

**STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF: September 24, 2024**

ITEM 2 Request for Zone Change (ZC-24;6-3). The zone change affects parcels that have a zoning district classification which is inconsistent with the land use designation adopted with the 2016 General Plan Land Use Element update.

Applicant: County of Amador

Supervisory District: 1

Location: Affected properties zoned X with an incompatible General Plan land Use Designation within Supervisorial District 1.

- A. General Plan Designations:** AT, Agricultural-Transition and AG, Agricultural-General
- B. Present Zoning:** X, Special Use
- C. Proposed Zonings:** R1A, Single-family Residential and Agricultural
- D. Total Acreage Involved:** ±5,853.29 acres
- E. Description:** The County of Amador is initiating zone changes for properties which have a zoning district classification that is inconsistent with the land use designation adopted with the 2016 General Plan Land Use Element update. The parcels affected by this request are currently zoned X, Special Use. This change aligns with the County's General Plan and aims to ensure consistency and compliance with state and local regulations. The changes include 142 parcels to be rezoned from the X, Special Use zoning district to the R1A, Single-family Residential and Agricultural zoning district with the AT and AG General Plan Designation.
- F. Environmental Review:** In accordance with the California Environmental Quality Act (CEQA), the lead agency, Amador County, intends to consider a Notice of Exemption pursuant to Section 15183(a) of State CEQA Guidelines for projects that are consistent with the development density of existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified and to Section 15061(b)(3), the common-sense exemption.

This project is categorically exempt from CEQA per 15183(a):

“CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.”

Additionally, the zone change is consistent with Government Code Section 65860, which requires that zoning ordinances shall be consistent with the General Plan. Government Code Section 65860(c) states:

“--in the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan, or to any element of the plan, the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended.”

Lastly, this project is not subject to CEQA pursuant to Section 15061(b)3 of the CEQA Guidelines in that the project is covered by the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment.

G. Planning Commission Action: As the approval of the proposed project and accompanying CEQA exemption is deferred to the Board of Supervisors, the Planning Commission's actions are to open the Public Hearing and make a recommendation to the Board of Supervisors to approve or deny the Zone Change. Per Government Code 65855, the Planning Commission shall render its decision in the form of a written recommendation to the legislative body. Such recommendation shall include the reasons for the recommendation and the relationship of the proposed ordinance to the General Plan.

The proposed ordinance supports the following:

- **Goal LU-10:** Guide future residential and local commercial uses into established cities, unincorporated Regional Service and Town Centers, and existing community areas (e.g. Pioneer, Volcano, Camanche, Fiddletown, Red Corral).
- **Policy LU-1.1:** Protect existing land uses and public facilities from encroachment by incompatible land uses.
- **Policy E-1.1:** Encourage an efficient and consistent regulatory environment, including a predictable development process.
- **Policy E-8.1:** Ensure future land uses are appropriately located and scaled to fit in with the county's rural and agricultural context.

H. Recommendation to the Board: If the Planning Commission recommends approval of the Zone Changes, the following statement is recommended for the record: "The Planning Commission recommends approval of the proposed zone change, the reason(s) being that the proposed zone change is consistent with the County's General Plan Economic Development Element (policy E-1.1 and policy E-8.1) and Land Use Element (Goal LU-10 and Policy LU-1.1)".

I. Recommended Findings:

1. A review of the proposal was conducted by staff who, through their own research, found that the zone changes will not have a significant effect on the environment.
2. There are no project-specific significant effects which are peculiar to the project or its sites.
3. There is no substantial new information which was not known at the time of the General Plan Environmental Impact Report certification that supports findings of new or more severe impacts than those addressed in the General Plan.
4. There are no identified significant impacts caused by this project, and therefore no corresponding feasible mitigation measures identified in the General Plan Environmental Impact Report.
5. The proposal is consistent with the General Plan. The proposed Zone Change is consistent with the goals, objectives, and policies of the Land Use Element of General Plan and the Agricultural General and Agricultural Transition land use designations.
6. Based on the record as a whole, the recommendations to the Board of Supervisors represent the Planning Commission's own independent judgement.

EXHIBIT 1:

Affected Parcels Zoned X, proposed to be changed to R1A, Single-family residential and agricultural:

011130050000	012080037000	012130021000	012280005000	044110102000
011140035000	012080039000	012130022000	012280006000	044110127000
012010010000	012080040000	012130023000	012280007000	044180032000
012010011000	012080041000	012130024000	012280008000	044180033000
012010012000	012080042000	012130025000	012280010000	044180034000
012040047000	012080043000	012130026000	012280011000	044180035000
012040048000	012080044000	012130027000	012280018000	044180036000
012050034000	012100023000	012130028000	012280019000	044180037000
012050039000	012100025000	012130029000	012300003000	044180038000
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012070023000	012100028000	012130032000	012300006000	044200119000
012070025000	012100029000	012140003000	012300008000	044260013000
012070026000	012100032000	012140004000	012300009000	044260015000
012070040000	012100033000	012170005000	012310003000	044260016000
012070057000	012100043501	012170017000	012310004000	044260017000
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012070082000	012110015000	012260005000	020010042000	044260024000
012070083000	012110016000	012260006000	020510008000	044260025000
012070084000	012110020000	012260007000	020510009000	044260026000
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012080016000	012110022000	012260009000	036450004000	044310022000
012080024000	012110023000	012280001000	044110033000	
012080025000	012130006000	012280002000	044110074000	
012080036000	012130020000	012280004000	044110101000	

EXHIBIT 2:

**PERMITTED AND CONDITIONAL USES FOR THE EXISTING ZONE X
AND THE PROPOSED R1A ZONING DISTRICT:**

19.24.030	X district regulations.
A. Uses permitted include all uses not otherwise prohibited by law, subject to securing a use permit as specified in this title; provided, however, that agricultural uses as defined in this title, shall not be subject to a use permit.	
19.08.020	“Agriculture” Definition
"Agriculture" means the art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock, tillage, husbandry, farming, horticulture and forestry, the science and art of the production of plants and animals useful to man.	
19.24.045	R1A District--Single-family Residential-Agricultural district.
C. Uses Permitted.	
1. Single-family dwelling;	
2. Home occupations as defined by Section 19.08.335;	
3. Crop and tree farming;	
4. General farming, including but not limited to the raising, growing, and harvesting of vegetable, field orchard, bush, and berry crops; vineyards; silviculture;	
5. Wholesale operation of nurseries; greenhouses; mushroom rooms; floriculture; and uses of a similar nature;	
6. Pasture for grazing (including supplemental feeding), raising, maintaining, breeding, and training of horses, cattle, sheep, goats, hogs, and similar livestock, provided there is no feeding of garbage,	

sewage, refuse, or offal, and subject to any limitations in number of animals in Chapter 19.48 of this code, General Provisions and Exceptions;

7. Feed lots, feed yards, provided there is no feeding of refuse, garbage, sewage, or offal;
 8. Poultry farms;
 9. Dairies;
 10. The raising, feeding, maintaining, breeding, and slaughtering of livestock, chickens, turkeys, rabbits, pigeons, ducks, geese, fish, frogs, and small animals or fowl;
 11. Processing, packing, selling, shipping of agricultural products not done on an on-site retail sales basis; wells, water storage and reservoirs, including on-site excavation or removal of materials for construction thereof;
 12. Storage of petroleum products for use by the occupants of the premises;
 13. Any structure, building, equipment, or use incidental and necessary to any of the foregoing uses.
- D. Uses Permitted Subject to First Securing an Approved Use Permit.
1. Farm and forestry labor camps;
 2. Recreation uses;
 3. a. Processing, packing, selling, shipping of agricultural products for on-site retail purposes. This includes but is not limited to tasting rooms in conjunction with an on-site winery as defined in Section 19.08.687.
b. Wine tasting rooms operated subject to a duplicate 02 license from the California Department of Alcohol Beverage Control may also be permitted subject to at least meeting the standards outlined in Section 19.24.040, District regulations--Generally, subsections (27)(a) through (f) of the "A" agricultural zone district;
 4. Veterinary clinics, animal hospitals, kennels, commercial stabling of horses for public recreation purposes;
 5. Auction and sales yards;
 6. Turkey farms, provided there is a cover crop or other dust control;
 7. Any garbage, sewage, refuse, or offal feeding;
 8. Commercial slaughterhouses and stockyards for livestock, small animals, poultry, and fowl;
 9. Rendering plants, fertilizer plants and yards;
 10. Oil and gas wells, drilling, mining, and excavation of natural minerals;
 11. Any structure, building, use, or equipment incidental and necessary to any of the above uses, located on the same site, and included in the use permit.

Affidavit

- | | Initial |
|--|-----------|
| 1. Notice of Intent (NOI). | <u>—</u> |
| 2. GIS List. <u>300</u> ft. Plus _____
<small>(Distance) (Special Instructions: e.g. to end of access road)</small> | <u>NS</u> |
| 3. Checked <u>all</u> APN pages of those parcels from the GIS list for "NOTES" or
a. "SPECIAL INSTRUCTIONS." | <u>NS</u> |
| 4. Project Applicant and Representative(s), if applicable. | <u>NS</u> |
| 5. Checked Project file cover for agency distribution. | <u>NS</u> |
| 6. Checked inside file for special requests for notification. | <u>NS</u> |
| 7. Checked old notification list for additional notification. | <u>NS</u> |
| 8. Other – Specify:

_____ | |

AFFIDAVIT OF SERVICE BY MAIL

I am a citizen of the United States, over eighteen years of age, employed in Amador County, and not a party to the within action; my business address is 810 Court Street, City of Jackson, State of California. I hereby declare I served a copy of the attached public hearing notice regarding ZC-24; G-3 X to RIA (Dist. 1) by placing copies in 278 envelopes addressed to: (see attached list).

Said envelopes were then sealed and postage fully paid thereon and were deposited in the United States Mail on September 6, 2024 at Jackson, California.

I declare under penalty of perjury the foregoing is true and correct.

Executed at Jackson, California on September 6, 2024

Signed 

Witness 



AMADOR COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

PHONE: (209) 223-6380
FAX: (209) 223-6254
WEBSITE: www.amadorgov.org
E-MAIL: planning@amadorgov.org

COUNTY ADMINISTRATION CENTER • 810 COURT STREET • JACKSON, CA 95642-2132

NOTICE OF PUBLIC HEARING

NOTICE: The County of Amador is initiating a zone change for properties currently zoned X, Special Use to the R1A, Single-family Residential and Agricultural zoning district. This change aligns with the County's General Plan designation and aims to ensure consistency and compliance with state and local regulations.

PROJECT NAME AND DESCRIPTION: 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.

PROPERTY OWNERS: Affected property owners with land zoned X with an incompatible General Plan land use designation within Supervisorial District 1.

SUPERVISORIAL DISTRICT: 1

Staff Report will be available online (typically the Tuesday prior to the meeting) for viewing at <http://www.amadorgov.org> in the "Agendas and Minutes" section.

ENVIRONMENTAL REVIEW PROCESS: In accordance with the California Environmental Quality Act (CEQA), the lead agency, Amador County, intends to consider a Notice of Exemption pursuant to Section 15183 of State CEQA Guidelines for projects that are consistent with the development density of existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified and Section 15061(b)(3) common sense exemption.

This project is categorically exempt from CEQA per 15183(a):

"CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies."

The zone change is consistent with Government Code Section 65860, which requires that zoning ordinances shall be consistent with the General Plan. Government Code Section 65860(c) states:

"in the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan, or to any element of the plan, the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended."

PUBLIC HEARING: Notice is hereby given said Planning Commission will hold a public hearing on this project at the County Administration Center, Board of Supervisors Chambers, 810 Court Street, Jackson, California, on **September 24, 2024** at **7:00 p.m.** or as soon thereafter as can be heard. Anyone having comments on the project may attend and be heard.

The meeting may be attended in person or via teleconference by dialing **669-900-6833** and using **meeting ID 537-512-8983**, or by using the following link: <https://us02web.zoom.us/j/5375128983>

The Chairperson will invite the public to comment via phone/online. Public comment will also be accepted by email at planning@amadorgov.org. All emails must be received prior to the start of the meeting and will be included in the record of the meeting. Emails received after those already included in the meeting materials will be printed and distributed to the Commissioners and available to the public, and shall be subject to the same rules as would otherwise govern speaker comments at the Commission meeting.

Letters of comment regarding this matter received by the County prior to the publication of the Staff Report will be sent to each Planning Commissioner as part of the agenda packet (generally the Tuesday prior to the meeting). Letters received after the Staff Report has been published will be copied and circulated to each Commissioner just prior to the public hearing. Be advised that due to time constraints, the Commissioners may not be able to give letters submitted after the Staff Report is published, as detailed a review as those received earlier. Therefore, it may be to your benefit to attend the hearing and summarize your concerns orally. Letters will not be read aloud at the public hearing. If you have any questions or desire more information, please contact this office.

In compliance with the Americans with Disabilities Act, if you require special modification or accommodation to participate in this meeting, please contact the Amador County Planning Department, at (209) 223- 6380, by email to planning@amadorgov.org. Requests must be made as early as possible, and at least two business days before the start of the meeting.

NOTE: If you do not comment at the public hearing or send in written comments and later decide to challenge the nature of this proposed action in court, you may be limited to raising only those issues you raised at the public hearing or have given in written correspondence delivered to the public entity conducting the hearing at, or prior to, the Public Hearing.

AFFECTED PARCELS ZONED X, PROPOSED TO BE CHANGED TO R1A, SINGLE-FAMILY RESIDENTIAL AND AGRICULTURAL:

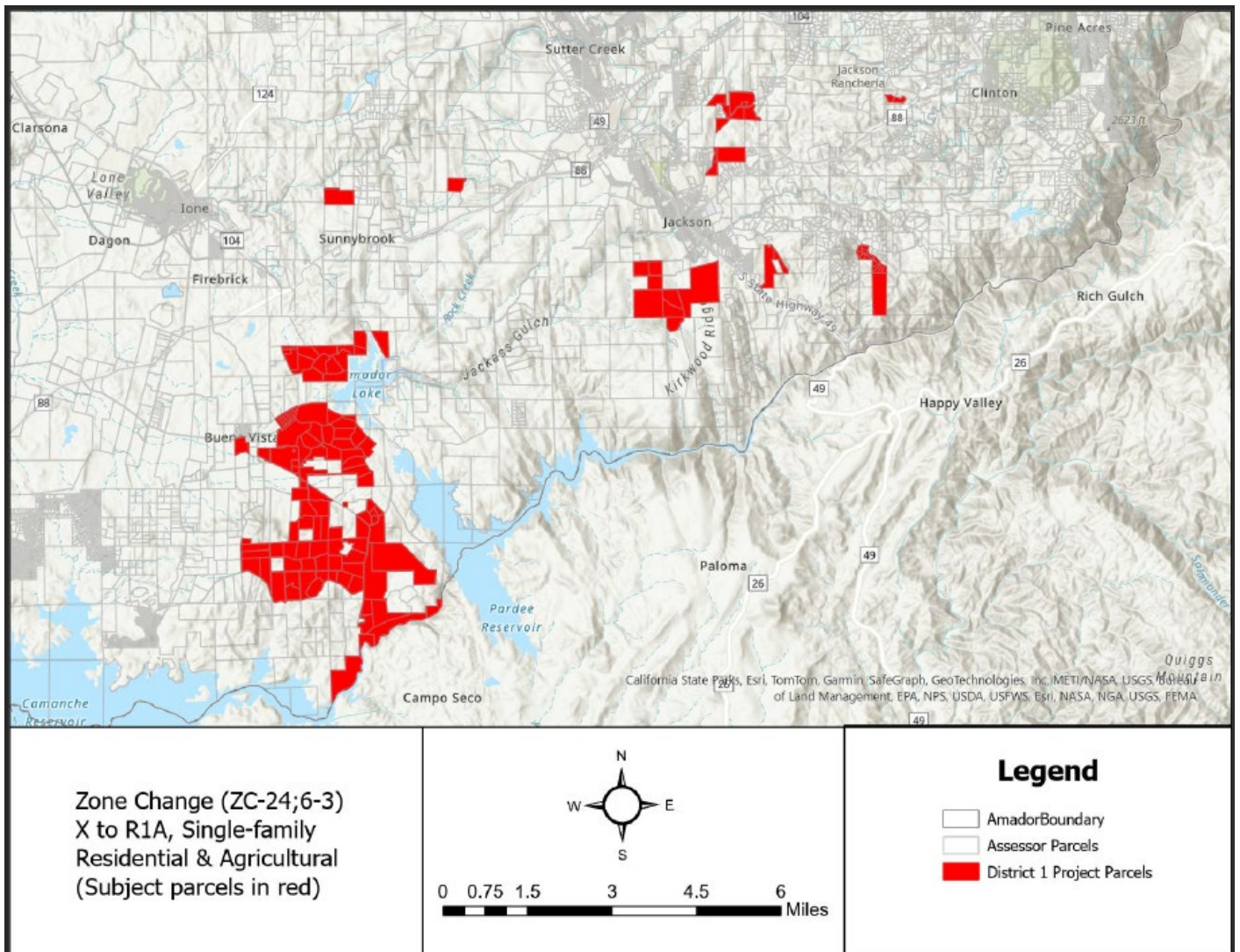
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011130050000	012080037000	012130024000	012280007000	044180033000
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PERMITTED AND CONDITIONAL USES FOR THE EXISTING ZONE X AND THE PROPOSED ZONE R1A:

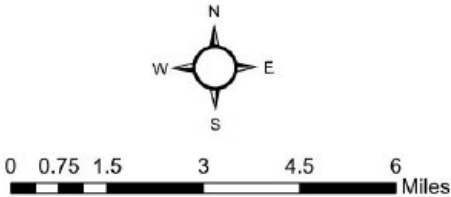
19.24.030	X district regulations.
A. Uses permitted include all uses not otherwise prohibited by law, subject to securing a use permit as specified in this title; provided, however, that agricultural uses as defined in this title, shall not be subject to a use permit.	
19.24.045	R1A District--Single-family Residential-Agricultural district.
C. Uses Permitted.	
<ol style="list-style-type: none"> 1. Single-family dwelling; 2. Home occupations as defined by Section 19.08.335; 3. Crop and tree farming; 4. General farming, including but not limited to the raising, growing, and harvesting of vegetable, field orchard, bush, and berry crops; vineyards; silviculture; 5. Wholesale operation of nurseries; greenhouses; mushroom rooms; floriculture; and uses of a similar nature; 6. Pasture for grazing (including supplemental feeding), raising, maintaining, breeding, and training of horses, cattle, sheep, goats, hogs, and similar livestock, provided there is no feeding of garbage, sewage, refuse, or offal, and subject to any limitations in number of animals in Chapter 19.48 of this code, General Provisions and Exceptions; 7. Feed lots, feed yards, provided there is no feeding of refuse, garbage, sewage, or offal; 8. Poultry farms; 9. Dairies; 10. The raising, feeding, maintaining, breeding, and slaughtering of livestock, chickens, turkeys, rabbits, pigeons, ducks, geese, fish, frogs, and small animals or fowl; 	

11. Processing, packing, selling, shipping of agricultural products not done on an on-site retail sales basis; wells, water storage and reservoirs, including on-site excavation or removal of materials for construction thereof;
 12. Storage of petroleum products for use by the occupants of the premises;
 13. Any structure, building, equipment, or use incidental and necessary to any of the foregoing uses.
- D. Uses Permitted Subject to First Securing an Approved Use Permit.
1. Farm and forestry labor camps;
 2. Recreation uses;
 3.
 - a. Processing, packing, selling, shipping of agricultural products for on-site retail purposes. This includes but is not limited to tasting rooms in conjunction with an on-site winery as defined in Section 19.08.687.
 - b. Wine tasting rooms operated subject to a duplicate 02 license from the California Department of Alcohol Beverage Control may also be permitted subject to at least meeting the standards outlined in Section 19.24.040, District regulations--Generally, subsections (27)(a) through (f) of the "A" agricultural zone district;
 4. Veterinary clinics, animal hospitals, kennels, commercial stabling of horses for public recreation purposes;
 5. Auction and sales yards;
 6. Turkey farms, provided there is a cover crop or other dust control;
 7. Any garbage, sewage, refuse, or offal feeding;
 8. Commercial slaughterhouses and stockyards for livestock, small animals, poultry, and fowl;
 9. Rendering plants, fertilizer plants and yards;
 10. Oil and gas wells, drilling, mining, and excavation of natural minerals;
 11. Any structure, building, use, or equipment incidental and necessary to any of the above uses, located on the same site, and included in the use permit.

AMADOR COUNTY PLANNING COMMISSION Date of this notice: September 6, 2024



Zone Change (ZC-24;6-3)
X to R1A, Single-family
Residential & Agricultural
(Subject parcels in red)



Legend

- Amador Boundary
- Assessor Parcels
- District 1 Project Parcels

Comments



Request for a zone change (ZC-24;6-3)

2 messages

gbachich accordionrevival.com <gbachich@accordionrevival.com>

Fri, Sep 13, 2024 at 12:19 PM

To: "planning@amadorgov.org" <planning@amadorgov.org>

Cc: "jbachich@myyahoo.com" <jbachich@myyahoo.com>

I am one of the owners of 2 parcels included in the proposed zone change. I have no objection to the change, but I am curious about why a third parcel, 044-200-047, which we also own, and which is nearly surrounded by the other two, was not included. Is it already zoned R1A?

George Bachich

Napa, CA

Amador County Planning Department <planning@amadorgov.org>

Fri, Sep 13, 2024 at 3:36 PM

To: "gbachich accordionrevival.com" <gbachich@accordionrevival.com>

Cc: "jbachich@myyahoo.com" <jbachich@myyahoo.com>

Hello Mr. Bachich,

Your comment letter has been received and added to the project record.

The property with APN: 044-200-047 is zoned R1A, Single-family Residential and Agricultural; therefore, it was not included in the above-referenced zone change.

Best regards,

Amador County Planning Department

810 Court Street

Jackson, CA 95642

(209) 223-6380

planning@amadorgov.org

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