

Jackson Planning Commission

Minutes

Regular Meeting of June 20, 2005

COMMISSION MEMBERS PRESENT:

Commissioner Works:
Commissioner Butow:
Vice-chairman Carleton, Vice-Chair
Commissioner Faulkner,
Wayne Garibaldi, Chairman

CITY STAFF PRESENT:

Mike Daly, City Manager
City Planner Peters, City Planner
Gisele L. Cangelosi, City Clerk
Candy Collins, 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.

Carla Bowers- From Volcano was present to discuss a more formalized plan to protect the oak woodlands in Amador Co. and stated there was a new bill in effect last year, SB1334, encouraging counties to set up Oak Management Plans for their counties.

Chairman Garibaldi stated he hadn't seen anything yet and **City Planner Peters:** stated that the city did not have a protective plan but hopes to fine-tune the landscaping ordinance. Susan also stated there was an ordinance in effect on tree removal which stipulated that if an Oak tree was removed it was to be replaced on a 3-1 basis, with Oaks.

Chairman Garibaldi: asks if Carla Bowers has any literature on this issue and to please leave it with Susan or someone at the counter, that way it can be put in the commissioner's boxes and they can look into it.

City Planner Peters: welcomes Candy Collins as the new Accounting Assistant, and introduces Jennifer, Attorney Representative, in for Tom Gibson our new City Attorney, Jennifer, specializing in CEQA. (California Environmental Quality Act.) Tom felt she would be a benefit to have here tonight.

2. Approval of Minutes of March 21, 2005, April 8, 2005, May 2, 2005 and May 16, 2005.

The following changes were made on minutes of **March 12, 2005** – Chairman Wayne Garibaldi called the meeting to order at 6:00 p.m. The spelling of Shirley Dajnowski on page 1 was corrected.

April 18, 2005's minutes were corrected to read Chairman Garibaldi called the meeting to order at 6:05 p.m. The spelling of co-operation and rapport on page 3 were corrected. The last paragraph on page 3 was corrected to read Motion moved by Vice-Chair Carleton, seconded by Commissioner Faulkner and carried by four to one vote (Commissioner Works dissenting) to adopt a resolution approving the

proposed Planned Development Amendment for New York Ranch Center, Inc. with parking to be reviewed by the Planning Commission in two years to ensure satisfactory parking. The last paragraph on page 5 was corrected to read Commissioner Butow stated his concern was regarding the Amador County New Administration Bldg, 810 Court Street tree removal and his suggestion that the County put in a sidewalk along their property and as far down Court Street to their property line. He stated John Hopkins called to tell him that the County does not own the portion of property. This information was submitted to City Manager Daly to determine who owns the parcel that originally was designed for future parking for the County. He proposed that the parcel be used for a City park and that the City and County would benefit. City Manager Daly stated he would look into this matter and will report back.

May 2, 2005 minutes were corrected on pg. 5 under the title Jackson Hills Golf Course and Residential Community to read Commissioner Butow stated there is no control of the traffic hardship the City of Jackson is experiencing, due to surrounding developments. However staff can accommodate to aid with the process. Commissioner Butow went over the access for ranchers and stated alternatives should be looked into as to how to accommodate long-time residents and business in the community. Motion on page 10 was changed to read as follows:

Moved by Commissioner Works, seconded by Vice-Chair Carleton, and unanimously carried to recommend to City Council granting twenty-six (26) HEUs to Shealor Property.

Moved by Commissioner Works, seconded by Commissioner Butow, to carried by a four to one vote (Vice-Chairman Carleton dissenting) to make recommendation to City Council granting eight (8) HEUs to Stonecreek Development.

Moved by Commissioner Faulkner, seconded by Vice-Chair Carleton to carried by a four to one vote (Commissioner Works dissenting) to make recommendation to City Council granting eighty-two (82) HEUs to Jackson Hills.

For the record, the Planning Commission made a recommendation of the following 116 Housing Equivalent Unit allocations for the 2005 Resource Constraints and Priority Allocation Policy.

DEVELOPMENT PROJECT	HEU ALLOCATION
Stonecreek Development	8
Shealor Property	26
Jackson Hills Golf Course & Community	82
The Ranch at Jackson Creek	0

Matter continued to the July 5, 2005 Special meeting for approval of minutes.

3. Public Hearing Revised Draft Environmental Impact Report (RDEIR), Jackson Hills Golf Course and Residential Community Project.

City Planner Peters stated, The Revised Draft Environmental Impact Report (RDEIR) for the Jackson Hills Golf Course and Residential Community is at the end of its sixty-day review period – comments are due to the City of Jackson by 5:00 pm, Tuesday, June 21.

The purpose of this public hearing is to receive comments on the adequacy of the Revised Draft Environmental Impact Report.

Discussion regarding the merits of the project is not appropriate at this time.

Comments from the public hearing along with written comments received to date will be reviewed by the RDEIR consultants and addressed in the Final Environmental Impact Report (FEIR). Upon completion and certification of the FEIR, the project will be placed on the Planning Commission Agenda for recommendation to the City Council.

The RDEIR consultants, Pacific Municipal Consultants, and an attorney specializing in the California Environmental Quality Act from our new City Attorney's Firm will be available for questions regarding the environmental process.

Chairman Garibaldi expressed to the audience the desire of the Planning Commissioners to hear their concerns, but requested that if a topic or concern had already been addressed to state so and not reiterate.

City Planner Peters clarified the purpose of the meeting is not to discuss the merits of the project, whether or not the public in general is in favor or against it. It's to deal with EIR and the adequacy of that document, and whether all issues environmental and otherwise are addressed in the document or not. PMC (Pacific Municipal Consultant) is here and has a presentation that explains that further.

Commissioner Works stated that it was miss-explained on the radio this morning, saying that you were to come and say whether you were for or against the project.

Chairman Garibaldi further stated that the comments they would be referring to tonight would be the EIR portion of the project and requested that City Planner Peters give a general rundown.

City Planner Peters explained that Only that this is the end, essentially the end of the 60-day review period for the RDEIR (Revised Draft Environmental Impact Report). Written comments are due by tomorrow, and the verbal comments received tonight are included in the record and will be addressed on the final impact report. Again would like to emphasize the purpose of this public hearing is to receive comments on the adequacy of the Revised Draft Environmental Impact Report.

Patrick Angel (PMC) Pacific Municipal Consultant: Project Manager for the Draft Environmental Impact Report (DEIR) addressed that what he has tonight is a very brief presentation overview of the environmental review process and where we are and where we're going. And again the purpose of tonight is to receive comments on the adequacy. He further stated that he would not be responding to any comments tonight, because that's not the purpose tonight. Once all the comments are received at the end of the comment period, they are required by law to respond to each and every one in writing. That will happen as part of the final environmental document.

Tonight's purpose is to receive comments on the adequacy of the environmental review process, particularly on the revised draft of the EIR. Consideration of this project will occur at a subsequent

meeting. Mr. Angel explained that this is a highlight list of the purposes and objectives of California Environmental Quality Act (CEQA). The objectives of CEQA are to disclose the environmental effects of actions to be considered by an agency, both public projects and private projects. Identify ways to avoid environmental effects. Disclose this information to the public and the agencies. Provide better opportunities for agencies to talk about environmental effects, for instance the Dept. of Fish and Game that's charged with national resource issues for the state. Regional Water Quality Control Board, of course is concerned about water quality issues. Also provide the opportunity to enhance the public participation in the process. CEQA has been around since 1970 and basically there was a lot in effect to deal with, multiple environmental issues that weren't getting addressed as part of the state or local process.

Quick Highlight of What CEQA does or what it doesn't do.

What it does: Consideration of the environmental effects. Provides public disclosure of the environmental effects of projects. Allows for public and agency input in the environmental review of a project.

What it doesn't do: Does not advocate or oppose a project under consideration. Doesn't require you to deny a project because it has significant environmental effects. Certainly if you wish to deny a project, you can do that based on the environmental analysis, but it also gives you the opportunity to say, we accept these environmental affects, because there's may for instance economic benefits associated with the project. It does not involve addressing economic or social concerns, except where there may be a physical effect on the environment.

What is an Environmental Impact Report (EIR)?

It's a very large document that goes through a very extensive environmental analysis. It includes a very extensive public review process, in which we're in the middle of right now.

Processing History:

Notice of Preparation (NOP), which basically announced that, we're preparing an EIR and we would like to receive comments on what should be addressed in the EIR. This was released back in Nov. 2002. The original draft EIR was released back in March 2004, which a public meeting was held to receive comments. As a result of some modifications in the project design and in addressing some comments that were received, we basically did the revised EIR which is before the planning committee tonight, and was released in April 2005 and we was already mentioned, the comment period ends tomorrow- June 21, 2005.

A few words about the RDEIR (Revised Draft Environmental Impact Report), is basically a redo of the original EIR in it entirety. That is very important, because what had happened, we obviously received comments on the original draft EIR with concerns and questions. Given the scope of changes that we were looking into doing, we just decided to basically start the process again and issue you a brand new Draft EIR (DEIR). Comments that we received on the original DEIR were considered when the RDEIR was prepared. Their part of the administrative record, but since the process was restarted, those comments will not be responded to and the city has solicited new comments. This was noted in the

RDEIR document as well as the notice and availability that was provided when the document was first released.

Description of Project: Known as The Environmental Review Process

- **Approval of a Master Development Plan** on approximately 516 acres.
- **540 Residential Lots** on approximately 258 acres.
- **The Recreational Amenities** including an 18-Hole Golf Course and Associated Amenities, Recreation and Community Center and Park Site on 236 acres.
- **Roadways** (Public and Private) on 21 acres.

An aerial shot of the project site was submitted, as well as a small map version of the overall site plan, showing phase 1 and 2, as well as the golf course and park site. It also shows the extension of Clinton Road into the project that provides a transportation loop system into to the site.

Mr. Angel addressed the following descriptions of the project, which is known as the Environmental Review Process.

Phase 1 consists of 150 Residential Lots on approximately 49 acres, **Recreational Amenities** including an 18-Hole Golf Course and Associated Amenities and Community Center on approximately 231 acres.

They have requested a tentative map approval for Phase 1, which Mr. Angel will address later.

Phase 2 consists of remaining 390 residential lots, some roadways improvements and a 3-acre park site.

A diagram of Phase 1 was submitted, showing the proposed lot pattern, the recreation community center, the driving range, clubhouse site and gold course.

Other project features: The project is proposing if provided by the city:

- Reclaimed water usage for golf course irrigation and options for wastewater conveyance facilities, between the project site and the wastewater treatment plant site.
- Alternatives of providing on-site wastewater facilities, should the need occur.
- Identification with a series of drainage improvements.
- Water supply distribution improvements.

Mr. Angel went over the significant environmental impact issue areas as well as the unavoidable environmental impact issue areas.

As already mentioned, there is 2 phases to this project. The 150 residential units, which are entirely included within the city limits, are proposing a tentative map request. They provided detailed on their golf courses. Those are evaluated in the environmental document, titled Project Level Detail. Basically it's enough detail to complete the environmental review process, issue the approvals and basically they can go forward and develop the project.

Phase 1 of the portion of the project is currently pursuing a tentative subdivision map request. Thus, the RDEIR evaluates Phase 1 at a Project level of detail.

Phase 2 does not include any tentative subdivision associated with the 390 residential units. They will need to come back for tentative map approvals. Given there isn't an exact layout of what the subdivisions will look like, that analysis is evaluated at a Program level of detail, which may mean that it will have to come back and do a further environmental review on those components.

Environmental Impact issue areas:

- Land use
- Pop/Housing/Emp.
- Hazards
- Traffic
- Noise
- Public Services
- Air Quality
- Water Resources
- Geology
- Bio. Resources
- Cultural Resources
- Visual Resources
- Agr. Resources

Unavoidable environmental impact issue areas:

- Traffic
- Land Use
- Population Growth
- Air Quality
- Bio. Resources
- Cultural Resources
- Water Supply
- Visual Resources

Public Review

Opened on April 22, 2005 and will close tomorrow, June 21, 2005.

Next steps, comments will be compiled on the Final EIR, provide written response to the comments and that will basically comprise the Final EIR. That document will then go forward with project consideration. Any action taken on a project will first require certification of the EIR and associated findings to be made.

In closing Mr. Angel again stated he would answer any questions involving the review process but would not be in a position to respond to any comments about the adequacy of the environmental document that would be done as part of the final.

Commissioner Works: wanted to know when they could point out errors:

City Planner Peters stated that after the public section has closed, then the commissioners could speak on the adequacy of the documents.

Chairman Garibaldi opened the Public Hearing

Susan Bragstad, Rep. Foothill Conservancy, submitted a 10-page letter.

Highlights of this letter are as follows: They are pleased to see that the project is adjacent to town and that the developers should be commended for taking this step toward “smarter” growth.

They feel the revised is an improvement, however they did find it difficult in places to distinguish whether impacts were being analyzed for the full project or only for the 150 in Phase 1. In addition, too many of the mitigation measures still include language that indicates they will be carried out “when feasible.” Mitigations that aren’t feasible are not mitigations at all.

They have some real concern about this project and its impacts on the natural and human environment. Any proposal that has 26 significant and unavoidable environmental impacts and that would increase the current population of Jackson by nearly 30 percent should be carefully considered.

Alternative exists: The proposal is by far the most environmentally harmful of the six alternatives analyzed in the DEIR.

Socioeconomic impacts, including housing. They remain concerned that there is no workforce housing proposed for the project, however they remain concerned that residential neighborhoods would be gated. They believe that all communities in our counties should be accessible to local residents.

Policy consistency: The DEIR claims the proposed project is consistent with this City of Jackson General Plan Policy. “It is the policy of the City Of Jackson to support and encourage private, residential and commercial development throughout the study are” (p. 4.1-7). This seems illogical since the proposed project alone would generate more residential growth than is anticipated in the Plan over its 20-year planning horizon. The project is inconsistent with City Transportation and Circulation Policy 2.A.2, “The City shall maintain an average daily LOS (Levels of Service) of “C,” with an upper threshold of LOS “D” to be permitted along SR 88 east of SR 49.” The DEIR acknowledges that even with fair share contributions from the project, improvements to Hwy 49 and 88 are not likely to be made since there is no funding for them. In addition, the widening may never occur due to site constraints. The projects also seems inconsistent with Transportation and Circulation Policy 2.A.2: “New development plans which generate a direct need for new off-site roadways, widening or upgrades, traffic controls, or other similar improvement *shall be required to construct the needed improvements to City standards as part of project approval.*” (Emphasis added) While the DEIR claims the project will comply with the project by paying its fair share toward road widening, the plain

language of the policy requires the project to actually construct the improvements, not simply contribute toward them.

Transportation and circulation; The traffic mitigations requiring the applicant to build signals at the French Bar and Clinton Road intersections on Hwy 49 are good. However, the improvements should be required *before* the project is built or midway through Phase 2, not after the 149th dwelling unit is completed. Adding traffic to Hwy 49 & 88 is listed as a significant and unavoidable impact, making LOS go from D to E. Paying fair share fees will not mitigate this impact if the improvements are not feasible, whether for lack of funding or site constraints. The “Reduced Intensity” alternative reduces project traffic by two-thirds.

Biological resources: They note that impacts to biological resource, even after mitigation, are considered significant and unavoidable. Mitigations that currently read, “Shall seed to avoid,” “whenever feasible,” “when possible,” “to the maximum extent feasible,” etc, should be strengthened to *require* avoidance and destruction of native oaks, riparian woodland, elderberries, and other biological resources. All required surveys including protected amphibians, reptiles, and birds should be completed in advance during the appropriate season or seasons. They are glad to see the mitigation requiring preservation of 147 acres of comparable oak woodland habitat. To actually work, the mitigation must be strengthened. It should be noted that the Calif. Oaks Foundation recommends oak woodland replacement at a 3:1 ratio, not a 1:1 ratio. The survey should be completed to allow for a full evaluation of oak tree and woodland impacts prior to project approval.

Wetlands: The open space should be designed to accommodate wildlife corridors. The open space design should include permanent wetlands as well as preservation and restoration of the creek. No wet season monitoring was completed for the wetlands on the project area. Surveys were completed during the dry season, between May and August of 2002. Biological assessments and surveys in wetlands must be completed for amphibians during the wet seasons.

Water resources: Review of the sections and the City’s water report shows that development of the project is contingent on three things that have yet to occur and may not occur: construction of the pipeline to replace the Amador Canal, treatment capacity expansion of the Tanner Treatment Plant, and renegotiation of the city’s water supply arrangement with the Amador Water Agency. The irrigation needs should be met with recycled and reclaimed water. The EIR states (p. 4 11-33) that irrigation needs for residential units will be met from “Potable domestic supplies.” This is not an acceptable use of our potable water supplies. A “purple pipe” distribution system should be required to supply all residential irrigation with recycled water.

Parks: the DEIR says the project is consistent with the Jackson General plan since it proposes a park of 2.9 acres. However, the general plan also states that parks must have a minimum size of 10 acres if not adjacent to a school. In addition, it seems questionable to locate the park in a place that requires removal of more than 350 oak trees greater than 8” dbh. (Diameter at breast height).

Geology: The DEIR notes the presence of ultramafic rock on the site. Testing of all ultramafics that will be disturbed by the project should be done prior to approval of final maps.

Air quality: Alternative 3, "Reduced Intensity," produce 66 percent less traffic than the proposed project.

Conflicts with adjacent agriculture uses: The document mentions trespassing and littering as potential conflicts, but does not discuss potential harassment of livestock by pets from the new homes, including dogs.

Fiscal impacts: The footnote on page 2 of the Fiscal Analysis, dated April 18, 2005, notes that the City Of Jackson adopted a new two-year budget *after* the analysis was completed. The new budget shows a 17 percent increase in revenues but a 22 percent increase in expenditures.

While the fiscal analysis originally concluded that the City would benefit from a positive annual fiscal impact of \$2,174.00 in Phase 1, the footnote states that now "the City *may not see a cost/revenue surplus* from the project until Phase 2"

The fiscal analysis should be revised to reflect the new city budget information and provide an accurate forecast of the net fiscal impact of Phase 1 on the City of Jackson, particularly in light of the fact that it could potentially cause a net fiscal shortfall until Phase 2 is completed.

The golf course is assumed to generate 60 jobs, which seems very high. Castle Oaks currently has 69 employees. 8 of those are full-time.

Agricultural resources and growth-inducing impacts: This project will increase pressure to convert adjacent agricultural land to more urbanized uses, a significant impact acknowledged in the DEIR. To reduce that pressure, water and sewer facilities extended to the project should be sized to accommodate only the projects needs. In addition, the city or applicant should purchase conservation easements on surrounding ranch lands to ensure those ranch lands stay n agriculture (and as wildlife habitat and open space) in perpetuity. Placing conservation easements on that ranch land could address mitigate some of the growth-inducing impacts of the property and potentially provide some of the oak woodland mitigation proposed in the biological resources section.

Cumulative impacts: Several of the alternatives analyzed reduce the cumulative impacts of the project. The "Reduced Density" alternative, in particular, would reduce traffic impacts and combined with offsite conservation easements on surrounding ranchlands, would reduce cumulative growth-inducing impacts.

Analysis of alternative: The "Reduced Intensity" alternative, in particular, appears to avoid or lessen many of the project's significant impacts while also meeting the project objectives.

Conclusion: The proposed project has 26 significant and unavoidable environmental impacts and conflicts with Jackson's own general plan in at least three areas. We urge the city to take a careful look at the alternatives analyzed in the DEIR, especially the "Reduced Intensity" alternative, which may be a better fit for the Jackson community at this time.

Jeanne Plasse: submitted a 2-page document on the record that now that the roadway will be public and no longer private and the only access to her property will be through the subdivision. They would like to make sure that the improvements are constructed in such a way that accommodates the type of vehicles because the EIR wasn't specific on this. I know there are certain construction requirements that the city or county, who ever makes a decision at that time, will impose. We want to put it on the

record, that obviously large vehicles will be transporting what ever through those residential subdivisions, so those roadways have to be able to accommodate those very large semi-truck and trailers with animals and what have you. So as long as the roadways take that into consideration, as well as any turn lanes that are a bi-product of what ever happens to our little stint of French Bar Road. Obvious there will be a turn there. It might be a very sharp turn. Please take into consideration the type of vehicle that will making those turns, through those thoroughfares as well as trying to get to our property.

2ndly: We are downstream from the project; we may be in a situation, where our water quality is compromised, in the event that this project comes through. In a perfect world, I know detention ponds and best management practices are the solution to those concerns that we have, but we've sat here at other meetings where drainage was suppose to be controlled and was not. People are facing the inability to use their own private wells because the water had been contaminated. I would like to have that issue addressed for the benefit of us property owners who are downstream. Both of our private wells, as least from the Plasse side, my husband (John) and myself. I know Busse's are in the same boat. Our sole potable drinking source of water is downstream on 2 major basins of this project and I would like to find out what resolutions are available. What are some the options to us in the event that our water quality is compromised? I hope not to be facing some day that OH, there is a problem now, we'll stop everything. I don't think it happens like that. Once the drainage is there, the water is contaminated, and we are now without water. I hope there can be options addressed at that time. If residential is coming up to our doorstep and city services are available right up to our property line, we would hope that an option could be presented to us that would address that specific concern.

Bill Condershaw: Jackson: Submitted a 4-page letter. Would like to address the issues of wastewater and drinking water. There was a brochure mailed out a few months ago saying that this project was going to improve the quality of water in Jackson Creek and it was even mentioned in the EIR. I have a real issue with this. For starters, one way to improve water quality is to increase the flow of fresh water in the creek. This project won't proceed without the construction of the pipeline. Construction of the pipeline will eliminate all the canal leakage that's going into Jackson Creek right now. Year round, you're going to have a lower flow into that creek 360 days a year, due to a loss of that leakage. Including the summer when it's going to be much more significant. I believe and I think I can prove to anybody here, who wants to listen, that the creek will be dry by the time it gets to Jackson in the middle of July, just about every year. They're reducing the clean fresh water in the creek and they're saying the water quality is going to be improved, I don't understand that, that doesn't make sense. They didn't address that; they didn't explain that issue on how it's going to improve the quality of water in the creek. They implied that because they're going to use wastewater on their golf course, it wouldn't go into the creek. Well yes and no. They're not going to be irrigating their lawns 6 months out of the year. At least I don't believe they will, but they say they will. They say they're going to be using 171,000 gallons of water per day on their golf course in Feb. and in Jan. Does anybody in here irrigate his or her lawns in those months of the year? I know I owned a few lawns; I've abandoned them since. I don't water my lawns and I don't think anybody here waters their lawns in those months of the year. If fact most everybody is trying to keep their lawns dry. They're claiming they're going to be using wastewater on those lawns. I believe that's only to make you believe they are not going to be producing excess wastewater during the winter months when they cannot dispose of Jackson's wastewater. It won't be going on their golf course. Jackson is going to have to do something with that wastewater now. If you have to build a facility to dispose of the wastewater outside of the golf course

during the winter months, when your wastewater flow is highest, you don't need that golf course to help you dispose of the wastewater, because you have already spent the money to get rid of that wastewater during the worst-case scenario, which is winter. So let's not be fooled by how this is going to help Jackson dispose of their wastewater. In fact, during the summer, when they do use all the wastewater, that wastewater, if the pipeline is in, and it would have to be in to make this project happen. That wastewater would be the only water going into the Jackson Creek. So you're going to be left without that treated wastewater going into Jackson Creek. You're going to be left with a dry creek and it's going to go dry all the way down into Lake Amador. That's not addressed and I think it needs to be addressed. City of Jackson, if you get into this agreement and you go with this, you're going to have to deal with drying up Jackson Creek and what it's going to do with all the environmental issues and what's involved with that. I feel treated water in Jackson Creek is better than **no** water in Jackson Creek. Better than a dry creek.

Some other issues have to do with the traffic. Susan Bragstad touched on it. They claimed that there's going to be some extra traffic in Jackson and it can't be mitigated because the funds aren't available. If the fund isn't available, then the project shouldn't happen. Why should the citizens of Jackson in Amador Co. put up with the increase in the traffic congestion, because of this development?

Frank Busi: Jackson, adjacent to the project. I would like to address the water situation in Jackson Creek. My family has a Water Riparian Right on that creek for well over 100 years and no body during this project has come to my family, or the Deloda family who's downstream from us and asked if this treated water would be benefit to our agricultural land. Well, it's a benefit to my land right now and it just seems that this golf course and development popped up, and now we have a way to get rid of the treated water out of Jackson Creek. When you do that, you are going to dry Jackson Creek up. What does that do to my Riparian Water Right that I irrigate with from the 1st of June until the end of November? I'm dried up, and nobody has come to us and asked what we could possible do with that irrigated water and how it would benefit my project as I just stated. I would like to go on record and let that issue and that concern be known.

Doug Bailey, Jackson— shares a boundary line with the proposed golf course. Submitted a 2-page letter. There was a discussion that dealt with the compatibility of urban uses adjacent to agriculture land. We do have cattle on our property. The RDEIR talks about compatibility of urban uses adjacent to Agriculture. They have indicated that they want to build an 8 foot wall witch consists of a 6 foot high masonry wall and also with ornamental iron. That sounds great to me, but I noticed in the original EIR what they indicated that there was going to be a 100-foot open space, or a set back and they did not address that in the revised EIR. Basically, what I would like to see is both the wall, basically because it just makes sense, what with the impact of cattle and such next to urban uses and a 100-foot setback. We're surrounded by cows and I just know that anybody that comes from the Bay area that moves into these homes up here are going to have nothing but complaints about flies, odors and its going to be complaining constantly. I would like to have on the final EIR, the 100-foot setback brought into play with that along with the wall.

Russell Evitt: Most of the main topics have been covered, but there are a few things that need to be added.

First: I would like to address the Planning Commission. I think this Planning Commission and others, and I have attended lots of them, need to be more pro-active when it comes to guiding the cities or the counties in a way that gets the proper mix of not only the homes for the people who work in the industry and commercial and those other two parts of the plan of the ones who generate the money. Now I think the people up here, on the Planning Commission know full well that bedroom community's connotations is that they do not pay their way. The money that they received, basically on property tax, their share after it's split with the county and the state, is it does not go very far to pay for the costs that have to be provided to the people who occupy those homes. That's been true since when I sat on the Board of Supervisors in the mid 50s and it's true today. You should keep in mind, that you need that mix of commercial and industrial, so you have a good economic foundation for the city. Just looking at the 540 homes and using the property tax of 16 percent, I believe that's right; and assuming houses at \$400,000.00, you're talking about less than \$350,000.00 a year. Now, all these wonderful fees and assessments that come in are 1 time, and when you crank those out, you're talking about less than \$4,000,000.00. With that kind of money, once it's spent on whatever facilities you need, like firehouses and additional police cars, what happens? I'll tell you what happens, the old timers here will be paying the extra money, or the city will go broke.

I have a couple questions for you consultants on the EIR: One is in connection with 4.4.26 and 4.4.27. They indicate 3 properties 1-Jackson Rancheria Casino addition, 2-of the Scottsville Senior Development and 3-The Gold Rush Ranch and Golf Course Project – Sutter Creek. Where do you indicate that the added vehicle traffic from 88, consisting of current employees, buses, and freight to the Rancheria has been taken into account? You mentioned some numbers for these 3 new additions, but immediately once the access from 88 to the turn pocket becomes a reality, its been indicated by the management of the Rancheria, that all the employees be required to go 49/88, as well as their buses and their suppliers. I don't think those numbers have cranked in. Also, there have been several comments by the Rancheria in meetings that they plan to build a very large RV Park. Now, they're not subject to all the rules and regulations, so once they get the road from 88 to the Casino, undoubtedly that large RV Park, there's a 1000 acres there. Has any of this been addressed in this environmental study?

Tracy Towner-Yep: Director of Amador Co. Recreation Agency- submitted a 3-page letter. I'm here to talk about the impacts of recreation and some impacts that were deemed insignificant as far as recreation goes. We are required by law to request a minimum of 5 acres per 1000. This development for recreation purposes, park land development, gives us 3 acres with the possibility of a recreational center and a 4.8 parcel, but I'm not sure what that recreational center would be and whether or not there would be enough parking to provide a big enough space. I mean, 4.8 acres isn't very big when you're considering a recreation facility. The 3.0 acres that they're talking about on the corner of French Bar Road is mostly covered by pond. That's not very safe. My feeling is, if they're going to designate pond area for recreation space, than they probably need to designate a 4 to 1 ratio, is usually what happens. 4 to 1 being land to water as oppose to water to land, about what it is at this point for what it's designed. Just for a safety factor, if you're going to have a pond, you probably should have a place for people to be, besides the pond, or the bottom of the pond.

Section 4.11.8.2 City of Jackson General Plan: A couple of assumptions made in this document that are incorrect.

- A) There is no volleyball court at Detert Park; it's not there any more.

- B) They did not mention Fuller Fields, which is a private park leased for public use in the City of Jackson and its approximately 6 acres.
- C) They also did not mention there is a 1.88 acre park in Gold Country Estates.

The combination of Fuller Fields, Country Estates and Detert Park bring the average acreage up to 15 plus or minus developed parkland acres in the City of Jackson. It's an established standard of about 3.76 acres per 1000. Not very much and it's probably one of the reasons our parks are so crowded.

An equally important component of this equation is the fact that school sites also serve as recreation sites for a majority of citizens who live in Jackson and the county. This includes Argonaut High School's 40-acre site, Jackson Junior High's 15-acre site, and Jackson Elementary School's 7-acre site. When factoring in the school sites and parkland, that brings the established standard up to 19 acres per 1000.

The Jackson's Municipal Code establishes a 5-acre per 1000 minimum. It's a minimum; and I don't think that we, as a Planning Commission have to accept minimum all the time and I urge you not to accept minimum in this particular case.

Section 4.11.8.1 Park and Recreation Facilities:

While trails have been incorporated in the design of this development, it does very little to address the logistics of a person safely crossing highway 49 on foot. There's no way to get across Hwy 49 unless you J-walk. It's like a video game".

Section 4.11.8.2 Amador County General Plan:

They alluded to the Amador Co. Gen. Plan, which was done in 1969; hopefully it will be redone soon. As far as the recreation element goes, they were alluding to established standards, our established standards in the county of developed parkland is actually 28 acres per 1000. This is much higher standard than 3 acres. Constant over crowding at all parks in Jackson is a current issue and we need to be real clear on this, it's current. Our pool is at capacity on hot days often and when they run the swim team and the swim team is an economic benefit to the City of Jackson.

Section 4.11.8.1 Park and Recreation Facilities:

The overall increase in population in Jackson is 28.8%, that's my calculation. This will cause considerable over crowding and accelerate the deterioration of existing facilities. The offer of 3 acres plus the paying of impact fees does very little to alleviate the further stress this development will place on existing park land acres. Most notable will be the Gold Country Estates' neighborhood park, as this will be the only play structure on that side of town. The planned park doesn't involve any play structures at all.

4.11.8.3 Cumulative Setting, Impacts and Mitigation Measures:

The proposed project and other reasonably foreseeable development will require additional park and recreation facilities under cumulative conditions. Absolutely, a significant cumulative impact! If this development is put forward without consideration of mitigating the adverse affect of a 20% increase in population on over used parks, then it sets a precedent for other developments to follow suit. "But the nice thing is, you can set a precedent for other developments to follow, by raising your standards of what you would like to see.

The open feel of the development is not reflected in the anticipated parkland dedication.

There are 540 acres of development and 3 acres of parkland. There's something wrong with that ratio.

Should a golf course be deemed unfeasible, then we respectfully request the dedication of larger more geographically and geologically suited pieces of land for uses of a ball field, playground and regional park facility.

Should the golf course prove to be feasible, and then we respectfully request the dedication of a linked trail system and larger dedicated parkland and open space be added to this plan.

Charles Field Executive Director ACTC; submitted a letter to the planning commission, copies are being distributed, I'm afraid I didn't make enough copies for everybody, I'm sorry about that, if you could share with your neighbor, I would appreciate it. There are actually 2 letters being submitted by the ACTC. Our traffic engineer submitted one on May 18, and the other is being submitted tonight. In the last paragraph it says that the ACTC does not support nor does it oppose this project. It is going to be hard for the public to believe that when I summarize the letter. But it's a fact. We are interested as PMC has been in the EIR in full disclosure of the facts. What happened to me was that in taking a look at this project myself and with a bicycle, pedestrian and transit committee, that has been formed by the ACTC. I couldn't understand the traffic impact section of the EIR. I gave it 2 shots and I noticed that the traffic engineer and the letter that he wrote on May 18. He understood it, but I couldn't figure it out. What I did was create a map and a spreadsheet showing all the road sections directly related to this project and all of the intersections directly related to this project. Most of them were state highways or intersections involving state highways and local roads. Once I got the spreadsheet done, I thought oh! There it is. So what we have here, I hope, is a package that helps to display so that people can more easily understand what the true traffic impacts of this project are, both in project plus existing conditions and project plus cumulative or project year 2025 conditions. To use this, what the planning commissioners and the public can do, is take the alphabetical letter on the map, that either defines a highway section or road section or an intersection, there are 2 maps, one showing the road sections and the other showing an intersection, then looking for that project ID in the left hand column of the chart. When I did this, several others things that are in the ACTC's May 18ths comment letter came clear. I summarized 2 of the most important ones for you. If you take for example project A, which is the section of highway 49 and 88 from Argonaut lane to Sutter Street. The current level of service standard is C, the existing level of service, is you know, roads are graded A, B, C, D, E, F on how their operating, just on how you would grade a paper in school. So it's a C grade standard that we're trying to maintain. It's already at D. With this project that road section will stay D, but with this project in 2025 that road section is going to level at service F. The mitigation proposed by the draft EIR is to pay the mitigation fees plus a 12% share. The regional transportation plan shows that project to add a lane there will be about 10 million dollars, so the project should pay about 1.2 million plus pay their mitigation fees. Now this is an acceptable policy maintained in the RTP, that it be handled this way.

The only thing is that the EIR and the ACTC in the right half of the chart, both acknowledge that the balance of funds needed, the other shares to actually build the project are not available. When I came to the planning commission and the workshop, we talked about this problem. So if they contribute 1.2 million, where are we going to get the other 8.8 million to actually build this project? The RTP has analyzed all projective funding sources for the future, and we don't have them. So the project, as Bill Condershaw mentioned earlier, goes unmitigated. While this satisfies our RTP policy, you will see the columns on this chart say that, were not sure you can count on that project. So the levels of service are liable to remain F in 2025 there. If this project contributes traffic, but there's no solution, is the project consistent with your city general plan? And is the impact mitigated? So then you have then 2 issues here. One is the CEQA issue, that we're here to talk about and that I've actually entered in record tonight what I read here in a form of a question. Is the impact mitigated if we don't have the funds to address it? The EIR says, it come right out and says on this project and another 1 or 2 that are like it, that it NO, it the impact remains significant after proposed mitigation. It acknowledges that it is not feasible. Well you as a Planning Commission will have a tough decision to make after you get the final EIR, if that's still in there. Do you have statements or overriding consideration suitable enough to warrant this project contributing to levels of service F? The same condition occurs for project D, which is the section of Highway 49 from French Bar to Broadway. Project F, which is the section of Highway 88 from 49 to Court Street. That section of Highway 88 from 49 to Court Street is actually a little different. The EIR counts on a project identified in the Regional Transportation Plan, and says if it pays the mitigation fees and a percentage to that project, that it will help mitigate the effect. The only problem is that project is only to do short term fixes, left turn lanes, some shoulder widening, and some minor improvements to Highway 88, to hold us over until we can find a long-term solution for Highway 49 and 88 in Jackson. That brings me to the 3rd most important set of comments that the chart shows. There are 3 sections of State Highway that basically goes unaddressed, first of all is State Highway 49 and 88 from Sutter Street to Highway 88, right here in what we know as Downtown Jackson. This section that I just talked about, which then is Highway 88 out to Court Street and then 3rd the intersection of 49 and 88. Those critical sections are largely unaddressed in the EIR and they need to be addressed in the EIR. I request that they be addressed in the final EIR. The ACTC, as some of you know, and some of the public certainly knows, has been working with the community on trying to find Highway 49/88 long-term solution. A Jackson by-pass or a project to widen out the Highways that wouldn't destroy the town. That project is very difficult at best. Again, as one of your earlier speakers said, with this matter not being addressed by the EIR, the ACDC would question why would the city consider approving another 500 unit residential development. In other words, without a solution, you're going to be facing level of service F on these sections of Highway in 2025. As it is, why would the city approve more? I think it's a question that needs to be answered. If statements overriding consideration are presented to you as a reason to approve it with that much more traffic, I hope they are very good statements over any consideration. To end my presentation without taking much more time I would say, the bicycle/pedestrian/ transit committee that is newly formed by the ACTC has provided some suggestions that might help. I know the project applicants themselves, New Faze Development from Sacramento has experience in the area and should be complimented for their efforts to use pedestrian and bicycle facilities and golf carts, to try and reduce reliance on the automobile. But we're not sure that even the good ideas of the bicycle /pedestrian committee and the work of the New Faze is enough to get enough people out of their cars from this development. So if that is going to be presented as one of the efforts, we would like serious consideration of some proposals in this letter from the committee and a clear analysis of how many automobile trips that

would reduce. And we also request an analysis of the automobile trips that will be generated by this project, because we need that analysis for our air quality planning. Thank You.

Jim Laughton; expressed his Concern that this project has divided a community as well as neighbors. Concern over no attempt by the developers to address the neighbors concerns downstream from the project, especially in regards to the water issues. Feels there should be an extensive review of all the trees on the property that could be saved. Feels there a lot of ways to work with the adjacent property owners to get a better project. Feels that this is a personal issue with him and to his neighbors. Jim thinks it should be the best project for all concerned, including the people who live in Jackson.

Jeanne Plasse, questioned, what the status of the sewer permits, since it's June and she thought it was going to expire in June.

City Manager Daly – answers with – Regional Board is behind and the latest word they have is that it should be on the Regional Board Agenda in Sep./Oct., which would mean that the city would receive their draft permit in July/Aug. They have to give it to the city at least 60 days before the public hearing and we haven't seen it yet. Mike assumes that it's automatically extended since they are the ones who are delaying the renewal.

Chairman Garibaldi closed the public hearing portion at 7:30 p.m.

Planning Commissioners and their comments:

Commissioner Works: Page 2.0-15 in the Executive Summary; Impart 4.4.1 at the bottom of the page under Transportation Circulation, thinks is a typo. It talks about the effects that the project will have at 2 intersections at project build-out. But then under the column that says Level of Significance Without Mitigation, it says LS, which means Less than Significant. I think that's a typo. Than I had a whole series of typos in the Project Alternatives. Every time that you do the population/housing/employment section. The first one's on 6.0-11. You're talking about alternative 2 at that point, but it says a comparison of the proposed project and the no project alternative is provided below. I believe that it should say alternative 2 and that error is repeated in every population/housing/employment paragraph. Each time it says a comparison of the proposed project and a no project alternative. And it should say alternative 2, alternative 3, alternative 4.

Vice-chairman Carleton: – submitted a 5-page letter - I have 2 comments and recommendations. In the introduction, page 1.0-2, the revised RDEIR states that the document includes a Program-Level Environmental Analysis and a Project-Level Environmental Analysis. The Project-Level Environmental Analysis, however, covers only the initial phase, which is phase 1. The RDEIR anticipates that the Project-Level Environmental Analysis for Phase 1 will be adequate for subsequent phases, permitting subsequent phases to go forward without any further environmental review. The same statement is also made in the Executive Summary further on in the document. This however should not be permitted, as the public will not be allowed to weigh-in on the plans for the later phases, and the planning department may not be as strict on the environmental review after Phase 1 review. Additional phases of the project should be given the same environmental review as given in Phase 1. Now I refer to the impacts, which are listed under the Executive Summary and this may be very difficult for the audience to follow, but I'm going forward with it so it's in the record.

Impacts 4.1.4, 4.1.9, 4.1.10, 4.1.11, and 4.1.12: The project will conflict with surrounding land uses and will convert rural and agriculture and open space land to urban use. Mitigation is inadequate.

Mitigation should be to provide a conservation easement equal in size, as the size of the project, plus establishment of a 20-year Farmland Security Zone for the grazing land around the project. Now often, conservation easements don't end up right next to projects, they can be purchased many places in the State, but they can still be used as mitigation for the taking of prime grazing land.

Impacts 4.4.1, 4.4.4, and 4.4.5: The project will result in a crippling impact at highway intersections. Signals will be needed promptly at the intersection of the French Bar Road and Highway 49 because of the trucks hauling cement and gravel to the project. Both the intersection of the French Bar Road and the Clinton Road with Highway 49 will require three lanes of traffic exiting the project. I couldn't tell whether or not that was offered in the DEIR.

Impacts 4.7.1, 4.7.5, and 4.7.10: Mitigation Measures 4.7.1a and 4.7.1b are almost adequate for the impacts. However, this should be added to MM 4.7.1bs. In the winter and spring months, outside the October to April winter period, weather reports will be monitored so that any impending storms will trigger erosion control actions by the applicant to prevent erosion on exposed and graded areas of the project. The object is to prevent erosion and degradation of the City's streams, and the project property. In the past, ground being developed has been savaged by unanticipated storms in periods outside the October to April winter period.

Impacts 4.7.2 and 4.7.6: MM 4.7.2 is almost adequate but needs some additional requirements. For one, and this has to do with the runoff from the gold course and well as the residential area. All inspections and monitoring should be reported to the city so that there is oversight on very critical operations on the project site. The mitigation measure also states that contaminants will not be allowed to accumulate or be allowed to escape down the streams. There is always the possibility that contaminants could accumulate and escape, so there should be added to the mitigation measure language about what the applicant will do to mitigate accumulations and spills.

The mitigation measure states that a monitoring schedule will be established. Additionally, add that the monitoring results will be reported to the City. Also add that runoff cannot impact residents downstream. Project runoff shall be directed around wells, ponds, and other facilities of all downstream residents.

Commissioner Butow: had some comments, but most of them have been answered. I do have one thing that we don't have an ordinance on; culture resources, which I think was pointed out in here, but I think that is one area that we do need that we're deficient on in the city. Because we do have so many cultural land marks and things that not only here that their talking about the Moore Mine and how their going to have to change the whole landscape over there. I've been thinking about all the other historical landmarks we have in the county and in the city. So at that point, I would like to see a little more thought given to how they might change some of their planning to try and address these cultural resources that we have. Because it is a part of what this is all about. I mean when people are looking to relocate up here, they are looking at the cultural and our historical landmarks and backgrounds that we have here.

Commissioner Works: would like to add that the one section that I read word for word was the whole thing about water, and how we would supply water. I swear I was using a calculator and it jumps so often between gallons per day and millions of gallons per day, and some times its in whole numbers and some times its 1.17 and then you have to go, oh yeah that's 117000, you know what I mean. It was really hard for me to make sense out of whether this project was using lots of water. I would really like to see the water section spelled out a little more clearly in the final draft. Sometimes it was like within a sentence of each other that the water use amounts were expressed in different units and I was spending a lot of my time converting them into like units so I would understand what it was saying. That was my complaint about the DEIR. I decided that I was going to understand every word about the water in this thing and believe me I don't.

Chairman Garibaldi called for a 10-minute recess.

4. Public Hearing – Tentative Subdivision Map 55, Pine Meadows, Conditions of Approval Amendment. Hold public hearing to determine Commission Policy.

City Planner Peters: The applicant is requesting an amendment to the following Condition of Approval (COA):

A solid eight-foot wall without any openings shall be constructed and maintained along the northerly and easterly property boundaries to screen the development from adjacent Williamson Act properties.

As a result of the grading at the project, placement of the wall is somewhat difficult. There's quite a bit of a cut on that boundary line and should the wall be constructed on the top of the slope, there would be an area between the actual property line and the wall that would be difficult to maintain. If it's placed at the toe of the slope, it kind of defeats the purpose because you'd be able to see right over it. Additionally, approximately 12 redwood trees along the boarder of the property would need to be removed to accommodate construction of the wall. Pictures were included in the planning commission packet. The developer is requesting Pine Meadows Tentative Subdivision Map 55 COA No. 11 be amended to allow for a poured two foot cement retaining wall with a six foot redwood fence on top from the end of the redwood trees to the north east boundary line of the property. So you'd still achieve the 8-foot wall, the idea is to make it more esthetically pleasing and to preserve those redwood trees.

Environmental Review

While amendments to a Planned Development 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. Because no environmental impacts are anticipated as a result of the proposed amendment the project qualifies for a categorical exemption in accordance with Section 15061(b)(3) of CEQA.

Findings

Should the Planning Commission choose to approve COA amendment, the following findings should be made:

1. The proposed COA amendment will not be a detriment to the public health, safety, or general welfare of this community.
2. The proposed COA amendment will not have a significant adverse effect upon the environment.

Action

Should the Planning Commission chose to approve Tentative Subdivision Map 55 Condition of Approval No. 11 amendment the following actions are recommended:

1. Instruct Staff to file a Notice of Exemption; and
2. Adopt a Resolution approving Tentative Subdivision Map 55 Condition of Approval amendment based on the Findings in this report.

Chairman Garibaldi asked staff for a recommendation.

City Planner Peters: expressed concern regarding the maintenance of the redwood fence and who would be responsible for maintaining it.

There was some discussion between staff and the commissioners regarding the history on the condition and how the fence will match up with the Jackson View fence.

Chairman Garibaldi opened the public hearing

Gene Purser: Pine Meadow Representative clarified issues regarding construction of the fence and his discussion with the neighbors.

Pete Poggio: Expressed concerns regarding construction of the wall, the easement and the trees. Mr. Poggio requested that the Planning Commission not make a decision until after a discussion with his brother, Gary Poggio.

Chairman Garibaldi closed the public hearing.

Planning Commissioners and staff discussed the various options for proceeding, which included continuing the public hearing until Gary Poggio returned, making a determination and allowing Poggio or Bob Hix to appeal to the City Council, and approving the amendment subject to approval by Gary Poggio.

Tracey Towner-Yep: asked for assurance that if the property owner Mr. Poggio doesn't agree, then the COA stays the same.

Discussion between the Commissioner and Staff insured regarding the following issues:

Maintenance of the fence and who would be responsible.
Removal or not of the redwood trees on the property line.
Timing on the proposed construction of the wall.
Appeal to the City council in regards to process and timing.

Chairman Garibaldi reopened the public hearing.

Tracey Towner-Yep expressed concerns regarding making changes to a condition without the property owner being able to comment.

Gene Pursor: indicated that the property owner was notified and chose not to attend. Also expressed concerns with how open minded the existing COA was. He also clarified why they are proposing to change the COA.

Pete Poggio expressed his concern with the use of a redwood fence.

Jim Laughton expressed concerns regarding changing the condition which he felt was clear at the time the project was approved. He recommended that the Planning Commissioners be careful with conditions because they are open to interpretation. He then gave some examples. He also stated he was in favor of waiting until Gary Poggio returned before making a decision.

Chairman Garibaldi re-closed the public hearing.

Discussion ensued between the Planning Commissioners and Staff regarding design and construction review options for proceeding appeal to the City council.

Moved by Vice-Chairman Carleton and second by Commissioner Butow with the motion to continue to the next meeting of July 18, 2005. Motion denied with a 3-2 (Commissioner Works, Commissioner Faulkner and Chairman Garibaldi dissenting)

There was considerable discussion among the Commissioners after which the amended Conditions of Approval #11 were read into the record.

COA: A solid 8-foot wall without any openings, that will be constructed and maintained along the northerly and easterly property boundaries, beginning at the redwood tree line and to the end of the redwood trees. Subject to the approval of the adjacent property owner and should the property owner not agree to the proposed amendment, the item shall be brought back to the next available planning commission hearing

Moved by Commissioner Works and seconded by Commissioner Butow and unanimously carried to approve Tentative Subdivision Map 55 Condition of Approval No. 11 amendment the following actions are recommended:

- 1. Instruct Staff to file a Notice of Exemption; and**

2. Adopt a Resolution approving Tentative Subdivision Map 55 Condition of Approval amendment based on the Findings in this report. And subject to the Conditions of Approval as amended.

5. Amador Village Glenn Planned Development Amendment, 701 Court Street (APN 20-200-070).

City Planner Peters: This project is the Amador Village Glenn, which is located on Court Street. There are 11 small lot single-family residences in this subdivision.

The applicant is requesting an amendment to the Planned Development for Amador Village Glen to allow variations in the side yard set backs (see attached letter). Additionally, the Senior Building Inspector, Larry White, has indicated that there is one structure (lot 5) that has a patio trellis, which has been constructed to the side property line. Mr. Nicholls confirmed that there might be other requests to allow for trellises to encroach into the side yard set back. Staff recommends this planned development amendment request be updated to include a request to allow patio trellises to encroach into the side yard set back.

General Plan and Zoning

The project site is designated and zoned Single Family Residential/Planned Development.

Environmental Review

While amendments to a Planned Development 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. Because no environmental impacts are anticipated as a result of the proposed amendment the project qualifies for a categorical exemption in accordance with Section 15061(b)(3) of CEQA.

Findings

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

1. The proposed Planned Development amendment 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.

Action

Should the Planning Commission chose to approve the Planned Development Amendment for Mr. Phillip Nichols, the following actions are recommended:

1. Instruct Staff to file a Categorical Exemption; and,
2. Adopt a Resolution approving a Planned Development Amendment for Amador Village Glen based on the Findings in this report.

Let me specify the request by the applicant is to allow on Lot 1, on the south side property line for the set back to be 1-foot instead of 5-foot. On Lot 2 on the north side property the set back to be 4-foot. On Lot 3, at both the south side and north side property lines the set back to be 4-foot.

Discussion ensued regarding the Uniform Building Code and trellises.

Phillip Nichols (Architect for Village Glen Subdivision) Provided some history regarding development of the site utilizing zero lot lines. Additionally he discussed tree site constraints, which are requiring the modifications to the setbacks.

Commission Faulkner: expressed concerns regarding setting a precedent.

Discussion ensued regarding the following issues:

- Past PD amendment requests regarding setbacks.
- PD amendment process
- Clarification of the request.

Nancy Bishline: conveyed her support for the proposed amendment

Tracey Towner-Yep: conveyed her support for the proposed amendment.

Chairman Garibaldi closed the Public Hearing

Vice Chairman Carleton stated that he was not in favor of the project because it is setting a precedent.

The Planning Commission, Staff and Dennis Rodman, Building Contractor for the project discussed the following:

- Size of the lots
- Size of the residential units
- Types of people moving into the units

Moved by Commissioner Works and seconded by Commissioner Butow with a 3-2 vote (Vice-Chairman Carleton: and Commissioner Faulkner abstained) to approve Amador Village Glenn Planned Development Amendment, 701 Court Street (APN 20-200-070) and carried to:

1. **Instruct Staff to file a Categorical Exemption; and,**
 2. **Adopt a Resolution approving a Planned Development Amendment for Amador Village Glen based on the Findings in this report, That being that they get their setbacks that they're asking for in the letter and that we update to include a request to allow patio trellises to encroach into the side yard setback.**
6. **Public Hearing – Consideration for Tentative Parcel Map 2679, John Molinelli, 10301 Spunn Road, (APN 044-075-013).**

City Planner Peters: The applicants are proposing to divide one 11,215 square foot lot into two lots. Proposed Parcel 1A is 4,477 square feet and proposed Parcel 1B is 6,738 square feet. Parcel 1B is improved with a single family residence and Parcel 1A is vacant. The applicant is proposing to improve Parcel 1A with a single-family residence. The purpose for the split is to allow for individual ownership of each parcel.

General Plan Designation and Zoning

The City of Jackson General Plan designation and zoning is Single-Family Residential (R-1). On March 21, 2005 a variance was obtained from the Planning Commission to allow the applicant to apply for the Tentative Parcel Map. Subsequent to the granting of that variance, a more detailed survey of the site shows that the parcel is smaller than originally calculated. For this reason, Parcel 1A will need to be smaller (823 square feet smaller than the required 6,000 square feet) than the variance granted should the TPM be approved (see attached Resolution 2005-06).

Environmental Review

In accordance with the California Environmental Quality Act (CEQA) an Initial Study was prepared for this project. The Initial Study revealed a potentially significant adverse environmental impact to traffic. For this reason, the project does not qualify for a Negative Declaration. Staff recommends that the applicant prepare an Environmental Impact Report.

This a result of the two segments of Hwy 49, that are existing conditions exceed out threshold of our circulation element of level service C. This is the same situation that the planning commission saw a couple months ago with the Sweat/Longacre piece on Jackson Gate Road.

Findings

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.

Conditions of Approval

1. Building Design for Parcel 1A shall be consistent with the Section 17.12.030 (F), which is the one requiring the building ratio be different, because it's on a smaller lot.

Action

Should the Planning Commission chose to approve Tentative Parcel Map 2679, 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;
3. Adopt a Resolution approving Tentative Parcel Map 2679 and Variance for Mr. John Molinelli based on the Findings and subject to the Condition of Approval in this report.

Discussion ensued about staff's recommendation to have an EIR prepared.

John Molenelli, Applicant: Explained his proposed project and the variance that was previously granted allowing the potential lot split.

Chairman Garibaldi opened the Public Hearing.

Commissioner Faulkner: stated her concerns regarding the condition of the existing structure and the weeds on the property. She suggested adding a condition to clean things up in a week.

Discussion ensued regarding the following issues:

Disposition of the existing home.
Grading on the site.
Setback requirements.

Joyce Voss expressed concerns regarding enough space for parking for two homes.

City Planner Peters: explained the parking requirements 2 parking spaces per single-family residence.

Chairman Garibaldi closed the public hearing.

Moved by Commissioner Works and seconded by Commissioner Butow with a 3-2 vote (Vice-Chairman Carleton: and Commissioner Faulkner abstained) for Tentative Parcel Map 2679, John Molinelli, 10301 Spunn Road, (APN 044-075-013) to carried to:

1. **Approve Tentative Parcel Map 2679**

2. **Approve a Negative Declaration and instruct Staff to file a Notice of Determination;**
 3. **Determine that the project will have a de minimus effect on fish and wildlife and instruct Staff to file a Certificate of Fee Exemption;**
 4. **Adopt a Resolution approving Tentative Parcel Map 2679 and Variance for Mr. John Molinelli based on the Findings and subject to the Condition of Approval including Commissioner Faulkner's conditions of cleaning up the property, and including that Building Design for Parcel 1A shall be consistent with the Section 17.12.030 (F).**
7. **Public Hearing – Conditional Use Permit 2005-02, Gerald & Anna Chaix, 406 Pitt Street, APN 020-273-001.**

Commissioner Works: steps down because she's a neighbor within 500 feet.

City Planner Peters: The applicant is requesting a Conditional Use Permit to allow for a residential museum at 406 Pitt Street. This is an old historic structure build in the 1850s. They have restored the site and the structure essentially to it's original and they would like to be able to allow access to the public on an appointed basis, a couple times a month.

General Plan Designation and Zoning

The City of Jackson General Plan Designation and Zoning for this site is Single Family Residential (R-1). Because a residential museum is not listed in any zone, the proposed project may apply for a Conditional Use Permit.

Environmental Review

An Initial Study has been prepared for this project, which revealed no significant unavoidable adverse environmental impacts. For this reason, the project qualifies for a Negative Declaration. There has been a couple letters submitted and there have been some concerns about mostly parking, which we can address during the discussion. The reason why I didn't believe there was a traffic impact and it wasn't subject to an environmental impact report was because average daily trips for residence is the standard 10 per day. So I think a residential museum with the applicants that aren't living in it greatly reduces the amount of trips per day, thus I think there's beneficial impact traffic wise.

Findings

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

1. The proposed project is desirable to the public because there is a need/desire for the proposed use in the City of Jackson.
2. Use of this site for a residential museum is compatible with to the surrounding land uses.

3. The proposed residential museum will not be a detriment to the public health, safety or general welfare of this community.
4. The proposed use will not have a significant adverse effect upon the environment.

Conditions of Approval

Should the Planning Commission choose to approve Conditional Use Permit 2005-02 for Mr. & Mrs. Chaix the following conditions of approval are recommended:

1. Hours of operation are limited to 8:00 am to 5:00 pm.
2. Attendance shall be by appointment only.
3. The Planning Commission shall review this Conditional Use Permit in one year.

Action

Should the Planning Commission chose to approve the conditional use permit for the Chaix House Museum, 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 Conditional Use Permit 05-02 for Mr. & Mrs. Chaix based on the Findings and subject to the Conditions of Approval in this report.

Chairman Garibaldi opened the public hearing.

Gerald and Anna Chaix, applicants explained their request for a museum to be open 4 days per month and by appointment. There would not be extensive advertising. They could accommodate 9 cars off street. There are 2 additional spaces at their home across from the house. They explained the problem with parking during the Home Tour: Too many people at one time. Not sure if they would charge money for the tour. Hours of operation would likely be from 11 a.m. to 4 p.m. Not buses would be allowed. Additionally, they are in the process of applying to be on the State of California Historical Registry.

The Commissioners, staff and the applicants discussed the following issues:

Hours of operation
California Historical Registry
Conditional use permit process
Letters from the neighbors
Parking

Tour fee

Commissioner Works: speaking as a private citizen and a homeowner, not as a member of the planning commission. Lives at 412 Court street, directly across the Hwy from the house in mention. Discussed each of the four findings that would have to be made to approve the project. Concerned that the project could be a detriment to public safety because of access to the site from the intersection at Pitt and Highway 88. She feels it is a very dangerous location. She stated concerns about parking and hours of operation. Stated concerns about it turning into an event center. Doesn't think the project belongs in this neighborhood.

Planning Commissioners discussed the following issues.

Traffic safety concerns
Merits of the project
Review of the COP in 6 months
Concerns of the neighbors

There was considerable discussion among the Commissioners after which the amended Conditions of Approval were read into the record.

- 1. Hours of operation are limited from 11 am to 4:00 pm.**
- 2. Attendance shall be by appointment only,**
- 3. They will be open no more than 4 days per month.**
- 4. Any fees or charges would be up to Mr. & Mrs. Chaix.**
- 5. The Planning Commission shall review this Conditional Use Permit in six months.**
- 6. A minimum of 7 parking spots is provided.**

Moved by Commissioner Butow and seconded by Commissioner Faulkner with a 3-1 vote (Chairman Garibaldi abstained) to Approve Conditional Use Permit 2005-02 for Mr. & Mrs. Chaix and carried to:

- 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 Conditional Use Permit 05-02 for Mr. & Mrs. Chaix based on the Findings and subject to the Conditions of Approval in this report.**
- 8. Workshop – Zoning Ordinance.**

Deferred to a special meeting on July 5, 2005, Tuesday at 7:00 p.m.

9. ADMINISTRATIVE REPORTS.

Chairman Garibaldi expressed concerns regarding the backlog of minutes.

There was some discussion among the planning commissioners regarding procedures for correcting and re-distributing minutes.

Commissioner Faulkner requested a field trip to Jackson Hills.

City Planner Peters concurred that it would be a good idea and committed herself to making that happen.

Adjourn 10:10 P.M.

Attest:

Candy Collins, Accounting Assistant

Date Approved: 09/19/05