

**Jackson Planning Commission
Minutes
Special Meeting of January 30, 2006**

COMMISSION MEMBERS PRESENT:

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

CITY STAFF PRESENT:

Susan Peters, City Planner
Candy Collins, Accounting Assistant

CITY STAFF ABSENT:

COMMISSION MEMBERS ABSENT:

Terri Works

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

1. Public Matters Not on the Agenda.

None

2. Election of Chairman and Vice-Chairman.

Deferred to February 21, 2006

3. Public Hearing – Tree Removal, John Dardis, 250 French Bar Rd., APN 020-382-001.

City Planner Peters read the following report:

Project Description

In accordance with Section 17.31.060 of the Landscape Planning Ordinance, the applicant is requesting permission to remove one multi-trunk oak tree to accommodate construction of a commercial structure located at 250 French Bar.

Planning Commission Review & City Council Appeal

The Planning Commission reviewed Mr. Dardis' request at their December 19, 2005 meeting. Staff's understanding of the request was to remove three trees to accommodate an access road to a proposed commercial structure. The request is actually for removal of one tree to allow for construction of an additional commercial structure (labeled "future expansion" on the attached site plan). The other trees on this site are proposed to be saved, including two originally proposed for removal.

The Planning Commission reviewed the request for the removal of the three trees and denied the request finding that removal was not necessary for the proposed construction. The applicant was

not available at the meeting to confirm this assertion and has appealed the Planning Commission decision to the City Council.

The City Council heard the applicants appeal request at their January 9, 2006 meeting and determined that the change in application from removal of three trees to one and the additional information regarding the location of the proposed commercial structure essentially constituted a new application which should be heard by the Planning Commission

Conditions of Approval

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

1. Applicant shall provide the Planning Department with a landscape plan per the Landscape Planning Ordinance.
2. Pursuant to the Landscape Planning Ordinance all trees to be saved shall be appropriately fenced and any tree maintenance shall be performed by a qualified arborist.
3. Removal or damage of any trees designated to be saved will result in a minimum fine of \$5,000 per tree.

Recommendation

Should the Planning Commission choose to approve the tree removal for Mr. Dardis, staff recommends adopting a resolution approving the tree removal plan at 250 French Bar Road subject to the conditions of approval located in this report.

At the December 19, 2006 Planning Meeting, Suzanne Plasse stated that she objected to the removal of the trees (which at that time it was thought to be three trees). She contacted Candy Collins today (January 30, 2006) and stated that she now understood the proposal and had no objection to the tree removal.

Discussion ensued between applicant John Dardis, City Planner Peters and the Commissioners in regards to the remaining trees and the planting of additional trees.

Moved by Vice-Chairman Carleton, seconded by Commissioner Faulkner and carried by a 4 to 0 vote to approve Tree Removal, John Dardis, 250 French Bar Rd., APN 020-382-001 with the Conditions of Approval.

- 4. Public Hearing – Tentative Parcel Map 2713, Peter & Elke Duffy and Carol Cudia, 3 & 5, 7 & 9 French Bar Rd., APN 020-312-050 & APN 020-312-051. Continued public hearing from January 17, 2006**

City Planner Peters read the following report:

Project Description

The applicants are proposing to divide one lot with two existing duplex units into two lots. The properties are zoned Multi-Family Residential (R-3) and are built out with two duplex units for a total of four residential units. The purpose for the split is to allow for individual ownership of each duplex (see attached Tentative Parcel Map). Should the split be allowed, the access road to Parcel B would be considered the front yard of the structures. The rear yard would be on the northern side of the structures. Residential rear yard setbacks are required to be ten feet. The existing structure on Parcel B currently encroaches two feet into the rear yard setback.

Discussion

The Planning Commission held a public hearing and reviewed this item at the January 17, 2006 meeting, but did not take action. The Mayor expressed some concern regarding the availability of individual sewer service to each residential unit. Staff was unable, at that time, to confirm that each unit did, in fact, have individual service. Attached for your review is a Memorandum from Engineering Technician Gary Urzik. Together with Public Works Superintendent Terry Watson, Gary determined that there is individual service, however, there are some problems with the sewer cleanouts. Conditions of approval regarding the cleanouts have been added to this report.

General Plan Designation and Zoning

The City of Jackson General Plan designation and zoning for the project site is Medium Density Residential (R-3).

Environmental Review

While Tentative Parcel Maps and 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

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.
4. There are special circumstances applicable to this property (lot configuration) which deprives the property of privileges enjoyed by other property with a similar use.

5. 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.
6. 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.

Conditions of Approval

Should the Planning Commission choose to approve the proposed Tentative Parcel Map the following Conditions of Approval are recommended:

1. The existing sewer cleanouts shall be upgraded to City standards. Cleanout boxes shall be replaced with concrete type with a traffic rated steel lid. All sewers piping at each cleanout shall terminate with a watertight cap. This condition shall be implemented to the satisfaction of the City Engineer.
2. The existing sewer main shall be cleaned and balled. This condition shall be implemented to the satisfaction of the City Engineer.

Action

Should the Planning Commission chose to approve Tentative Parcel Map 2713 and rear yard variance for Peter and Elke Duffy, and Carol Cudia, the following actions are recommended:

1. Instruct Staff to file a Notice of Exemption; and
2. Adopt a Resolution approving Tentative Parcel Map 2713 and rear yard variance for Peter and Elke Duffy, and Carol Cudia based on the Findings and subject to the Conditions of Approval in this report.

Discussion ensued between City Planner Peters and the Commissioners in regards to current zoning, the change of the side yard becoming the back yard, and the fact that the front door faces the access road but still having the French Bar Road address.

Chairman Garibaldi opened the public hearing.

No public comment.

Chairman Garibaldi closed the public hearing.

Moved by Vice-Chairman Carleton, seconded by Commissioner Faulkner and carried by a 4 to 0 vote to approve Tentative Parcel Map 2713, Peter & Elke Duffy and Carol Cudia, 3 & 5, 7 & 9 French Bar Rd., APN 020-312-050 & APN 020-312-051 based on the findings and subject to the Conditions of Approval.

5. Workshop – Zoning Ordinance.

City Planner Peters stated that as soon as the Planning Commissioners were satisfied with the Zoning Ordinance, she would make the changes agreed upon and send it to PMC for a pier level review and their recommended changes. It will then come back to the Planning Commissioners for a quick review and submitted to the City Council for their approval and then incorporated into the EIR. After that time it will be sent certified mail to the property owners that would be impacted by the new development standards.

City Planner Peters and Commissioners went over **Article V** and the definitions in **Article VII** and made some minor changes and some to be further researched for additional information.

City Planner Peters and Commissioners agreed to finish Article VI at the February 21, 2006 Planning Meeting.

6. ADMINISTRATIVE REPORTS.

Adjourn 8:30 pm.

Attest:

Candy Collins, Accounting Services II

Date Approved: Draft