

# Jackson Planning Commission

## Minutes

### Special Meeting of October 03, 2005

**COMMISSION MEMBERS PRESENT:**

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

**CITY STAFF PRESENT:**

Susan Peters, City Planner  
Michael Daly, City Manager  
James D. McNairy, Attorney  
Candy Collins, Accounting Assistant

**COMMISSION MEMBERS ABSENT:**

**CITY STAFF ABSENT:**

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

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

None.

**2. Public Hearing-Final Environmental Impact Report (FEIR), Jackson Hills Golf Course and Residential Community.**

**City Planner Peters** summarized the purpose of the meeting by explaining it's 2-fold. 1<sup>st</sup> is to consider certification of the EIR and to determine the adequacy of the document and if it is adequate enough for this body and the City Council to make a decision on the project. If all the information is correct and mitigation is in place in the document for the Planning Commission to make an informed decision and 2<sup>nd</sup> is to consider the merits of the project and the project determination. Both of these actions that the Planning Commission will be considering at this meeting are recommendations for the City Council only. If it gets forwarded at this meeting or a subsequent meeting, they will be heard at the City Council which will be public hearings as well.

**Pat Angel PMC (Pacific Municipal Consultants) Project Manager for the Final Environmental Impact Report (DEIR)** addressed that what he has tonight is a very brief presentation overview of the Final EIR and for consideration on forwarding a recommendation to City Council to certify the Final EIR.

**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.

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

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

**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
- Drainage improvements.
- Water supply distribution improvements.

Mr. Angel explained the list of the purposes and objectives of California Environmental Quality Act (CEQA). The objectives of CEQA are to disclose to decision makers and public significant environmental effects of proposed activities; identify ways to avoid environmental effects; prevent environmental damage by requiring implementation of mitigation measures or alternatives; disclose to public reasons for agency approval of projects with significant environmental effects. Foster inter-agency coordination in the review of projects; and to provide the opportunity to enhance the public participation in the planning 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. It does not involve addressing economic or social concerns.

**Processing History:**

The Notice of Preparation (NOP) was released in November 2002, which announced the preparation of an EIR and we solicited comments on what should be addressed in the EIR. 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 was released in April 2005 and before the planning commission June 20, 2005, with the comment period ended June 21, 2005.

**The Environmental Review Process consists of 2 parts.**

**Phase 1** portion of the project is currently pursuing a tentative subdivision map request and golf course-related facilities. Thus, the Final EIR evaluates Phase 1 at a Project level of detail.

**Phase 2** does not currently include a proposed tentative subdivision map. Thus, the Final EIR evaluates Phase 2 at a Program level of detail.

**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

**Significant and Unavoidable environmental impact issue areas:**

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

**Major Comments Received on Revised Draft EIR**

Traffic  
Public Service Provision  
Fiscal Effects  
Water and Wastewater Service  
Biological Resources

**Final EIR** Responds to comments related to the Revised Draft EIR's analysis of physical effects to the environment. Includes modifications to mitigation measures and additional requested data. Final EIR (which incorporates the Revised Draft EIR) meets the requirements of CEQA.

**What does Certification Mean?** Required action under CEQA prior to considering approval of a project. Certification action consists of the City determining that the Final EIR (1) meets the requirements of CEQA (2) has been considered by the City, and (3) reflects the City's independent judgment.

**Use of the Final EIR After Certification.** Information in the Final EIR must be considered as part of actions on the project. Project approval and/or modification will require specific findings to be made under CEQA regarding the significant environmental effects.

**Pat Angel** ended his presentation with the following:

**Options for Planning Commission Action.**

**Certification of the Final EIR.** Determine that the Final EIR is adequate and recommend certifying to the City Council. **Or** determine that the Final EIR is adequate (with minor amendments and recommend to certify to the City Council. **Or** determine that the Final EIR is not adequate and recommend that the City Council not certify the Final EIR.

**Project Consideration.** Recommend project approval to the City Council. **Or** Recommend approval of a modified version of the project to the City Council **Or** Recommend project denial to the City Council.

**Michael J. Cook- Partner with Hefner, Stark & Marois, Land Use & Real Estate firm in Sacramento- Representative of the Jackson Hills Project for the last couple of years.**

Addressed the fact that this EIR is in the 2<sup>nd</sup> iteration because the comments to the 1<sup>st</sup> EIR were so lengthy and good that it was decided to do the EIR over again. One question that Mr. Cook addressed was, are they happy with the EIR? His answer was not completely. They felt that the consultants, who are some the best traffic engineers in the region were overly conservative. They also suggested that a different standard be used than the ones the consultants used and it was rejected. Similarly they commented on cultural resources and felt that there wouldn't be an impact and again they didn't win that debate either. Mr. Cook went on to express their prospective as Pat Angel pointed out, there are a number of significant impacts that remain unmitigated and will be the subject of overriding considerations. Mr. Cook gave an example that conversion of open space land, increase in population and increase in light & glare is automatic and any project that is converting grazing land into any type of development is going to end up with these impacts. Mr. Cook stated that it was a question of whether this project is balanced, once you've heard the project merit portions of the presentation. Leaves you to override and determine that the project benefits outweigh whatever impacts there are. He went on to state that his 2<sup>nd</sup> comment is they believed there will be a lengthy presentation on transportation impacts and there are 4 or 5 traffic related transportation impacts. Mr. Cook expressed that all of them were comprehensively examined in the EIR by the best consulting team that he has run into. He further stated that the mitigation measures that will be imposed at the end are going to be the same mitigation measures in the end whatever the ½ hour presentation is. Mr. Cook stressed that the 4 or 5-drafted measures were identical and in each case you must pay all impact fees and you must pay you fair share of any improvements, not covered by fees. He quoted that Case Law and CEQA allows you to require any developer to fully mitigate. Mr. Cook indicated that Les Clark the project engineer from Nolte would be available to discuss any particular roadway segments or intersections, but expressed that they felt that the bottom line was that they have been adequately analyzed, there is a feasible mitigation measure and that it is as comprehensive as it could be as long as the fee structure is right. Mr. Cook ended his presentation by encouraging the people to make sure that all facilities were included in the Transportation Improvement Program, that the real costs are utilized and the right fees are imposed.

**Charles Field- Executive Director for (ACTC) Amador County Transportation Commission** explains that one the primary responsibilities of the ACTC is to develop and update every 4 years a County Wide Transportation Plan and the primary purpose of this plan is to identify and prioritize a major state highway project and to identify and secure sources for them. The ACTC has been concerned over the past years as growth has occurred in the County, that the list of the projects without the funding has become nearly unmanageable. The Commission has subsequently asked that ACTC participate more and more with the Planning Commission in the land use decisions and this is the reason that ACTC is here tonight. Mr. Fields went on to say that for the first time feels that he is put into a position to recommend a denial of this project, at least until such time as the Transportation, Planning, and Funding Programs is able to support not only the new developments but the existing developments that already are allowed to occur within the City.

Mr. Fields presentation was in 2 parts. The first part consisting of a set of ACTC fact sheets divided into current and future projects. The second part was on Jackson Hills Project and how it relates to the Regional Transportation Plan Basics and well as the City's General Plan Circulation Element Policies. In the presentation was a spreadsheet that showed proposed funding sources, and a lot of yellow highlighted columns of projects where funding was not available at the present time. He went on to explain there is only enough State or Federal funds to come forth, if they are lucky to build 1 more major type of Highway Project in the next 20 years and there are 3 contenders trying for the money. Mr. Fields explained that the ACTC is continuing to pursue new funding sources. The 4 primary methods are (1) State and Federal funds; (2) Pursue local sales tax by adding a ¼, ½ or even a full cent to the local sales tax, which requires a 2/3 rd vote of Amador Co. Voters; (3) Traffic Mitigation Fees – which right now is \$3,000 per dwelling unit. To cover the costs of the projects that are unfounded to date would require 1\$10,000 to even \$20,000 per dwelling, if costs keep going up. And (4) To require developers to clearly document their fair share impacts on the regional roadways or highways and to pay that share in addition to the traffic mitigation fees. Mr. Fields further explains the chart that was handed out by explaining how the road sections are presently and how they will be in 2025, including the Jackson Hills Project. Mr. Fields further states that there are significant impacts that this project generates. The EIR documents them. There are not the plans in place or the funding strategies in place to address them. So the ACTC questioned on why would the City of Jackson approve this project when it does not have the infrastructure or the plans or the funding strategies for infrastructure to support it.

Charles Fields concluded his presentation with talk of the Circulation Element Policy 2.A.1 and how the EIR states it needs to be changed and that the amended draft that was gone over in May 2005 had added some proposed qualifications. Mr. Fields went over a couple of the qualifications and the EIR proposals and documentations.

Charles Fields answered Commissioner Carleton's question in regards to the ozone by stating that the County has until 2009 to come up with a plan to correct the ozone or the flow of Federal Transportation Funds could be cut off or curtailed and that in the EIR it was stated that this is another significant and unavoidable impact and that it was suggested that if the project was approved it that it adopt a statement of overriding conditions.

**Debra Dunn (Amador Co. Recreation Agency) in place of Tracy Towner-Yep** read a letter prepared by Tracy in regards to the proposed project and the proposed 3 acre park dedication.

Tracy urges the developer to rework the project to include a 6-acre park that will be accessible to the citizens of Jackson.

**Chairman Garibaldi opens to the Public at 7:00 p.m.**

**Bill Rescan – Jackson** – Registered Civil Engineer – Retired – stressed his concern that this project was too risky for the City of Jackson.

**Richard Schuman – Volcano** – asked that this article from today’s Oct. 3, 2005 Page 4, of the Sacramento Bee titled “Who pays for Roads be put on the record.

Who Pays for Roads

El Dorado County is reeling from sticker shock caused by the unpaid price of growth. County supervisors have dramatically increased the fee on new construction, the wider roads and new interchanges that help to deal the increased traffic. The fee is \$28,384 for a new single-family home n Cameron Park. For a new home in El Dorado Hills, the fee is \$22,686. Builders are outraged at the size of this fee. Slow-growth advocates, meanwhile, are just as livid that the proceeds from this fee don’t come close to paying for the road improvements needed to prevent traffic from worsening to an urban crawl. The so-called service level F. Different as they are, both concerns are granted I the same reality. El Dorado County is among the many California communities that have found it easier to grow than pay for the impacts of that growth. Supervisors can’t approve more equitable financing solutions absent the approval of the voters, so they stick it to the residents that aren’t there yet. El Dorado County sticker shock is a result of its new general plan. A judge threw out the old one saying it was grossly deficient in analyzing the real costs and impacts of growth, so the County had to true up its financial numbers. The county has to quantify just how much money it would take to keep traffic from sliding to the dreaded F category. The answer is about \$640 million over the next 10 years. So what will this new fee raise from new development? About \$240 million. About \$400 million short of what is needed for road projects. To close the gap, the county is banking on some existing reserves and some State funds and stretching out some projects over a 20-year horizon. The numbers tell a staggering story. If new developments were paying the full costs of these projects, the road fee on new foothills home could easily top \$40,000 and even approach \$50,000. Remember, this is just road fee. What is these numbers telling us? Several things. The board for example hasn’t been collecting enough development fees to keep up with the actual demand. El Dorado County Development Low Density foothills sprawl has lots of expensive road improvements and isn’t a model for the future. The States taxation system from Prop. 13 to these fees are grossly unfair and El Dorado County is going to be wrestling with its gross transportation mess for years to come.

Mr. Schuman closed his speech with stating that he hoped the planning’s decision doesn’t cause the City of Jackson to have the same problems and mess.

**John Plasse- S. Jackson** expressed his feelings on 3 areas of deficiency with the EIR. 1. Concern with probability of degradation to ground water and what this might do to his drinking water on his property and desire that the developer stub water to his property in the event that the ground water is degraded due to the golf course chemicals, fertilizer and general run off. 2; Concern on the General Plan or the Proposed General Plan, the Resource Allocation Plan and 3; Questioned his

understanding that new developers would totally fund and construct infrastructure and whether the City of Jackson would pay back to the developer the part that wasn't the developer fairshare.

**David Carlson, Jackson resident for 29 yrs, home is the ½ Moon G Ranch – that joins French Bar Rd. and across from the Gold Country Estates.** Expressed his support of the Jackson Hills Project and encouraged the approval of the EIR.

**Jeannie Plasse – S. Jackson** further expressed her concerns as those indicated by John Plasse and stated her concerns on whether the City of Jackson's staff would be able to monitor and enforce the requirements of the EIR on this project at all times. Ms. Plasse also answered Chairman Garibaldi's question on which other landowners would be affected with the water issue by giving the following homeowner names of Busi, Digitali and Barci.

**Frank Busi-** has a son and grandchildren that live down stream of the project and expressed his concern on what and who will be responsible if the water gets contaminated.

**Ken Berry** – expressed his thoughts that this project needs to be turned down. Mr. Berry also expressed deeply his questions on the proposed General Plan Land Use and how there can be decisions made without one.

**Pat Pordo – 210 Kern Street – 20 yrs** – expressed her concerns on the neighborhood roads (side roads) and how they are going to be greatly impacted and also her concerns on non-profit infrastructure such as the schools, post office, law enforcement, etc.

**Ken Perano – Jackson** – fully expressed his desire to 2<sup>nd</sup> the presentation and recommendation of Charles Field and wanted to put on record that based on this project he urges a denial on the certification of the EIR and a denial of the Jackson Hills Project.

**Chris Wright – Executive of the Foothill Conservatory** – related that the Conservatory couldn't support the certification of the FEIR nor recommend approval for the Jackson Hills Project. Mr. Wright also expressed his concerns regarding the same issues as the prior speakers and wanted to further express his feelings that he felt it to be the Planning Commission's responsibility to deny this project due to the lack of guaranteed water.

**Carla Bowers – Upper Volcano** – expressed her recommendation that the Certification of the FEIR and for the Jackson Hills Project be denied, because she did not feel that there are any important planning tools in place. Ms. Bowers also wanted to recommend that the City Of Jackson have any and all project follow the SB 1334 Guideline passed January 1, 2005 for preservation of Oak trees.

**Ray Porto** – expressed that he wasn't against growth but his main concern was letting new developers come in and not improve things.

**Cathy Vanderford – Clinton Rd.** – strongly expressed her concern for the City's and the Counties over crowded schools and that there will be additional children moving into this project.

**Martin Tuttle – New Phase Development** –expressed his feelings that the FEIR is more than adequate. Mr. Tuttle stated that he has worked for 3 years in Solono County and 6 years in

Sacramento County overseeing the Transportation Planning Agency. He further stated that they felt that the more mature homebuyers will be attracted to this project and that with the use of the public access trails that there will not be as much traffic impact as was presented by the previous speakers. He further stressed that they are committed to being good neighbors and felt that the project would be what he called smart growth.

**Chairman Garibaldi called for a break – 8:25 p.m. and reopened the public hearing at 8:40 p.m.**

**Les Clark – Nolte Associates – Representative for the applicant – New Phase Development.**

Commented on the comments made by Charles Field. He felt that the FEIR has identified all potential impacts for the Jackson Hills Project. Mr. Clark shared their feelings on how they felt that the comments made by them that proved information on the existing cross-sections for Hwy 49 were potentially misrepresented by having a smaller existing capacity than the current land configuration would suggest. The segment from French Bar Road out to Scottsville Road was classified as a 2-lane roadway with a certain level of capacity for average daily traffic. In reality the roadway has two fairly wide through lanes, 1 in each direction, a 2-way left turn lane and moderately wide shoulders that meet Cal Trans capacities for a higher capacity roadway. He further stated that they want to continue working with ACTC through additional meetings to meet resolutions. Mr. Clark shared their belief that this project is ready to mitigate its impacts through the payment of RTP fees and also pay a fair share of those projects not included in the RTP as funded because it doesn't make sense for the project to fund through fees that have been developed in the fee program and also to pay a fair share for the same projects. In closing Mr. Clark shared their feelings that this FEIR is adequate and how they think it overly stated the project impacts but they feel its appropriate and how they recognize it is just a start of the entitlement process and how the rest of entitlement process cannot move forward without an EIR document that forms the basis of future decisions whether they be positive or negative, finally they urged the Planning Commission to recommend certification to the City Council.

**Bill Condrashoff – Jackson** – shared his feelings on the time line that this project would be finished and how until it was known, there was no way to calculate the percentage on increased traffic. He further expressed the danger of increased ozone by using non-electric golf carts and the need to get a handle of our ozone or lose transportation funds.

**Krista Clemin – Amador Co. Land Owner** – shared her understanding that a lot of the land adjacent to the proposed project is under the Williamson Act Land and how the State is stepping in to see the negative impacts on this land and how this is not in the FEIR. She further stated her understanding was that all developers have some sort of an agreement with the School District as to what exactly they will contribute to the School District and wondered what this proposed project's developer is proposing. Another concern that was shared by Krista was fire protection and how the County is already short of fire fighters. In conclusion Krista expressed what she considered such a small amount of mitigation by such a large development in regards to City facilities.

**Jerry Jolly – resident in the County for 28 years** – shared his concern that if the FEIR was rejected would the City be missing an opportunity to work in partnership with the developer, who in his view has the County and City's best interest in mind. Mr. Jolly shared his recommendation that an approval be made tonight.

**Russell Evitt – resident since 1948** – expressed his opinion that Charles Field was an expert with the community’s best interest in mind. Mr. Evitt also shared his opinion that with all the unmitigated major and significant impacts that this proposed project will bring and unless there is mixed commercial and at least light industrial to get tax money needed that he didn’t feel that this should be approved.

**Kristen Perano – Jackson** – stated that she also felt that this FEIR not be approved.

**Martin Tuttle** – came back to the podium to ask that if the decision was to not certify the FEIR, they as representatives for the project ask that they get another 60 days to work with the consultants and staff and bring this back.

**Sally Blackman – Jackson** – shared her opinion that she hoped the certification of the FEIR be approved because she felt the developers had the communities best interest in heart.

**Michael Cook** – returned to the podium to express his desire that the FEIR be approved for certification because the debates and the merits of the project cannot be addressed without it.

**Chairman Garibaldi closed the public comments at 9:20 p.m.**

**City Planner Peter** responded to several of the speakers comments with answers to where they could find the information they talked about in the FEIR.

Ms. Peters also commented on the letter received from John and Jeanne Plasse regarding modification to the mitigation measure, which states at the end the mitigation, could include provisions of a replacement domestic water source if adjacent land use water source is compromised, Ms. Peters stated she would suggest that be clarified to say would include and that would hopefully alleviate that issue. Ms. Peter’s also stated that the City would hire a full time person to monitor the development as the developer’s expense. In answer to Mr. Plasse’s question in regards to which jurisdiction the project would be under, Ms. Peter’s responded that one of the 1<sup>st</sup> COA’s in the development package is that the project would be annexed into the City of Jackson and whereby the City’s standards would apply. Ms. Peters clarified that the certification of the EIR is only a tool to provide information to make a determination of the project and would support the findings that are made whether the project is accepted or denied.

Attorney Jim McNairy clarified this with the Planning Commission’s action and the City Council’s action, should it get to that point, that in no way does it set a legal precedence for a future developer to use what happens in this environmental review process as a precedence upon which to demand entitlement or anything of that sort.

**Chairman Garibaldi-** Ms. Peter’s comments to Mr. Jolly in regards to what happens if the FEIR is not certified with the Planning Commission can direct staff to continue to work on the deficiencies of the EIR and bring it back or the applicant could decide not to continue with the project, that were to be the result, the applicants have 2 lots within the City of Jackson zoned residential/agricultural

which is one dwelling unit per acre so they can put 2 houses on that property. Without a certified EIR, staff would not recommend that the Planning Commission or City Council take action on the project because that is the tool to make the findings for denial or approval of a project, so Ms. Peters feels its important that regardless of the disposition of the project, that the EIR be certified prior to making a determination on the project.

**Pat Angel** clarified what Charles Field presented in regards to no feasible mitigation on the intersection of 49/88. He further stated that mitigation on the oak trees and woodlands go way beyond what the City requires because it is tailored under the recommendations of Fish n Game and an analysis by an arborist.

There was much discussion between Jim McNairy, City Planner Peters and Chairman Garibaldi's questions regarding the time frame from the recommendation for certification of the EIR and the City Council acting on it and the time frame from when and if the EIR is certified and how long it is good for.

Further discussion ensued among the council members, City Planner Peters and Attorney McNairy in regards to putting additional COA's on the project as long as they don't create a situation where you are directing something that hasn't been covered in the EIR. If an alternative was considered it could likely require an additional supplemental environmental analysis or an addendum to support the FEIR.

**Pat Angel** explained the meaning of SP221, SP610 and read the Government Code 66473.7 and stated that basically you cannot move forward to finalize a subdivision map until the water source is determined.

**Staff and Commission members** discussed the proposal of more meetings if needed to make a decision and it was clarified that they could take as many as needed as long as there was progress.

**City Planner Peters** again clarified that the EIR is a tool for the Planning Commission and the City Council to utilize; it is not a determination on the project.

**Commission members** further discussed on whether they felt that the EIR was adequate.

**Commissioner Butow** stated that it didn't adequately address the problems with traffic, the oak trees and further problems.

**Vice-Chairman Carleton** felt that the EIR was inadequate in regards to barriers between the residents and grazing lands and concurred with Chairman Butow in regards to traffic and the oak trees.

**Commissioner Faulkner** expressed her concerns in regards to mitigation, golf carts, and agreed with prior councilman about the oak trees and felt that if the next phase couldn't contain changes, that she couldn't vote to certify the EIR.

**Commissioner Works** disagreed with her fellow commissioners and feels the EIR is adequate for her purposes and it contains the significant impacts of the project.

**Chairman Garibaldi** stated that he agreed also and he felt that not agreeing to the certification of the EIR would be dodging the issues, so he recommends certifying the EIR.

**Moved by Commissioner Works and seconded by Chairman Garibaldi to recommend certification of the Final Environmental Impact Report and recommendation to make the findings A, B, & C to the City Council and carried by a 3to 2 vote. Vice-Chair Carleton and Commissioner Faulkner opposing.**

**3. Public Hearing – Project Determination, Jackson Hills Golf Course and Residential Community.**

Continued to the Oct. 17, 2005 meeting.

**4. ADMINISTRATIVE REPORTS.**

None.

Adjourn 10:25 pm.

Attest:

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Candy Collins, Accounting Assistant

Date Approved: December 19, 2005