

Jackson Planning Commission Minutes of January 17, 2006

COMMISSION MEMBERS PRESENT:

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

CITY STAFF PRESENT:

Susan Peters, City Planner
Candy Collins, Accounting Services II

CITY STAFF ABSENT:

COMMISSION MEMBERS ABSENT:

Wayne Garibaldi, Chairman

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

1. Public Matters Not on the Agenda. None

2. Approval of Minutes of September 19, 2005 and October 17, 2005.

Moved by Commissioner Works, seconded by Vice-Chairman Carleton (Commissioners Faulkner and Butow abstained) and carried by a 2-0 vote to approve the minutes of September 19, 2005.

Moved by Commissioner Works, seconded by Vice-Chairman Carleton and unanimously carried to approve the minutes of October 17, 2005.

3. Election of Chairman and Vice-Chairman. Make appointments for 2006.

Deferred to February 21, 2006

4. Amador County Transportation Commission – Jackson SR-88 Corridor Alternatives Analysis. Accept Report

Charles Field, ACTC Executive Director, stated that the report did not achieve the objective that the ACTC had hoped for in that the City of Jackson would come up with a consensus alignment for a Jackson Bypass, a project the City could endorse in its General Plan Circulation Element and that the ACTC could adopt in their Regional Transportation Plan. He went on to state that the report did narrow the focus down to 4 alternatives, and that 2 were still standing, and the best way to look at it is that it is a beginning. He further explained the 4 bypass alternatives and the possible costs.

1. “Do nothing” Alternative
2. North Jackson Bypass (Corridor 2) Alternative – approx 25 million
3. Ridge/Climax Road Bypass (Corridor 4) Alternative – approx 100 million

4. Western Bypass (Corridor 5) Alternative – 60 million

Mr. Fields went on to state that the ACTC with the support of the City to go back to work on this project and try harder to come up with a solution. He went on to state that the best advise was not to approve any more major development project until a solution can be found.

Commissioners and Mr. Fields discussed the funding source and time frames to come up with a Community Concessive Project and came to the agreement to continue this discussion to the February 21, 2006 Planning Commission meeting.

5. Public Hearing – Variance 2005-04, Carson Townhouse Assoc., 50 Westview Drive, APN 044-352-045. Continued public hearing from November 21, 2005

City Planner Peters read report

Project Description

The applicant is requesting a variance to allow construction of a multi-family residence. The Westview Subdivision requires rear and side yard setbacks of 20 feet for this parcel.

Discussion

In September of 2004 the Planning Commission approved a variance and tree removal request to allow for a narrower driveway access. Subsequent to that request, the Carson Townhouses Home Owners applied for a received Planning Commission approval of a Tentative Parcel Map to split this vacant lot from the remainder of the town-homes to allow for sale and development of the property for a multi-family residence. The resolutions from these two actions are attached for your review.

In November 21, 2005 the Planning Commission then reviewed this variance request with a request to remove the one tree on the site. At that meeting staff was directed to provide additional information regarding the storm drain and tree location. Attached for your review is an updated map, which shows the setbacks, storm drain, and tree location. Additionally, staff has staked the location of the storm drain on the project site.

Subsequent to the November 21, 2005 Planning Commission hearing, the applicant has omitted the tree removal request from the variance application.

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 the Carson Townhouse Home Owners the following actions are recommended:

1. Instruct Staff to file a Categorical Exemption; and,
2. Adopt a Resolution approving Variance 05-04 for the Carson Townhouses Home Owners at APN 044-352-045 based on the Findings in this report.

Staff and the Commissioners discussed the requested setbacks.

Commissioner Butow stated that he wouldn't have a problem with the applicants even going to 5 feet on the both sides if they needed it because they are so constricted because of the requirement to keep the oak, in which they also agreed to do.

City Planner Peters also clarified that the Town Home Association hired an arborist to check the oak tree and it was determined that the tree was healthy.

Terry Dasno – Representative for Carson Townhouse Association clarified that the tree was not an issue anymore and that it would be protected as specified in the COA for Tentative Parcel Map.

Vice-Chairman Carleton opened the public hearing.

No public comment.

Vice-Chairman Carleton closed the public hearing.

Moved by Commission Works, seconded by Commissioner Faulkner and carried by a 4 to 0 vote to approve Variance 2005-04, Carson Townhouse Assoc., 50 Westview Drive, APN 044-352-045 based on the Findings 1 through 3. the variance shall allow the setbacks to be 5 feet on the side and rear yards.

6. Public Hearing – Tentative Parcel Map 2698, Harry & Jacquelyn Fletcher, 240 Walnut Street, APN 020-221-014. Continued public hearing from December 19, 2005

City Planner Peters read report

Project Description

The applicants are proposing to divide one 0.379 acre lot into two single family residential lots. Proposed Parcel A has an existing single family residence and is 9,687 square feet and, Parcel B is 6,807 square feet. Parcel A would continue to access off of Walnut Street. Parcel B would access off Mountain View Drive.

December 19, 2005 Planning Commission Review

At the December 19, 2005 meeting, the Planning Commission held a public hearing to consider the proposed property split. At that meeting there was some concern regarding the adequacy of the boundaries depicted on the Tentative Parcel Map. Specifically, there was concern from a neighboring property owner that the easterly property corner was incorrect. Additionally, there was some question as to whether the proposed Parcel B could be accessed off of Walnut Street as opposed to Mountain View Drive. The public hearing was continued and staff was directed to review these issues.

Attached for your review is a Memorandum from City Engineer Roark Weber regarding the disputed property corner. It is the City Engineer's opinion that the boundaries depicted on the Tentative Parcel Map are indeed correct. Additionally the City Engineer is requesting that the applicant be required to provide for a minimum of 20 feet for driveway access off of Mountain View Drive. Toward that end staff has met with the neighboring property owner, Ms. King, who has indicated a willingness to allow for an easement to the applicant for the increased driveway access in exchange for an easement shown on the Final Parcel Map for the portion of her water line which is on the applicant's property. These easement requests are in the form of Conditions of Approval below.

Staff also reviewed the potential use of Walnut Street as access to Parcel B. Due to the slope, and the location of an existing garage and large oak trees, the Walnut Street access is not considered feasible.

General Plan Designation and Zoning

The City of Jackson General Plan designation and zoning is Single-Family Residential (R-1).

Environmental Review

In accordance with the California Environmental Quality Act (CEQA) an Initial Study was prepared for this project and is attached for your review. 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 (EIR).

Discussion

Despite the significant unavoidable impact to circulation resulting from any additional traffic, the Planning Commission has approved a few Tentative Parcel Maps with a Negative Declaration or Mitigated Negative Declaration as opposed to an EIR on the basis that the City is in the process of amending the Circulation Element and small infill projects would, according to the proposed update, be allowed to exceed the Level of Service threshold. For this reason, staff is providing the necessary information should the Commission choose to approve the project with a Negative Declaration.

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 findings should be made:

1. All Standards for Development shall apply to this project.
2. A tree survey depicting trees to be removed or saved in accordance with the Landscape Planning Ordinance shall be submitted to the Planning Commission prior to any clearing or grading activities.
3. In accordance with the Landscape Planning Ordinance, any trees designated to be saved shall have field fencing installed around the drip line of the tree for the duration of construction.
4. Removal or damage of any trees designated to be saved will result in a minimum fine of \$5,000 per tree.
5. Final map shall show dedication of road easement for Mountain View Drive. This condition shall be implemented to the satisfaction of the City Engineer.
6. Applicant shall obtain easement from southern property owner to allow for a minimum 20-foot driveway access from Mountain View Drive to Parcel B. This condition shall be implemented to the satisfaction of the City Engineer.

7. Final Parcel Map shall show easement for southerly property owner's water line. This condition shall be implemented to the satisfaction of the city Engineer.
8. Prior to recordation of any Final Parcel Map, the applicant shall provide the City of Jackson Planning Department a "will serve" letter form the Amador Water Agency for domestic water service to all resultant parcels. This condition shall be implemented to the satisfaction of the City Planner.
9. Applicant to reimburse Rosalie Pryor Escamilla for paving subject to City Engineer's satisfaction for the small portion of land that belongs to the Fletchers.

City Planner Peters stated that one issue that was not put in the report was the pavement. Ms. Pryor-Escamilla had to pave the portion of Mt. View to her property, which extended onto Mr. Fletcher's property. It has been suggested that if this project is approved that **# 9 of the COA be added.**

Action

Should the Planning Commission choose to approve Tentative Parcel Map 2698, 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 2698 for Harry and Jacquelyn Fletcher based on the Findings and subject to the Condition of Approval in this report.

City Staff and Commissioners discussed the issue of the City maintaining the street and it was stated by City Planner Peters that yes the City would maintain the street with the exception that until the Fletchers finalize their map and gives the City easement at the point.

Vice-Chairman Carleton opened the public hearing.

No public comment.

Vice-Chairman Carleton closed the public hearing.

Moved by Commission Works, seconded by Commissioner Butow and carried by a 4 to 0 vote to approve Tentative Parcel Map 2698, Harry & Jacquelyn Fletcher, 240 Walnut Street, APN 020-221-014 based on findings 1-8 and adopting finding #9-Applicant to reimburse Rosalie Pryor Escamilla for paving subject to City Engineer's satisfaction for the small portion of land that belongs to the Fletchers.

7. Public Hearing – Variance 2005-06, Robert Manassero, 100 Clinton Drive, APN 020-410-004.

City Planner Peters read report

Project Description

The applicant is requesting a variance to allow expansion of an existing office building to encroach 5.29 feet into the required 10-foot rear yard setback.

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 Mr. Robert Manassero the following actions are recommended:

1. Instruct Staff to file a Categorical Exemption;
2. Adopt a Resolution approving Variance 05-06 for Mr. Robert Manassero at APN (020-410-004) based on the Findings in this report.

Applicant Robert Manassero, Staff, and Commissioners discuss the applicant's intent for the space.

Vice-Chairman Carleton opened the public hearing.

No public comment.

Vice-Chairman Carleton closed the public hearing.

Moved by Commission Faulkner, seconded by Commissioner Butow and carried by a 4 to 0 vote to approve Variance 2005-06, Robert Manassero, 100 Clinton Drive, APN 020-410-004, based on the finding 1 through 3.

8. Public Hearing – Conditional Use Permit 2006-01, Joyce Ognibene, 10350 Spunn Road, APN 044-360-007.

City Planner Peters read report

Project Description

The applicant is requesting a conditional use permit to allow the sale of prosthetics and associated products to breast cancer patients.

General Plan Designation and Zoning

The General Plan Designation and Zoning for this site is Single Family Residential (R-1). Facilities of this nature are not expressly listed in any zone therefore according to Section 17.36.020 of the Municipal Code the project requires a conditional use permit.

Environmental Review

While Conditional Use Permits 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 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 the sale of prosthetics and associated products is compatible with to the surrounding land uses.

3. The proposed use 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 the proposed project the following conditions are recommended:

1. Sales shall be by appointment only.
2. Hours of operation shall be restricted to 8:00 am to 5:00 pm Monday through Friday.
3. There shall be no signs on the residential structure advertising the business. This condition shall be implemented to the satisfaction of the City Planner.
4. This Conditional Use Permit shall be reviewed in one year for consistency and additional conditions if necessary.

Action

Should the Planning Commission chose to approve the conditional use permit for Ms. Joyce Ognibene, the following actions are recommended:

1. Instruct Staff to file a Categorical Exemption.
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 2006-01 for Ms. Joyce Ognibene based on the Findings and subject to the Conditions of Approval in this report.

City Planner Peters and Commissioners discussed changing the COA #2 to include Saturdays, at the applicant's approval.

Vice-Chairman Carleton opened the public hearing.

Applicant Joyce Ognibene stated that the business already exists and that she was taking it over from a woman who is older and having trouble with her hearing. Ms. Ognibene further stated that she will only be taking 1 appointment at a time and that the only insurance and billing she will be handling will be that of the business. She went on to explain that there is plenty of parking. Between the gravel parking on the North side of the property and the driveway, it could easily accommodate 7 cars, but since she will only be

making 1 appointment at a time, there will be no need for that much parking. Ms. Ognibene agreed to have her open days and hours will be Monday through Saturday from 8 a.m. to 7 p.m.

Vice-Chairman Carleton closed the public hearing.

Moved by Commission Works, seconded by Commissioner Faulkner and carried by a 4 to 0 vote to approve Conditional Use Permit 2006-01, Joyce Ognibene, 10350 Spunn Road, APN 044-360-007 based on the finding 1 through 4 and the Conditions of Approval, with COA #2 to be modified to read: Hours of operation shall be restricted to 8:00 am to 7:00 pm Monday through Saturday.

9. Public Hearing – Tentative Parcel Map 2713 and Variance, Peter & Elke Duffy and Carol Cudia, 3 & 5, 7 & 9 French Bar Rd., APN 020-312-050 & APN 020-312-051.

City Planner Peters read 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. 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 eastern 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.

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

Staff has no recommended Conditions of Approval.

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 Categorical Exemption;
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 in this report.

Staff and Commissioners discussed access and what is considered the front and back of these parcels.

Vice-Chairman Carleton opened the public hearing.

John Wheat, from Wheat Land Surveying, representing the applicants clarified that the parcels are to the West of French Bar Road and the 12 ½ foot access easement is existing and goes from the South line North 12 ½ and that would service through parcel A & B and would also serve parcels to the South.

Dave McDaniel stated that he owns ½ of the access on these lots. He obtained this through a quick claim deed with Mr. O'Neil who was the original builder and developer of these lots.

There was considerable discussion between Staff, Commissioners, John Wheat, Al Nunes, Elke Duffy and the City Planner in regards to the sewer line and whether there was more than one sewer line into these

parcels. After much discussion it was suggested that this be continued to have Engineer Gary Urzik check into this.

Vice-Chairman Carleton closed the public hearing.

Moved by Commission Faulkner, seconded by Commissioner Butow and carried by a 4 to 0 vote to continue this matter to the January 30, 2006 Special Planning Meeting at 6:00 p.m.

10. Public Hearing - Tentative Parcel Map 2705, Becky Walton, 1210 Hwy 49, APN 020-420-020.

City Planner Peters read report

Project Description

The applicants are proposing to divide one 7.9-acre lot into three lots with a large remainder lot. Proposed Parcel 1 has an existing single-family residence and is 29,185.2 square feet, Parcel 2 is and Parcel 3 are both vacant and are 24,829.2 square feet each. The remainder parcel is 6.09 acres and is intended to be subdivided at a later date.

General Plan Designation and Zoning

The City of Jackson General Plan designation and zoning is Commercial (C-2).

Environmental Review

In accordance with the California Environmental Quality Act (CEQA) an Initial Study was prepared for this project and is attached for your review. 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 (EIR).

Discussion

Despite the significant unavoidable impact to circulation resulting from any additional traffic, the Planning Commission has approved a few Tentative Parcel Maps with a Negative Declaration or Mitigated Negative Declaration as opposed to an EIR on the basis that the City is in the process of amending the Circulation Element and small infill projects would, according to the proposed update, be allowed to exceed the Level of Service threshold. For this reason, staff is providing the necessary information should the Commission choose to approve the project with a Negative Declaration.

Due to a staff oversight, this project was not circulated to Caltrans for their comment. Because this project is located on a State Highway, Caltrans is considered a Responsible Agency and must be consulted with.

The application has been forwarded to Caltrans and staff expects a response from them in time for the February Planning Commission meeting.

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 findings should be made:

1. All Standards for Development shall apply to this project.
2. A tree survey depicting trees to be removed or saved in accordance with the Landscape Planning Ordinance shall be submitted to the Planning Commission prior to any clearing or grading activities.
3. In accordance with the Landscape Planning Ordinance, any trees designated to be saved shall have field fencing installed around the drip line of the tree for the duration of construction.
4. Removal or damage of any trees designated to be saved will result in a minimum fine of \$5,000 per tree.
5. Final map shall show dedication of road easement to the remainder property. This condition shall be implemented to the satisfaction of the City Engineer and Caltrans.
6. Final Parcel Map shall show easement of existing overhead utility line. This condition shall be implemented to the satisfaction of the city Engineer.
7. Prior to recordation of any Final Parcel Map, the applicant shall provide the City of Jackson Planning Department a "will serve" letter form the Amador Water Agency for domestic water service to all resultant parcels. This condition shall be implemented to the satisfaction of the City Planner.

Action

Action on this item shall be deferred to the February 21, 2006 Planning Commission meeting to accommodate time for Caltrans to review the proposed map.

City Planner Peters stated that she left this on the agenda to get public testimony and to hear from the applicants as to what they're proposing to do and to provide them an opportunity to discuss the Conditions of Approval with the Planning Commission.

Vice-Chairman Carleton opened the public hearing.

Applicant Jerry Wurm, representing himself and his wife; stated that they were not sure what they were going to do with the remainder to the property. The main thing they want right now is to split off from the old Selman house (parcel 1), which they intent to sell to their son and to be able to build a much-needed bigger shop for their growing electrical contractor business onto parcel 2.

Jerry Wurm, City Planner Peters and the Commissioners further discussed where the 30-foot road was on the map and how it was proposed to gain access into the remainder of the property for future use.

Vice-Chairman Carleton closed the public hearing.

This project is continued to February 21, 2006 Planning Meeting at 6:00 p.m. or if the City receives the comment back from Cal Trans in time for the January 30, 2006 meeting, than it will be put on the agenda for then.

10. ADMINISTRATIVE REPORTS.

City Planner Peters confirmed that zoning 6 and 7 would be addressed at the special meeting on January 30, 2006 at 6:00 p.m.

Adjourn 8:15 pm.

Attest:

Candy Collins, Accounting Services II

Date Approved: March 20, 2006