

**AMADOR COUNTY PLANNING COMMISSION MINUTES
SUMMARY MINUTES OF RECORDED MEETING
October 8, 2024 – 7:00 P.M.**

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The Planning Commission of the County of Amador met on October 8, 2024 in the Board Chambers at the County Administration Center, 810 Court Street, Jackson, California. The meeting was called to order at 7:02 p.m. by Chair Gonsalves.

COMMISSIONERS PRESENT WERE: John Gonsalves, Chair, District 1
Dave Wardall, District 2
Earl Curtis, District 3
Mark Bennett, District 5

COMMISSIONERS ABSENT WERE: Stacey Munnerlyn, Vice-Chair, District 4

STAFF: Glenn Spitzer, Deputy County Counsel
Sabrina Pierce, Deputy County Counsel
Chuck Beatty, Planning Director
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 7:02 p.m.

B. Pledge of Allegiance:

C. Approval of Agenda:

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

AYES: Gonsalves, Curtis, Bennett

NOES: None

ABSENT: Munnerlyn, Wardall

D. Minutes: September 24, 2024

MOTION: It was moved by Commissioner Curtis, seconded by Commissioner Bennett, and carried to approve the September 24, 2024 minutes.

AYES: Gonsalves, Curtis, Bennett

NOES: None

ABSENT: Munnerlyn, Wardall

E. Correspondence: West, Crosspoint 2, LLC, Young

F. Public Matters not on the Agenda: None.

G. Recent Board Actions: None shared.

H. Agenda Items:

Public Hearing

Item 1 - Discussion and possible recommendations to the Board of Supervisors regarding a Zone Change (ZC-24;6-3) from the X Special Use district, to the R1A, Single-family Residential and Agricultural zoning district and proposed CEQA categorical exemption for properties that are incompatible with the General Plan designation.

Applicant: County of Amador

Supervisorial District: 5

Location: Affected property owners with land zoned X with an incompatible General Plan land use designation within Supervisorial District 5

Chair Gonsalves introduced the item.

Ms. Sheppard 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.

Randy Jordan, resident off of Barney Rd., asked to confirm that 40 acres parcels are being reduced to 10,000 square ft. lots.

Commissioner Wardall entered the meeting.

Mr. Beatty responded that the General Plan's density is not being changed for any parcels with this zone change.

Mr. Jordan asked if a 40-acre parcel next to you can be developed into 10,000 square ft. lots.

Mr. Beatty replied only if the existing General Plan says it can be 10,000 sq. ft. lots and that this zone change does not affect parcel size or the ability to subdivide property smaller than it currently can today.

Mr. Jordan asked how small the lots can be.

Mr. Beatty responded probably 5 or 40 acres and depends on what the General Plan is. He added that most of the Camanche area is 5 or 40 acres.

Mr. Jordan stated that he remembers reading something about 10,000 square ft. lots and shared his concern that only people within 300 ft were notified. He said that they currently struggle with water and asked where the water is going to come from and where the sewage is going to go.

Commissioner Curtis stressed that the lot sizes are not changing and people are going to have to go to a lot of trouble to change the lot size. He said that if they are 40 acres now that they are going to stay 40 acres.

Mr. Jordan asked what the point of changing the zoning is.

Commissioner Curtis responded so that it is in compliance with the General Plan and that it is almost just a word.

Mr. Beatty added that the X zone only allows agriculture so it is not really a zoning district. He said that it was put in place 40 or 50 years ago as a holding plan and it now needs to be corrected. He explained that through the years the County has allowed people to build houses on the X zoning, but it is not in the code. He explained they are correcting that error with the R1A designation.

Mr. Jordan shared that his wife had brought the letter to his attention and that he will dig more into it.

Mr. Beatty said that another notice will be received soon because the Planning Commission's recommendation is going to the Board of Supervisors on October 22nd.

Steve Durant said that he owns one of the 40 acre parcels on Barney and asked for clarification of what the General Plan states.

Mr. Beatty responded that it designates what the minimum parcel size is and establishes which zoning districts are allowed in each of the General Plan classifications. He added that there are usually about 3-5 zoning districts that are allowed to have similar residential, commercial, and other uses. He explained that X was not intended to stay in place indefinitely. He stressed that no land use rights are being taken away because everything allowed in the X zone is allowed in the R1A zone.

Mr. Durant asked if the number and size of allowed houses is different.

Mr. Beatty responded no.

Mr. Durant then asked if his neighbor can subdivide into 5 acre or less parcels.

Mr. Beatty replied not under the zone change and they would need to petition the Board to change the General Plan in order to have parcels that small.

Mr. Durant said but it is possible.

Mr. Beatty stated that it is possible today, but the zone change does not affect the ability to make that request.

Mr. Durant asked what allows the County to circumvent CEQA and an Environmental Impact Study.

Mr. Beatty responded that this has been deemed to be a less than significant impact because the zoning districts and allowed uses are very similar.

Mr. Durant asked what the worse impact is to him keeping in mind that he does not want houses next to him.

Mr. Beatty replied that there is almost no impact because the County has allowed houses in the X zone and has set a precedent. He added that the downside is that if there is a house in the X zone and it is destroyed that different leaders apply strict interpretation of the code and not allow houses in the X zoning.

Mr. Durant said he was told that X allows for 2 houses when he bought the property in January and asked for confirmation of this because he read on the website that X allows for 2 houses.

Mr. Beatty responded that he probably saw that in the Accessory Dwelling Unit (ADU) section where it says that a second house is allowed anywhere there is a primary house and that some of that language could be ahead of itself.

Mr. Durant said that it is in there. He asked what the benefit for the County is for changing the zoning.

Mr. Beatty replied its compliance with the General Plan which is state law.

Amy Waters-White asked if the zone change from X to R1A will change property taxes.

Mr. Beatty replied that the Assessor's office has told Planning that this zone change will not trigger reassessment and that there will not be an impact to property taxes whether a property is zoned X or R1A.

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

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

AYES: Wardall, Gonsalves, Curtis, Wardall, Bennett

NOES: None

ABSENT: Munnerlyn

Commissioner Wardall explained that he was late to the meeting due to hitting a deer on the way to the meeting and is okay.

Chair Gonsalves asked for discussion.

Commissioner Bennett said that people's land use and what they can do with their property is not going to change, that this is simply cleaning up the General Plan, and that he has no objections.

Commissioner Wardall informed that when he did a parcel split years ago and had to rezone from X to R1A that his land use attorney said there was no problem with it.

Mr. Durant stated that after reading the literature they just did not understand and are just concerned that people are going to build a bunch of houses.

Commissioner Wardall shared that there a lot of steps to the process to subdivide or get a use permit and that the Commission very sensitive to neighbors. He added that he is proud of the Planning Commission looking out for private property rights.

Mr. Durant said that he loves living in Amador County and has never dealt with such nice and easy to work with people when building his house. He shared that he does not want to see things change near him and asked when this is going to go through.

Mr. Beatty responded that this is the last group of zone changes and will go to the Board of Supervisors in the next two weeks.

Mr. Jordan shared that he agrees with Mr. Durant and asked how long this has been in the works.

Mr. Beatty responded that it probably has been in the works since the 60's and really started after the adoption of the updated General Plan in 2016.

Mr. Jordan shared that they were notified within 2 to 3 weeks, before it is over.

Chair Gonsalves shared that there is a public hearing process where the notices go out so there is adequate time to review what is proposed and to comment.

Chair Gonsalves said that the public hearing is closed.

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

AYES: Bennett, Gonsalves, Curtis, Wardall

NOES: None

ABSENT: Munnerlyn

Ms. Sheppard stated that the Planning Commission has recommended approval of ZC-24;6-3 in District 5 to the Board of Supervisors and that a hearing is scheduled for October 22, 2024.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Bennett, and carried to adjourn the meeting to the next regularly scheduled meeting on November 12, 2024.

AYES: Curtis, Gonsalves, Wardall, Bennett

NOES: None

ABSENT: Munnerlyn

John Gonsalves, Chair
Amador County Planning Commission

Mary Ann Manges, Recording Secretary
Amador County Planning Department

Chuck Beatty, Planning Director
Amador County Planning Department