

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF RECORDED MEETING
May 14, 2024 – 7:00 P.M.**

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The Planning Commission of the County of Amador met on May 14, 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 Vice Chair Munnerlyn.

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

COMMISSIONERS ABSENT WERE: John Gonsalves, Chair, District 1

STAFF: Greg Gillott, County Counsel
Chuck Beatty, Planning Director
Ruslan Bratan, 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 Vice Chair Munnerlyn at 7:00 p.m.

B. Pledge of Allegiance:

C. Approval of Agenda:

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

AYES: Wardall, Munnerlyn, Bennett, Curtis

NOES: None

ABSENT: Gonsalves

D. Minutes: April 9, 2024

Commissioner Bennett questioned if his comment on top of page 6 of the April 9th minutes really says what he meant. He said he wants to make it clear for the record that there is an element in our community that wants to tell people how their buildings should look taking away that freedom and that there have been discussions about alpine vs. rustic styles, particularly in the upcountry.

Recording Secretary Manges shared that Commissioner Bennett's comments were taken directly from the meeting recording.

Counsel Gillott stated that the minutes cannot be changed to reflect intent.

Recording Secretary Manges shared that Commissioner Bennett's clarifying comments regarding his comment recorded in the April 9, 2024 minutes will be part of the record.

MOTION: It was moved by Commissioner Curtis, seconded by Commissioner Wardall, and carried to approve the April 9, 2024 minutes.

AYES: Bennett, Munnerlyn, Curtis, Wardall

NOES: None
ABSENT: Gonsalves

- E. Correspondence:** None
- F. Public Matters not on the Agenda:** None
- G. Recent Board Actions:** None.
- H. Agenda Items:**

Public Hearings

Item 1 - Request for a variance (V-24;3-1 Michelmore Fillatti) from the front (25 ft.) setback requirement, to allow construction of a two car garage and an enclosed unconditioned entry way addition approximately 19'-6" into the 25'-0" front setback (APN: 026-171-009).

Applicant: Richard Michelmore and Joanne Fillatti
Representative: Ecosense Designs Architecture
Supervisory District: 3
Location: 34100 Danburg Drive, Kirkwood, CA 95646, Amador County, CA

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.

Vice Chair Munnerlyn opened the public hearing, and asked if the applicant has any comments.

Anne-Flore Dwyer, architect for the project, shared that this a project for a garage and entry addition connecting to the main residence. She stated that it is typical in Kirkwood Meadows Association (KMA) to put these entries in for access due to the snow. She added they want to try to minimize impacts on snow storage while also providing access to the residence.

Vice-Chair asked if there are any questions. There were none.

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

AYES: Munnerlyn, Wardall, Bennett, Curtis
NOES: None
ABSENT: Gonsalves

Vice-Chair Munnerlyn commented that this is similar to other variances requested for similar projects and snow storage has been addressed.

Commissioner Wardall shared that this is a fairly standard procedure there and that Tri-TAC looked at it.

Commissioner Bennett commented that many similar things have come before the Commission and that some standard was placed on people's lots, particularly in Kirkwood, where the topography is very uneven. He stated that he thinks that should be changed so people do not waste their time and money. He added that projects like this exhibit the unique American add-on tradition of housing and he is in favor of it and would like it preserved.

Commissioner Curtis shared that he read in the official notices in the paper that the Planning Department will now be able to approve certain things and that this is something that the Planning Department should be able to take care of.

Mr. Beatty responded that he is not familiar with that. He shared that the notice might have been about the reorganization of the Technical Advisory Committee (TAC) membership which would not affect the process for variances or other discretionary items that go before the Board.

County Counsel Gillott added that there was a ministerial amendment to the staff issued use permit statute that does not address this.

Commissioner Curtis commented that it seems that staff should be able to handle this.

Counsel Gillott shared that some Supervisors have made the same comment as Commissioner Bennett, but changing the process is very difficult and that we are stuck with this.

Commissioner Bennett asked if issues like this can be part of a future General Plan update or part of some other code.

Mr. Beatty said the setback issue is part of the Kirkwood Specific Plan and that the Plan itself would need to be changed

Commissioner Bennett asked when the General Plan is updated if the Kirkwood Specific Plan will also come up.

Mr. Beatty responded that the Kirkwood Specific Plan will have to be found consistent with any new General Plan. He explained that variances in this neighborhood come up because this was the first subdivision in Kirkwood, and the original deed restrictions prohibited garages. He said the deed restrictions have been changed eliminating 20 feet of the front setback for their purposes. He added that the recorded map, which has a 25-foot setback for all the properties in the original subdivision, was not changed. He stated that subsequent developments have either a 5-foot setback or no setback where they can build the garage door right up to the property line so they do not have to deal with snow removal or getting a variance.

Ms. Dwyer asked if she can speak.

Vice-Chair Munnerlyn voiced that the public hearing is closed, but that the Commission will hear the comment.

Ms. Dwyer shared that she agrees that it would be helpful as plans are updated to include something to streamline the process because it is costly and timely. She shared that in all of the other jurisdictions where she works in and around the Lake Tahoe basin there are exemptions in specific areas and under specific conditions in their development plans for garages in the front setback.

Vice-Chair Munnerlyn commented that it sounds like something that the Kirkwood Specific Plan would have to address before it comes to the Commission.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Curtis, and carried to recommend to the Board of Supervisors that the categorical exemption is the appropriate environmental document and recommended approval of V-24;3-1 subject to the findings included in the staff report.

AYES: Munnerlyn, Bennett, Wardall, Curtis

NOES: None

ABSENT: Gonsalves

Mr. Bratan stated that the Planning Commission has recommended approval of V-24;3-1 to the Board of Supervisors and that a hearing will be held at a later date.

Item 2 - 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

Supervisorial 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 shared that there were four primary issues that were related to ancillary uses of wineries that the Board of Supervisors wanted direction on, and staff was given that direction at last Planning Commission meeting. He explained that proposed ordinance changes made based on the Commission's direction were:

- 1) amend the County's Nuisance Noise ordinance to include wineries, tasting rooms, and event locations;
- 2) maintain and keep the General Plan noise limits;
- 3) keep the parking setback from occupied residences in the draft to 50 feet and the idling setback at 100 with occupied residences being defined as not being on the winery property – he suggested that there may be discussion whether that should include parcels that are under the control and ownership of the winery;
- 4) eliminate the major/minor roadway designations.

He stressed that was clear direction from the Board and the Land Use Committee that existing facilities that are licensed through the state Alcoholic Beverage Control department and federally bonded by the Alcohol Tax and Trade Bureau at the time the ordinance comes into effect will not be impacted by the change in the ordinance. He added that rules would not apply to Williamson Act contracts already into effect. He continued to go over potential changes on page 4 of the staff packet and said that changes would also apply to duplicate 02 licenses.

Commissioner Curtis asked where the setbacks are measured from.

Mr. Beatty responded from all property lines.

Vice Chair Munnerlyn asked if there are any questions for staff.

Commissioner Curtis asked if the winery, tasting room, and event room all need to have a 200 foot setback.

Mr. Beatty responded that a winery could have less than a 200 foot setback, but if they want additional uses for a tasting room or events, they need to have a 200 foot setback.

Commissioner Curtis said some tasting rooms are in the cities and asked if it is possible to have a tasting room on a one acre parcel down the highway if it is not on their property.

Mr. Beatty responded that the duplicates licenses are used are a separate parcel, and if it is a new facility, that it would need to be setback at least 200 feet in order to do access the ancillary uses. He stated that if it is in an agricultural zone, the minimum parcels sizes are 5 acres or 40 acres.

Commissioner Munnerlyn said that social events and special events are the only types of uses that do not need to be tied to an agricultural product from Amador County.

Mr. Beatty stated that it is implied that an agricultural use it is tied to the winery and the offering or sale of the product.

Vice Chair Munnerlyn said that Williamson Act properties have specific language about being tied to agricultural products produced in Amador County. She asked if non-Williamson Act properties do not have to be.

Mr. Beatty responded not specifically, but in order to have those type of events or have a tasting room they have to have a licensed and bonded winery.

Gage Marchini, with Abbott & Kindermann and on behalf of Domenico Winery, shared that he wants to thank staff for working collaboratively and speaking with them and that they appreciate changes made that will help the ordinance be more clear. He said that he believes though that there will be difficulty with implementation and enforcement of parking lot and idling vehicle setbacks due to the occupied residency language.

Commissioner Curtis asked, pertaining to the parking setback, what happens if someone wants to build a house that is within 75 feet of the property setback.

Mr. Beatty suggested that language could be changed to "existing occupied residence that is not on a property owned by the winery operator."

Commissioner Curtis commented that if he was an owner of a winery, he would feel more comfortable with the word "existing" because property changes hands. He explained that it would not limit a person from building a house next to a winery, just their right to complain about it.

Craig Barraco, Foothill Conservancy, commented that wineries are a large and hopefully growing industry in Amador County and that we need to strike a balance between new wineries coming into the area and the rural life of residents. He said he believes that this ordinance is a good compromise between the competing interests and that it is good that County can engage in this process, get input from multiple interest groups, and come up with a document that improves the way we regulate such an important industry. He urged the Commission to recommend approval to the Board of Supervisors.

Robin Peters shared that they have worked with staff for several weeks to fine-tune the language and stressed that every word of an ordinance matters. He stated that he has one request in both the A and AG zones regarding the "occupied residence" phrase. He explained that the term "occupied" is impossible to define from one day to the next because it changes and that the term "occupied" can be eliminated without changing in any material way the effect of the regulation, or the intent. He suggested to change the term "occupied" to "existing" in two places of the document and to send it on to the Board for approval.

Vice Chair Munnerlyn asked for confirmation that removing the term "occupied" does not really change the intent.

Mr. Peters responded correct.

Commissioner Curtis said this is only for new wineries.

Mr. Marchini stated that the provision regarding the setbacks for parking lots is under section C which is applicable to all wineries and not under section B that is applicable to new wineries. He suggested that if the intent is to have this apply to only new wineries to move the provision from section C to section B.

Mr. Beatty replied that it makes sense because all items in section B are related to setbacks.

Commissioner Curtis added that he does not believe that it is the intent to have an existing winery that does not have a parking lot create one within 100 feet of an existing residence because if it is already there, it is there.

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

AYES: Munnerlyn, Bennett, Wardall, Curtis

NOES: None

ABSENT: Gonsalves

Vice-Chair Munnerlyn asked for discussion amongst the Commission and asked if they think that the parking setback should be moved from section C to section B.

Counsel Gillott voiced to the extent that this is a provision that is applicable to all wineries that it is a reasonable condition to put on wineries, so if the Commission wants it to stay that it can stay.

Commissioner Curtis said he is thinking if there is a winery that has parking within that setback that they are not going to be asked to move it.

Counsel Gillott responded no, but if they have a parking lot just cannot have an idling vehicle.

Commissioner Curtis asked for clarification that this does not take effect until this ordinance is in effect.

Counsel Gillott responded yes.

Commissioner Bennett said he is confused and asked if the Board discussed the winery ordinance or something related to that at this morning's Board of Supervisor's meeting.

Counsel Gillott responded that the Board discussed the creation of the wine assessment district, not this.

Vice Chair Munnerlyn asked if an assessment district is created, would it take the place of the AVA and, if so, if the language will need to be changed.

Counsel Gillott responded that, at some point, the AVA will transition into the ownership group that will implement the services of the district, and the language could refer to the AVA or any successor.

Vice Chair Munnerlyn suggested that the phrase "occupied residence" be placed with "existing residence."

Mr. Beatty asked if the Commission wants to change "residence not on the winery property" to "not on the property under the same ownership as the winery operator."

Commissioner Wardall suggested to just say "residence" and not say "occupied residence" or "existing residence."

Commissioner Curtis asked if somebody comes in and builds a new house within the setback if it makes someone have to move their parking lot.

Commissioner Wardall responded that is a fair question, but if your property line is close to the winery or the parking lot and the neighbor comes in and has a 2, 3, or 5 acre parcel that he has a building setback of 30 feet. He said that then the property owner who has the parking lot cannot be within 30 feet of his property line and believes that is reasonable. He added that if it is already existing prior to this ordinance going into effect then it is not an issue.

Commissioner Curtis commented that is what we just said. He said that if he comes in and buys a 5 acre parcel next to a winery on 150 acres and wants to build his house 30 feet away from the property line like allowed, then he would have no grounds to complain about the winery's parking lot because this only applies to existing residential occupancies.

Commissioner Wardall said what if someone builds their house and an existing winery wants to expand their parking lot that he believes that the word existing is not fair to the new property owner.

Commissioner Curtis said if have the word existing there and someone else builds a house it does not keep the winery from building their parking lot within 100 feet or 50 feet of the property line because it only applies to occupancies existing at the time of this ordinance.

Commissioner Wardall said he's said his piece and disagrees with it.

Commissioner Curtis said he does not believe he and Commissioner Wardall disagree, but have a misunderstanding.

Vice Chair Munnerlyn said that, either way, she believes that "existing" sounds less ambiguous to her and is better wording. She asked if the Commission has further comment and if they are ready to move it forward with the two changes or if they would like to see the language again before moving it on to the Board. She added that she believes that the draft ordinance is a good compromise and is much more concise and digestible than it was a couple months ago. She said that the setbacks enable us to preserve an agricultural view through the Shenandoah Valley which is really important and also allows business to continue there. She stated that she knows there are new challenges to that business but does not believe that changes to number of events in any of the zones are too restrictive. She added that she also does not believe that the amplified sound ending at 10 p.m. is unreasonable.

Commissioner Bennett said that he believes the Commission should change "occupied" to "existing."

MOTION: It was moved by Commissioner Curtis, seconded by Commissioner Bennett, and carried to recommend approval to the Board of Supervisors the proposed winery ordinance with the two recommended changes and to also recommend approval that the Categorical Exemption is the appropriate environmental document.

AYES: Wardall, Munnerlyn, Curtis, Bennett

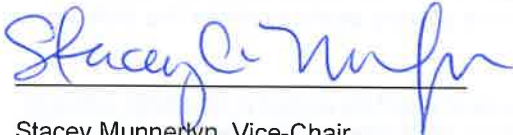
NOES: None

ABSENT: Gonsalves


Mr. Beatty stated that the Planning Commission has recommended approval of proposed amendments and recommended changes of the winery ordinance to the Board of Supervisors and a hearing will be held at a later date.

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

AYES: Munnerlyn, Bennett, Wardall, Curtis
NOES: None
ABSENT: Gonsalves



Stacey Munnerlyn, Vice-Chair
Amador County Planning Commission



Mary Ann Manges, Recording Secretary
Amador County Planning Department



Chuck Beatty, Planning Director
Amador County Planning Department