

Jackson Planning Commission

Minutes

Regular Meeting of October 16, 2006

COMMISSION MEMBERS PRESENT:

Dave Butow,
Warren Carleton, Vice-Chair
Wayne Garibaldi
Letitia Sexton
Terri Works, Chairman arrived late at 7p.m.

CITY STAFF PRESENT:

Susan Peters, City Planner
Candy Collins, Accounting Assistant

COMMISSION MEMBERS ABSENT:

CITY STAFF ABSENT:

Mike Daly, City Manager

Vice-Chairman Carleton sat in for Chairman Works who arrived late.

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

1. Public Matters Not on the Agenda.

There were no public matters presented.

2. Approval of Minutes of June 19, 2006 and July 5, 2006 meetings.

Moved by Commissioner David Butow, seconded by Commissioner Garibaldi and unanimously carried to approve the minutes of June 19, 2006 and July 5, 2006.

***Note: Item 5 was moved to accommodate Guest Speaker Steve Cannon, Registered Forester who had another speaking meeting to be at.**

5. Workshop – Proposed Amendments to Municipal Code Chapter 17.31 Landscape Planning Ordinance – Review options and provide direction to staff.

City Planner Peters read the following report:

At the August 21 Planning Commission meeting, Ms. Carla Bowers submitted some information regarding oak woodland habitat preservation. The Planning Commission directed staff to place the issue on a future agenda along with considerations for amending other portions of the Landscape Planning Ordinance.

Staff has invited Mr. Steve Cannon, a Registered Professional Forester with Foothill Resource Management to provide practical advice regarding oak woodland preservation. Mr. Cannon is a consultant who is qualified to prepare Oak Woodland Evaluations consistent with State law.

The purpose of tonight's workshop is to review the attached information and public input and provide direction to staff regarding potential amendments to the Landscape Planning Ordinance. Any proposed changes will ultimately be forwarded to the City Council for review and incorporated into the Draft Development Code.

Mr. Steve Cannon, Registered Professional Forester with Foothill Resource Management, explained that if a developer proposes to remove oak woodlands and it creates a impact and mitigation is required, then its been his experience that the County of Amador Planning Commission will not approve a tentative map until a report is received from a registered forester.

Mr. Cannon stated in his opinion the first step should be for the City to adopt the State ordinance. If this proposed ordinance which Ms. Bowers is suggesting were adopted, it would be much more stringent. He felt the Planning Commission needed to find a balance.

Mr. Cannon felt in his opinion, there is a loop-hole in the State Legislation, because if a developer takes a piece of land and protects the oaks, wild habitat and then sells, there is no ordinance that prevents the new owner from undoing it all and removing all the trees. Any ordinance the City adopts should address this loophole.

City Planner Peters stated that from a staff standpoint, she liked the idea of another way to show the impacts a project could generate but wondered what this study could cost in comparison to a traffic study or an EIR.

Mr. Cannon answered by stating it could range anywhere from \$1,000 to \$7,000 on an average lot size but could go much higher if it were a 100 + acre lot, especially if it included a green belt. He further added that it might need not only a registered forester study but also a study by a wildlife biologist.

Vice-Chairman opened the public hearing.

Public speakers, Shirley Dynowski, Thornton Consolo, Marie-Louise Solaja, and Kathy duBois, expressed the following:

- desire for stricter oak preservation laws.
- maintenance of the oaks.
- larger replacement oaks.
- follow-up on the conditions placed on projects.
- on-site arborists during development.

7 p.m. – Chairman Works arrived. Vice-Chairman Carleton sat in for Chairman Works for remainder of meeting at Ms. Work's request.

City Planner Peters discussed with the commissioners monitoring of the Conditions of Approval.

Ms. Peters stated that she would bring a copy of the State regulations and check further into some long-term maintenance examples and stronger language in the penalty section of the existing landscape planning ordinance.

The Planning Commissioners continued Item #5 Proposed Amendments to Municipal Code Chapter 17.31 Landscape Planning Ordinance to the November 20, 2006 Planning meeting to allow for Carla Bowers and Arborist Kathleen Lynch to be present.

Vice-Chairman closed the public hearing.

3. Public Hearing –Variance 2006-05 Ethel Smallfield, 135 Center Street, APN 020-281-006.

City Planner Peters read the following report:

Project Description

The applicant is requesting a variance to allow construction of a new single-family residential detached garage to encroach 5 feet into the required five-foot side yard setback and ten feet into the required ten-foot rear yard setback. There is a temporary structure erected essentially in the proposed location. The lot is irregularly shaped with a Center Street address despite the fact that the house fronts West Lane. There are other structures along West Lane that are either on or within a few feet of the rear property line.

Environmental Review

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.

Findings

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

1. There are special circumstances applicable to this property (lot configuration), 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.

Action

Should the Planning Commission chose to approve the variance for Ms. Smallfield the following actions are recommended:

1. Instruct Staff to file a Categorical Exemption; and,
2. Adopt a Resolution approving Variance 06-05 for Ms. Ethel Smallfield at APN 020-281-006 based on the Findings in this report.

Doug Smallfield, the applicant's son, stated that originally there were 2 houses on the lot, and the front house burned down and was never rebuilt. He further stated that the existing house was originally a garage that was added on to.

City Planner Peters, Commissioners and Mr. Smallfield further discussed the details of the proposed garage.

Vice-Chairman opened the public hearing.

Hearing none, Vice-Chairman closed the public hearing.

Moved by Chairman Works, seconded by Commissioner Garibaldi and unanimously carried to approve Variance 2006-05 Ethel Smallfield, 135 Center Street, APN 020-281-006 based on the findings.

4. Workshop – Proposed Addition to the Draft Development Code – Citywide Lighting Regulations – Review options and provide direction to staff.

City Planner Peters read the following report:

At the September 18, 2006 Planning Commission meeting, staff provided proposed lighting regulations to be incorporated into the Draft Development Code. The Planning Commission recommended some changes related to the regulation's application to seasonal lighting, public lighting, and ornamental lighting. Additionally, the Planning Commission directed staff to provide additional information regarding maximum pole height for commercial parking lot lighting.

The goal of this meeting is for the Planning Commission to make a determination regarding the proposed Lighting Regulations and forward them to the City Council for their review and environmental review along with the rest of the Development Code.

Please remember that the proposed Lighting Regulations will apply Citywide, not just to the commercial property.

Ms. Peters further explained the details of the changes made, language added and an addition of 17.43.080 – Maintenance and Repairs of Nonconforming Fixtures.

Ms. Peters explained that if there were non-conforming lights right now, it's fine, but if a delivery truck takes out the lamp poles, then it needs to be replaced with lamps that meet the requirements.

Vice-Chairman Carleton opened the public hearing.

Thornton Consolo recommended that the Planning Commissioners look at the new County building lamps, and the new Jackson Rancheria road and their lamps before making a decision. Mr. Consolo also added that sodium lights were very effective, available in many varieties, economic to install and pleasing to the eyes, but there is a defect in which they lose true photo chromatic recognition and he would not recommend them for any outside security camera areas, because an orange car could appear green.

Vice-Chairman Carleton closed the public hearing.

The Planning Commission continued item #4 Proposed Addition to the Draft Development Code – Citywide Lighting Regulations will be continued to the November 20, 2006 Planning Meeting.

6. ADMINISTRATIVE REPORTS.

City Planner Peters announced that on December 4, 2006 at 6:00 p.m. there would be a special planning meeting at the request of the applicant to start talking about the Jackson Hills Project merits.

Commissioner Butow announced that he has been working on a General Plan Seminar with planners from other jurisdictions, as well as City Council and the Board of Supervisors. Mr. Butow added that it will be on a Thursday evening from 6-9 p.m. He has asked City Manager Mike Daly and City Council member of Sutter Creek, Bill Hepworth to be co-sponsors for this. Mr. Butow also announced that he has two (2) speakers from the California Office of Historical Preservation in Sacramento who are experts in Local Certified Government and CEQA. This seminar is tentatively set for November 30, 2006 and if it cannot be set at that date, it will be put off until after the first of the year.

Meeting adjourned: 8:05 p.m.

Attest:

Candy Collins, Accounting Services II

Date Approved: November 20, 2006