Jackson Planning Commission
Minutes
Regular Meeting of January 16, 2007

COMMISSION MEMBERS PRESENT:	**CITY STAFF PRESENT**:
Dave Butow,	Susan Peters, City Planner
Warren Carleton, Vice-Chair	Michael Daly, City Manager
Wayne Garibaldi	Larry White, Senior Building
Letitia Sexton	Gisele L. Cangelosi, City Clerk

COMMISSION MEMBERS ABSENT:
Terri Works, Chairman

Vice-Chairman Carleton called the meeting to order at 6:00 p.m.

1. Public Matters Not on the Agenda.
Thornton Consolo, Jackson, was present to voice a complaint regarding public testimony time limits. At the December 20, 2006 Planning Commission meeting Bill Orescan was only given 15 minutes to present his concerns regarding the Jackson Hills project. He stated Chairman Works changed the subject and Mr. Orescan's very informative presentation was cut short and he felt that the presentation should be reconsidered.

Commissioner Garibaldi agreed Mr. Orescan's presentation was informative, however he did not completely understand what was being conveyed.

Commissioner Butow concurred Mr. Orescan's presentation should be reconsidered. He stated engineers tend to provide a lot of technical information and felt Mr. Orescan should summarize his report in such a way that the general public can understand his concerns regarding the Jackson Hills project.

Commissioner Garibaldi request Mr. Orescan's summary also be forwarded to Pacific Municipal Consultants for review and comment.

City Planner Peters noted the City has extended Pacific Municipal Consultant's contract and that the Findings of Fact and Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program should be done by this Friday for staff review. She hoped to hold the public hearing to review and to make recommendations to Council at the February Planning Commission meeting.

Vice-Chair Carleton agreed Mr. Orescan's presentation was hard to assimilate.

City Manager Daly stated any information submitted by the public is welcome at the next public hearing regarding the Jackson Hills project.

It was the consensus of the Planning Commission that Commissioner Butow contact Mr. Orescan's to request to summarize his theories and resubmit the information. Councilmember Butow noted he would contact Mr. Orescan.

Jack Georgette, Jackson, inquired when the Home Depot EIR would be finished. City Planner Peters stated staff had just finished their review of the draft and should be presented in about one month.

Councilmember Butow inquired when the General Plan EIR would be ready. City Planner stated it should be ready in two weeks.

2. Public Hearing –Variance 2007-01 R.F. & Letitia Sexton, 12 Frontier Drive, APN 020-454-001.

Commissioner Sexton stepped down and left the room due to a conflict of interest.

City Planner Susan Peters reported the applicants were requesting a variance to allow construction of a seven foot fence along their street side yard at their single family residence located at 12 Frontier Drive to encroach five feet into the required 15 foot street side yard setback. She noted four letters were received and all four were in favor of the application.

The applicants were in the process of demolishing an existing non-conforming fence when it was brought to their attention by the Building Inspector that the replacement fence, because of its height and placement, would require a variance from City of Jackson Municipal Code Section 17.06.180 which only allows for a four foot fence in a fifteen foot street side yard setback (this is a corner lot).

She stated while variances are typically subject to the California Environmental Quality Act (CEQA), projects which have no possibility of causing an environmental impact can be categorically exempted from CEQA review in accordance with Section 15061(b)(3) of CEQA.

The following findings must be made for this project to be approved:

1. There are special circumstances applicable to this property (lot topography) which deprives the property of privileges enjoyed by other property with a similar use.
2. The granting of this variance will not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone.
3. The granting of this variance will not adversely affect the interest of the public or the interests of other residents and property owners within the vicinity.

Should the Planning Commission chose to approve the variance for Mr. and Mrs. Sexton at 12 Frontier Drive (APN 020-454-001) the following actions are recommended:

1. Instruct Staff to file a Categorical Exemption; and,

2. Adopt Resolution 2007-01 approving Variance 07-01 for Mr. and Mrs. Sexton at 12 Frontier Drive (APN 020-454-001) based on the Findings in this report.

Vice-Chairman Carleton opened the public hearing. Hearing no comments from the public, Vice-Chairman Carleton closed the public hearing.

There was considerable discussion among the Commissioners including options available to the Commission after which the following motion was made:

Moved by Commissioner Butow, seconded by Commissioner Garibaldi and unanimously carried to:

1. **Instruct Staff to file a Categorical Exemption; and,**
2. **Adopt Resolution 2007-01 approving Variance 07-01 for Mr. and Mrs. Sexton at 12 Frontier Drive (APN 020-454-001) based on the Findings based on the findings stated in the Staff Report of January 16, 2007.**

Commission Sexton returned to the dais.

3. Public Hearing – Amend Condition of Approval No. 24 of Tentative Subdivision Map No. 127 (Stonecreek Development) APNs 044-200-027 and 044-200-051.

Senior Building Inspector White reported the applicant was requesting that Tentative Subdivision Map 127 (TSM 127), Condition of Approval No. 24 (COA 24) be amended to allow for a reduction in the required park size. The applicant's engineer has placed the park along the southern border of the project to minimize grading and preserve mature trees on the site. To meet the 22,000 square foot park required by COA 24, a retaining wall with a narrow strip of park extending past the proposed cul-de-sac would be necessary with the proposed design. The applicants are requesting to reduce the park to 15,000 square feet and thereby eliminate the need for the retaining wall and narrow park strip.

At the September 19, 2005, the Planning Commission approved TSM 127 allowing two lots to be subdivided into eight single-family residential lots. During that meeting concerns were brought forth by the public for this developer to provide an area for a park. The concern was that this developer was allowed to create Pine Meadows subdivision without a park. The Stonecreek subdivision was originally proposed by Bob Hix, and then sold to D & L Development.

There is no requirement per City ordinance to create park areas within subdivisions. However, there are impact fees required to be assessed to each single-family dwelling built within the City if parkland is not provided. The per capita formula used to determine the size of the park lot for this proposed subdivision was applied to both the Pine Meadows subdivision and the proposed Stonecreek subdivision to justify the COA 24 requirement to provide the 22,000 square foot park size for this subdivision.

The Planning Commission's intent of the large park was to mitigate for no planned park at the neighboring Pine Meadows Subdivision. The resolution and minutes from that meeting was provided to the Planning Commission packet. The proposed park is also proposed as a passive

park (no recreation equipment furnished, primarily open space). If the Planning Commission is inclined to reduce the park size as requested, it may choose to change the park to an active park and require the developer to install play equipment, walking trails, benches or other similar equipment.

Amendments to tentative subdivision map Conditions of Approval are not typically subject to the California Environmental Quality Act (CEQA), because they usually have no possibility of causing an environmental impact and can be categorically exempted from CEQA review in accordance with Section 15061(b)(3) of CEQA.

Should the Planning Commission choose to approve the proposed amendment, all of the following findings must be made:

1. The proposed amendment to Tentative Subdivision Map 127 Condition of Approval No. 24 is consistent with the Zoning and General Plan land use designation.
2. The proposed amendment will not be a detriment to the public health, safety, or general welfare of this community.
3. The proposed amendment will not have a significant adverse effect upon the environment.

Should the Planning Commission choose to approve the amendment to Tentative Subdivision Map 127, Condition of Approval No. 24 for D & L Development (APN 044-200-027 & 051) the following actions are recommended:

1. Instruct Staff to file a Categorical Exemption; and,
2. Adopt a Resolution approving an amendment to Tentative Subdivision Map 127 Condition of Approval No. 24 for D & L Development (APN 044-200-027 & 051) based on the Findings in this report.

Commissioner Butow stated he usually visits a site prior to the meeting and because a topographic map was not provided, he requested a continuance of this item.

Councilmember Sexton noted she did not have a problem with downsizing the park but suggested that the area by the culvert be landscaped.

City Manager Daly stated tonight's action was to make a determination on whether to approve the applicant's request to amend Condition of Approval 24 only.

Robin Peters, Cal-State Engineering, representative for applicant, stated the map on displayed on the tonight was the Tentative Parcel Map that had been approved by Planning Commission a couple of years ago. The park was placed along the southern border of the project to minimize grading and was configured to occupy a linear section of the property adjacent to the westerly boundary in order to save a row of cypress trees, six walnut trees and a good size oak at the corner. In order to size the park at 22,000 square feet, the park was extended beyond the cul-de-sac and a retaining wall would be necessary with the proposed design. If he pushes in the road it

would make the grading steeper and would prefer to minimize the grading, leave the road as is and reduces the park. Reduction of the park would lessen the City's maintenance issues.

Vice-Chairman Carleton opened the public hearing.

Marilyn Lewis, Jackson, reported at the June 13, 2005 City Council meeting the City Council discussed the shortage or lack thereof a play area, open space and parkland in Subdivision Map No. 55 - Pine Meadows Subdivision and whether it was possible to approve elimination of Parcel B and make it conditional on the allocation of open space on the adjacent subdivision Tentative Subdivision Map No. 127 (Stonecreek Development). However at that same meeting the City Council approved the following changes: "Parcel B is terminated and incorporated into lots 38 and 39." She was disappointed that parcel B was eliminated. She stated this item was defect because the map was not at posted at the Amador County Library; therefore this is not a good public hearing.

Thornton Consolo, Jackson, stated the following concerns:

1. Street width and parking.
2. Felt the retaining wall would be problematic and vandalism would occur.
3. Flipping the cul-de-sac into lots 6 and 7 would solve all the problems discussed and would be more inline with the original map.
4. Does not have a problem with a passive park and wants more contiguous land space.

Sandy Nurse, Sierra Foothill Lab, stated they have attended every meeting regarding Tentative Subdivision Map No. 127 and have continuously requested parks and open space because there is no play area for the children in this neighborhood. Her location and this property seems to attracts children and for that reason she encouraged the Planning Commission to approve a passive park. The format preserving the trees was very pleasing, however she still had concerns regarding erosion and drainage.

Dave Armstrong, applicant, was present to answer questions of the Commission. He informed Mr. Consolo he wants to preserve the trees and using lot 1 and 2 would make the trees go away. The retaining wall is to help with the maintenance issue and he does not want to move the road.

Mr. Peters stated addressed the following concerns:

1. The area on east side slope is 30 percent and changing the cul-de-sac would increase the grading.
2. It was determined the original map would not work from a grading point of view and that trading cuts and fills for the larger park did not appear to be a good trade off.
3. The reason for the retaining wall was put into place was to connect those two sections.
4. They want to design lots that are buildable.
5. A passive park with natural setting would be more appropriate for the area.

City Manager Daly stated a condition of approval for this development would be to require the developer to form street light assessment district (SLAD) to maintain the park.

Jack Georgette, Jackson, felt the Planning Commissioner should walk the area to better understand the park issue.

Hearing no further comments from the public, Vice-Chairman Carleton closed the public hearing.

Councilmember Garibaldi felt small parks never work out because there is not enough play area, attract problems and are hard to maintain. He also wants to preserve the trees, keep the open space and make it a passive park. He felt the Planning Commission should make a decision tonight based on the information provided and should not hold up the applicant for another month.

Commission Sexton felt a picnic area should be provided. Since a map was not provided, she felt the Planning Commission should walk the area to get a better understanding of topography in relationship to the park.

Commissioner Butow did not have a problem with picnic tables. He wants a passive park and does not want play equipment.

Vice-Chairman Carleton stated he would support a passive park. He also requested a continuance of this item because he had not seen the area.

Dave Armstrong reported he wanted to have this completed in April and the only issue now was preparation of the improvement plans. Mr. Peters stated continuance of this item would hold up preparation of the improvement plans and the applicant would not be able to start in April.

Mr. Peters requested the Planning Commission continue this item to the next Planning Commission meeting in order for the Commissioner to visit the site location. The Planning Commission agreed to continue this item to the February 20, 2007 meeting.

ADMINISTRATIVE REPORTS.
None.

Adjourn 7:37 PM.

Attest:

_____ Date Approved: April 16, 2007

Gisele L. Cangelosi, City Clerk