

# Jackson Planning Commission

## Minutes

### Special Meeting of February 7, 2005

**COMMISSION MEMBERS PRESENT:**

Dave Butow,  
Warren Carleton, Vice-Chair  
Wayne Garibaldi, Chairman  
Terri Works

**CITY STAFF PRESENT:**

Mike Daly, City Manager  
Susan Peters, City Planner  
Sandie Sproviero, Accounting Assistant

**COMMISSION MEMBERS ABSENT:**

Rosemary Faulkner

**CITY STAFF ABSENT:**

None

---

Chairman Garibaldi called the meeting to order at 6:04 p.m.

**1. Public Matters Not on the Agenda.**

None

**2. Amador County New Administration Bldg, 810 Court Street tree removal and replacement plan.**

City Planner Susan Peters stated tonight the new tree removal plan for the new Amador County Administration Building would be reviewed. Additionally, John Hopkins will be available to answer questions tonight.

City Planner Susan Peters stated that in accordance with Section 17.31.060 of the Landscape Planning Ordinance, the County is requesting permission to remove fifteen cypress and pine trees ranging in size from 10 inches to 36 inches diameter breast height (DBH) to accommodate construction of a new Administrative Building and sidewalks at 810 Court Street (site of the old Sutter Amador Hospital). It has been brought up to staff's attention that this number is twenty-one, not fifteen. Thirteen of the fifteen trees are larger than sixteen inches DBH and will need to be replaced in accordance with the Landscape Planning Ordinance.

John Hopkins stated not all trees were marked in the first tree removal plan submitted; therefore a new tree removal plan has been done. The last count of trees was 13; the correct count is at 21 trees. Mr. Hopkins explained the reason for the amount of trees to be removed is due to the site needing to be cleaned up for the utilities. The trees would most likely not survive after the anticipated excavation that will take place.

City Planner Susan Peters verified the positions of the trees and went over in detail the reason for purposed removal. The following items were discussed:

- The DBH tree replacement, and
- How it is determined which trees will be replaced.

Should the Planning Commission choose to approve removal of trees, the following Conditions of Approval are recommended:

1. Applicant shall provide the Planning Department with a landscape plan, which includes a minimum of 39 fifteen-gallon trees.
2. Pursuant to the Landscape Planning Ordinance all trees to be saved shall be appropriately fenced and any tree maintenance shall be performed by a qualified arborist.

Should the Planning Commission choose to approve the tree removal for the new Amador County Administration Building the following action is recommended:

1. Adopt a resolution approving the proposed tree removal plan for the County of Amador subject to the conditions of approval located in this report.

Commissioner Butow stated his concerns of a small pine tree that he would like to see saved. Saving the tree by transplanting it would be ideal if it could be done in a way not to hurt the tree.

Mr. Hopkins responded the small pine tree is in the way of the fire loop and will have to be removed.

Vice-Chair Carleton shared his disappointments with the amount of trees being cut down and suggested for the County to reconsider a different plan saving as many trees as possible.

Chairman Garibaldi opened up public hearing for comments.

Gordon Miller stated he wrote the City of Jackson's Tree Ordinance, which has been amended several times. And went over in detail the length of time it took to write it. Mr. Miller shared his disappointments of past-approved projects, which allowed many trees to be cut down. Some projects even cut down additional trees without approval, yet the developers were not penalized. Staff should not change the City of Jackson Tree Ordinance to accommodate developers anymore.

RosaLee Pryor Escamilla went on record as a concerned citizen of Jackson who believes there should be as much preserving old growth and the mature landscaping in the City as possible. Mrs. Pryor Escamilla stated she is aware the County does not need to follow the City's ordinance, and encouraged staff to look for leverage to convince the County to find an alternative way to do the grading. When the county is considering tree replacement they should always consider how the replacement trees would survive. Mrs. Pryor Escamilla addressed the poor shape the landscaping located at the Business Park is in and pointed out this to be an example of what happens when factors are not considered.

Mr. Hopkins stated the County does care about trees, however when the anticipating grading would kill them, the trees need to be removed. There was a meeting with City Planner Susan Peters and City Manager Mike Daly to discuss the City of Jackson Tree Ordinance and the County has done their best to comply with it. In addition the county is under a federal mandate to have the work done by June 2007.

Vice-Chair Carleton asked if this is a result of an engineering decision based on the foundation of the building requiring it to reduce the grade for the parking lot.

Mr. Hopkins responded the grading, and construction of building is based on many factors, not just engineering. A lot of time was spend on the economic factor (cost) in addition to ADA (American Disability Act) also being a key factors in determining why the grades are what they are at, and the design of the building that would fit into the City of Jackson.

The following items were discussed:

- Removal of trees
- Tree replacement
- Tree types
- County lot line
- Sidewalks
- Parking, and
- Grading

Mrs. Pryor-Escamilla stated her concerns of the project not moving forward without sidewalks and asked why the plans do not show sidewalks.

Mr. Hopkins responded the architect designed the plans without sidewalks, which has been brought to the county's attention. Having sidewalks is a very good idea and county will look into it.

John Plasse stated it appears that the developer is making every effort in replacing the trees, even exceeding the requirements, so why not put forth the same effort in keeping the trees. Mr. Plasse went over in detail how long it takes for the trees to grow and how many do not make it.

Hearing no further comments Chairman Garibaldi closed public hearing.

Commissioner Butow stated legally the Planning Commission does not have much they can do, however since the County is going to drop their property down to street level, there is a need for sidewalks. Commissioner Butow made suggestions of trading the trees off for a sidewalk and stated his frustration of developers not abiding by tree ordinance.

Vice-Chair Carleton stated the architect is doing a disservice to the City of Jackson with their design. The design should have been adjusted to allow trees to stay. Vice-Chair Carleton asked if staff encourages developers to save trees when they come to city to apply.

City Planner Susan Peters went over the process of when a developer comes to the City wanting to develop. Subsequently two ordinances are shown to every developer. One is the parking ordinance and the other is the landscaping ordinance. This process is gone over with every developer regardless of the size of the proposed project. City Planner Susan Peters added changes do need to be done to the grading ordinance, making it firmer as to what can and cannot be done.

Commissioner Works went over difficult areas to walk on Court Street and suggested a sidewalk be put in return for the amount of trees to be removed.

Chairman Garibaldi stated his concerns are more towards the County not caring about the City of Jackson's disposition. All should abide by the City of Jackson's ordinances, County included. Not

in favor of making a motion to approve regardless of the County not having to abide by the City's ordinance.

After much discussion it was determine that the County is going to proceed with or without the City of Jackson's approval, therefore the following motion was made.

**Moved by Commissioner Butow, seconded by Vice-Chairman Carleton, and carried to adopt a resolution for Tree Removal Plan, New Administration Building for County of Amador located at 810 Court Street based on the Conditions of Approval as set forth. Three eyes, one absent, and Chairman Garibaldi voted no.**

**2. Workshop – Implementation of the Resource Constraints and Priority Allocation Policy**

City Planner Susan Peters stated at the last Planning Commission meeting additional information was requested regarding resource constraints issues. Specifically, staff requested a more detailed accounting of existing sewer capacity, rational for staff recommendation for HEU's, and language for potential changes to the Circulation Element of the General Plan.

City Manager Daly went over in detail a worksheet that was put together reflecting how the number was establishing regarding the remaining capacity of HEU's.

Planning Commission discussed the following items:

- Reserving HEU's for Ministerial development
- Changes to the Circulation Element
- Draft 2004 Amador County Regional Transportation Plan Update
- Traffic
- Circulation impacts which benefit the community
- Past 3year average for dry weather flow
- Effluent flow
- Influent flow
- Creek capacity
- Sewer treatment plant
- Plant capacity improvements, and
- Long-term solutions to the sewer discharge and capacity problems

City Manager Daly added if there are any additional questions in regards to the sewer capacity or water supply questions, they could be directed to him.

City Planner Susan Peters stated in December 2004, City Council adopted the Resource Constraints and Policy Allocation Policy per the Planning Commission's recommendation. Now that the policy has been adopted, it's time for implementation.

City Planner Susan Peters went over the following schedule set forth in the policy:

- January – Planning Commission and City Council establish the Housing Equivalent Units (HEUs) available for the year and establish allocation criteria. Upon completion of HEU availability and the design criteria the City will advertise for Notice of Intent to Develop.
- March 31 – Notices of Intent to Develop are due to the Planning Department.

By April 30 – Planning Commission reviews Notices and recommends to the City Council which development projects should be awarded an allocation.

By May 31 – City Council reviews Planning Commission recommendations and award allocations.

Subsequently based on this schedule, the Planning Commission and City Council should have the HEU availability and design criteria completed this month. When considering the date that the Commission is reviewing the information to establish the HEU's and design criteria, it is likely that this step will not be completed until mid-February. Establishment of the HEU's and design criteria in mid-February would still allow for sufficient time (six weeks) for developers to complete a Notice of Intent to Develop. Since mid-2004, the City has been primarily discussing three resource constraints; sewer capacity, water supply, and road capacity.

Vice-Chair Carleton asked about dilution.

City Manager Daly stated this is a different issue. City of Jackson is currently going through the permit process right now, and studies are being conducted. Options for land discharge are being looked into should the Regional Board inform the City of Jackson that the creek has met its capacity and can no longer be used. City Manager Daly added what is being presented is more of how the water can be treated prior to going out.

The Commissioners discuss the following items in detail:

- About not using all the HEU's in the first year
- Determining a number of HEU's based on several years, and
- Determining the steps on how to issue the allocations

City Planner Susan Peters clarified should an allocation be granted to an applicant this does not mean the project is approved. The applicant still would have to go through the application process, which will go before the Planning Commission for review and recommendation. It needs to be understood that just because allocations are being rewarded does not mean they will be used.

City Planner Susan Peters went over the road capacity and the following options in order to be in compliance of the Circulation Element of the General Plan.

- Option 1: Do not allow any further growth until some sort of by-pass has been constructed.
- Option 2. Amend the Circulation Element to accept a lower level of service (LOS). (currently LOS is C, change to LOS D), or
- Option 3. Amend the Circulation Element to be consistent with the Amador County Regional Transportation Plan which requires a project to contribute to resolution of an existing circulation problem. (Contributions could take the form of fronting the cost for improvement projects and entering into reimbursement agreements for circulation infrastructure improvements. This would ensure that necessary

transportation improvements are constructed prior to or simultaneously with development impacts.

Commissioner Works stated she would never vote to change the LOS to accommodate road capacity and is not in favor of it being an option.

Chairman Garibaldi stated the City of Jackson should consider looking at 'will serve' letters from Amador County Water Agency. At one point evaluating the traffic should be done in addition to approving the LOS, on a temporary basis, that the City is currently at.

Commissioners discussed the relationship between the County of Amador and the City of Jackson.

Chairman Garibaldi opened up for public comment.

Dave Daniel stated once the Amador Pipeline goes in reducing the water in the creek this increase the influent level of the sewer plant.

City Manager Daly explained it would change the dilution ratio that is in the creek.

Mr. Daniel stated the City of Jackson should consider increasing the developer fees to support improvements to the City. Mr. Daniel discussed the following items in detail:

- Undeveloped land having first priority
- Road/Traffic changes in the City, and
- LOS

John Plasse emphasized how so many residents express the City of Jackson is a wonderful place to live; yet there has been such a change over the years. In addition many of these changes have not always benefited the city. The City of Jackson will not continue to be such a wonderful place to live if the city keeps on adopting standards that accommodate the change of LOS and not what is best for the community. Mr. Plasse expressed his opinions of growth and the number of capacity being from the last meeting.

Jeannie Plasse stated if the City would hire a traffic analyst to review impacts that county projects may have on the city, the outcome would benefit the City. Mrs. Plasse inquired when the numbers of HEU's are being calculated would affordable housing units be deducted and set aside. There is so much uncertainty relative to the permit that is coming up in June, how can staff determine if the City will be in compliance and start allocating HEU's without knowing.

City Manager Daly stated in regards to the permit renewal, the worse case scenario would be a cease and desist order. A cease and desist order from the Regional Board is not an insistent moratorium on any growth. They generally lay out an action plan for the city to come into compliance with their requesting. City Manager Daly stated the Regional Board would have sent notifications and expressed concerns if there were any critical changes.

City Planner Susan Peters explained that the affordable housing is exempt but still will have to be deducted from the HEU number.

Hearing no further comments Chairman Garibaldi closed public hearing.

Commissioner Works stated her concerns of the current schools not being able to accommodate the children who would be attending them, should more developments be approved bringing in additional families with children. Commissioner Works inquired as to why no school representative attends the Planning Commission meetings.

City Planner Susan Peters stated according to the superintendent of the schools the Jackson Jr. High School and the Elementary School are basically at capacity. Currently there is a task force that is working on several different solutions pending a demographic study. Some of the solutions would be:

- 1.) Redo the boundaries as to where kids attend school.
- 2.) Look into site facilities or a new school

Commissioner Butow stated the schools in the city limits of Jackson should be a part of the overall process when considering recommendations of projects for the Planning Department and Commissioners.

City Planner Susan Peters stated applications have always been sent to the School District asking for input. In the past no comments were received which put the schools in a bad position. The policy has changed and now the school district is commenting.

City Manager Daly added the School District Supervisor would also be attending the Planning Commission meetings on a regular basis to be more informed as to what is going on.

City Planner Susan Peters went over in detail the ministerial projects and expressed how the Resource Constraints and Priority Allocation Policy requires that a percentage of HEUs be available for ministerial projects (projects which already have entitlements to develop). Subsequently this percentage should be based on analysis of the likelihood that vacant properties, within the City of Jackson, will develop given the historical growth rate of these types of properties. City Planner Susan Peters went over the number of lots for each zoning.

Commissioner Works stated her concern of having all HEU's available and stated concerns of using all the allocations in the first year. Keeping the number low for the first year until the City can figure out what is going to take place with the water and sewer needs to be a consideration. Commissioner Works stated to take the number of HEU's (435) subtract the number of vacant lots (87) and divide by 3 years, which is 116 HEU's. This seems like a reasonable number.

Chairman Garibaldi stated since there are so many uncertainties about so many issues how much has to be justified as oppose to having it debilitated and reached an agreement that staff is comfortable with the number.

City Planner Susan Peters stated if the question is how specific do the findings have to be, they do not. Subsequently staff does not have to justify the findings, however it would be helpful.

Commissioner Carleton stated he is very concerned about the traffic and strongly agrees to divide the available number over 3 years.

There was much discussion about the following items:

- Traffic
- Sewer capacity
- Water capacity
- Size of projects
- Spreading HEU's over a 3year process, and
- Determining the number to be 116

City Manager Daly stated what should be considered is potential benefits of projects when determining the number of HEU's. City Manager Daly acknowledged he is not sure how much difference it would make spreading the HEU's over several years when considering who is available for what for when. Having a low number of allocations is limiting the ability of someone to prove the worth of their project, even if it is not going to be built all in one year. Establishing a reasonable number provides someone the opportunity to compete for the HEU's.

Commissioner Works asked if the number of 116 HEU's would be too low.

City Manager Daly stated he is not sure whether the number is too low or too high. There should be some answers after the first year application process, to see how to looks after applicants that are looking for this application ability.

City Planner Susan Peters affirmed the objective of tonight's meeting is to come up with what appears to be a reasonable number. Just because a number is put out there, does not mean that the allocations have to be used or granted. Should a project not meet the development criteria or offering any benefits then no allocations should not be granted. City Planner Susan Peters stated the number is and is not important based on the mentioned facts. This is something to keep in mind.

Commissioner Works asked if this was an argument to making the number bigger.

City Planner Susan Peters stated from a processing standpoint and a strictly planning stand point, Jackson Hills is not the only large project that is knocking on the City of Jackson's door. There is another project that has not been applied for yet that will likely put in a Notice of Intend to Develop that is 277 units, one that is 28 homes and others. There is pressure to develop and if the number were a little bit larger there would be more to choose from.

Chairman Garibaldi stated if the Planning Department was to receive one moderately size development and several smaller ones, this gives the Commissioners the ability to pick and chose. After the picking there may not be any left for another development. Chairman Garibaldi stated to some extent there is an argument there if it truly is discretionary to some extent, within limits, to have a little bit larger number. It is just something to consider when determining the number of allocations.

After much discussion it was agreed upon the Commissioners to have the number at 116.

**Moved by Commissioner Works, seconded by Vice-Chairman Carleton, and carried to recommend to the City Council approval of the availability of 116 HEU's for 2005. Commissioner Butow opposes.**

Adjourn 8:25 pm.

Attest:

\_\_\_\_\_  
Sandie Sproviero, Accounting Assistant

Date Approved: May 16, 2005