

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF RECORDED MEETING
April 9, 2024 – 7:00 P.M.**

PAGE 1 OF 12

The Planning Commission of the County of Amador met on April 9, 2024 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 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
Krista Ruesel, 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 7:00 p.m.

B. Pledge of Allegiance:

C. Approval of Agenda:

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

D. Minutes: January 9, 2024 and February 13, 2024

MOTION: It was moved by Commissioner Curtis, seconded by Commissioner Bennett, and unanimously carried to approve the January 9, 2024 and February 13, 2024 minutes.

E. Correspondence: Letters received after publication of the agenda for Item 2 from Caltrans and Foothill Conservancy

F. Public Matters not on the Agenda: None

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

H. Agenda Items:

Public Hearings

Item 1 - Request for a Use Permit (UP-23;11-1) to allow for the use of an approximate 2,160 square-foot modular building as a Tribal Government Office in the X, Special Use zoning district. (APN: 012-130-035).

Property Owner: Buena Vista Rancheria of Me-Wuk Indians (Mike DeSpain, representative)
Supervisorial District: 2
Location: 3575 Coal Mine Road, Lone, 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 proponent is present and if they have any comments.

Mike DeSpain responded that he has no comments at this time.

Rob and Katie Scott, 3576 Coal Mine Rd., said their property is across the street from the project and believes their input does not matter at this point because the building is already there and being used. Mr. Scott stated that he believes there are more than the 4 employees or visitors because when they do food bank handouts there is a line of 10 or 12 cars on the property. He shared that a residence also has been added and believes it is a poor location for the use just as is the gas station going in. He said that this is a rural community and Coal Mine Rd. was not supposed to be the route to the casino or any of the uses down there. He added that they see a high volume of high-speed traffic on their narrow two-lane road along with a lot of in and out traffic. He voiced that they are disappointed by the whole thing.

Chair Gonsalves asked Mr. Scott if he said that the residence was added recently.

Mr. Scott responded that a modular home was put in shortly after the office.

Chair Gonsalves asked Mr. Beatty if he is aware of any permits issued for that.

Mr. Beatty said that he believes there was a building permit for the modular unit, but is not aware of one for the house. He commented that he assumes that it is a replacement for the house that burned.

Mr. Scott shared that it is not in the same location as the Easterlings house that was there.

Chris Gascon, 3599 Coal Mine Rd., said that he is the only one that borders the site. He stated that a triple wide is now located where the Easterlings house was that burned to the ground. He questioned whether the septic system was checked after the house burned. He stated that after a big rain storm that he saw the septic tank floating and that it was replaced with a new tank. He said behind the triple wide is now a double wide that might have the tank that had been floating or maybe does not have a tank at all and that he just wants them to do things right. He stated that the government building does not scare him and that there is nothing they can do. He shared that he wants to make sure that the gas station is permitted properly, that he is not trying to stop them doing what they want to do, but wants them held accountable and that he would have to if it was his property. He commented that they did a big land grab in the last year buying multiple properties in the area.

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

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

Commissioner Bennett said that he thought they were proposing to do this in the future, but it is already there and that he is a little confused by their process.

Mr. DeSpain said in reference to the subject property that they are in the process of a trust application through the Department of the Interior with the final comments closing in the next couple days. He stated that the comments made are correct that they put the building in place on the Easterling property. He said

that they followed county codes in reference to the water and waste water systems on the primary unit in question and that the secondary unit was also followed in the county codes at the same time. He voiced that the bigger issue is that this is not a land grab by the tribe and the area in question was part of the original reservation of the tribe and they are just trying to bring back the tribal reservation within the government authority of the tribe itself. He added they are not trying to hurt the local community or local residents and has followed every residential and county code that is available. He added that he has worked with the Planning and Environmental Health Departments on every part of this and will address any questions or issues and just wants to be a good neighbor.

Chair Gonsalves asked Mr. DeSpain if this includes obtaining permits.

Mr. DeSpain responded that he obtained and submitted all the processing fees and applications to the Planning Department and Environmental Health through the entire process and has approvals from them.

Commissioner Wardall asked if Environmental Health has approved the sewage disposal system and if the Building Department has issued a building permit for the structure.

Mr. DeSpain replied that the building permit for the structure that is currently in place has been approved since the 2017 rebuild, and that Environmental Health approved the septic system or the waste water system on the property and that all permits and all county requirements have been met prior to the approval request.

Commissioner Wardall said he does not know if the use permit, the building permit, or the environmental approval for the wastewater system comes first and asked if staff can confirm if the permits have been approved.

Mr. Beatty responded that the use permit comes first for the proposed use, and the use permit has conditions associated with it that require the building and septic permits which are there to enforce it.

Commissioner Munnerlyn asked if the intended 4 visitors and 4 employees for 4 days per week are by appointment only.

Mr. DeSpain responded yes and that right now there is one employee on site off and on during work hours between Tuesday and Thursday until this is addressed properly with the County. There is nobody staying on the property. This is a distribution point for another tribe in another county and nobody that comes for food distribution is allowed in the building and the porta potty is for the health and safety of the individuals coming onto the property for the food distribution.

Commissioner Munnerlyn asked if they are expecting more than 4 visitors per day for the food distribution.

Mr. De Spain responded that nobody goes into the building but him.

Commissioner Munnerlyn said, but they are coming onto the property and parking.

Mr. DeSpain responded yes, but they are not using any facilities whatsoever and are driving in, driving around the parking lot, loading their commodities and leaving. He explained that this is a food distribution program that began in the 1800's to allow individuals from tribal governments to gain basic necessities.

Chair Gonsalves asked staff if a permit is required for the food distribution.

Mr. Beatty replied yes, if it is in a separate structure.

Chair Gonsalves commented that they do food distribution at St. Katherine Drexel.

Mr. Beatty responded that it is considered an ancillary use.

Chair Gonsalves so this really has nothing to do with this use permit application.

Mr. Beatty replied no.

Commissioner Bennett stated that he is confused about the residential structures behind this building and asked Mr. DeSpain if the residences are occupied.

Mr. DeSpain responded that structure is occupied at this time, but is not part of the application process on the government building use. He said that is a separate process that is in review between the tribe and the County.

Mr. Beatty stated that a residential structure would be a permitted use.

Commissioner Wardall said that putting a triple wide in does not disturb the earth, but also need to look beyond the negative declaration and see how it fits in the community. He commented that there is concern from a couple people and voiced that building permits are open to the public and if people have concerns that building or septic permits are not valid that they can bring this back to the Planning Commission. He asked staff if this is correct.

Mr. Beatty responded yes.

Chair Gonsalves stated that it is actually not a Planning Commission issue, but an enforcement issue between Environmental Health, Building, and Planning.

Chair Wardall said they do have a use permit and if the conditions of the use permit are not complied with that staff with have to share what the alternatives are.

Mr. Beatty responded that, ultimately, there can be revocation of the use permit which would take Planning Commission action.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Bennett, and carried to approve that the negative declaration as the appropriate environmental document.

AYES: Curtis, Gonsalves, Wardall, Bennett

NOES: Munnerlyn

Commissioner Curtis said that the Technical Advisory Committee (TAC) and Planning looked at it and he said he is inclined to assume that the previous buildings and septic systems are permitted.

Mr. Beatty shared that the conditions of the use permit are there to enforce the required permits and inspections.

Commissioner Curtis commented that at least we know it will be inspected even if it was done without permits.

Mr. Beatty added that there is an enforcement mechanism after the use permit is issued.

MOTION: It was moved by Commissioner Curtis, seconded by Commissioner Bennett, and carried to approve UP-23;11-1 with the recommended findings and conditions of approval included in the staff report.

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

Ms. Ruesel stated that the Planning Commission has approved UP;23;11-1. Anyone wishing to appeal may do so by filing a written appeal with the Clerk of the Board no later than 5:00 p.m. on April 19, 2024.

Item 2 - Request for a Use Permit (UP-23;12-1 Chipotle) to allow a Drive-Thru “Chipotlane” and Outdoor Seating in the M, Manufacturing Zoning District. (APN 044-450-020).

Property Owner: Green River Holdings, LLC., Rep: Callie Huff
Supervisory District: 1
Location: South of the intersection of Industry Blvd. and Old Mill Ln., Martell, CA 95650

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 is present and if they have any comments.

Callie Huff, applicant participating via Zoom, shared that she is sick, but that her representative is present.

Barbara, representative, shared that she has no comments at the time.

Ms. Ruesel stated that three items of correspondence have been received after upload.

Chair Gonsalves opened the public hearing and asked if there is any public comment.

Craig Baracco, Foothill Conservancy, shared that he has comments about commercial design and that an email with pictures was previously submitted. He stated that the Martel Shopping Center is one of the highest profiled, most visible, and most travelled areas in the County and hopes that the County develops some design standards for the Martell area. He said that the building, as proposed, has a minimalistic corporate design which is a gray and black box with glass windows and that the predominant style of the shopping center is red roof Spanish inspired style. He shared that Chipotle produces a variety of designs in its restaurants and asks that the applicants submit a different design with a style they have used in other locations.

Chair Gonsalves asked if there is additional public comment. There was none.

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

Chair Gonsalves asked for discussion amongst the Commission.

Commissioner Wardall said that he does not see a side view or ¾ front view and asked if there is something he is missing.

Chair Gonsalves shared that the design could stand for some improvement and asked if that is what they are proposing.

Commissioner Curtis asked how the current look was obtained for the rest of Amador Ridge.

Mr. Beatty stated that the buildings on the south side were part of a design that the developer proposed which the County accepted so all the ones on that side have to follow that aesthetic. He added that the ones on the north side are a separate project and that there is no design criteria.

Commissioner Bennett shared that he believes that it is not the business of government to decide what buildings should look like. He added that government has a role to make sure that sanitation, wiring, and traffic are taken care of. He elaborated that the cities that are interesting to look at are those that are called fine grained which represent all the different periods in history and style of when they were built. He shared that in this county things either look alpine or rustic or some proscribed style. He stated that he believes this inhibits human innovation and that this is 2024 corporate America and should be enshrined that way.

Commissioner Munnerlyn stated that she has concerns about the flow of the traffic through the parking lot and said that really have only one entrance and one exit and if there is one more car in line than proposed that it could potentially block that exit.

Commissioner Bennett asked if that is something the Building Department should take up rather than the Planning Commission.

Commissioner Munnerlyn responded that she believes it does pertain to the Commission when it comes to being a functioning drive through and that the drive through exits really close to Carl's Jr's. entrance into their parking lot.

Commissioner Wardall shared that there is a possibility that the driveway on Old Mill could be blocked, but that there is another exit on the other end of the parking lot.

Commissioner Munnerlyn said that it is also the entrance and believes that it is necessary to have two functioning exits in that parking lot, if one is where cars will also be entering the drive through lane. She shared that she understands that there is a 15 minute window for pick up and hopes that not many cars will be backing up there.

Ms. Huff explained that this is not a traditional drive though since customers have to place their order on the app ahead of time and then get dinged when their order is ready. She added that there is no point of sale and no lag time or queue.

Commissioner Munnerlyn said that she understands, but even one more car in line could block the exit.

Ms. Huff explained that the person pulling up would move to the parking lot in their allotted parking stall so that the flow of traffic continues to flow through.

Commissioner Munnerlyn asked who would ask customers to wait somewhere else.

Ms. Huff responded within their allotted parking stalls.

Commissioner Bennett said that Commissioner Munnerlyn's comments are very appropriate, but believes that Chipotle is very experienced and probably knows what they are doing.

Commissioner Munnerlyn said that the outdoor seating seems adequate, but that it would be nice it could be covered because it is hot in the summer.

Commissioner Bennett shared that it is important to note that this is an infill project.

MOTION: It was moved by Commissioner Bennett, seconded by Commissioner Munnerlyn, and unanimously carried to approve that the mitigated negative declaration is the appropriate environmental document.

MOTION: It was moved by Commissioner Munnerylyn, seconded by Commissioner Bennett, and unanimously carried to approve UP-23;12-1 with the recommended findings and conditions of approval in the staff report.

Ms. Ruesel stated that the Planning Commission has approved UP-23;12-1. Anyone wishing to appeal may do so by filing a written appeal with the Clerk of the Board no later than 5:00 p.m. on April 19, 2024.

Other Items:

Item 3 - Continued 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.

He noted that there are several issues in the proposed drafts that are either controversial or that the Board of Supervisors are looking for direction on. He shared that the first issue is that the Public Nuisance Noise Ordinance only applies to residential uses not wineries.

Commissioner Wardall asked if the state's noise limit is 65 dB (decibels).

Mr. Beatty responded that there is not a state wide noise standard, but that most county General Plans have a nighttime reduction in acceptable noise levels between 10 p.m. and 7a.m. He added that in Amador County that the limits are 75 dB at the property line during daytime hours and 65 dB at night.

Chair Gonsalves asked if the proposed amendments to the winery ordinance are to standardize noise issues and that he seems to remember that conditions of approval have been related to that.

Mr. Beatty responded that most, if not all, of those conditions related to noise were based on General Plan noise standards, and that the conditions apply to wineries with use permits.

Chair Gonsalves asked what the Board wants them to look at regarding this.

Mr. Beatty responded that he believes they are looking for guidance on what should be the standard that would apply to wineries that are allowed by right as well as with the ones that come before the Commission for a use permit. He said that staff's recommendation would be to amend the County's Noise Ordinance and include tasting rooms and events as being subject to the ordinance so that there is an enforcement mechanism if there is a problem.

Chair Gonsalves commented that it sounds like a good idea.

Commissioner Wardall stated that he believes that everybody should be treated fairly and equally and that amending the County Noise Ordinance would bring them all under same rule.

Mr. Beatty continued that another issue related to noise is the 10 p.m. to 7 a.m. quiet time. He said that the Board asked if 10 is too late, particularly for outdoor use. He asked the Commission if there should be an earlier cut off time for noise that meets the General Plan guidelines.

Commissioner Wardall suggested that during the school year on week days to move quiet time back to 9 p.m.

Commissioner Bennett stated that he agrees and that other part of the equation is the start time. He explained that people may be busy during the day and the event could start at 6, 7, or 8.

Chair Gonsalves said that his daughter's wedding reception began at 5 p.m. and lasted way beyond 10, but there were no complaints.

Commissioner Curtis commented that there are some wineries where you can do that because they are far enough away from a property with a residence.

Mr. Beatty said that there are still dB limits at the property line regardless of how late it goes and that right now the cutoff for amplified music outdoors is 10 p.m.

Commissioner Munnerlyn stated she is inclined to think that 10 p.m. is inclusive for wineries and residents and is a good compromise.

Commissioner Curtis said they can still dance with music inside.

Commissioner Munnerlyn said in the proposal that it would be indoor or outdoor amplified music until 10 p.m.

Commissioner Bennett said so you are saying it should be changed for indoor and leave the outdoor and asked if that is a possibility.

Commissioner Curtis voiced that there can be indoor music that rattles the windows three houses away and that people have to be reasonable. He said we are trying to put everybody in the same box and it is hard. He shared that he believes that what is here is reasonable and is only enforced on complaint anyway.

Chair Gonsalves asked if anyone from the public would like to comment.

Gage Marchini, from the Law Office of Abbott and Kindermann on behalf of Domenico Winery, said they are hoping to work with staff in a collaborative effort to develop it to meet the County goals and that they respect and want to protect the winery industry in this area. He asked the County to consider all of the comments submitted at the last meeting by Delta Engineering and to look at some inconsistencies in the General Plan. He explained that the first inconsistency is in Economic Development Goal E1.4 which encourages the retention and expansion of businesses in Amador County. He explained that the ordinance, as drafted, refrains from using pre-existing uses of property and instead refers to previously issued building permits. He said that this distinction is important is because it does not secure the use that was existing on the property. He shared that in the current draft, if a tasting room has been on a property for 30 years and it is desired to seek a building permit to do renovations or upgrade a room or building that they would fall under this ordinance.

Mr. Marchini continued that there is another inconsistency with Goal E1.1 which is to encourage an efficient and consistent regulatory environment and a predictable development process. He explained that one of the discrepancies is that it creates a problem for wine growers that have property that is split up into different parcels which can cause issues with setback requirements between separate parcels. He

suggested that this might be addressed with an exception for parcels under common ownership and asked to discuss this with staff.

Mr. Marchini said that in Goal E.9.8 the County encourages continued economic viability of farming, ranching and agriculture businesses and reads that agriculture related businesses include wine tasting. He added that it also reads that the County will encourage the use of site planning techniques such as property-maintained buffers, building envelopes, and setbacks on lands adjacent to agricultural uses in order to protect agricultural uses from other incompatible land uses. He stated that this is inconsistent because of setback requirements related to parking lots pertinent to use on the winery property and to residential properties which contain occupied residences. He added that the way the ordinance is drafted is contrary to this policy.

Mr. Baracco said that he has comments in response to the previous speaker and that it is his understanding that a building permit remodel does not trigger the new set of requirements.

Mr. Beatty confirmed that this is correct and that it has been clear from the Land Use Committee all along.

Mr. Baracco continued that in reference to the Economic Development Element of the General Plan and agriculture and the need to promote that, that the uses discussed are not agriculture uses and are accessory to the wine growing and production of wine and its marketing and sales. He voiced that we are talking about limits and regulations on those types of events and the County is proposing very reasonable restrictions on the agricultural use.

Chair Gonsalves said that technically Mr. Baracco is correct, but that those ancillary uses help them to have a profitable margin.

Mr. Baracco said we are talking about certain limitations on the largest of events and the total number of people allowed. He added that in no way does this prevent existing wineries or proposed wineries from not having events and that there are a whole guaranteed set of events.

Mr. Marchini shared that he understands and agrees that the Land Use Committee has made clear that their intention is not to change pre-existing uses, but the intention is not reflected in the language because the language included in the ordinance refers to previously issued building permits rather than pre-existing uses. He added that this is one of things they would like to discuss more with County staff. He said the framing of what he said earlier about what is and what is not agriculture was limited instead to how the County's General Plan refers to agriculture and agriculture related and value adding activities. He added that the County has chosen to support those agriculture producers to sustain viability and economic growth and economic development.

Chair asked staff if they have any other comments.

Mr. Beatty responded just two comments. He said the first one is related to idling times. He explained that the draft ordinance has a 100' setback for idling vehicles, but not a limit on idling time. He stated that in the General Plan there is a five-minute limit on idling time for construction vehicles and that staff's recommendation is to include that as an idling time limit because it consistent with the General Plan and not arbitrary. He shared that the use of major and minor road designation did not have any specific definition other than what was crafted into the ordinance. He said that staff's recommendation is to strike that, and that other counties polled do not use road classification criteria for establishing winery regulations, but use fire and life safety criteria from the state fire safe regulations. He explained if a project does not meet those criteria there is a discretionary process to minimize the impacts.

Chair Gonsalves said that it sounds reasonable because using major and minor road is pretty ambiguous and hard to define in Amador County.

Chair Munnerlyn said it is hard to define over time and agrees to strike that from the ordinance.

Commissioner Wardall said that he concurs.

Commissioner Bennett stated that he also agrees and believes it is too subjective.

Commissioner Curtis said that he knows that the state fire code has minimum road requirements which are applicable to different circumstances. He voiced that there are a lot of County roads that do not meet state minimum requirements. He added that he has been thinking about the residential property and suggested to change it to a previously occupied residential in order to also protect a lifestyle of residences.

Commissioner Munnerlyn shared that with idling time that she thinks the five minutes in the General Plan is limited though, environmentally, she believes it is a wise choice and easier to regulate when in compliance with the General Plan.

Commissioner Curtis said that limousines do not make as much noise as construction equipment. He shared that someone is going to have to tell a limousine driver about 30-40 minutes ahead of time so they can start to cool the limo and believes that five minutes is kind of restrictive and maybe that it is better to have idling cars away from something.

Commissioner Munnerlyn said it is not good for the wine in the trunk.

Chair Gonsalves stated that Commissioner Curtis has a good point and asked if staff is asking for a recommendation or to strike it.

Mr. Beatty responded one or the other.

Commissioner Munnerlyn stated that if five minutes is too restrictive that she is willing to go to 15 minutes tops

Commissioner Curtis said that he likes a setback idea better than a time limit and asked if really going to affect air pollution by turning engines off.

Deputy County Counsel Spitzer said the concern was more for neighbors than the environment. He suggested that an option could be that there be no limit if they can meet a higher setback.

Commissioner Wardall said he likes that idea. He voiced that cars are pretty clean running, but make carbon dioxide which is pretty nasty and that he would like 200 ft. minimum for idling.

Chair asked how that is policed.

Commissioner Curtis replied like everything else, by complaint.

Deputy County Counsel Spitzer added that an annoyed neighbor would have something to grab on to.

Commissioner Bennett said that he wishes that Mr. Marchini would have submitted in advance his detailed comments and that he assumes he is going to submit them to the Board. He asked to note that Mr. Marchini's emphasis was on the fact that the General Plan includes the Economic Development Element and that most General Plans generally do not include that Element. He shared that he believes that he remembers that the consultant selected for the General Plan update said that they would do the Economic Development Element for free and that the Board agreed. He asked that the next General Plan update not include the Economic Development Element because it is too close to socialism.

Commissioner Wardall commented that he concurs.

Dominic Churichillo, one of the owners of Domenico Winery, stated that we all understand the value of guidelines for winery operations so everyone understands the requirements. He asked for additional time to address impacts and work with planning staff to address the revisions recommended by Mr. Peters, Ms. Kindermann, and Mr. Marchini. He said there are substantial economic and social benefits of wineries in this County and his team understands the need to minimize impacts on neighbors. He said that he thinks that the biggest issue is to address it with correct language consistent with the General Plan and the Economic Development Element. He asked to note that Ms. Kindermann said that the Economic Development Element and its Implementation Plan provide in great detail the County's desire to obtain specific economic development objectives. He shared that they want to ensure that the ordinance meets the objectives of the General Plan. He shared that they have been growing grapes for 20 years and want to promote a positive corporate identity that positions the County as a business-friendly community with a superior quality of life. He said that his fear is not allowing new wineries to come in and have an even playing field. He stated that wineries need each other to survive. He asked to look at and understand the requirements, to balance the needs of the wineries and the residential communities, and asked to have time with planning staff to get the language correct for all.

Commissioner Wardall shared that years ago that rules were made where if have an Amador County label that 50% of grapes have to come from Amador County. He added that other counties are much higher. He voiced that this Planning Commission is trying to protect the wine industry and that they have to balance that with the neighborhood. He said from his perspective that things are out of control with 400 people at events and that maybe it is helping a winery make ends meet, but asked to look at what it is doing to the neighbors in the immediate area with roads and traffic.

Sherry Curtis asked for a definition of what the Commission considers necessary resources in the General Plan Economic Development Element. She asked if that means that the County treasury is going to support private businesses. She said she is seeing an expansion of common thought that businesses have a right to the public treasuries that belong to public purposes. He stated that expanding what is a public purpose is costing the residential side of our County a lot more money. She said it would be wonderful if have the money to do it, but voiced that we are a small county and should take care of both residential and business.

Commissioner Curtis said that it seems like the people that have brought concerns forward should schedule time to discuss it with the Planning Department.

Mr. Beatty responded certainly and they should definitely submit those in writing so can look at and incorporate those into a draft.

Commissioner Curtis stated that sometimes he gets the feeling like they have not had an opportunity and the opportunity is there every day. He commented that he is not sure whether this document was published as a draft, but that they can ask for a copy.

Mr. Beatty replied that it has been circulated for months.

Chair Gonsalves added that there are individuals in the audience, especially Mr. Churichillo, that have been engaged with staff.

Mr. Churichillo stated that both he and Mr. Marchini recommended that Robin Peter's letter be looked at and that the comments that have been submitted be taken into account around the language that the current draft ordinance shows.

Commissioner Curtis said so it just needs a little more work.

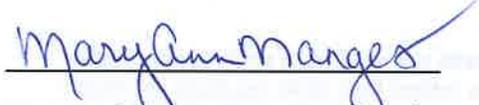
Commissioner Bennett commented that grandfathered rights are a thorny issue and there are major points on both sides of it. He added that there is also the question of inverse condemnation which in some cases is prevented with reasonable downzoning in some areas.

Deputy County Counsel Spitzer stated that one of the primary concerns with grandfathering is to ensure there is no taking and that you can burden insignificantly and not be worried about a taking.

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



John Gonsalves, Chair
Amador County Planning Commission



Mary Ann Manges, Recording Secretary
Amador County Planning Department



Chuck Beatty, Planning Director
Amador County Planning Department