

# Jackson Planning Commission

## Minutes

### Regular Meeting of February 21, 2006

**COMMISSION MEMBERS PRESENT:**

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

**CITY STAFF PRESENT:**

Susan Peters, City Planner  
Michael Daly, City Manager  
Candy Collins, Accounting Assistant

**CITY STAFF ABSENT:**

**COMMISSION MEMBERS ABSENT:**

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

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

**Jeanne Plasse** addressed the City Officials on the status of Jackson Hills.

**City Planner Peters** stated that she met with Marty Tuttle the Vice-President of New Phase who's the developer of the Jackson Hills project. Ms. Peters further addressed that this body had recommended certification of the EIR but it has not as yet reviewed the merits of the project for recommendation. It will be coming back before the Planning Commission in April for a public hearing for recommendation to the City Council regarding the disposition of the project.

**2. Approval of Minutes of November 21, 2005**

**Moved by Commissioner Butow, seconded by Commissioner Works and unanimously carried to approve the minutes of November 21, 2005.**

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

**Chairman Garibaldi** called for nominations from Planning Commissioners.

**Commissioner Butow recommended Commissioner Works for Chairman.**

**Moved by Commissioner Butow, second by Vice-Chairman Carleton and unanimously carried to appoint Commissioner Works to Chairman.**

**Commissioner Works recommended Vice-Chairman Carleton to remain Vice-Chairman**

**Moved by Commissioner Butow, second by Commissioner Works and unanimously carried to reappoint Vice-Chairman Carleton to Vice-Chairman.**

**The new Chairman Works and now Commissioner Garibaldi switched seats for the remainder of the meeting.**

4. **Public Hearing – Condition Use Permit Gerald & Anna Chaix, 406 Pitt Street, APN 020-273-001.**

Commissioner Butow read letter from the Chaix withdrawing their CUP request.

**Clerk Collins instructed to put the Chaix Revocation on the March 2006 Planning Meeting Agenda.**

5. **Public Hearing – Tentative Parcel Map 2705, Becky Walton, 1210 Highway 49, APN 020-420-020.** Continued public hearing from January 17, 2006.

City Planner Peters read the following report:

#### Project Description

The applicant is 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 is both vacant and is 24,829.2 square feet each. The remainder parcel is 6.09 acres and is intended to be subdivided at a later date. Parcels 2 and 3 will be accessed from an existing easement along the southern property boundary. The remainder parcel will be accessed via a proposed extension of the existing easement.

#### 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. 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 Commissioners choose to approve the project with a Negative Declaration.

An application referral package regarding this project was forwarded to Caltrans for their Staff has confirmed that they have received the package but, to date, has not commented review.

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 shall result in a minimum fine of \$5,000 per tree.
5. Final Parcel Map shall show easement of existing overhead utility line. This condition shall be implemented to the satisfaction of the city Engineer.
6. Prior to recordation of any Final Parcel Map, the applicant shall provide the City of Jackson Planning Department a "will serve" letter from 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

Should the Planning Commission choose to approve Tentative Parcel Map 2705 for Ms. Walton, 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 2705 for Ms. Becky Walton based on the Findings and subject to the Condition of Approval in this report.

**Discussion ensued between City Planner Peters and the Commissioners in regards to requested encroachments, easements, subdivisions and meeting City standards.**

**Applicant Jerry Wurm**, representing his wife Becky Walton stated that if there was a problem with the encroachment, they were willing to use the existing encroachment for the homes driveway. He also stated that they weren't sure what they were going to use the remainder of the property yet. He explained that they needed the front part for their new shop and they wanted to be able to keep it in the City of Jackson.

**Chairman Works opened the public hearing.**

**No public comment.**

**Chairman Works closed the public hearing.**

**Further discussion ensued between Jerry Wurm, City Planner Peters and the Commissioners in regards to ownership of the road into Slakey Brothers, and the current zoning.**

**Moved by Commissioner Garibaldi, seconded by Vice-Chairman Carleton and unanimously carried to approve Tentative Parcel Map 2705, Becky Walton, 1210 Highway 49, APN 020-420-020 based on the findings and subject to the Conditions of Approval.**

6. **Public Hearing – Tentative Parcel Map 2714, Mark A. Knudsen, 1564 S. Hwy 49, APN 020-420-035.**

**City Planner Peters** read the following:

Project Description

Mr. Mark Knudsen is proposing to divide one 0.59-acre lot into 2 lots. Lot 4A would be 10,900 square feet and lot 4B would be 10,450 square feet. The properties are zoned Multi-Family Residential (R-3) and are built out with a duplex unit. The purpose for the split is to allow for individual ownership of each residential unit.

General Plan Designation and Zoning

The City of Jackson General Plan designation for the project site is Medium Density Residential and the zoning is Commercial (C-2).

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.

**Susan Peters** added that this property has already gone through 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.

Conditions of Approval

Should the Planning Commission choose to approve TPM 2643, the following Conditions of Approval are recommended:

1. Because the structures will be individually owned, the impact fees collected shall be for single-family residence (R-1) instead of multi-family. This would be an increase of \$803.00 per unit.

Action

Should the Planning Commission chose to approve Tentative Parcel Map 2714 for Mr. Knudsen, the following actions are recommended:

1. Instruct Staff to file a Notice of Exemption; and
2. Adopt a Resolution approving Tentative Parcel Map 2714 for Mr. Mark Knudsen 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 the current zoning of Multi-Family Residential and zoned C-2 and the need to have City Council fix this.

**Chairman Works opened the public hearing.**

**No public comment.**

**Chairman Works closed the public hearing.**

**Commissioner Garibaldi recused himself based on conflict of interest.**

**Moved by Commissioner Faulkner, seconded by Commissioner Butow and carried by a 4-0 vote to approve Tentative Parcel Map 2714, Mark A. Knudsen, 1564 S. Hwy 49, APN 020-420-035 based on the findings and subject to the Conditions of Approval.**

**7. Public Hearing – Planned Development Amendment, Bob Hix 365 South Avenue APN 020-311-019, APN 020-311-020 and APN 020-311-021.**

**City Planner Peters** read the following report:

#### Project Description

The applicant, Mr. Bob Hix, is requesting a Planned Development Amendment to allow for his proposed three-plex to exceed the 2.5 story height limit in the Multi-Family Residential (R-3) zone. The proposed structure places a garage on the ground floor with two stories of living area above. There can be no living space on the ground level due to the structures proximity to the floodplain.

#### Discussion

On July 14, 2003 the City Council approved Tentative Parcel Map 2568 and rezone from Commercial (C-2) to Commercial (C-2) with a Planned Unit Development overlay (PUD) to accommodate the zero lot lines for three single-family residences at 365 South Avenue for Lane Development Company. Subsequent to that approval, plans for a three story, 32-foot high three-plex was submitted for a building permit. The permit process was never completed due to a change in ownership. The new owner of the property, Mr. Bob Hix, would like to utilize the existing three-plex design. Upon completion of the plan review, staff determined that the proposed structure exceeded the 2.5 story height limitation. While this property is zoned Commercial it is being developed consistent with the Multi-Family (R-3) zoning. According to the Section 17.16.030 of the Zoning Code Multi-Family Residential (R-3) structures are limited to 2.5 stories with a maximum height of 35 feet.

**Susan Peters** added that Mr. Hix is less than the 35 feet, is what he requested but a ½ a story more than is allowed.

#### Conditions of Approval

Staff has no recommended Conditions of Approval.

#### Action

Should the Planning Commission choose to approve Planned Development Amendment for Mr. Bob Hix, the following action is recommended:

1. Adopt a resolution approving the proposed Planned Development Amendment at 365 South Avenue (APN 020-311-019, 020, & 021) for Mr. Bob Hix.

**Discussion ensued between City Planner Peters and the Commissioners** in regards to the understanding of a 2-1/2-story building.

**Applicant Bob Hix** explained that he purchased the property about 1 year ago and that when it was offered for sale it was his understanding that the existing set of plans were approved. He further explained that he went over the set of plans with the building department, paid the fees, and wasn't told of any problems.

**Chairman Works opened the public hearing.**

**Eileen Sullivan, South Ave.** expressed that she felt a 3-story building would not blend with the existing adjacent properties and would stick out.

**Chairman Works closed the public hearing.**

**Further discussion ensued between Robert Hix, City Planner Peters and the Commissioners** in regards their feelings of a 3-story building not being esthetically pleasing and their mixed feelings on whether Mr. Hix was lead to believe that the set of plans he purchased was previously approved and whether he would have purchased the property if there was any doubt.

**Moved by Commissioner Faulkner, seconded by Commissioner Garibaldi and carried by a 2-3 vote to deny Planned Development Amendment, Bob Hix 365 South Avenue APN 020-311-019, APN 020-311-020 and APN 020-311-021.**

8. **Workshop – Implementation of the Resource Constraints and Priority Allocation Policy.**  
Hold public workshop to establish Housing Equivalent Units Allocation and Development Criteria.

**City Planner Peters** read the following report:

#### Background

In December 2004 the City Council adopted the Resource Constraints and Priority Allocation Policy per the Planning Commission's recommendation. In January 2005, the Planning Commission and City Council implemented the ordinance by establishing 116 Housing Equivalent Units (HEUs) available for 2005 along with the design criteria. The Planning Commission arrived at this number by taking the remaining sewer capacity of 435 housing equivalents, subtracting the 87 lots that could be developed ministerially and dividing it by the three years they felt was necessary to resolve (at least in part) the City's sewer constraints, which was determined to be the most constrained resource. Notices of Intent to Develop were submitted to the City in March 2005, and the Planning Commission and City Council reviewed and allocated the HEUs to three developments in May 2005. The three developments and their status are as follows:

1. Stonecreek located off Scottsville Boulevard received 8 HEUs. The Planning Commission approved Tentative Subdivision Map 127 on September 19, 2005. The developer is currently having the improvement plans prepared. A Final Subdivision Map will likely be submitted by the end of 2006.
2. Shealor Trust Property located on Jackson Gate Road received 26 HEUs. The Planning Department has received a Tentative Parcel Map application, which has not been deemed complete due to pending environmental studies. This project will likely come to the Planning Commission for review and consideration this spring.
3. Jackson Hills received an allocation of 82 HEUs. The Environmental Impact Report is completed and has received a Planning Commission recommendation to the City Council for certification of the document. Planning Commission recommendation regarding the project has not yet occurred. Jackson Hills project consideration will likely be on the April Planning Commission agenda.

### The Schedule

The Resource Constraints and Priority Allocation Policy sets due dates for tasks to be completed by both the Planning Commission and the City Council. The following is the schedule set forth in the policy:

January – Planning Commission and City Council establish the Housing Equivalent Units (HEUs) available for the year and establishes allocation criteria. Upon Completion of HEU availability and the design criteria the City will advertise for Notices of Intent to Develop.

March 31 – Notices of Intent to Develop are due to the Planning Department.

By April 30 – Planning Commission reviews Notices and recommends to the City Council which development projects should be awarded an allocation.

By May 31 – City Council reviews Planning Commission recommendations and awards allocations.

Based on this schedule, the Planning Commission and City Council should have the HEU availability and design criteria completed this month. Considering the date that the Commission is reviewing the information to establish the HEUs and design criteria, the earliest that this step will be completed is the end of February. Establishment of the HEUs and design criteria in February would still allow for sufficient time (five weeks) for developers to complete a Notice of Intent to Develop.

### Resource Constraints Issues

The primary resource constraints which were discussed last year included sewer capacity, water supply, and road capacity. The following is the most current information regarding these three issues:

Sewer capacity – The City has a remaining discharge capacity of approximately 735 dwelling units. The City is still in the process of renewing its discharge permit, as the existing permit expired June 2005. The new draft NPDES discharge permit could be received any day (until the new permit conditions are approved, the previous permit is valid) that will provide direction as to how much, if any, wastewater effluent may still be discharge into Jackson Creek. With some modification to the treatment plant, or implementation of other options (including a different source of potable water for downstream users) the discharge permit could be increased to accommodate approximately 1050 more dwelling units.

**City Planner Peters** added that the remaining capacity available for allocation of 255.5 HEUs were calculated by taking the remaining capacity 737.5 household equivalent units that are available right now and subtracting out the 116 that were allocated last year and subtracting the 82 reserved for In-Fill and then subtracting the 282 for approved development and came up with the 255.5 HEUs. She further stated that considering the City has not been able to resolve the permit issue with the State, staff felt they were at a 3- year time line to resolve the sewer issues.

Water supply – The Amador Water Agency, the wholesale provider of treated water to the City of Jackson, is scheduled to begin construction of their pipeline this spring. This new pipeline will eliminate current water supply constraints. All development projects will continue to be required to obtain a “will-serve” letter from the Amador Water Agency.

Road capacity – Available road capacity is based upon the existing level of service (LOS) on roadway segments and intersections. The Circulation Element of the General Plan has a policy threshold requiring that an LOS (Level of Service) C be maintained on roadway segments and intersections except the Highway 88 segment from the intersection with 49/88 to Court Street, which is limited to LOS D. The City exceeded this threshold on two segments of Highway 49. Because the City has exceeded this threshold, no new discretionary projects can be approved without an Environmental Impact Report and Statement of Overriding Considerations. Considering that the majority of the traffic in the City of Jackson is the result of the City’s location in the County and the major highways, which segment the City, the traffic will continue to worsen regardless of the amount of development within the City. The City is currently in the process of amending the Circulation Element to allow for development projects, which can demonstrate a public benefit to occur despite exceeding the LOS.

In an attempt to resolve the long-term problem with traffic on Highway 49/88 through the City of Jackson, the Amador County Transportation Commission sponsored the Jackson SR-88 Corridor Improvement Alternatives Analysis. This study reviewed various alternatives for bypassing the downtown area of the City. While the study provided valuable information regarding various alternatives, there was no conclusion. Further studies will have to be undertaken in order to determine the best bypass alternative for the City of Jackson.

### Design Criteria

The following is the minimum design criteria required by the Resource Constraints and Priority Allocation Policy:

- Economic benefit to the City of Jackson
- Improvements which help to alleviate infrastructure constraints including:
  - Traffic improvements
  - Recreational amenities (especially recreational fields)
  - Sewer treatment plant improvements or new facilities
  - Tree, wetland, open space, etc., preservation
  - School facilities
- Affordable housing component
- Commercial use of commercially zoned property
- In-fill projects
- Environmental constraints
- Sensitivity to historic features

Representatives from the Amador County Unified School District, Child Care Resources Council, and the Amador County Transportation Commission have been encouraged to provide additional information to the Planning Commission. Toward that end, Joyce Stone from Child Care Resources has submitted information regarding childcare needs in the City of Jackson (see attached Exhibit B).

### Ministerial Projects

The Resource Constraints and Priority Allocation Policy require that a percentage of HEUs be available for ministerial projects (projects which already have entitlements to develop). For the 2005 allocation, the Planning Commission used all 87 vacant parcels to determine the HEU availability. The number of remaining vacant parcels available for ministerial project is now 82.

### HEU and Design Criteria Recommendation

Based upon the above information and the Planning Commissions 2005 HEU calculations, staff recommends that the HEU availability be no more than 85 HEUs. Staff arrived at this number by taking the remaining sewer capacity of 735.5 housing equivalents, subtracting existing approved developments (282), the 2005 HEU Allocations (116), and the 82 lots that could be developed ministerially and dividing it by the three years again since the City is not any closer to a resolution to the City's sewer constraints.

The objective of Tuesdays meeting is to review the information in this memorandum and other resource constraint issues that might be identified at the meeting and make a recommendation to the City Council regarding HEU availability for 2006 and allocation criteria. The City Council is

scheduled to consider the Planning Commission's recommendation at their February 27, 2006 meeting.

**Joyce Stone, Amador Child Care Council:** submitted documents showing the number of children in Amador County compared to the number of child care facilities. She further addressed the fact there were only enough licensed childcare facilities to accommodate 24% of the children in Amador County and none of these facilities were in the City of Jackson. She further stated that between Amador and Calaveras Child Care Council they have sought and obtained a grant from the Low Income Investment Fund based out of Los Angeles, San Francisco and New York to help meet some of these needs, but further stressed that she hoped that the Planning Commission and the City Council would keep in mind when approving new development the need for more child care facilities to meet the increasing demand.

Further discussion ensued between the Planning Commissioners and Joyce Stone to change the wording on the design criteria constraints to read school and childcare facilities and that it would be somewhat of a sales tool for developers if they included childcare in their proposals.

**Charles Field, executive director ACTC** addressed the challenges that the City of Jackson is facing regarding further large development and meeting the need to keep the traffic situation under control. He further addressed the fact that the city was not meeting the current level of service policy, and the need for a bypass. Mr. Field stated that there is no Jackson 49/88 bypass plan acceptable at this time. The plan was almost unanimously rejected by the citizens and by ACTC. He reported that they were advised to get back to work this summer to find a solution because without one, the City of Jackson would have an inconsistency in its General Plan. Mr. Fields further stated that the ACTC did not want to stop growth only control large development.

Further discussion ensued between the City Manager City Planner, Planning Commissioners and Charles Field in regards to additional meetings with ACTC, right of ways, additional cities needing a 49 bypass and not coming to past and how we need to insist on getting our 49 bypass.

**Brenda Bullington, HRC Child Care Resources** stated that they have served the County of Amador and the City of Jackson for over 20 years and wanted to further address the need to meet the needs of childcare for our rapidly growing community. She further stated that developers could also help with much needed park space, sidewalks, anything that would benefit our future generation.

**Chairman Works opened the public hearing. 7:40 p.m.**

**Tom Blackman, Jackson Hills Project** addressed the issue of what he felt was a contradiction in finding funding for a bypass and that he felt the City of Jackson needed growth to get the funding needed to build the bypass. He further stated that he did not feel small growth was the answer, but large development pays bigger fees. Mr. Blackman addressed different alternatives for a bypass.

**Jeanne Plasse** expanded on the opinion that large development is not a fix all for the traffic problems the City is facing because she felt that the money they would be paying in fees would not

meet the need that a large community development would create and she felt that small growth is more manageable for our City to meet. Ms. Plasse questioned the sewer capacity.

**Chairman Works closed the public hearing. 8:00 p.m.**

**Further discussion ensued between, City Manager Daly, City Planner Peters and the Commissioners** in regards their feelings regarding the Housing Equivalent Units Allocation and each Commissioner stated their opinion.

**Commissioner Garibaldi** stated he would be in favor of allocating all or most of the suggested 85 HEUs because he felt that there were other unknowns, which he felt were unanswerable at this time until after this point.

**Commissioner Faulkner** stated she was not in favor of a total moratorium but she could live with the suggested 85 HEUs.

**Vice-Chairman Carleton** stated that he felt was against granting any discretionary HEUs and just honoring the ministerial ones at this time.

**Commissioner Butow** stated that he agreed with Commissioner Carleton and he was very skittish about allocating any HEUs. He further stated that they should hold off and honor only the ministerial ones at this time.

**Chairman Works** stated she would like to see the EIR before, even though there's a time line and wondered if they could recommend 0 HEUs at this time.

**Moved by Commissioner Butow, seconded by Vice-Chairman Carleton and carried by a 3-2 vote (Commissioners Garibaldi and Faulkner opposed) for a recommendation to the City Council that 0 (zero) HEUs available for 2006.**

**Further discussion ensued between, City Manager Daly, City Planner Peters and the Commissioners** in regards their feelings regarding the Design Development Criteria recommendation.

**Moved by Commissioner Garibaldi, seconded by Commissioner Butow and unanimously carried to recommend to the City Council to use the existing design criteria established last year with the addition of Child Care Facilities to be an additional criteria to be considered.**

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

**City Planner Peters, City Manger Daly and Commissioners** went over **Article VI** and made some minor changes and some to be further researched for additional information.

## 10. ADMINISTRATIVE REPORTS.

### A. Hertzig landscape update

**City Planner Peters** gave an update on the August 2004 agreement made by the City and Mr. Hertzig to replace the trees after his Spunn Road house was completed. The City was provided with a copy of a contract with Simmons Landscape Co., but as of today's date the update on that contract has not been received. Ms. Peters stated that the City would not be issuing an occupancy permit until the trees were planted and the City was satisfied.

**B. Proposed Joint Planning Commission Chairpersons Meetings.**

In response to a letter received by Sutter Creek Planning Chairman Frank Cunha, in regards to getting a body from each of the local planning boards in Amador County to meet and discuss current issues and to share information. It was decided that the newly appointed Chairperson Terri Works would call and set up a time and place. It was also agreed that if Chairman Works were unable to meet, then Vice-Chairman Carleton would go in her place.

**City Manager Daly** announced that the Amador County District Attorney's Office would be sponsoring a Brown Act Workshop here at the Civic Center on February 23, 2006 from 9:00 am to 12:00 noon.

**City Planner Peters** announced that City Manager Daly asked her to prepare a statement of facts, what Home Depot have applied for, what has happened to date and what the entitlement process would be. Ms. Peters informed the Commissioner they would each get a copy put in their box.

**Adjourn 8:55 pm.**

Attest:

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Candy Collins, Accounting Services II

Date Approved: May 1, 2006