

The Planning Commission of the County of Amador met on September 24, 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: 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 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:** September 10, 2024

Commissioner Bennett shared that on page 6 of the draft minutes that there is no last name after the word Mr.

Deputy County Counsel Spitzer added that there is another spot right above that also with no last name after the word Mr.

Mr. Beatty stated that Kevin Moore with Specialty Granules is who is being referred to.

MOTION: It was moved by Commissioner Curtis, seconded by Vice-Chair Munnerlyn, and carried to approve the September 10, 2024 minutes with corrections.

AYES: Wardall, Bennett, Curtis, Munnerlyn

NOES: None

ABSENT: Gonsalves

E. Correspondence: None.

F. Public Matters not on the Agenda: None.

G. Recent Board Actions: Ms. Sheppard shared that the Board of Supervisors approved the zone change for 183 parcels in District 2 from X to R1A.

H. Agenda Items:

Public Hearings

Item 1 - Request for Zone Change (ZC-24;7-1 Lyman) from the R1A, Single-family Residential and Agricultural zoning district to the AG, Exclusive Agriculture zoning district for approximately +-174.25 acres with the inclusion of that same property in a California Land Conservation Act (Williamson Act) contract. APNs: 044-010-091, -092, -093, -096.

Applicant: Travis and Karen Lyman (Property Owners)

Supervisory District: 1

Location: North of Jackson Gate Rd., between Jackson City limits and Depot Rd. in Martell, CA

Vice Chair Munnerlyn introduced the item.

Ms. Sheppard shared the staff report which is hereby incorporated by reference into these minutes as though set forth in full. She asked to note that there will be limitations on proposed AG uses in the contract for CEQA purposes and that the applicant is amenable to them.

Commissioner Bennett pointed out that some names on the bottom of page 2 in the Draft Agricultural Advisory Committee minutes included in the packet seem incorrect.

Ms. Ruesell said that they are draft minutes and that the Agricultural Advisory Committee has not yet met to approve them.

Vice-Chair Munnerlyn opened the public hearing and asked if the applicant is present.

Travis Lyman, applicant, asked if there are any questions for him. There were none.

Commissioner Bennett said that he has no objection with the land going into the Williamson Act. He added that he assumes since it is near developed areas that at some point in the future that the Williamson Act protection can easily be withdrawn.

Mr. Beatty explained that a Williamson Act contract is a 20 year commitment. He explained that once a Williamson Act contract is approved, the applicant and the County have to wait 10 years

before either can request for it to be nonrenewed and then it takes another 10 years for that contract to expire.

Commissioner Bennett said he assumes that if it goes into the Williamson Act that property taxes are reduced.

Ms. Ruesell responded that she is unsure of the amount, but often the reason for entering into the contract is because of the tax break granted.

Commissioner Curtis said that it seems like a good use next to the airport.

Commissioner Wardall added that he agrees and noted that there are no homes for noise complaints and wide-open spaces with no obstructions for aircraft landing.

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

AYES: Bennett, Curtis, Munnerlyn, Wardall

NOES: None

ABSENT: Gonsalves

Commissioner Wardall shared that this is pretty straightforward and preserving ranch land in the County and that he supports it.

Vice-Chair Munnerlyn added that she also supports it.

Commissioner Bennett said he concurs.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Curtis, and carried to recommend approval to the Board of Supervisors that the Categorical Exemption is the adequate environmental document.

AYES: Bennett, Munnerlyn, Wardall, Curtis

NOES: None

ABSENT: Gonsalves

MOTION: It was moved by Commissioner Curtis, seconded by Commissioner Wardall, and carried to recommend to the Board of Supervisors to approve ZC-24;7-1.

AYES: Bennett, Munnerlyn, Curtis, Wardall

NOES: None

ABSENT: Gonsalves

Item 2 - 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

Supervisory District: 1

Location: Affected property owners with land zoned X with an incompatible General Plan land use designation within Supervisory District 1

Vice-Chair Munnerlyn introduced the project.

Ms. Sheppard 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.

Leona Bartel said that she understands that her parcel's zoning is not changing, but is concerned about the proposed zone change to her 5 or 6 abutting neighbors' parcels. She asked what inconsistent means.

Ms. Sheppard stated that the X zoning district does not align and is not compatible with the Agricultural General (AG) and Agricultural Transition (AT) designations.

Ms. Bartel asked if a minimum size for the parcels is required for the change.

Ms. Sheppard said that is determined by the General Plan designation and is not being affected.

Ms. Bartel said that with R1A it sounds like there are lots of agricultural things such as feed lots, poultry farms, and dairies that can go on without approval from anybody. She stressed that the parcels being changed abutting her are only 5 acres.

Ms. Sheppard explained that those agricultural uses are a by right use within the existing X zoning district.

Ms. Bartel asked if all those things are allowed without approval and that it says that these are the things that are permitted and it does not say under consideration of anybody.

Ms. Sheppard responded that there are listed uses permitted that do not require a conditional use permit.

Ms. Bartel questioned that a feed lot is okay.

Ms. Sheppard replied correct and that it does not require a conditional use permit now in X or with the proposed R1A zoning.

Ms. Bartel said that the good thing with X is that it made it sound like you could do anything but that you need a permit to do it, whereas, this way you can buy a parcel and set up a feed lot in a residential area. She stressed that she wants to preserve where she lives and the value of her property and believes it is crazy to change and open up small parcels to do whatever they want.

Ms. Sheppard shared that agricultural uses are a by right use in the X district and that those agricultural uses would not require a conditional use permit.

Ms. Bartel asked even though X says you can do this with a permit if it is not true.

Ms. Sheppard responded that agricultural uses are by right and do not require a conditional use permit in the X district.

Ms. Bartel stated that she believes this is a little crazy and that property was split into 5 acres and is now being opened up to a turkey farm, feed lot, or all these other things that we have no control over it.

Martin Havens said that his property is not affected, but the 900 acre property owned by the casino adjacent to him is. He said he is concerned about them wanting to divide it up and possibly put a home or homes on the property. He asked how he can get a copy of the General Plan and if it applies only to the County.

Vice-Chair Munnerlyn responded that it is online and that Mr. Havens can go to the Planning Department and get a copy. She said that the General Plan applies to the County.

Deputy County Counsel Spitzer added that the cities also have General Plans.

Mr. Havens asked if the General Plan being referred to tonight is for the City of Jackson or the County of Amador.

Deputy County Counsel Spitzer said that the General Plan is for the unincorporated areas of the County and that the cities' can be found on their websites.

Mr. Havens said he is outside of city limits and asked where he should go.

Deputy County Counsel Spitzer responded at the County.

Mr. Havens shared his concern about how the zone change will affect his underground water access, that others could drain his underground aquifer, and that he does not want to have to drill a deeper well that he cannot afford.

Mr. Beatty responded that a well permit would be needed.

Ms. Ruesell added that any ministerial permits would still be required.

Mr. Havens asked if there will be notification about access if the casino wants to build homes and that the residents are concerned about secondary egress in case of fire and would like to be able to use the casino's land.

Ms. Ruesell said for a single property owner applying for an encroachment there would not be notification, but with a discretionary permit action that requires a public hearing there would be notification.

Michelle Workman said that she has a parcel that is being rezoned asked what is exactly inconsistent in the X District with the General Plan and how it will affect her property taxes.

Ms. Sheppard responded that X zoning is fairly antiquated and with the update of the 2016 General Plan the X zoning was marked as no longer compatible with the Agricultural General Plan designations. She explained that the County is updating the zoning to become compatible with the General Plan and that agricultural/residential use. She added to contact the Assessor with any questions about assessment, but that Planning was informed that this will not trigger a reassessment of the properties.

Vice-Chair Munnerlyn asked if there is further comment. There was none.

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

AYES: Curtis, Munnerlyn, Wardall, Bennett

NOES: None

ABSENT: Gonsalves

Commissioner Bennett said that he just wants clarification that when moving from X to R1A that there is no real substantial difference with what people can do on their property.

Ms. Sheppard responded that there are quite a few more by right uses in the R1A District, but there are primarily residential and fairly light agricultural uses that are similar to what are taking place on the X.

Commissioner Curtis commented that some of the by right uses look onerous, but they are regulated by other parts of the municipal or County code and not just automatically granted.

Ms. Sheppard responded that is correct and that they would still have to abide by building code, apply for Building and Environmental Health permits, and conform with State law.

Commissioner Curtis said that he believes we are being afraid of something that in reality is not going to take place, such as a slaughterhouse.

Ms. Sheppard said that a slaughterhouse would require a conditional use permit and there are other regulations that regulate uses permitted without a use permit.

Deputy County Counsel Spitzer added that a slaughterhouse requires discretion.

Vice-Chair Munnerlyn shared that some of the uses that are in the X such as a home will now be brought into being a compatible use. She asked if anyone requested to not be included in the zone change.

Ms. Sheppard replied not for these parcels.

Commissioner Wardall asked if the Planning Commission approves or makes a recommendation to the Board for the environmental document.

Deputy County Counsel Spitzer responded that legally the Planning Commission can approve the Exemption and then make a recommendation for the project, but the way the County has operated consistently to date, even with the Exemption, has been to make the recommendation on the Exemption to the Board of Supervisors.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Bennett, and carried to recommend approval to the Board of Supervisors that the Categorical Exemption is the adequate environmental document.

AYES: Munnerlyn, Curtis, Wardall, Bennett

NOES: None

ABSENT: Gonsalves

MOTION: It was moved by Vice-Chair Munnerlyn, seconded by Commissioner Bennett, and carried to recommend approval of ZC-24;6-3 to the Board of Supervisors.

AYES: Wardall, Curtis, Munnerlyn, Bennett

NOES: None

ABSENT: Gonsalves

Ms. Sheppard stated that the Planning Commission has recommended approval of ZC-24;6-3 in District 1 to the Board of Supervisors and that a hearing will be held at a later date.

MOTION: It was moved by Vice-Chair Munnerlyn, seconded by Commissioner Curtis, and carried to adjourn the meeting to the next regularly scheduled meeting on October 8, 2024.

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