5 ft. from the side property lines, and a PUE setback of 20 ft. This variance, if approved, would allow construction of a carport at the northwest corner of the property 10 ft. from the front property line and 3 ft. from the PUE pin (APN: 038-660-010).

Property Owner: Jeff Johnson

Supervisorial District: 3

Location: 13425 Paintbrush Lane, Pine Grove, CA 95665

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

Chair Gonsalves asked if the applicant is present and if they have any comments.

Jeff Johnson stated that the property has very steep terrain and that this is about the only place where he can build the cover for the trailer.

Commissioner Wardall asked if construction will encroach upon the public utility easement.

Mr. Johnson responded no, it is 3 feet off of it, and will be within the building setback.

Chair Gonsalves opened the public hearing and asked if there is any public comment. There was none.

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

Commissioner Curtis said that he is concerned with the variances that we get all the time. He voiced that he did not see another garage or carport in the neighborhood within the setback, but that the property is at the end of the road and that the lay of the land is unique to the neighborhood. He said he does not think it will visually cause a problem, but will set a precedent for the neighborhood.

Commissioner Munnerlyn said that she believes that it makes it more acceptable that it is a carport and not an enclosed garage and will therefore be less likely that the trailer will be used for any permanent housing.

Commissioner Curtis shared that it is for storage of the trailer, not occupancy of it, and that a carport is a more acceptable view than a travel trailer.

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Bennett, and unanimously carried to recommend to the Board of Supervisors that the Notice of Exemption is appropriate.

Commissioner Bennett commented that the Commission constantly has appeals which raises the cost of housing. He voiced that there is an American tradition of the add-on tradition that causes major problems with housing policy and constant requests like this illustrate this.

Commissioner Wardall shared that the trailer is nice, needs to be protected, and that the log cabin style is complimentary to the area.

MOTION: It was moved by Commissioner Curtis, seconded by Commissioner Munnerlyn, and unanimously carried to recommend approval of V-23;12-1 to the Board of Supervisors subject to the findings.

Ms. Sheppard stated that the Planning Commission has recommended approval of V-23;12-1 to the Board of Supervisors and that a hearing will be heard at a later date.

Public Scoping Session

Item 3 - Discussion and possible direction to staff following public input on the potential environmental impacts to be analyzed in the Draft Environmental Impact Report to be prepared for the Goose Hill RV Park project. The project would include:

- 1) A Zone Change from “X,” Special Use District, to “PD,” Planned Development District (ZC-19; 11-2);**
- 2) A General Plan Amendment from A, Agricultural, to SPA, Special Planning Area General Plan Designation (GPA-19;11-1);**
- 3) A Use Permit for a 125-space Recreational Vehicle Park with associated uses (UP-19;11-2). The RV Park uses would include three shower/restroom units, two restroom units, a two-story 8,020 sq. ft. clubhouse including a manager’s residence, office, lounge area, meeting hall, convenience store, and restaurant for public use. The project site occupies 40-acres of the 105.21-acre parcel. (APN: 012-040-049)**

Property Owner: Dean Gerald Ninnis Trust (Gerry Ninnis, project proponent)

Supervisorial District: 1

Location: 6080 Jackson Valley Rd. Ione, CA 95640

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

Chair Gonsalves asked if the applicant or consultant would like to address the Commission.

Charlie Simpson, consultant from BaseCamp Environmental, Inc., shared that they are in the beginning stages of the Environmental Impact Report (EIR) and that the scoping process has opened with a Notice of Preparation (NOP) and the convening of this meeting. He stated that they are reaching out to agencies and public for concerns that should be included in the EIR. He then shared the steps of the EIR process pointing out that they are obligated to include any comments in the EIR and in the new Reclamation Plan. He continued that they are preparing a full range EIR and new Reclamation Plan and that just a few of the issues that are the most important are air and biological impacts and the effects of project operations on the views and noise in the vicinity. He said also to be included will be impacts on water supply, flooding along Jackson Creek, and what needs to be done to establish a monitoring system. He added that procedures to protect life and property will also be described.

Chair Gonsalves asked if the Commissioners have any questions.

Commissioner Curtis asked how far the project is from the casino.

Mr. Simpson responded by road it is a few miles.

Craig Baracco, Foothill Conservancy, said that some of the concerns the Conservancy have include the state of the mining operation and restoration plan. He asked about the fate of the rest of the property including the creekbank. He added that the property should be restored as fully described in the current reclamation plan before moving forward with the re-use in the RV park. He continued that some consideration has to be done on how to protect structures and people if Jackson Creek overflows its banks. He added that an onsite sewer system should be built so it does not dump waste into the creek if there is a flood and would like to see ideas of plant design and how to proof for potential flooding and

overflows. He said they would like to see more detail of how the water system is going to be operated and maintained, and what the responsibilities are of JVID versus the park operator.

Brian Rottweiler lives adjacent to the proposed park and asked if the mine permit is currently expired and if reclamation has begun.

Mr. Beatty responded that the mining permit is currently active and reclamation has not begun.

Mr. Rottweiler asked if Goose Hill Ranch Estates has been taken into account as far as noise and if the view has been considered from Goose Hill Ranch Rd. He asked how the warning system is going to function if there is a flood and if they will be viewing big speakers and poles or if there is another way of alerting the people. He said he is concerned about dropping water tables and that not all parcels are on JVID. He stated that this is going to create a lot of traffic and noise and that Jackson Valley Rd. is currently in poor condition and that emergency response time is marginal now and asked for efforts to make them better.

Sharon May said she lives about 3 miles up Jackson Valley Rd. and that she agrees with what previous speakers have said. She said that this is a dense project for 40 acres and asked if this is the best place to put this because there have been traffic concerns and dam leaks before. She said that she believes that JVID did a study that revealed that flood waters would hit her home in about 1 ½ minutes and that there is no way 120 RVs would be able to evacuate on a single lane road. She shared that she has the same concern about evacuation if there is a fire. She said she believes that having the septic near the creek is a bad place because if it overflows and that other people down the line use that water for their animals. She added that it would be bad for the County's budget if there is lawsuit for loss of life and property.

Bill May, 4121 Jackson Valley Rd., concurs with what Mrs. May said, and voiced that this is an ill-conceived project and that the Commission would do a service to the applicant if they turn this project down tonight. He stated that a full EIR is going to cover everything and cost the applicant a lot of time and money if it does occur.

Rux Oneto, representative of the Oneto Group, said that they own about 350 acres west from the project across the street from the casino. He stated that he would support the project and would like noted in the descriptions of the surrounding properties that they have industrial property west of the project. He shared that he originally had concerns about traffic from the casino, but when he is on his property ½ mile away from the road he can hardly tell there is casino traffic. He added that as far as a trailer park being in a flood zone, an RV park is a pretty good thing because if something happens to the dam just leave the trailers behind and get out of there.

Wally Gallagher, 6311 Jackson Valley Rd., said he lives directly across the road and that he cannot read the map. He asked where the mini golf course is going to be located because it is not shown. He asked how many tennis courts there will be and that it looks like one is on the map. He asked how many batting cages are going in and shared frustration about no one knowing these details. He said he is concerned about the noise from the balls in the batting cages and asked what the hours for them will be.

Comments were attempted by Zoom Call-in-User 2. An announcement during the meeting to send comments to planning@amadorgov.org was made.

Chair Gonsalves asked for further comment. There was none.

Mr. Simpson clarified that, according to the JVID mapping of a dam failure, flood that flood waters would reach the park in about 15 minutes. He said that they will detail what will be in the park and will become part of the record of the EIR. He explained that there is a lot more detail available from the Planning Department or from him as to how the water agreement with JVID will be handled. He said that the

existing potable system will not be impacted by the project and added that this information will be available in the EIR.

Commissioner Bennett referred to the bottom of page 4 of the Goose Hill Recreational Park Overview and Background and asked about the mentioning of Homeland Security functions.

Mr. Simpson responded that he would like to know also and that it is a secured site and does not want to speculate about what is behind the locked gates.

Commissioner Bennett said there is some kind of not well known storage going on there and asked if that is a fair way to put it.

Mr. Simpson responded that it is unknown to him.

Steve Fredrick, Jackson Valley Irrigation District (JVID), said that Ms. May spoke that Jackson Creek Dam previously had leaks that potentially caused the reservoir to be unsafe. He voiced that her statement is incorrect, clarifying that the dam is 100% in compliance with California dam safety, with the Federal Regulatory Commission, and does not foresee potential dam failures.

Commissioner Munnerlyn stated that she believes that the comment about the potential high-pitched noise from batting cages is a reasonable request and that both tennis and pickle ball sounds should be looked at if there is a plan to change to pickle ball or to have both tennis and pickle ball. She said that in terms of solid waste, to look at the effects of having it at each space along with a central collection system versus having only a central collection system. She added that her biggest concern is traffic and circulation, especially at the Jackson Valley East and Hwy 104 interchange. She stated that this intersection has been the subject of conversation traffic wise with other projects brought before the Commission and asked what the expected number of visitors are, their impacts, and what number of visitors would necessitate a signal there.

Commissioner Bennett said that predicting the future is impossible and that the applicant might want to add or subtract tennis courts according to demand. He added that he is not denying noise though or any other environmental factors they could create.

Mr. Gallagher responded that it can be louder with more cages. He shared that there is no shoulder on Jackson Valley Rd. and is concerned that kids are going to be coming from The Oaks Mobile Home Park and the City of Lone on bikes and skateboards.

Commissioner Bennett responded that the noise from batting cages will be handled in the EIR. He said his point is that we cannot prescribe what recreational facilities will be there in the future.

Mr. Gallagher said there will be a noise increase if they put in a pickle ball court. He asked how the EIR would be affected if they are granted to put in a batting cage and then down the road 50 batting cages are put in.

Commissioner Bennett replied that Mr. Gallagher is asking them to freeze things in a changing world.

Mr. Gallagher voiced frustration that the EIR is there to protect people in that area, but that Commissioner Bennett is saying that later on they can increase the noise on their own.

Commissioner Bennett said that we have a noise ordinance and if they were to change things that they would have to go through a building permit process.

Chair Gonsalves explained this is very early in the EIR process and to take this one step at a time. He shared that the conditions of approval are going to pinpoint how many and type of courts and all the restrictions that will go to the Planning Commission and the Board of Supervisors for approval or denial.

Mr. Gallagher replied that he is just addressing Commissioner Bennett's comments.

Ryan Chase commented that he is concerned that this is being built across from an active fireworks plant with active explosives on site.

Chair Gonsalves asked if there are further comments from Commissioners and if there is direction for the consultant.

Ms. Ruesell replied that the comments tonight are part of the public record and the period for commenting is still continuing. She added that all comments will be forwarded to the consultant producing the EIR. She explained that the noise ordinance does not address commercial noise as written and is for residential but that there are General Plan mitigations and requirements that do set thresholds for residential and commercial areas. She added that the NOP only includes a general description of the project, but the entire application is available in the Planning Department and also online.

Nora Fagg stated that the emergency exit to the park is through Goose Hill Ranch Rd. and asked if they have an easement for this road.

Mr. Ninnis responded yes.

"BC's phone" commented that they are concerned about the air quality of residents bordering the campground due to campfire smoke as well as for access in and out of Lake Amador Ranch Estates after seeing the back up of RV traffic at Lake Camanche and the 49er campgrounds.

Mr. Oneto shared that we need this because he is concerned about industry and jobs for our kids or they will not be able to afford to live here and have to move on. He stated that we are going to see a slow implosion of the county from the cost of fire insurance above Jackson for those that are not cash buyers and that our county needs to do everything it can to promote jobs.

Commissioner Bennett said that he agrees.

Mr. May added that he disagrees.

Kimbel LeMaux, 5700 Buena Vista Rd., said he lives across the hill from Goose Hill, that he has lived here for years, and does not see traffic problems.

Other Items

Item 4 - Discussion and possible direction to staff regarding proposed amendments to the County's "winery ordinances" to establish regulations for future wineries, tasting rooms, and event locations in the A/Agricultural and R1A/Single-family Residential zoning districts, and in future enrollments into the AG/Exclusive Agricultural (Williamson Act) zoning district.

Applicant: County of Amador

Supervisory Districts: All

Location: The amendments would apply in the A/Agricultural, R1A/Single-family Residential zoning districts, and AG/Exclusive Agricultural (Williamson Act) zoning districts.

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.

Chair Gonsalves opened the item for public comment and for Commissioner feedback.

Dianne Kindermann, from the Law Firm of Abbott and Kindermann on behalf of Domenico Winery, asked the Commission to consider all of the comments submitted by Delta Engineering regarding the need for a little more definition and clarity on operational characteristics and land use constraints to ensure compatibility of winery uses with other uses in the county. She asked to make sure that the ordinance is as clear as possible and in compliance with the General Plan. She added that the County's General Plan is unique as it has an Economic Development Element which is not required by law. She stated that a general plan needs to have vertical and horizontal consistency and is concerned that the draft ordinance does not have vertical consistency.

Commissioner Bennett asked when talking about economic development if Ms. Kindermann is talking about physical sites.

Ms. Kindermann responded that she is talking about the goals, objectives, and policies in the Element that underscore the importance of economic development not just on existing commercial uses but on new uses and in agricultural areas. There are several sections devoted to agricultural areas.

Deputy County Counsel Spitzer asked Ms. Kindermann if there is anything specific that is inconsistent with that Element.

Ms. Kindermann replied that there is one inconsistency that Mr. Beatty had identified. There are new definitions for roadways that are not consistent with the General Plan and she knows there are some reasons for that, but believes we can get closer without creating new levels of roadways. There are some density components missing from the ordinance which are not necessarily inconsistent with the Economic Element but maybe other Elements of the General Plan. She said that over all it is limiting new business more severely than it what it appears would be liked in the Economic Development Element as it relates to agricultural properties.

Deputy County Counsel Spitzer said he would like to give the Commission a brief legal summary of consistency law for general plans. He explained that there are a lot of competing goals and policies and that it is very likely that whatever is adopted is going to be favoring certain policies and rubbing others the wrong way. He continued that if there is a specific inconsistency, more of a quantitative issue versus a qualitative issue, then there is a potential problem. He stated that would appreciate Ms. Kindermann at some point providing a breakdown of what she sees as inconsistencies.

Ms. Kindermann shared that they are working through Mr. Peters on this and will identify policies that they think are inconsistent. She added that Deputy County Counsel Spitzer is correct that it is not going to be consistent with every single policy, but the limitations and future business constraints in the ordinance are read it seems like an overall tone of inconsistency with the Economic Development Element.

Dominic Churichillo, Domenico Winery, said that they are currently building a tasting room and event area and explained that they purchased the property because of the by-right uses. He said that there is a drastic change in the number of events at a time when it has been recommended to take out 30,000 vines in California. He commented that if this is passed as it is now it will limit the number of events because of setbacks and other things which Robin Peters has pointed out. He pointed out that the future of the wine industry is important to Amador County, that wine money comes in slower, and that it is not easy being in business. He stated that he understands the value of guidelines, but this is a knee jerk reaction due to a winery that was not even a by-right winery.

Commissioner Wardall asked where his property is in lone.

Mr. Churichillo responded 11655 Paine Rd.

Craig Baracco, Foothill Conservancy, said that this is not a rushed effort or a knee jerk reaction and that there has been very careful consideration over the past year and a half. He said it is a way of balancing the economic needs of our wine industry with the various impacts that result from winery events such as to roads and to residents from things such as noise, traffic and the like. He shared that this is a reasonable set of limits on the total number of events and allows wineries to participate in AVA events, have wine clubs, as well as necessary events to help support winery operation. He voiced that Economic Development is one Element, but preservation of our rural lifestyle and natural resources is another policy in the General Plan. He added that for concepts like this it is up to the Planning Commission and the Board of Supervisors to strike a balance between competing interests and that this set of regulations does a good job of striking that balance. He said that their biggest concern is over the definitions of major and minor roads and that Steiner Rd., where there are a lot of existing wineries, is not up to snuff and because there are a lot of existing wineries is not a reason to have more. He added that it is reasonable to require that limos start up 5, 10, or 15 minutes before hand or there are noise and air pollution problem for the neighbors. He voiced that the Conservancy gives a general word of support.

Robin Peters said that he submitted comments earlier in the day and that he hears a lot of concerns about where the winery ordinance is going and whether property owners can pursue their dream of opening a tasting room. He explained that he is a practitioner and advises clients of what they can and cannot do with their property and that every word of an ordinance matters and conveys the intent of the drafters. He said that he understands the intent of the Land Use Committee and the Board, but there is a gap between the intent and the document before us. He pointed out that the Planning Department that exists today, may not be the same 5 years from now and that the goals and the concepts need to be taken and turned into strict wording that everybody can interpret and enforce. He stated that his goals are to articulate the need for a document that is bullet proof and does not require interpretation from day one. He urged the Planning Commission to work with staff and direct them to work with him and other interested parties to work a little more on the document where it can be sent to the Board for approval.

Chair Gonsalves asked if there is further comment.

Commissioner Bennett said that he hopes this process straightens out and shared a cautionary note about the imperfections of Planning.

Commissioner Curtis commented that it seems that we have a problem with traffic, noise, infrastructure, and the interaction between residential and commercial and agriculture and commercial. He said that he sees the attempt to address problems, but does not see that it is getting very far and believes it needs a lot of work. He agrees that problems need to be addressed equally and that the words are very important if this ordinance is going to last.

Mr. Beatty asked the Commission if there are any areas that they would like addressed before bringing any drafts back.

Commissioner Curtis responded that designation of roads needs to be clearer in accordance with some state definitions.

Deputy County Counsel said one of the approaches was to specify exactly which portions of roads would qualify as a major road and seems to be one of the main areas that needs to be refined. He explained that a lot of stakeholders' input went into the draft and that one recommendation could be for staff to propose what the roads are by name and section.

Commissioner Curtis responded that he would not like to be a vineyard owner when the roads are determined and that it bothers him because infrastructure is not there. He voiced that maybe the way to do it is to name the roads.

Mr. Churichillo said that he thinks that Commissioner Curtis hit on something. He asked what happens to all the by-right ag zoned properties that no longer will be able to build a winery because they are on a minor road. He stated that the wine business is an agriculture business and that business is commercial.

Commissioner Curtis said that is a big change and that in the past we did not sell wine from the wineries because it was sold from the stores.

Commissioner Munnerlyn commented that the ordinance, as drafted, does a good job with the designation of the number and types of events for each designation. She added that the roads, parking, and idling need fine tuning.

Mr. Baracco clarified that even with the new rules in place a new winery is going to be guaranteed a whole set of events. He stated that the distinction between the properties with larger setbacks or properties on major or minor roads is the total number of events and the total number of people allowed. He ended that there is nothing in the ordinance that would ban a winery from being placed on a minor road.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Bennett and unanimously carried to adjourn the meeting until the next regularly scheduled meeting on March 12, 2024.



John Gonsalves, Chair
Amador County Planning Commission



Mary Ann Manges, Recording Secretary
Amador County Planning Department



Chuck Beatty, Planning Director
Amador County Planning Department