

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

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The Planning Commission of the County of Amador met on July 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
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 7:00 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: July 9, 2024

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

AYES: Bennett, Munnerlyn, Wardall

NOES: None

ABSTAIN: Gonsalves, Curtis

E. Correspondence: Letters for Item 4 from the Foothill Conservancy, Bennett, May, Regional Water Quality Control Board, Wardall, California Department of Fish & Wildlife (CDFW), California Highway Patrol (CHP), Kirkpatrick, and the City of Sutter Creek.

F. Public Matters not on the Agenda: None.

G. Recent Board Actions: Ms. Sheppard shared that the Board of Supervisors approved the zone changes for 11 parcels being rezoned from Manufacturing to R1A and Mineral Resources in the Volcano area.

H. Agenda Items:

Item 1 - Discussion of additional Planning Commission meetings in September and October to complete review of zone changes necessary for General Plan compatibility.

Mr. Beatty said that there are several hundred zone changes scheduled to be done before the end of the year so that their zoning is compatible with their General Plan classification. He shared that typically the 4th Tuesday of the month has been reserved for additional Planning Commission meetings and asked if the Commissioners are available for extra meetings in September and October so the zones changes can be divided and heard by district before moving on to the Board of Supervisors for their decision.

Chair Gonsalves shared that he will be on the East coast for most of October, but will Zoom in if he can.

Commissioner Bennett said he will be available for the proposed dates.

Commissioner Wardall said that he should be available unless something comes up.

Commissioner Munnerlyn said she should be available.

Mr. Beatty stated that the dates will be sent out tomorrow or the next day for Commission review.

Public Hearings

Item 2 - Request for Tentative Parcel Map PM 2919 Dos Santos, proposing the division of a single ±29.1-acre parcel into 3 parcels of ±8.3, ±9.0, and ±11.8 acres in size. The parcel is zoned R1A, Single-family Residential and Agricultural Zoning District and has a General Plan Designation of AT, Agricultural Transition (5 to 20- acre minimum). APN: 038-010-143

Applicant: Antonia Dos Santos, co-trustee of the Fellion-Dos Santos Trust

Supervisory Districts: 4

Location: 13600 Valley Vista Court, 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 proponent is present.

Robin Peters, Delta Engineering representing the applicant, said that each of the 3 proposed parcels will take access from Valley Vista Drive. He said that there are no significant improvements, that a lot of mastication on the property has been done to reduce fire fuel, and that they are proposing public water through the Pine Grove Community Services District. He stated that they have no exceptions to any of the conditions.

Chair Gonsalves opened the public hearing and asked if there is any public comment. There were no comments.

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

Commissioner Munnerlyn said that there are 7 other lots beyond the proposed split and asked if there is a Road Maintenance Agreement (RMA).

Mr. Peters responded that a RMA is a standard condition of Public Works, but if there is not one that they will form one.

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Bennett, and unanimously carried to approve that the Mitigated Negative Declaration is the adequate environmental document.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Munnerlyn, and unanimously carried to approve PM 2919 subject to the recommended findings, conditions, and mitigation measures in the staff report.

Ms. Sheppard stated that the Planning Commission has approved PM 2919. 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 August 23, 2024.

Item 3 - Request for a Zone Change (ZC-24;6-3) from the X Special Use district to the R1A Single-family Residential and Agricultural zoning district for properties that are incompatible with the General Plan designation.

Applicant: County of Amador

Supervisorial Districts: 3 & 4

Location: Affected property owners with land zoned X with an incompatible General Plan land use designation within Supervisorial Districts 3 & 4

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

Craig Baracco, Executive Director of Foothill Conservancy, said that they support the item and that the rezone will give clarity to the property owners of what they can actually do with their property. He added that they encourage the County to complete the rest of the needed zoning changes to implement the 2016 General Plan.

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

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

Chair Gonsalves asked for discussion.

Commissioner Wardall commented that this is pretty straightforward and reasonable and that he supports it.

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

MOTION: It was moved by Commissioner Munnerlyn, seconded by Commissioner Wardall, and unanimously carried to recommend approval of ZC-24;6-3 to the Board of Supervisors along with the findings in the staff report and the relationship to the General Plan.

Ms. Sheppard stated that the Planning Commission has recommended that the Board of Supervisors approve ZC-24;6-3 and a public hearing will be held at a later date.

Item 4 - **Public review and comment on the Draft Environmental Impact Report (DEIR) prepared for the Wicklow Way Specific Plan. The Plan is the primary land use, policy, and regulatory document to guide development of the 201-acre County-owned site. The Project would provide 700 residential units with a range of densities on approximately 80 acres that would accommodate 1,800 residents. Proposed land uses also include 26 acres for community commercial and civic uses, 46 acres of open space, 7 acres for parks and recreation, and 42 acres for public uses. (APN 044-100-027)**

Note: The purpose of the hearing is to solicit comments on the Draft EIR. A response to comments will be included, along with any adjustments, in the Final EIR. A decision on certification of the Final EIR and the adoption of the Specific Plan will occur at a later date.

Applicant: County of Amador

Supervisory Districts: 1

Location: Located between Wicklow Way and Stony Creek Road, adjacent to the Jackson city limits

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. She explained that this hearing is to solicit public comments and is not the final draft. She said that responses to comments will be included along with any adjustments in the Final Environmental Impact Report (FEIR) and that the certification of the FEIR and its adoption will occur later. She pointed out that the Draft EIR does not yet include the most recent reduced alternative plan received from Foothill Conservancy which is to replace the 3rd alternative in the plan and be evaluated further. She shared that 700 dwelling units were determined to be the most units feasible that can be mitigated and added that if housing unit numbers are reduced that a school may not be required and can be used for open space and park areas. She informed that the individual development sites are not detailed and future site plan approval will have to adhere to the Specific Plan.

Jennifer Scholl, Montrose Environmental, stated that the County has identified this site as something important to bring the community together with uniform consolidated commercial uses mixed in with bike paths and walkways and the access road system including the continuation of Wicklow Way to the adjoining neighborhood near Argonaut High School. She shared that the intent is to meet regional growth requirements, balance housing and economic uses, and comply with the State's mandated housing requirements to meet Regional Housing Needs Allocation (RHNA). She said that the process includes all the documentation for the Planning Commission to recommend to the Board of Supervisors everything that the Board needs to do to adopt and certify the Final EIR, and adopt this Specific Plan.

Ms. Scholl continued that in February 2023 the Notice of Preparation (NOP) was sent out to the community asking for responses and input on what they thought should be included in this plan. She said that this information was considered by the county in refining the Wicklow Way Specific Plan as part of the current EIR process as well as what needed to be evaluated under CEQA with stakeholder concerns taken into consideration. She shared that during preparation of the Specific Plan, separate from the Draft EIR, that various meetings were held with different purveyors within the county to try to come up with something palatable to all stakeholders. She stated that there are bubbles of potential development with the expectation that developers will have development agreements with the County to create housing and commercial spaces consistent with the Specific Plan. She added that there is the opportunity for the County to add public and quasi-public facilities, consolidate county offices, and create more of a small city center. She said that other things are going on at the same time such as mine expansions, zone changes, and the consolidation of Argonaut and Amador High Schools, in particular, the traffic planning that was done for the consolidation with a little bit of a hold when working on the Draft EIR. She shared that they did expanded analyses on the proposed project which is included in the Draft EIR. She continued to share a detailed presentation that included a review of mitigation measures stating that she wants to make sure that the public and the Planning Commission clearly understand the process and to ask questions.

She added that they and are almost at the end of the public comment period that went for more than 45 days and that public comment closes August 16th.

Bill May commented that the project is too large and that there should be a maximum of 150 or maybe 200 houses. He voiced that the project is supposed to bring the community together, but it is going to rip it apart and explained that it is designed to negatively impact property and personal values and wreck businesses such as Walmart, Safeway, and Walgreens. He said that the best thing is to shut it down and start over with a lower impact. He added that the Board of Supervisors should be embarrassed for bringing it forward.

Cindy said that she is new in the area and that this is what she just ran away from. She commented that there is going to be mass traffic, crime, overcrowded classrooms, division, and global corporations that are going to own you. She said she agrees with Mr. May and stated it is first needed to address healthcare and transit issues in the County and focus on the residents that currently own property here.

John Kirkpatrick asked Ms. Scholl where the wetlands are on the site.

Ms. Scholl said that the identified wetlands are in close proximity of Rock Creek, are to be part of the open space, and will be fully protected.

Mr. Kirkpatrick asked where they are on the site.

Ms. Scholl said that Figure 4.4-1 formally identifies a couple of wetland areas as vernal pools.

Mr. Kirkpatrick asked if Ms. Scholl has ever gone out to look at them.

Ms. Scholl said she has been to the site and explained that when a development comes forward that more refined environmental studies may have to be done to confirm exact locations and the extent of any wetland features. She added that those features are within the managed open space and that biological resource specialists went out more than once to look at the wetlands.

Mr. Kirkpatrick commented that trucks are going to be washed as they leave the property but what about the trucks coming in. He explained that in the past toxic weeds have come into his property from trucks.

Ms. Scholl said there is quite a bit of flexibility in adding those additional actions to a mitigation measure as long as it is addressing an impact that was already identified and that it is up to the Planning Department.

Mr. Kirkpatrick said with another project with the EPA that they washed trucks coming and going and that he has had to watch out for dozers from Calfire.

Ms. Scholl stated that this is a great comment and that she can make sure that it is captured and considered as part of what gets forwarded from the Planning Commission to the Board of Supervisors.

Mr. Kirkpatrick shared details a letter with pictures previously submitted on August 12, 2024. He said that he made a mistake in his comment letter regarding the easement in Parcel Map 1697 where it says "why" and said that it should say "why not in the project." He stressed that his main concerns are regarding fences with gates accessing his adjoining property, drainage in and out of the property, wastewater treatment odors, and his cattle easement. He said that he is requesting some kind of a solid fence or a hundred foot buffer for fire protection and voiced concern about many creek crossings that are currently very hard to maintain during winter storms and harder to maintain if this goes in.

Commissioner Wardall asked to confirm that he has a cattle easement.

Mr. Kirkpatrick responded that he does and that his great, great grandfather paid a dollar for it in 1929.

Commissioner Wardall asked if he still drives cattle and if the easement is still valid.

Mr. Kirkpatrick responded that he does and asked if he is going to be allowed to keep the easement and that he believes there are plans of changing the direction of the easement.

Chair Gonsalves said easements are a legal issue and not for the Planning Commission or the Board to remove. He added that it has to be done by the court.

Mr. Kirkpatrick said that this document says there is an easement, but the easement has to be changed otherwise it is going to go right through Wicklow Way and the houses.

Deputy County Counsel Spitzer said if there is legal easement that it is a right and asked if it is a documented easement.

Chair Gonsalves asked if it is recorded.

Mr. Kirkpatrick said that he believes that it is and knows that the County mentioned it.

Deputy County Counsel Spitzer said that it is great that Mr. Kirkpatrick is noting this so everyone is aware of the issue because no one wants legal issues.

Steve Cannon stated that he has only been able to scan the document and asked to look at table 4.4-2 showing a breakdown of acreages. He asked Ms. Scholl if she is aware of Public Resources Code section 21083.4.

Ms. Scholl responded yes.

Mr. Cannon said that this is wrong and asked if she is aware that there was an oak woodlands evaluation for the previous land owner.

Ms. Scholl said that they reviewed everything that the County had on file associated with the past development proposals and studies on the site.

Mr. Cannon said that the Lemke ownership made a development proposal, but the County ended up with it.

Ms. Scholl said that they had access to those materials as part of the review for creating the Specific Plan and evaluating the environmental impacts.

Mr. Cannon said that he is the forester that wrote the report for the prior owner, that he did extensive evaluation, and that the oak woodlands are not 74 acres, but 201 acres. He stated that PRC § 21083.4 does not allow you to stratify that area nor piecemeal out areas that do not have oak on them. He added that it recognizes that oak woodlands have variable stocking. He explained that one of the questions asked is if there is an impact how will it be mitigated. He added that 50% of the mitigation can be satisfied by giving money to the Department of Fish and Wildlife and the other 50% of time it has to come in the form of a conservation easement. He said that he had determined that it was an oak woodland and that he would say the same thing about this project and in order to mitigate that a conservation easement should be put on that is going to lessen the impact on the oak woodland. He said that he saw a proposal for a 37 acres conservation easement which is a pretty small percentage. He stressed that this property cannot be piecemealed or stratified so fewer oak woodlands can be mitigated. He said that if the school consolidation moves forward, they are going to need more ground and asked why the County has not

offered the school district 5 or 10 acres so they can expand the high school and adequately meet the needs of consolidation.

Craig Baracco, Executive Director Foothill Conservancy, stated that they had submitted an initial plan in 2022, but said what they submitted in the later Scoping Session for the EIR is their preferred alternative plan and that they look forward to it being analyzed. He shared that they prefer that the wastewater is off site rather than piecemealing for each individual development in the County. He explained that it would be more economical and less environmentally impactful to pump to one of the existing wastewater sites such as Sutter Creek which services the rest of the Martell area and to improve their plant and piping capabilities. He said that their alternative calls for additional land being developed in a mixed-use capacity instead of the wastewater treatment plant. He said their alternative reduces the overall and environmental impacts and reduces the total number of houses and increases the medium and high-density units which are the types of housing young people and our work force does not have. He added that the market has done a pretty good job providing single family homes in various subdivisions, but not apartments, duplexes, and townhomes which are good for starter homes and rentals. He said that their land mix takes out low density housing and is more units for less land consumed. He agrees that in the public facilities portion the project needs to set aside land for an elementary school, that it was discussed at the last school board meeting, and that the Foothill Conservancy agrees with school consolidation that it makes more sense to become the combined high school, but that it is up to the school district. He added that the civic center should be more of a performing arts center with a stage that allows for lectures, art, and other projects instead of a new county administrative center.

Susan Peters, City of Jackson, commented that it is nice to have some prescriptive requirements and asked Ms. Ruesell about the second alternative submitted by the Foothill Conservancy and the analysis on it.

Krista Ruesell replied that the old version was analyzed.

Ms. Peters asked if the analysis on the second alternative going to be attempted to be included in the Final EIR or included in a recirculated Draft EIR.

Ms. Scholl responded that the reduced project alternative that is included in the Draft EIR was intentionally written broadly to allow for other options like this and that the impacts are nearly identical. She stated that it is her understanding that there is going to be subsequent discussion about the merits of the second Foothill Conservancy alternative as compared to the reduced project and that essentially the reduced project covered those impacts. She stated that it just provides clarification about what the minor differences are, but in general, that the reduced project was written broadly intentionally to allow for all kinds of uses to occur and different densities of housing so that the County would have an option to look at that in addition to the proposed land use plan.

Ms. Peters said that her concern is if it does become the preferred alternative selected by the Planning Commission and the Board of Supervisors that one might could say there was not adequate circulation of that information prior to that decision being made.

Ms. Scholl said thank you for your thoughts.

Ms. Peters stated that she thinks that the Specific Plan is a great idea, but voiced that the City of Jackson has some significant concerns with it and the analysis performed in the EIR. She said that she is in the process of preparing written comments before the deadline, but wants to put in the administrative record that the City of Jackson has issues with public services and public utilities being provided to the site. She added that the City of Jackson sewer system extends out to that area, but there was no analysis in the EIR as to potentially using their sewer. She added that the City of Jackson acquires their water from Amador Water Agency (AWA), but it is the City's distribution system in that area. She said the City of Jackson currently provides water to Wicklow Way, Walmart, the old K-Mart building, and the Westview

subdivision. She said that the Specific Plan and the Draft EIR says that it is by AWA which is incorrect. She shared that they are typically first responders with police in the area but the City of Jackson's Police services were not evaluated in the EIR and that they are also typically first responders for fire because their station is located closest to the site. She said she is aware of the intention to eventually put a fire station out there, but does not negate the need to look at impacts to their current fire services. She added that Level of Service (LOS) still needs to be used for safety impacts resulting from using Stoney Creek Rd. and Hoffman or Argonaut and that this project is going to put a lot of traffic on the roads and addressed in the EIR. She said that it would be good for the Planning Commission and Board of Supervisors put pause on this to give the County time to meet with the cities about who has facilities where and who has the ability to provide services in the area.

Ms. Scholl informed that a comment letter was received by the City of Sutter Creek that has information about the waste water treatment and the conveyance of the waste water.

Ms. Peters commented that she has received a copy of the Sutter Creek comment letter.

Chair Gonsalves asked if there are further comments.

Commissioner Wardall commented that this plan is a total disaster and gives no consideration for the safety of pilots, aircraft, or the community that is planned to be put there and that many airports have closed in the Sacramento are due to encroachment. He asked if anyone recently saw the aircraft that had engine failure that took off from McClellan and landed on Hagen Golf Course where the pilot walked away. He voiced concern that if there is engine failure from our airport that landing opportunities will be taken away with a no open space for landing and a subdivision there and said that Jackson Airport is an asset and regional resource if there is a major fire. He referred to red lines on a map in a letter he previously submitted suggesting a safety area be located there for landing aircraft. He stressed that this plan should have an aviation easement on the open space with nothing in it but an area for walking or a putting green. He added that there are other serious problems that have been mentioned by other parties and would like to see an alternative with a layout shifting the safety area.

Mr. Kirkpatrick said that there are big greenstone rocks located in the area.

Commissioner Wardall said he can glide to the left or the right and that they are expendable and he is not.

Mr. Kirkpatrick offered when the weather changes to take people out to show the fence lines, drainage, and anything else because he knows the history and has lived there 80 plus years.

Commissioner Bennett stated that whatever is developed there should have adequate ingress and egress for any emergency as well as the ability to disperse traffic. He said he is concerned about turning movements and pulling in and out of the driveways with the curved streets. He asked what the methodology was for coming up with the 700 and 500 housing unit numbers. He said that the consultant mentioned tonight that the 700 number was deducted from state requirements and a deficit in the county, but knows no rationale for the 500 units. He said, generally, that the greater the supply, the lower the price, and the greater the public benefit. He stressed that bus stops are critically important and that public transit is essential particularly for older people, people who are disabled, and those without cars. He added that there are no provisions for larger busses and proposed that there be a hollow in one or two of the affordable housing structures for bus shelters in order to preserve the sidewalks.

Steve Canon said that the one of the primary reasons for the project appears to be to provide the 700 units of housing with an economic benefit to the County. He shared that, per the Assessor, about 5 years ago there were approximately 1,300 unimproved parcels in the County that were 5 acres or less that could be developed for housing. He said that he does not know if a lack of housing is necessarily true. He shared that he is on the Board of Directors for the Resource Conservation District and personally does

not like seeing agricultural land like this being developed and suggested to do what the City of Sutter Creek did at the bypass and deed the property over to the Motherlode Land Trust and keep the property in agriculture.

Ms. Scholl addressed the Commissioners and informed that the Draft EIR evaluates the concepts in the Specific Plan and included in the document are concepts about fences, walls, sidewalks, transit stops, and design standards and how these can be implemented to allow flexibility.

Commissioner Bennett addressed Mr. Canon's comment by saying that land banks that exist are tax breaks for the rich that the rest of us pay for. He asked Mr. Baracco how they came up with 500 houses.

Mr. Baracco said that he was not with the Conservancy when the specifics were discussed and that the goal is to create a substantial amount of housing that meets the needs of the community and that 500 houses would make a substantial impact.

Chair Gonsalves asked for further comment. There was none.

Ms. Ruesel said that this is an opportunity to collect public comment on the Draft EIR before the consultant prepares the Final EIR that will be reviewed by the Planning Commission for a decision.

Ms. Scholl added that at that time the Planning Commission would recommend an action to the Board of Supervisors for the Specific Plan and the Final Draft EIR.

MOTION: It was moved by Commissioner Bennett, seconded by Commissioner Wardall, and unanimously carried to adjourn the meeting to the next regularly scheduled meeting on September 10, 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