

# Jackson Planning Commission Minutes Regular Meeting of August 15, 2005

## **COMMISSION MEMBERS PRESENT:**

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

## **CITY STAFF PRESENT:**

Susan Peters, City Planner  
Candy Collins, Accounting Assistant

## **COMMISSION MEMBERS ABSENT:**

## **CITY STAFF ABSENT:**

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Chairman Garibaldi called the meeting to order at 600 p.m.

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

None.

### **2. Public Hearing - Tentative Parcel Map #2665, Carson Townhouse Assoc., 50 Westview Drive, APN 044-352-045. Determine Commission Policy.**

#### Project Description

The Carson Townhouse Association is proposing to split one 0.40-acre parcel from the existing Carson Townhouse property located at 50 Westview Drive. The purpose of the split is to allow for residential development of the site.

#### General Plan Designation and Zoning

The City of Jackson General Plan designation and zoning of the project site is Multi-Family Residential (R-3). In September 2004, the Carson Townhouse Association received a variance from the Planning Commission allowing the access driveway to the lot to be 16 feet wide instead of the 30 feet as required by the Jackson Municipal Code.

#### 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.

#### Findings

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.

Conditions of Approval

Should the Planning Commission choose to approve this project, the following Conditions of Approval should be made:

1. The Final Parcel Map shall show all Public Utility/Facility Easements.
2. The one oak tree on site shall be preserved in accordance with the City of Jackson Landscape Planning Ordinance.
3. The Site Plan Review Committee shall submit a site plan for any proposed building to the City of Jackson for review. Building placement and parking design shall be to the satisfaction of the Fire Chief.
4. All City of Jackson Development Standards shall apply.

Action

Should the Planning Commission chose to approve Tentative Parcel Map 2665, 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 2665 and Variance for the Carson Townhouse Association based on the Findings and subject to the Condition of Approval in this report.

City Planner Peters stated that she talked with Police Officer Collins, who patrols this area and he didn't see any problem with this. The school kids cuts through this area now and it would take away an enforcement issue where it's hard to see the kids when they cut through the area. The kids can now walk down Westview and around the corner since the School District has completed a new sidewalk that connects with the school parking lot.

City Planner Peters addressed Commission Butow's question on whether all surrounding lots were notified, with yes, all lots within 500-feet were notified.

Applicant Dwayne Bianco, Representative for the Carson Townhouse Association addressed the public and commissioners with their intent to utilize the vacant lot by selling it off to get the money to fix up needed maintenance for the townhouses and it would be a nice piece of property for a 4-plex for someone to live and /or use as rentals. He also addressed the concern of the commissioners for the Oak tree by saying it would be protected, but the redwoods would be removed.

City Planner Peters answered Vice-Chairman Carleton's question on whether there could be a fine enforced if the Oak tree was destroyed, with Yes, there could be a \$5,000 fine put in the Conditions of Approval on the Tentative Parcel Map.

Public Comments- None.

City Planner Peters addressed Chairman's Garibaldi's question on if they were required in this process to allow the R-3 which would allow the 4-units or could it be something less dense by stating, it is zoned R-3 which allows R-1, R-2, so when your splitting it, it retains that zoning. The size of the lot and that it has the 16-foot driveway, wouldn't allow for anything larger than the 4 units and possibly even less, it all depends on how it's designed.

City Planner Peters addressed Commissioner Work's question on when the EIR would get done and whether it would get done before the approval of the lot split or does it have to be done by the person who buys the lot and comes back with a development plan, by stating, this is different from the normal. Normally when a Tentative Parcel of this size and nature comes to the counter, it would be said that they qualify for a mitigated negative declaration or a negative declaration because the impacts are minimal. It usually can be minimized, because it's an infill project and it has infrastructure there already, but because the traffic situation is such that it's already exceeds of the threshold, that makes it so the staff has to answer the traffic question with Significant Unavoidable. There are changes/amendments being made to the Circulation Element to accommodate projects like this so they don't have to go through an EIR. Because any time you have a Significant Unavoidable, the only way to deal with it is with an EIR and a Statement of Overriding Considerations. City Planner Peters addressed Chairman Garibaldi's question of presuming this body doesn't wave the EIR with it would be denied and they would be sent back to have the EIR prepared.

City Planner Peters addressed Commissioner's question on hasn't room been made regarding infill like this for lot allocations by stating; anything with a split of more than 4 has to go through the Resource Constraints and Priority Allocation Policy.

Commissioner Faulkner to make motion.

Vice-Chair Carleton requested an addition to be accepted on the COA, in which a \$5,000 fine for removal or destruction of the oak tree be put in the Conditions of Approval on the Tentative Parcel Map. So accepted.

**Moved by Commissioner Faulkner, Seconded by Vice-Chair Carleton and carried by a 4-1 vote (Commissioner Works dissenting) approve Tentative Parcel Map 2665, Carson Townhouse Assoc., 50 Westview Drive, APN 044-352-045. the following actions**

- 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 2665 and Variance for the Carson Townhouse Association based on the Findings and subject to the Condition of Approval in this report and as amended.**

**3. Public Hearing - Variance 2005-03, Bonnie Kalender, 411 Rex Avenue, APN 020-161-011.**  
Determine Commission Policy.

Project Description

The applicant is requesting a variance to allow expansion of an existing garage to encroach 4-feet into the 5-foot side yard setback. The proposed expansion will increase the garage from 272 square feet to 480 square feet and will include an art studio above the garage.

Environmental Review

While variances are typically subject to the California Environmental Quality Act (CEQA), projects, which have no possibility of causing an environmental impact, can be categorically exempted from CEQA review in accordance with Section 15061(b)(3) of CEQA.

Findings

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

1. There are special circumstances applicable to this property (lot configuration), which deprives the property of privileges enjoyed by other property with a similar use.
2. The granting of this variance will not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone.
3. The granting of this variance will not adversely affect the interest of the public or the interests of other residents and property owners within the vicinity.

Action

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

1. Instruct Staff to file a Categorical Exemption; and,
2. Adopt a Resolution approving Variance 05-03 for Ms. Kalender at APN 20-161-011  
Based on the findings in this report.

**Public Comments- None.**

It was determined from questions from the commissioners and answers from the applicant Kalender that there would be enough room between the garage and the existing structure, the adjacent homeowner is ok with the proposed variance and the height will not exceed the adjacent property owners structures. It was also suggested by commissioner Butow that the applicant get a lot line survey before proceeding with the building of the garage.

**Moved by Commissioner Works, Seconded by Commissioner Butow, and unanimously carried to approve Variance 2005-03, Bonnie Kalender, 411 Rex Avenue, APN 020-161-011.**  
**The following actions**

1. **Instruct Staff to file a Categorical Exemption; and,**
2. **Adopt a Resolution approving Variance 05-03 for Ms. Kalender at APN 20-161-011 Based on the findings in this report.**

4. **Workshop – Zoning Ordinance.** Hold public workshop to consider proposed amendments.

City Planner Peters stated she would be getting more of Article III out by next week. It's quite large and has a lot of new areas in it. It was also suggested that it be E-mailed with a return receipt attached to insure everyone gets it.

City Planner Peters also went over the next couple meetings coming up that would include the Planning Commission. Special Meeting on more of the Zoning set for Aug. 29, 2005 at 6:00 p.m., Jackson Hills tour set for Aug. 30, 2006, and a meeting requested by ACTC Charles Field, tentatively set for Sept. 6<sup>th</sup> at 6:00 p.m. for a workshop to include the Planning Commission, City Manager Daly, and Mayor Pryor Escamilla along with staff to explain the comment letter (which is included in the EIR) in a little more detail and to come up with potential mitigation that he thinks might be acceptable. City Planner Peters further explained that it is not just for the Jackson Hills Project because it's something we're going to see over and over again because we have major roadway improvements that have no funding source. The Jackson Hills Project kicks it off, but it's going to have further reaching ramifications. City Planner Peters responded to the commissioner's requests for material prior to these meetings.

City Planner Peters responded to Commissioner Butow's question regarding Form Based Codes and how they compare to what we are doing. Form Based Codes do not utilize lists or allowable uses but rather diagrams depicting what each area of the city will look like. The Development Code has lists of allowable use along with some diagrams. The new code will be a combination.

The community, during the Steering Committee Process of the land use element update didn't want to leave it that unspecific. The community was really interested in seeing exactly what was allowed and not allowed, especially in commercial and limited commercial. This was the biggest complaint about form based. There's also of pro's and con's to it. That is why one of the reasons Truckee was used because it was easy to put in the allowable uses lists and it has a lot of the Form Based ideas in regards to density and the examples they used. She further stated that these examples would be provided when they get closer to finalizing.

#### **Article III Chapter 17.30 – General Property Development and Use Standards.**

**Typos and changes-** under 17.30.030 – Air Emissions

Pg. 3 –#2 Scheduling City Planner Peters will check on set hours as requested by Commissioner Faulkner.

#6 On-site roads- **needs to be moved over to the left margin.**

#7. Street encroachments. For land use activities that disturb two or more acres of land, paved aprons onto City streets shall be required at all access encroachments onto the City street. **The aprons shall be paved within one week of the commencement of grading on the site.** The

aprons and portions of the street adjacent to the apron shall be flushed and/or swept at least once daily.

**Upon Commissioner Work's question in regards to the time frame indicated and why it should be paved while heavy equipment is still being used on during construction, City Planner Peters explained that the purpose was to keep the gravel down with temporary AC to protect the City street from damage that is caused by the gravel, but she would check with City Engineer Roark to see what he thinks. Commissioners feel this would be a good idea.**

#9 Fencing. Appropriate fences or walls shall be constructed to permanently contain the dust and dirt within the parcel, subject to the approval of the **Director; - should be Planner instead of Director.**

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B. Vehicle exhaust emissions. An applicant who proposes a land use activity that could result in potential construction-related exhaust emission impacts shall minimize the emissions by maintaining equipment engines in good condition and in proper tune in compliance with manufacture's specifications **and** by not allowing construction equipment to be left idling for long periods of time. The word **and** is inserted.

D. Cleared vegetation. The method of disposal of cleared vegetation from the site shall be indicated on the project improvement plans. Open burning of vegetation from site clearing shall be prohibited unless approved by the City Engineer and the Amador County Air Pollution Control Officer upon a finding that other alternatives are unobtainable or economically infeasible. **(City Planner Peters will check this area to see if consistent with what is in the county).**

Under 17.30.040 - Archeological/Cultural Resources

B. Survey. B. Survey. The City Planner may require a cultural resources field survey by a qualified professional, at the applicant's expense, where the project will involve areas of grading and/or the removal of natural vegetation totaling one acre or **more**. The City Planner may require a cultural resources field survey on smaller sites for a Zoning Clearance, Development Permit, Minor Use Permit, Use Permit, Planned Development, or Tentative Map where there is the potential for cultural resources to be located on the project site. **(The word more is added).**

Under 17.30.050 - Drainage and Storm Water Runoff

**All applications** for Zoning Clearance, Development Permit, Minor Use Permit, or Use Permit, **except single-family dwellings, secondary residential units, and duplexes, shall include drainage** and erosion control plans and be designed and constructed to provide facilities for the proper conveyance, treatment, and disposal of storm water in compliance with this Section. **Commissioners Works and Butow questioned why? And City Planner Peters also wondered why, so she will check with City Engineer Roark.**

Under A. Drainage and erosion control plan requirements.

2. Following approval of the land use permit, a final drainage and erosion control plan shall be submitted as part of the application for a Building Permit. Final plans shall be approved by the City Planner before the start of on-site construction or soil disturbance and before the issuance of a

Building Permit. Projects requiring Commission approval **due to their size or use** shall require plans prepared by a licensed engineer, **unless deemed unnecessary by the City Engineer. (due to their size or use is removed and unless deemed unnecessary by the City Engineer is added to the end).**

Under B. Runoff treatment. 1. Storm water runoff:

a. Runoff from impervious surfaces shall be collected, treated, and contained on-site utilizing infiltration disposal facilities (e.g., infiltration basins and trenches) designed, installed, and maintained for, at a minimum, a twenty-year, **one-hour storm** event based on the Public Improvements and Engineering Standards. The City Engineer may require a design to accommodate a larger storm event when topographic and/or drainage conditions of the surrounding area or watershed warrant more stringent drainage improvements;

**Upon Vice-Chair's concern that it should be at least five-hour storm, City Planner Peter will also check this with City Engineer Roark.**

c. Runoff from structures not directed into a retention/treatment basin shall utilize graveled drip line infiltration trenches under all eaves and decks designed, installed, and maintained for up to and including a twenty-year, one-hour event. Infiltration trenches shall include a minimum gravel depth of eight inches and a minimum width of two feet, unless a trench of different dimensions is **approved** by the City Engineer based upon an engineered drainage analysis; and **(the word approved is replaced with required)**.

d. Runoff from snow storage areas shall be collected, treated, and contained on-site in accordance with the requirements of Subsection B. – **This section will be deleted.**

Under 2. On-site drainage facilities:

b. Facilities shall not be used for snow storage. Snow shall not be placed within any required on-site drainage facility which conflicts with the intended function of the facility.- **This section will be deleted.**

Under C. Erosion control

1. Temporary measures.

c. All soil disturbance activities shall cease if adverse weather conditions **exist**, unless operating under an exception granted by the City Engineer. Adequate temporary erosion control measures shall be immediately installed during adverse weather conditions. **(The word exist is replaced with are predicted)**.

Under 17.30.060 - Exterior Lighting

B. Permanent lighting. Permanently installed **lighting shall not blink, flash** or be of unusually high intensity or brightness. Lighting fixtures shall be appropriate in height, intensity, and scale to the use they are serving. **(City Planner Peters explained that blinking or flashing signs were not allowed and she would make sure to make a note of that issue in this section).**

Under 17.30.070 - Fences, Walls, and Hedges

C. Fence height limitations.

**TABLE 3-1  
HEIGHT LIMITS FOR FENCES, WALLS, AND HEDGES**

Parcel Size	Maximum Allowed Height Based on Fence Location			Outside Setback Areas (1)
	Within Front or Street Side Setback	Within Side or Rear Setback	Within Rear Setback on Through Lot	
Less than 1 acre	3 ft. (1,2,3)	6 ft.	3 ft.	6 ft. (4,6)
1 acre or more	3 ft. (2,5)	6 ft. (6)	6 ft. (2)	6 ft. (4,6)

**This table was cut off on the copies the commissioners got for tonight’s meeting and City Planner Peters will correct this and see that it is complete. Under the notes: The area that talks about snow removal is deleted. ( As will all other areas in this document in terms to the wording – Snow Removal.)**

**After excessive discussion amongst the Commissioners and the City Planner Peters in regards to (#6) in the notes for Table 3-1., it has been decided that this will be rewritten because it’s needs further defining on the term of agricultural fence, split rail, height, etc.**

Under 17.30.080 - Grading and Vegetation Removal

A. Preservation of the natural vegetation. To prevent premature grading of the existing terrain and to ensure preservation of the natural vegetation within the City, grading and/or removal of natural vegetation shall not occur before the issuance of a land use permit (e.g., Zoning Clearance, Use Permit, etc.) authorizing development on the subject parcel, except for the following:

**Commissioner Butow felt that a vegetation retention survey should be done prior and City Planner Peters agreed to check on this.**

Under E. Prohibited materials

**It has been decided between the Commissioner and the City Planner that this area will be reworded also.**

Under 17.30.090 - Height Measurement and Height Limit Exceptions B. Height measurement.

2. In no case shall the height of any portion of a structure exceed a height greater than **10 feet** above the standard established by the applicable zoning district in Article II (Zoning Districts and Allowable Land Uses) as measured as the vertical distance from the natural grade of the site to an imaginary plane located the allowed number of feet above and parallel to the grade. (See Figure 3-3, Maximum Height) **Upon vice-Chair's question of Why 10 feet, City Planner will check on this because it has some inconsistencies,** and will check with Building Inspector White on the height issues.

Under 17.30.100 - Property Maintenance

A. Purpose. This Section provides for the abatement of conditions, which are offensive or annoying to the senses, detrimental to property values and community appearance, an obstruction to or interference with the comfortable enjoyment of adjoining property, or hazardous or injurious to the health, safety, or welfare of the general public in a manner which may constitute a nuisance.

**After much discussion amongst the Commissioners and the City Planner, it has been decided that this section needs to have**

**How will the Abatement Occur, Who will Enforce and What will the Process Be.**

**Vehicles parked on lawn will also be added to the Property Maintenance section.**

Under C. Allowable setback reductions.

2. The required street side set back **on a corner lot that 15 feet** may be reduced by the City Engineer by a maximum of five feet on residential lots that are less than 80 feet wide if the City Engineer finds that the reduced setback will not adversely affect a front or street side visibility area or interfere with street snow removal operations. ( **The wording on a corner lot that 15 feet is added.**)

Under F. Setback requirements for specific structures and situations.

**3. Garages. This whole section will be deleted.**

4. Hot tubs, swimming pools/spas, and other site design elements.

**This is not consistent with what is in Article 2, will be made consistent.**

Under 7. Single-family dwellings.

a. Front setbacks. **This section will be deleted, as it doesn't apply to the City of Jackson.**

Under G. Structures in front yard setback. and E. Required storage for subdivisions – **These sections will be Deleted**

**City Planner Peters will try to get the rest of Article III and hopefully Articles IV and V to the Commissioner prior to the next Special Meeting set for Aug. 29, 2005 at 6:00 p.m. and will further check the articles for the words – Town, Director, Snow, etc and make the changes.**

**5. ADMINISTRATIVE REPORTS.**

Commissioner Butow handed out Truckee’s Historic Guidelines that he downloaded from the Web. After much discussion, it was decided that it contained some information that was already included in the sign ordinance, and some of it contains other usable information that would more than likely be added after completion of the zoning.

City Planner Peters informed the commissioners that she would bring some examples of heights limits for the historic commercial area.

City Planner Peters further informed the commissioners that the specifics on the tour trip set for Aug. 30, 2005 were still being fine-tuned and they would receive their agenda by the Friday prior to the tour.

**8:35 p.m. Adjourned**

Attest:

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Candy Collins, Accounting Assistant

Date Approved: 09/19/05