

Jackson Planning Commission

Minutes

Regular Meeting of February 22, 2005

COMMISSION MEMBERS PRESENT:

Dave Butow,
Warren Carleton, Vice-Chair
Rosemary Faulkner

CITY STAFF PRESENT:

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

COMMISSION MEMBERS ABSENT:

Wayne Garibaldi, Chairman
Terri Works

CITY STAFF ABSENT:

None

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

1. Public Matters Not on the Agenda.

None

2. Approval of Minutes of November 15, 2004, December 6, 2004, and December 22, 2004 meeting.

Moved by Vice-Chair Carleton, seconded by Commissioner Faulkner and unanimously carried to approve the minutes of November 15, 2004 as amended.

Moved by Commissioner Butow, seconded by Vice-Chair Carleton and unanimously carried to approve the minutes of December 6, 2004 as amended. Commissioner Faulkner abstains.

Moved by Vice-Chair Carleton, seconded by Commissioner Butow and unanimously carried to approve the minutes of December 20, 2004.

3. Workshop – Current Regional Transportation Planning Projects, Program and 2004 Regional Transportation Plan Update.

Executive Director Charles Field thanked the Planning Commission for providing him the opportunity to conduct a workshop. This workshop will concern the Amador County Transportation Commission's (ACTC) ongoing planning projects and programs. The program will be divided into two parts:

- 1) Regional Transportation Plan Goals and Policies
- 2) Current Regional Transportation Planning Projects and Programs.

Mr. Field stated the primary, over-arching goal of the Amador County Regional Transportation Plan (RTP) Update is to provide a transportation and circulation system that is safe, efficient, convenient, comfortable, that meets the transportation needs of people. In addition that it is compatible with other scenic, historic, economic, environmental and recreational resource values.

Mr. Field presented a table displaying the ACTC projects priorities and went over the funding sources.

Priority Projects:

- SR 49 – Drytown/LOS E
- SR 49 – Drytown to SR 16/LOS E
- SR 88 – County Line to SR 104 West/LOS D
- SR 88 – SR 104 West to SR 104 East/LOS E
- SR 88 – SR 49 to Court Street/LOS E
- SR 88 – Court Street to Climax Road/LOS E
- Ridge Road – SR 49 to New York Ranch Road/LOS D
- Upper Ridge Road – Climax Road to SR 88/LOS D
- SR 104 – Sutter Creek Bridge in Ione/LOS E
- SR 104 – SR 49 124 to Castle Oaks Drive/LOS D
- New York Ranch Road – Ridge Road to Bingo Way/LOS F
- SR 49 – Argonaut Lane to Sutter Street/LOS F
- SR 49 – Sutter Street to SR 88/LOS D
- SR 49 – French Bar to Broadway/LOS E
- SR 49 – Broadway to County Line/LOS D
- SR 88 – SR 104 East to SR 49/LOS E
- SR 88 – SR 26 to Shake Ridge Road/LOS D

Commissioner Butow asked if the projects that are already in process have to do an EIR.

Mr. Field stated it is ACTC's recommendation that they do an EIR and went over maintaining LOS C and not approving projects of LOS D based on it being a conflict with General Plan. The outcome of this effort will hopefully be a Memorandum of Understanding (MOU) between the cities, county, and Caltrans whereby all agencies agree to a consensus approach for identifying and mitigating project impacts on a State highway system. This process should parallel the goals and policies identified in the RTP, however it will also ensure that Caltrans concurrence can also be brought into our planning processes.

Mr. Field went over the following 2004 RTP goals and policies:

- Policy 1B(13)
- Policy 1B(14)
- Policy 1B(15)
- Policy 1B(16-19)
- Policy 1B(20-23)

Under Policy 1B(11) states new development projects that “may have a significant impact upon the road and highway systems should be analyzed with a traffic study.” These studies should be carried out in accordance with Caltrans and ACTC guidelines. Development projects that have their growth predicted in the Amador County traffic model may not be required to prepare such traffic studies, however, this is not always the case. The cities and County should conduct early consultation with the ACTC and Caltrans on any project that has direct access to or may add significant traffic volumes upon the state highway or local collector roadway systems.

Goal 1A(2) states any development project that may cause or worsen a condition of LOS C (undeveloped areas) or LOS D (developed areas) cannot be approved unless the lead agency (County or City) finds that the “project’s benefits are sufficient to override the project contributing to a LOS level other than C or D”. This implies that all major development projects that add significant amounts of traffic to highways or major collectors in Sutter Creek should be required to complete an Environmental Impact Report (statement of overriding considerations cannot be made for negative declarations).

Vice-Chair Carleton pointed out a typo under Goal 1A(2), 6th sentence down the city address should be “City of Jackson” not “City of Sutter Creek”. Vice-Chair asked if under Policy 1B(16-19) concerning regional traffic mitigation fees, if they have the Highway work completed, be reimbursed and then the developers be reimbursed as other developments come in and are associated with it.

Mr. Field responded there are two problems with this:

- First the reimbursement agreements become an administrative cost for City of Jackson or ACTC.
- Second is there is not a lot of money to pay for a lot of reimbursement agreements all over the County.

Commissioner Butow stated since new developments continue to build is their money being collected for traffic mitigation for the County? If not, when will this take place.

Mr. Field explained traffic mitigation fees are paid on building permits not with the subdivision. They are paid when the homes are built within the subdivision. Fees are being collected. The fees collected have been very low, however the county anticipates will be going up as soon as the new rates are complete.

There was discussion on the following subjects:

- Mitigation fees
- Sales tax on new homes
- Jackson Casino not having to pay taxes (soverent agency)
- Refunding agreements
- Proposed subdivisions/developments
- Grants
- Caltrans improvements
- EIR process
- Proposed signal at Raley’s
- Circulation Element
- Jackson By-pass

4. Public Hearing – Tentative Parcel Map #2647, 322 Broadway, Dale Scapuzzi, APN 020-301-014.

City Planner Susan Peters stated the applicant is proposing to divide one 0.303-acre lot into two lots. Proposed Parcel 1 is 5570 square feet and proposed Parcel 2 is 7620 square feet. The property

is currently improved with two single-family residences. The purpose for the split is to allow for individual ownership of each residential unit.

Additionally, this application requires a variance to allow for Parcel 1 to be less than 6000 square feet and a front yard set back less than 25 feet for the existing residence. Parcel 1 is 430 square feet smaller than required by ordinance. The existing house on Parcel 1 will encroach 18 feet into the required front yard setback. The purpose of the size and setback variance is to accommodate the existing fence line and landscaping of the residence. The City of Jackson General Plan designation and zoning is Single-Family Residential (R-1).

In accordance with the California Environmental Quality Act (CEQA) an Initial Study was prepared for this project. The Initial Study did not reveal any significant adverse environmental impacts. For this reason, the project qualifies for a Negative Declaration. The proposed Tentative Parcel Map was circulated to responsible agencies for comment. No comments were received.

Should the Planning Commission choose to approve this project, the following findings should be made:

1. The proposed Tentative Parcel Map is consistent with surrounding land uses.
2. The proposed land division will not be a detriment to the public health, safety, or general welfare of this community.
3. There are special circumstances applicable to this property (topography), which deprives the property of privileges enjoyed by other property with a similar use.
4. 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.
5. 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.
6. The proposed use will not have a significant adverse effect upon the environment.

City Planner Susan Peters stated no conditions of approval are recommended for this Tentative Parcel Map and Variance application.

Should the Planning Commission chose to approve Tentative Parcel Map 2647 and Variance for Ms. Scapuzzi, the following actions are recommended:

1. Approve a Negative Declaration and instruct Staff to file a Notice of Determination;
2. Determine that the project will have a de minimus effect on fish and wildlife and instruct Staff to file a Certificate of Fee Exemption; and
3. Adopt a Resolution approving Tentative Parcel Map 2647 and Variance for Ms. Dale Scapuzzi based on the Findings in this report.

Commissioner Butow asked if a public notice was sent out.

City Planner Susan Peters confirmed a public notice was sent out. There is always a copy at the library and the City Hall.

Vice-Chair Carleton opened up the public hearing.

Al Nunes stated there is a main sewer line that comes through the easterly side and wonder if the City Staff is aware of this.

City Planner Susan Peters confirmed that staff is aware of the main sewer line.

Hearing no further comments Vice-Chair Carleton closed public hearing.

Moved by Commissioner Faulkner, seconded by Commissioner Butow and unanimously carried to adopt a Negative Declaration and instruct staff to file a Notice of Determination, determine the project will have a de minimis effect on fish and wildlife and instruct staff to file a Certification of Fee Exemption and adopt a resolution approving the Tentative Parcel Map 2647 and Variance, based on the findings.

5. Public Hearing – Tentative Parcel Map #2631, 745 North Main Street, Longacre and Swett, APN 020-120-010.

City Planner Susan Peters stated the applicants are proposing to divide one 20,380 square foot lot into two lots. Proposed Parcel 1 is 12,380 square feet and proposed Parcel 2 is 8000 square feet. Parcel 2 is improved with a single-family residence and Parcel 1 is vacant. The applicants are proposing to improve Parcel 1 with a multi-family residence. The purpose for the split is to allow for individual ownership of each parcel.

The City of Jackson General Plan designation and zoning is Single-Family Residential (R-1). The Land Use Element Update of the General Plan redesignated this property Medium Density Residential. The Land Use Element Update was approved by the City Council in October 2004; however, implementation of the update is pending litigation. Until resolution of the Land Use Element lawsuit, the existing land use designation and zoning remains Single-Family Residential.

In accordance with the California Environmental Quality Act (CEQA) an Initial Study was prepared for this project. The Initial Study revealed potentially significant adverse environmental impacts in two areas; land use consistency with the General Plan and traffic. For this reason, the project does not qualify for a Negative Declaration. Staff recommends that the applicant prepare an Environmental Impact Report.

The applicant submitted the application in August of 2004 to start the process and was waiting for the updated of the General Plan. The General Plan was updated and started to move, then the City of Jackson gets a lawsuit filed on them. Considering these facts along with the traffic, staff is not comfortable recommending approving of Tentative Parcel Map 2631 until either amendments are made to the General Plan Circulation Element or the applicants prepare an Environmental Impact Report. City Planner Susan Peters recommends staff to adopt a resolution denying the proposed Tentative Parcel Map 2631 based on inadequate environmental review.

Commissioner Butow inquired if the project is currently in the flood way and asked for direction from City Planner Susan Peters.

City Planner Susan Peters explained there is a FEMA Map that shows the location of the flood way and there are no development plans submitted yet. It is up to the Commissioners discretion to determine if the project will or will not have traffic and approve the project or deny it.

Commissioner Butow stated the submitted plans are so similar to other plans that have come before the Planning Commission and were approved. What the applicants are requesting is so alike to other things that have happened on the west side of Jackson Gate Road. Commissioner Butow stated it would be good to have something in writing to be able to approve projects on smaller projects or a community benefit.

Commissioner Faulkner asked for clarification if the applicant is applying for a multi-family zoning.

City Planner Susan Peters stated the applicants are applying for a lot split and went over the General Plan Update has changed the zoning to Medium Residential Medium Density which is equivalent to R-3. Subsequently since the City of Jackson is in a lawsuit on the General Plan staff cannot designate the lot Medium Residential Density. City Planner Susan Peters explained should the applicant desire to build on the property, they can only submit R-1 until such time the change goes into effect.

Vice-Chair Carleton opened the public hearing.

Philip Longacre stated all that is being requested is a simple lot split. Mr. Longacre expressed his disappointments of city staff not taking a stand to the continuous lawsuits and being intimidate by certain people of the public. Mr. Longacre stated he and the other applicant have been very patient with the City of Jackson concerning their standpoint in getting the General Plan Update done. Mr. Longacre stated now since the City of Jackson is once again being bullied with a lawsuit he is unable to have a simple lot split. In closing Mr. Longacre sympathize with city staff and encouraged staff to stand up and not allow to be trampled on anymore.

Bob Swett stated he is the other applicant and is in agreement with Mr. Longacre. Mr. Swett went over the cost factors spent improving the property and how other projects are being approved around their site, which seems unfair. Mr. Swett stated all they are trying to do is beautify the area and are requesting a lot split. This request should not be taking so long for the Planning Commission to make a decision.

Al Nunes stated he does not object to the lot split, however he is concerned about the drainage of water based on witnessing 16-18 inches of water over the road out front. Mr. Nunes stated he has seen water in the two buildings north coming between and around the buildings and getting back to the creek and wants the city to be aware of it.

Hearing no further comments Vice-Chair Carleton closed the public hearing.

Vice-Chair Carleton asked if the Commissioners approve the split would the building department stop any development on the property.

City Planner Susan Peters explained should the Planning Commission approve the lot split, there is a list of Conditions to be done. After this is done the applicant would have to prepare the final map, and get it recorded with the City Council. Once this is done the applicant can submit a building permit for a single residential structure on parcel one. Should they wait until the lawsuit is over, they can submit a building permit for a multi-family residential structure on parcel one.

City Planner Susan Peters added should the Planning Commission choose to approve this project, the following findings should be made:

1. The proposed Tentative Parcel Map is consistent with surrounding land uses.
2. The proposed land division will not be a detriment to the public health, safety, or general welfare of this community.
3. The proposed use will not have a significant adverse effect upon the environment.

Should the Planning Commission chose to approve Tentative Parcel Map 2631, the following actions are recommended:

1. Approve a Negative Declaration and instruct Staff to file a Notice of Determination;
2. Determine that the project will have a de minimus effect on fish and wildlife and instruct Staff to file a Certificate of Fee Exemption; and
3. Adopt a Resolution approving Tentative Parcel Map 2631 for Philip and Mary Longacre & Robert and Cindy Swett based on the Findings in this report.

Commissioner Faulkner stated she is incline to approve the project and inquired if two votes could approve the decision, since one Commissioner appears to not be in favor and two other are absent.

City Planner Susan Peters confirmed two votes would approve it. It is a majority of a quorum.

The following items were discussed:

1. LOS
2. Traffic

Moved by Commissioner Butow, seconded by Commissioner Faulkner and carried to adopt a Negative Declaration and instruct staff to file a Notice of Determination, determine the project will have a de minimis effect on fish and wildlife and instruct staff to file a Certification of Fee Exemption and adopt a resolution approving the Tentative Parcel Map 2631, for Philip and Mary Longacre, Robert and Cindy Swett based on the findings and the following Conditions:

- 1. Limits of the 100-year flood Base Flood Elevation per FEMA shall be shown on Parcel Map.**
- 2. Sewer Public Facility Easements shall be 20 feet wide.**
- 3. All easements shall be Public Facility Easement/Public Utility Easement.**
- 4. All services shall be underground.**
- 5. Driveway shall be a minimum of 12 feet wide with 3-foot shoulders.**
- 6. All Conditions of Approval shall be implemented to the satisfaction of the City Engineer.**

Vice-Chair Carleton oppose.

City Planner Susan Peters stated the action is appealable to the City Council with a written request and a \$200.00 fee to the City Clerk within 10 calendar days.

Adjourn 7:40 pm.

Attest:

Sandie Sproviero, Accounting Assistant

Date Approved: May 16, 2005