

**STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF: October 8, 2024**

ITEM 1 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

Supervisorial District: 5

Location: Affected properties zoned X with an incompatible General Plan land Use Designation within Supervisorial District 5.

- A. General Plan Designations:** AT, Agricultural-Transition, AG, Agricultural-General, and RR, Rural Residential
- B. Present Zoning:** X, Special Use
- C. Proposed Zonings:** R1A, Single-family Residential and Agricultural
- D. Total Acreage Involved:** ±5,690.19
- 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 99 parcels to be rezoned from the X, Special Use zoning district to the R1A, Single-family Residential and Agricultural zoning district with the AT-Agricultural Transition, AG-Agricultural General, and RR-Rural Residential General Plan Designations.

During the County's preparation of the 2016 General Plan Update, it was determined that the X, Special Use district's history as a "place-holder" for future zoning classification had served its purpose, and was overly restrict in that it does not allow as a mix of permitted compatible use as is typical of most zoning districts.

- 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 regarding the proposed CEQA exemptions and 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, Agricultural Transition, and Rural Residential 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:

001030018000	001180023000	008140041000	011060030000	015040038000
001060035000	001180024000	008140042000	011230027000	015040039000
001060036000	001180026000	008140043000	014030063000	015040040000
001060037000	001180027000	008210029000	014100019000	015070068000
001060038000	001210019000	008210032000	014100020000	015070070000
001080003000	001210020000	008210033000	014170036000	015070071000
001100002000	001230003000	008210034000	014170059000	015070072000
001100005000	001230005000	008210035000	014170060000	015150023000
001160049000	001230015000	008210038000	014170061000	015170088000
001160050000	001240029000	008210039000	014170062000	015170089000
001170015000	007100033000	008220041000	014170063000	015320025000
001170017000	008030007000	008220042000	014200062000	015360009000
001170018000	008050018000	008220043000	014200066000	021180056000
001170019000	008050019000	008220046000	015010024000	021180060000
001170020000	008060033000	008220047000	015010054000	021180063000
001170026000	008130048000	008220048000	015030054000	021180064000
001170027000	008130057000	008240054000	015040029000	021190044000
001170029000	008140034000	008380019000	015040033000	030020090000
001170030000	008140039000	011020044000	015040035000	030020091000
001180020000	008140040000	011040028000	015040036000	

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.	
<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.

- | | Initial |
|---|---------------|
| 1. Notice of Intent (NOI). | <u> — </u> |
| 2. GIS List. <u>300</u> ft. Plus <u>email</u>
<small>(Distance) (Special Instructions: e.g. to end of access road)</small> | <u> RS </u> |
| 3. Checked <u>all</u> APN pages of those parcels from the GIS list for “NOTES” or
a. “SPECIAL INSTRUCTIONS.” | <u> RS </u> |
| 4. Project Applicant and Representative(s), if applicable. | <u> RS </u> |
| 5. Checked Project file cover for agency distribution. | <u> RS </u> |
| 6. Checked inside file for special requests for notification. | <u> RS </u> |
| 7. Checked old notification list for additional notification. | <u> RS </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 CC-24; 6-3 X to RIA (District 5) by placing copies in 478 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 23, 2024 at Jackson, California.

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

Executed at Jackson, California on September 23, 2024

Signed *Rich Stahl*

Witness *Maryann Manago*



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 5.

SUPERVISORIAL DISTRICT: 5

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 **October 8, 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:

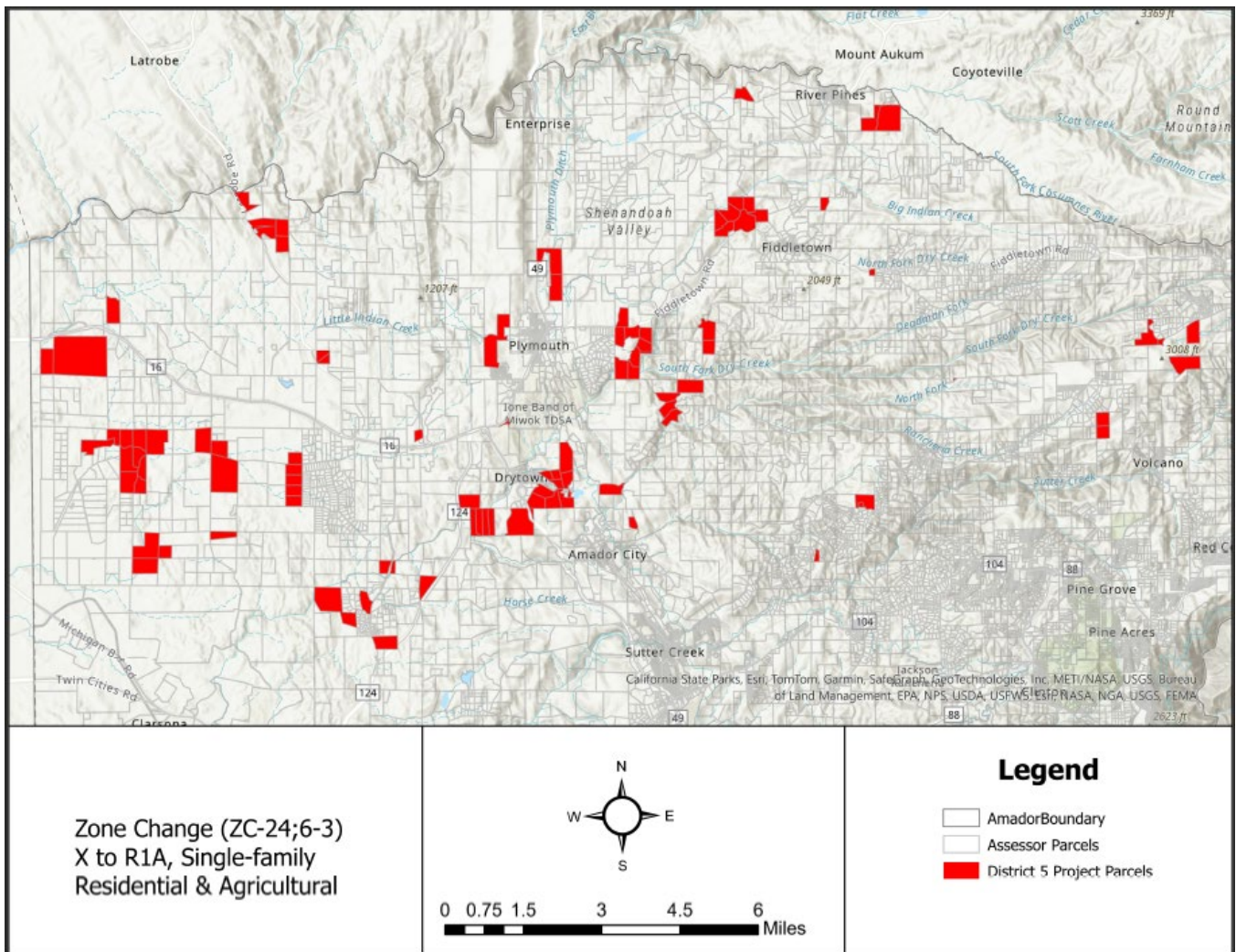
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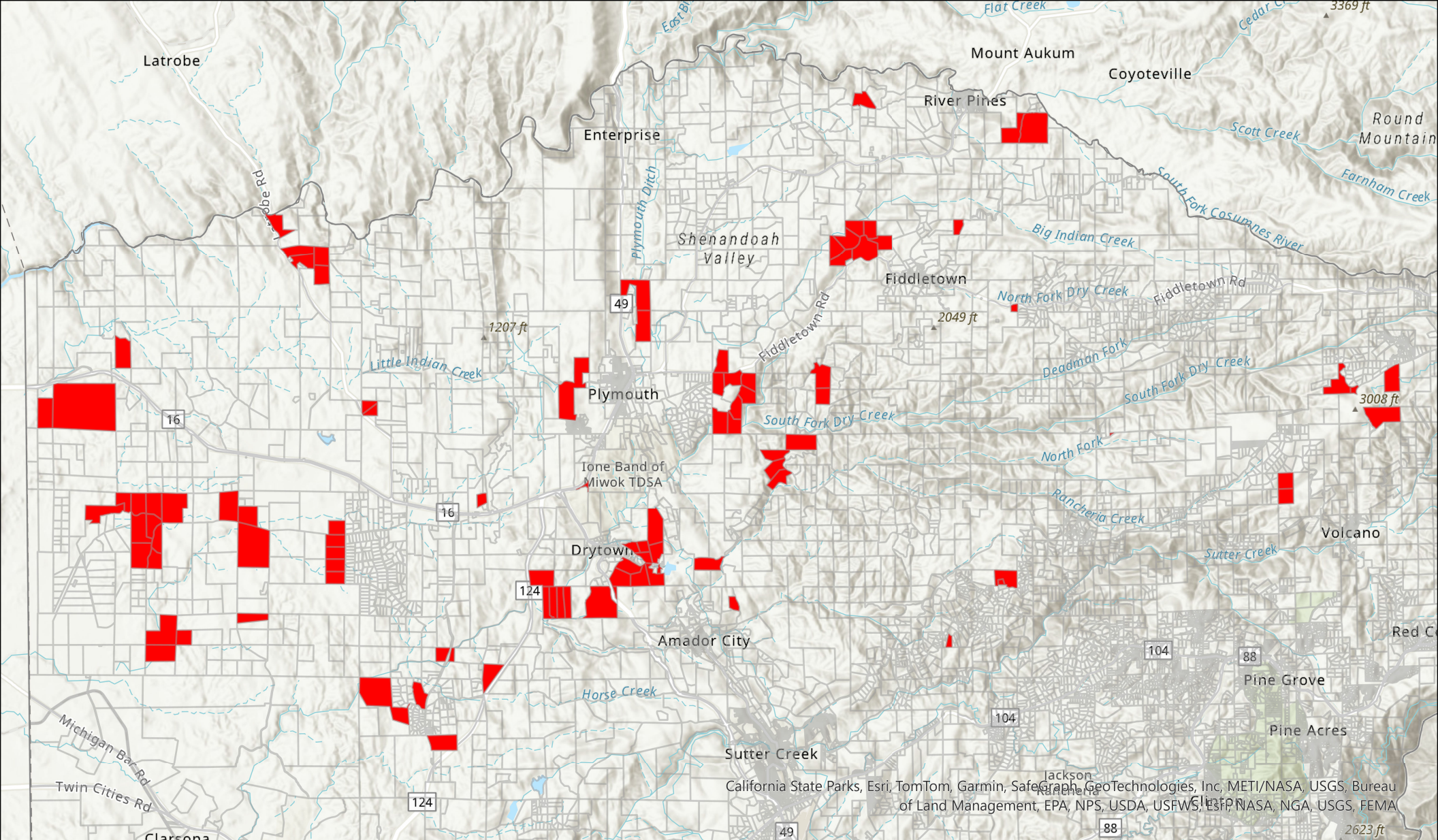
PERMITTED AND CONDITIONAL USES FOR THE EXISTING ZONE X AND THE PROPOSED ZONE R1A:

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.
19.08.020 "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. <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.

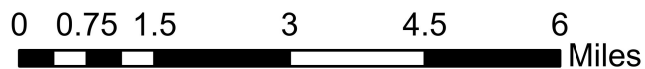
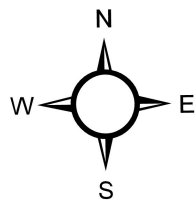
- D. Uses Permitted Subject to First Securing an Approved Use Permit.
1. Farm and forestry labor camps;
 2. Recreation uses;
 3.
 - a. Processing, packing, selling, shipping of agricultural products for on-site retail purposes. This includes but is not limited to tasting rooms in conjunction with an 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.

PROJECT PARCELS IN RED BELOW:








**Zone Change (ZC-24;6-3)
X to R1A, Single-family
Residential & Agricultural**

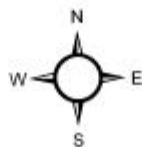


Legend

-  Amador Boundary
-  Assessor Parcels
-  District 5 Project Parcels






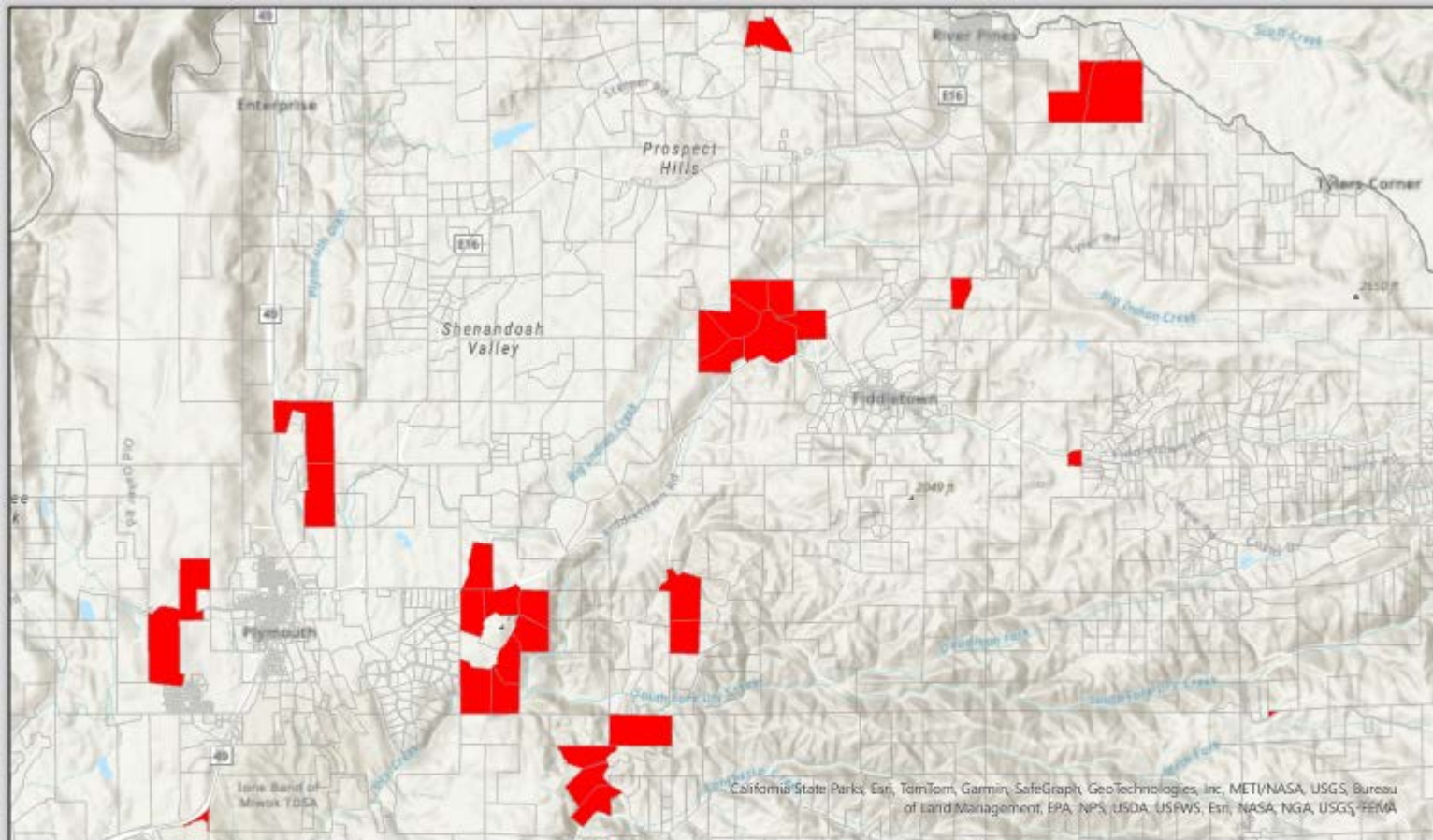
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X to R1A, Single-family
Residential & Agricultural



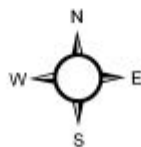
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Legend

-  Amador Boundary
-  Assessor Parcels
-  District 5 Project Parcels






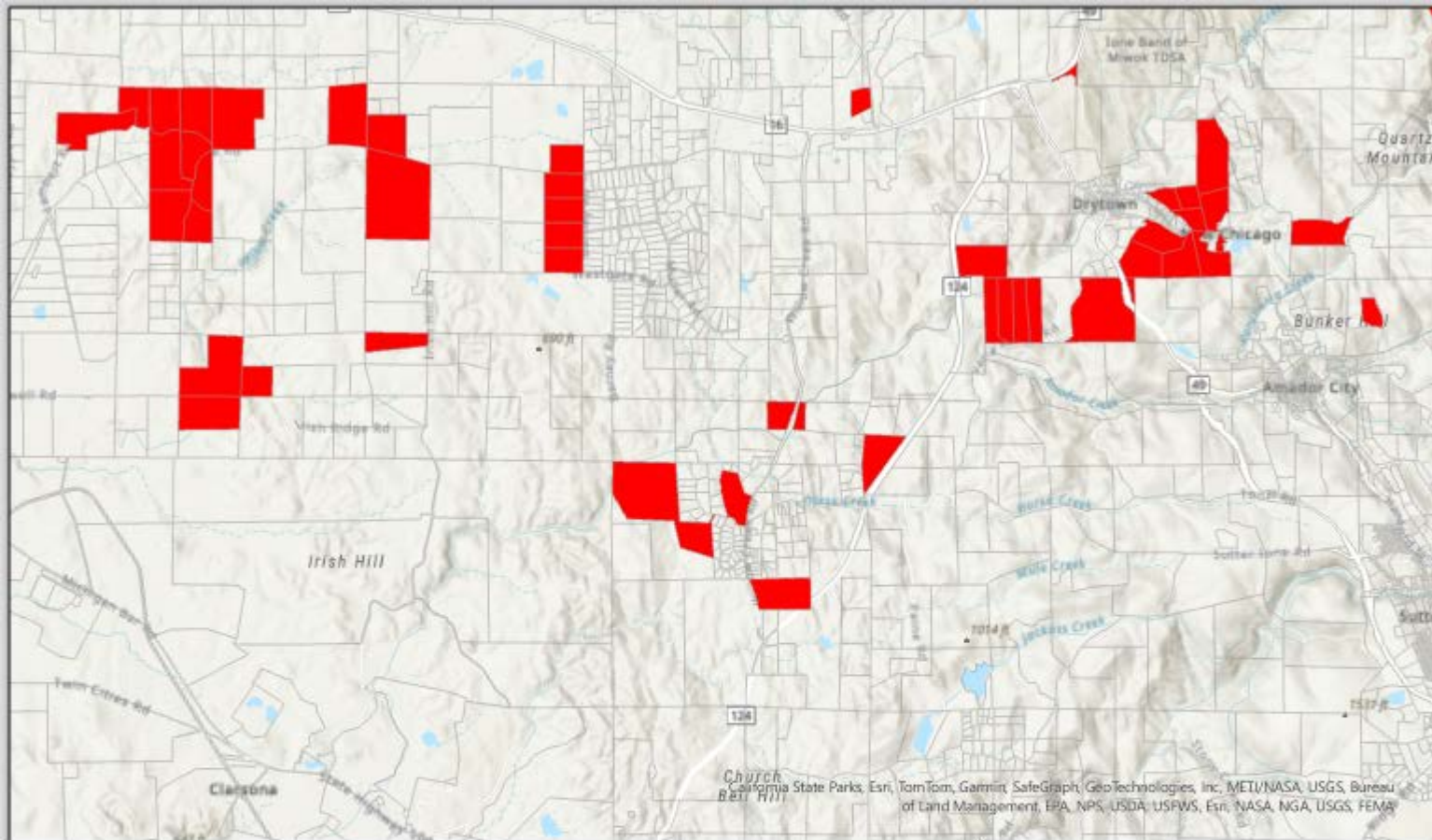
Zone Change (ZC-24;6-3)
X to R1A, Single-family
Residential & Agricultural



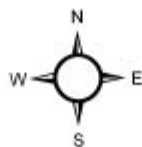
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Legend

-  Amador Boundary
-  Assessor Parcels
-  District 5 Project Parcels






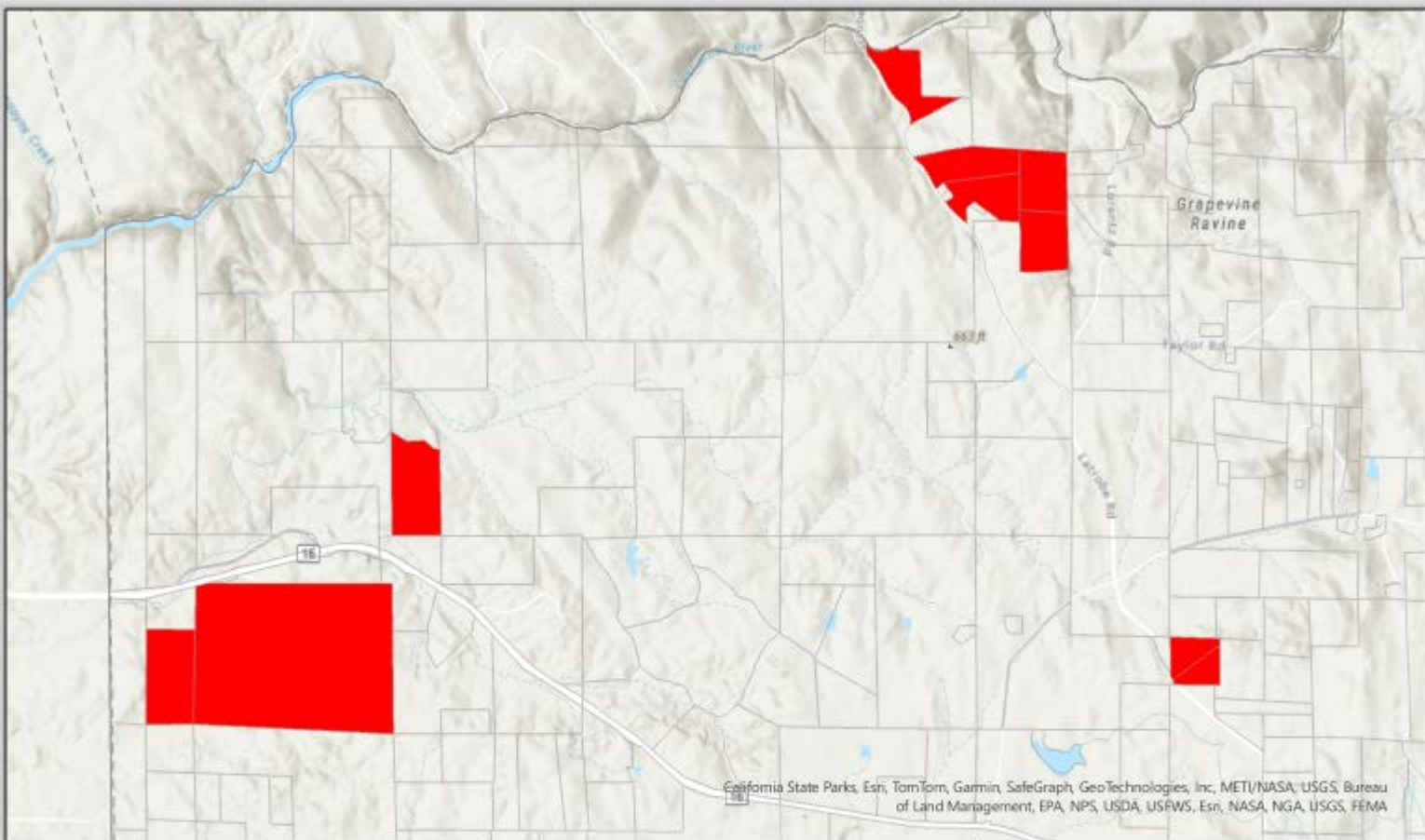
Zone Change (ZC-24;6-3)
X to R1A, Single-family
Residential & Agricultural



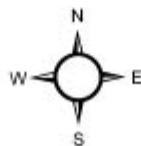
0 0.4 0.8 1.6 2.4 3.2 Miles

Legend

-  Amador Boundary
-  Assessor Parcels
-  District 5 Project Parcels






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



0 0.25 0.5 1 1.5 2 Miles

Legend

-  Amador Boundary
-  Assessor Parcels
-  District 5 Project Parcels

Comments



Notice of Public Hearing for ZC-24;6-3 Planning Commission Meeting

Bauldry, Paul@DOT <paul.bauldry@dot.ca.gov>
To: Amador County Planning Department <planning@amadorgov.org>
Cc: "Ponce, Gregoria@DOT" <gregoria.ponce@dot.ca.gov>

Wed, Oct 2, 2024 at 2:43 PM

Hello Krista,

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the Request for a Zone Change (ZC-24;6-3) from the Special Use (X) district to the Single-family Residential (R1A) and Agricultural zoning district for properties that are incompatible with the General Plan designation.

The affected property owners with land zoned Special use (X) with an incompatible General Plan land use designation within Supervisorial District 5. The Assessor's Parcel Numbers (APN) are:

001030018000, 001060035000, 001060036000, 001060037000, 001060038000,
001080003000, 001100002000, 001100005000, 001160049000, 001160050000,
001170015000, 001170017000, 001170018000, 001170019000, 001170020000,
001170026000, 001170027000, 001170029000, 001170030000, 001180020000,
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021180064000, 021190044000, 030020090000, and 030020091000.

Caltrans has no additional comments at this time. However, Caltrans requests to be included in the review process for all future development at this location.

Thank you.

Paul Bauldry

Caltrans District 10

Office of Rural Planning

Division of Planning, Local Assistance, and Environmental

1976 E. Dr. Martin Luther King Jr Blvd.

[Stockton CA 95205](#)

Telework # 209.670.9488