

Jackson Planning Commission

Minutes

Regular Meeting of March 21, 2005

COMMISSION MEMBERS PRESENT:

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

CITY STAFF PRESENT:

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

COMMISSION MEMBERS ABSENT:

None

Chairman Garibaldi called the meeting to order at 6:00 p.m.

1. Public Matters Not on the Agenda.

Shirley Dajnowski stated she was not at the last Planning Commission meeting and expressed her disappointment as to why the City could not stop the developer from cutting down the trees at the old hospital.

City Planner Susan Peters stated when the County of Amador owns a piece of property it becomes a county island in the city. They only have to abide by their own ordinance, not the City of Jackson. Subsequently they did not have to come before the Planning Commission, but did so out of courtesy. Unfortunately there is nothing the city can do. It is how the state law is written.

Chairman Garibaldi stated concerned citizen could write to Jackson County Supervisor Rich Escamilla. Consequently putting your concerns in writing might be a good idea.

Ken Berry asked the status of the Jackson Hills Draft Environmental Impact Review (EIR) and when will it be put on the agenda.

City Planner Susan Peters stated screen check copies would be received for City Manager Daly and myself sometime this week. In regards to the revised Draft EIR for staff and public, this should be received at the City Hall soon. Subsequently it has not been determined as to when it will be on the agenda.

2. Approval of Minutes of January 18, 2005 meeting.

Moved by Vice-Chair Carleton, seconded by Commissioner Works and unanimously carried to approve the minutes of January 18, 2005. (Chairman Garibaldi abstained because he was absent from this meeting)

3. Public Hearing – Variance 2005-01, John Molinelli, 10301 Spunn Rd.

City Planner Susan Peters stated the applicant is requesting a variance to allow application for a lot split at 10301 Spunn Road. The property is approximately 11,300 square feet. Mr. Molinelli would like to split this lot into two single-family residential parcels. Because of the existing parcel size, one lot would need to be 700 square feet smaller than the required 6,000 square foot minimum lot size for single-family residences.

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 proposed variance will only allow the project proponent to submit an application for a lot split. Should the applicant be granted the variance, environmental review will be done during the Tentative Parcel Map process.

City Planner Susan Peters stated the findings that must be made for this project in order to be approved:

1. There are special circumstances applicable to this property, which deprives the property of privileges enjoyed by other properties in the vicinity and zone.
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. John Molinelli the following actions are recommended:

1. Instruct Staff to file a Categorical Exemption; and,
2. Adopt a Resolution approving Variance 05-01 for Mr. John Molinelli at APN-44-075-013 based on the Findings in this report.

Chairman Garibaldi asked if there is staff recommendation for the Commissioners.

City Planner Susan Peters stated currently the minimum lot size is 6000 square feet, and the intention of the General Plan Use Update is to increase that minimum lot size. Subsequently based on these factors it would be pretty difficult to make one of the findings.

John Molinelli asked if all of the Commissioners had a chance to go by the lot. Commissioner Works stated she was unable to. At this time Mr. Molinelli passed out maps to the Commissioners and went over in great detail the description of the area and footage he would like to split. Mr. Molinelli explained his intentions to build and supplied maps for the Commissioners to follow along with. Mr. Molinelli added the lot appears like a separate lot and suited to be used as such.

Vice-Chair Carleton asked the depth of the lot.

Mr. Molinelli responded the whole lot is about 155 across the front, 75 feet on one side and 70 feet on the other.

Commissioner Works asked if plans to develop have been submitted to the Building Department already and would the roof be in the view of neighbors.

Mr. Molinelli stated his plans have not been filed with the Planning Department yet. The intentions are to enhance the neighborhood and went over the design of the home and the grading that would take place. Mr. Molinelli stated he does not anticipate the roof on the projected home being in way of any neighbors view.

Commissioner Faulkner asked where the access to the lot is located.

Mr. Molinelli responded the access is located on the North of the existing lot of where the fireplug is.

The Commissioners discussed the following issues:

- Size of the current home
- Proposed home, and
- Excavating.

Chair Garibaldi opened up public hearing for comments.

Joyce Voss stated her opinions of the lot appearing too narrow to be split. In addition if a home were to be built on the smaller lot, it would look out of place in comparison to other homes.

Bob Tarleton asked for clarification of tonight's issue.

City Planner Susan Peters stated all that is taking place tonight is to approve or deny a variance. This variance will allow the applicant to apply for a lot split.

Bob Hunter stated should the variance be granted and lot split be granted, would the house fit on the remainder of the lot that is proposed to be 700 square feet? The lot appears to not be large enough to have a home built on it.

Mr. Molinelli explained the design of the home would fit nicely on the lot in and fit in with the current surroundings.

Hearing no further comments Chairman Garibaldi closed public hearing.

The following items were discussed in detail:

- Plans of proposed house
- Scenery of proposed house from window
- Proposed home size compared to surrounding homes
- Average lot size
- Building ordinance
- Infill housing
- Variance
- Special Circumstance on Findings
- Physical Constraints
- Financial Constraints

Commissioner Works inquired about the relationship between lot size and how it affects the affordability of housing.

City Planner Susan Peters stated this was addressed in the draft General Land Use Element Update. There are provisions in that are being incorporated into the zoning ordinance update that allows for smaller lot size on certain grades and areas.

Vice-Chair Carleton complimented the applicant on his creativity of the design for proposed home. However, the lot size still appears to be too small for that size of a home. Not in favor of project.

Chairman Garibaldi stated should the variance be granted, it could open up a door to grant others. Planning Department should stick to size lot of 6000 square feet, as policy states. Not in favor of project.

Commissioner Butow stated he understands what the policy states in term of lot size, however if the request were viewed from the standpoint of enhancing the area, this would be a step in the right direction. It would be nice to see the neighborhood enhanced instead of having nothing on the property.

Commissioner Works asked are financial hardships considered a physical constraint? And would this fall under special circumstances?

City Planner Susan Peters responded that financial hardships are not considered a physical constraint, therefore would not be a special circumstance.

Moved by Commissioner Works, seconded by Commissioner Faulkner, and carried by a three to two vote (Chairman Garibaldi and Vice-Chairman Carleton dissenting) to adopt a resolution for Variance 2005-01 for Mr. John Molinelli at 10301 Spunn Road, APN 44-075-013 based on the findings:

- 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.**

4. Public Hearing – Variance 2005-02, Ron Regan, 135-A New York Ranch Road.

City Planner Susan Peters stated the applicant is requesting a variance to allow construction of a garage and additional space to an existing duplex to encroach 3-feet into the 5-foot side yard setback (see attached site plan). The proposed garage and addition is located where a carport was prior to its demolition. The carport was removed because it was in disrepair as is much of the

residential unit. The proposed garage and addition are intended to address the abatement issues brought up by the Building Inspector. Additions to the rear of the property are not possible due to the proximity of the flood plain.

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 (floodplain), 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. Ron Regan the following actions are recommended

1. Instruct Staff to file a Categorical Exemption; and,
2. Adopt a Resolution approving Variance 05-02 for Mr. Ron Regan at APN 20-200-036 based on the Findings in this report.

Chairman Garibaldi opened the public hearing.

Ken Berry stated since the back of the property is so close to the creek is the applicant going to be building on the back of unit A?

City Planner Susan Peters responded there are two units. Unit "A" is already present and unit "B" will be added onto unit "A". The addition would be on the side of the home, not the back.

Hearing no further comments from the public, Chairman Garibaldi closed public hearing.

Vice-Chair Carleton asked for a description of the roofline on the proposed garage.

City Planner Susan Peters stated it appears to be a gable roof according to the plans.

Commissioner Faulkner stated this is an improvement to the community and city, in favor of project.

The Commissioners discussed the following items in detail:

- Property line
- Proposed garage
- Criteria for meeting special circumstances

- Roof line of proposed garage, and
- The access to the property.

After much discussion it was agreed that this project would be an improvement to the City of Jackson.

Moved by Vice-Chair Carleton, seconded by Commissioner Faulkner, and carried by a four to one vote (Commission Butow dissenting) to adopt a resolution for Variance 2005-02 for Mr. Ron Regan at 135A New York Ranch Road, APN 20-200-013 based on the findings of this report.

5. Proposed Amendment to the Circulation Element of the General Plan.

City Planner Susan Peters stated the City Council directed staff and the Planning Commission to work on an amendment to the Circulation Element to be consistent with the Amador County Regional Transportation Plan, which allows for some discretion in the Level of Service (LOS) standards.

The Circulation Element of the General Plan has a policy threshold requiring that an LOS C be maintained on roadway segments and intersections. We have exceeded this threshold on two segments of Highway 49. Because we have exceeded this threshold, no new projects, regardless of size or public benefit, can be approved without an Environmental Impact Report and Statement of Overriding Considerations. Considering that the majority of the traffic in the City of Jackson is the result of the City's location in the County and the major highways, which segment the City, the traffic will continue to worsen regardless of the amount of development within the City.

Attached is a copy of the County's Regional Transportation Plan Policies and proposed amendments to the City's Circulation Element for the Commissioner's review.

City Planner Susan Peters went over the proposed changes:

Remove:

Policy 2.A.1 The City shall develop and manage its trafficways to facilitate uncongested and safe flow of traffic, and maintain an average daily LOS "C", with an upper threshold of LOS "D" to be permitted along State Route 88 east of State Rout 49.

Add:

Policy 2A.1 The City shall maintain an average daily LOS "C" on all roadways, with an upper threshold of LOS "D" to be permitted along State Route 88 east of State Rout 49. Recognizing that much of the traffic on Highway 49 and 88 is a result of development outside the boundaries of the City of Jackson, projects may exceed the desired threshold if one of the following findings can be made:

1. The project is providing a public benefit (including traffic improvements), which overrides the projects traffic impacts.

2. The size of the project is such that the percent increase in traffic on Highway 49 and 88 is deemed minimal.

Should the proposed amendments to the Circulation Element be satisfactory to the Planning Commission, staff will forward the proposal to the City Council for review. No action can be taken on the proposed amendment until completion of the environmental review process consistent with the California Environmental Quality Act. Subsequently when environmental documentation (possibly an Environmental Impact Review Report) has been completed for the proposed amendment, the Planning Commission and City Council will hold formal public hearings and take action on the amendment and associated environmental documentation.

Vice-Chair Carleton asked when the repair on Court Street and Water Street would be.

City Manager Daly stated Court Street is scheduled to start May of this year. Bids are due in Friday, March 25, 2005. Water Street is scheduled for sometime next Fiscal Year.

The Commissioners discussed the following items:

- LOS "D"
- LOS "C"
- Current element
- Benefits of smaller projects for City of Jackson
- EIR process
- Current road conditions
- State Route 88 traffic
- Ministerial projects
- Proposed draft amendment to the Circulation Element, and
- Increase of County fees

Ken Berry stated his opinions for the General Plan Update to be postponed. And added the LOS has been below standard for the past ten years. The City of Jackson's responsibility should have been to have every house that was built do an EIR, if the General Plan Update is approved. Mr. Berry went over the Hospital EIR.

Chairman Garibaldi stated the LOS has changed over some time due to other surrounding projects. Based on these facts, it makes it hard to manage control of the LOS in Jackson.

Vice-Chair Carleton emphasized his concerns in changing the LOS to "D", regardless of the current LOS being "D". Should it be approved it could possibly open things up to even additional traffic and possibly having to change the LOS to even a lower level.

Mr. Berry stated his disagreement in regards to Chairman Garibaldi's statement that the City does not have control over the LOS in the City of Jackson. If this is the Commissioners approach that there is nothing they can do, then it appears they are given in.

Jeannie Plasse stated once lower standards are set in writing this would enable for possible additional changes of LOS. This does not appear to be a step in the right direction. Not in favor of changing the LOS to accommodate traffic.

There was much discussion to 'define size' regarding number 2 under the proposed Policy 2.A.1 which states:

3. The size of the project is such that the percent increase in traffic on Highway 49 and 88 deemed minimal.

City Planner Susan Peters responded having the minimal size defined could be done, should it be the Commissioner's desire.

After additional discussion it was agreed that this particular item be continued and clarification of items brought back to Commissioners.

6. Proposed Zoning Ordinance update.

City Planner Susan Peters briefly went over the press release dated March 15 by City Manager Daly regarding the disposition of the General Plan Land Use Element Update.

“As most of you are aware, the City of Jackson was sued over the use of a Negative Declaration as opposed to an Environmental Impact Report (EIR) for the Land Use Element Update. Considering the high cost of fighting this case and the fact that the City of Jackson will need to prepare an EIR for updating the Zoning Ordinance to be in compliance with the Land Use Element, the City Council determined that it would be best to have a Master EIR prepared that programmatically reviews impacts from both the Land Use Element and Zoning Updates. The Circulation Element and Housing Element Updates may also be included in this Master EIR.

After some research into similar jurisdictions, staff has determined that the Development Code for the Town of Truckee would be an excellent template to utilize in the updating of the City of Jackson Zoning Ordinance. Truckee's Code has a strong correlation to the Town's General Plan and is very thorough. There are a number of sections, which are not necessary for the City of Jackson and would need to be removed. Additionally, the City of Jackson has some recently adopted ordinances (including the Priority Allocation Policy), which would need to be incorporated into the update.

Please refer to <http://www.townoftruckee.com/DCcont.html> to review the Town of Truckee's Development Code. I am approximately half way through modifying Truckee's Code to conform to the needs of the City of Jackson. If this approach suits the Planning Commission I will continue modification of the document. The goal of staff is to have a Draft City of Jackson Development Code completed and to the Planning Commissioners by March 31, 2005. This due date should leave ample review time prior to the April 18, 2005 meeting where the document can be reviewed and hopefully forwarded to the City Council. Once the City Council approves of the Draft Zoning Ordinance Update, the Master EIR for both the Land Use Element and Zoning Ordinance Updates can be prepared.”

City Planner Susan Peters stated the Town of Truckee's Development Code is being modified to conform the City of Jackson's needs. Currently the document is at over 200 pages long, and is still in the working progress.

Chairman Garibaldi asked about grading and landscape ordinance.

City Planner Susan Peters explained the intentions are to filter the grading and landscape ordinance into the Master EIR.

Ken Berry stated his confusion why there is discussion of a Master EIR. Why not updating the Zoning Ordinance and requested clarification. All projects should be done in a way of considering the 'future of City of Jackson' as a whole.

City Planner Susan Peters stated for the Commissioners to review the Town of Truckee's Development Code, located online at www.townoftruckee.com/DCcont.html, which is being modified to fit the city's needs. Subsequently, should there be any concerns in regards to their structure, do let me know.

7. Administrative and Commission reports.

Commissioner Butow stated the second floors at 24 and 42; Main Street is in poor condition. The balcony is falling apart and needs to be repaired.

City Manager Mike Daly stated he would direct the information to the Building Inspector for research and contact with owners regarding the condition.

Adjourn 8:07 pm.

Attest:

Sandie Sproviero, Accounting Assistant

Date Approved: July 5, 2005