

ACTION MINUTES

LAND USE & COMMUNITY DEVELOPMENT COMMITTEE

October 21, 2010

MEMBERS PRESENT: Louis Boitano, Supervisor, District IV
Richard Forster, Supervisor, District II

Supervisor Boitano called the meeting to order at 10:12 a.m. Supervisor Forster arrived at 10:20 a.m. and was present for Items No. 3 and No. 4.

AGENDA: Approved.

CORRESPONDENCE: None.

APPROVAL OF MINUTES: Approval of the August 19, 2010 minutes was postponed to a time when both Supervisors were present.

PUBLIC MATTERS NOT ON THE AGENDA: None.

ITEM 1. DIRECTION REGARDING REVISIONS MADE TO THE ALTERNATIVE SEWAGE DISPOSAL SYSTEM DEED AGREEMENT PREVIOUSLY APPROVED BY THE COMMITTEE SPECIFICALLY FOR APN 026-100-003-000 (PIER)-- Environmental Health
(Present: Mike Israel, Environmental Health; and Pat Keene and Mike Buck, Counsel for property owner)

Mike Israel said the agreement signed by Mr. Pier and submitted by for recording by Mr. Keene differed slightly from the agreement approved by the Committee at the July 15, 2010 Land Use and Community Development Committee meeting. The agreement signed by Mr. Pier does not appear to advise potential buyers to review the alternative sewage disposal system permit terms and conditions for the property on file with the Environmental Health Department and precludes Environmental Health's authority to perform the 5-year minimum annual monitoring inspections.

Committee Action: The Committee approved the revised agreement and authorized Mike Israel to sign and record the agreement presented by Pat Keene on behalf of Mr. Pier. The Committee also authorized Mr. Israel to remove APN 026-100-003-00 from the CSA#6 assessment roll.

ITEM 2. REVIEW, DISCUSSION AND RECOMMENDATION TO BOARD OF SUPERVISORS REGARDING PROPOSAL TO AMEND RESOLUTION NO. 05-477 WHICH ADOPTED THE POLICY OF PROHIBITING ACCEPTANCE OF APPLICATIONS FOR GENERAL PLAN AMENDMENTS OR ZONE CHANGES UNTIL SUCH TIME AS THE COMPREHENSIVE GENERAL PLAN UPDATE, INCLUDING ANY NECESSARY AMENDMENTS TO THE ZONING ORDINANCE, IS COMPLETED.--Planning

(Present: Susan Grijalva, Planning Department)

Susan Grijalva, Planning Department, said staff and some Board members have been approached by constituents requesting the moratorium be lifted; therefore, staff has reviewed the moratorium and would not have significant concerns about lifting the policy so that zone change applications could be processed. The zone changes would have to be consistent with the property's current general plan designation, and in the off chance a zone change is requested on a property that would be inconsistent with the *proposed* draft General Plan Land Use Map, staff would recommend the application not be allowed because it would create an inconsistent zoning which would need to be changed upon completion of the General Plan Update. Such a change would be costly and consume County staff time and resources.

Committee Action: The Committee agreed it was time to talk about it and directed the Planning Department to schedule this matter for a future Board meeting. The Committee further directed the matter be kept as defined and narrow in scope as possible.

ITEM 3. REVIEW AND DISCUSSION REGARDING CURRENT STAFF PROPOSAL, BASED ON DIRECTION GIVEN BY THE BOARD OF SUPERVISORS AT THEIR JULY 13, 2010 MEETING, REGARDING A POSSIBLE AMENDMENT TO AMADOR COUNTY RESOLUTION NO. 05-477 (GENERAL PLAN AND ZONE CHANGE MORATORIUM) BY ADDING AN ADDITIONAL EXCEPTION PERTAINING TO "INJURE BY FEDERAL AND/OR STATE GOVERNMENTAL AGENCY," AND DISCUSSION AND REVIEW ON THE STAFF PROPOSED AMENDMENT TO AMADOR COUNTY CODE TITLE 19.24 (ZONE DISTRICT REGULATIONS) BY EITHER: AMENDING 19.24 TO INCLUDE A NEW ZONE DISTRICT SOLELY FOR SEASONAL RECREATIONAL CABIN USE (UNDER FEDERAL JURISDICTION); OR, BY AMENDING 19.24.048 "O-S," OPEN-SPACE DISTRICT TO INCLUDE SIMILAR ALLOWANCES FOR RESTRICTED RECREATIONAL CABIN USES(S).--Planning

(Present: Nathan Lishman and Susan Grijalva, Planning Department)

Nathan Lishman, Planning Department, presented the attached correspondence from David Worden with the Lake Kirkwood cabin owners. Discussion took place regarding the regulations the cabin owners currently must abide by and how the County can assist the cabin owners in obtaining relief on the assessment levied by the USFS. Action taken by the County should address all recreational cabins and not just “seasonal” cabins. In order to meet the needs of the cabin owners their request would need to be accomplished by the end of this year.

Committee Action: The Committee directed the Planning Department to move forward with amending the zone change moratorium in order for the cabin owners to seek relief from the expensive assessments currently being levied by the USFS on the *potential* land use rather than on the uses specifically allowed under their special use permit. The Committee further directed the language proposed by staff be brought before the Planning Commission and the Board of Supervisors in a time frame that meets the end of year deadline.

Susan Grijalva, Planning Department, suggested Lake Kirkwood cabin owners and the Bear River Summer Home cabin owners join in the cost of fees to have this matter heard.

ITEM 4. CONTINUED CONSIDERATION OF PROPOSED ORDINANCE REVISIONS AMENDING TITLE 19 (ZONING) AND TITLE 8 (ANIMALS) REGARDING COMMERCIAL AND NON-COMMERCIAL KENNELS--Planning and Animal Control

(Present: Cara Agustin and Susan Grijalva, Planning Department; Jon Hopkins, General Services Administration; John Vail, Animal Control)

Cara Agustin presented the revisions previously discussed and recommended. John Vail, Animal Control, questioned whether or not the changes proposed accomplish what the Planning Department has set out to do. Scenarios of the impact the regulations as proposed would have on people were discussed, as well as whether enforcement should be through the court system or code enforcement. Further discussion took place regarding the 5 acre parcel size limitation, the definitions being in both Chapters 8 and 19, the fact there will be people who will not be able to comply with the regulations, and the fact that one Department is allowing the violation of another Department’s codes.

Committee Action: The Committee directed staff to discuss this matter further and bring back to Committee a proposed ordinance. Items to consider and focus on include: who issues the personal kennel license, what approach should be taken in enforcing the code, who does enforcement of code violations, spaying or neutering requirements, and the placement of a disclaimer on all licenses stating that they must comply with County Code.

The meeting adjourned at 11:40 a.m.