

Jackson Planning Commission

Minutes

Regular Meeting of August 21, 2006

COMMISSION MEMBERS PRESENT:

Dave Butow,
Warren Carleton, Vice-Chair
Wayne Garibaldi
Letitia Sexton
Terri Works, Chairman

CITY STAFF PRESENT:

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

COMMISSION MEMBERS ABSENT:

CITY STAFF ABSENT:

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

1. Public Matters Not on the Agenda.

Kathy duBois encouraged the Planning Commissioners to please read and study the Agricultural Element General Plan for Amador County currently being amended.

Jack Georgette apologized to Commissioner Butow for sounding abrasive when he directed some questions to him at the last planning meeting.

Carla Bowers spoke about the State Oak Woodland Conservation Law and CEQA. Ms. Bower's handouts were titled as follows:

"Can't See The Forest For The Trees", put out by the California Oak Foundation last March.

"Draft Oak Woodland Ordinance"

"Oak Woodland Talking Points."

"Oak Tree Preservation Guidelines During Construction " put out by Department Fish and Game.

Chairman Works and City Planner Peters announced that this information would be added to the agenda to be included with the Landscaping Ordinance before the end of the year.

Thornton Consolo expressed the need for the Planning Commission to look at the traffic figures and take into consideration the possibility of a couple large projects coming to the area before a bypass is started.

Mr.Consolo also added his concerns regarding the loss of oaks.

Whitney Smith stated that he came before the Planning Commissioners in March 2006 asking for the City's help to establish a Public Utility Easement onto his property.

City Manager Daly stated that he met with Mr. Smith and that staff was in the progress of trying to come to some resolutions.

City Planner Peters also stated that in regards to the Public Utilities Easement (PUE) and Public Facilities Easement (PFE), Jackson View Developer Mark Stiner, agreed to amend their map to allow for an easement to go in as long as Mr. Smith was willing to pay for the water line to be installed. Ms. Peters also stated that Gary Urzik was looking into Mr. Smith's request for information regarding a benefit district that was put together some years ago to see if it could help with some of the costs. The City is also looking into the ability to make the easement an emergency access.

2. Approval of Minutes of May 1, 2006 meeting.

Moved by Commissioner David Butow, seconded by Vice Chairman Carleton and unanimously carried to approve the minutes of May 1, 2006 meeting.

3. Public Hearing – Tentative Parcel Map 2728 and Rezone, Susie Simmons & Eve Fenstermaker, APN 020-311-003.

City Planner Peters read the following report:

Project Description

The applicants are re-applying to propose dividing one 8100 square foot site into two parcels to allow for individual ownership of each residential structure. Parcel A is proposed to be 3649 square feet and Parcel B is proposed to be 4453 square feet.

Additionally, to accommodate the existing land uses, reduced lot sizes, and deviations from the required setbacks, the applicants are requesting a rezone from Commercial (C-2) to Single-Family Residential (R-1) with a Planned Development (pd) overlay on Parcel A and C-2 to C-2 with a (pd) overlay on Parcel B.

Discussion

This project was originally brought to the Planning Commission on May 15, 2006 for review of a lot split and rezone from Commercial (C-2) to C-2 with a Planned Development (pd) overlay for both proposed parcels. After taking public comment on the proposed project the Planning Commission recommended City Council approval.

The City Council reviewed the project and Planning Commission recommendation at their June 12, 2006 meeting. After taking public testimony and after considerable deliberation, the City Council denied the lot split and rezone request finding that the proposed project was not consistent with the surrounding land uses.

Subsequently, the applicants have modified their application to rezone Parcel A, which fronts South Avenue, to Single-Family Residential (R-1) thus being more compatible with the surrounding land uses.

Ms. Peters further clarified that Parcel A is being requested to be Single-Family Residential (R-1) with a Planned Development (pd) Overlay and Parcel B would be Commercial (C-2) with a Planned Development (pd) Overlay.

General Plan Designation and Zoning

The City of Jackson General Plan designation and zoning is currently 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 did not reveal any significant adverse environmental impacts. For this reason, the project qualifies for a Negative Declaration.

Findings

Should the Planning Commission choose to recommend this project to the City Council, the following findings should be made:

1. The proposed Tentative Parcel Map and rezone is consistent with surrounding land uses.
2. The proposed land division and rezone will not be a detriment to the public health, safety, or general welfare of this community.
3. The proposed land division and rezone will not have a significant adverse effect upon the environment.

Conditions of Approval

Should the Planning Commission choose to recommend this project to the City Council, the following findings should be made:

1. Each parcel shall have a separate water and sewer service, if not already. This condition shall be implemented to the satisfaction of the City Engineer.
2. A paved driveway shall be constructed to each parcel with a minimum parking area 16-foot wide by 20-foot deep provided for each parcel. Parking areas shall be positioned out of the 10-foot wide driveway easement. A turn around area shall be provided so that backing out onto City streets is prevented. A site improvement plan shall be submitted to the City for approval with engineer's estimate accounting for all improvements. This condition shall be implemented to the satisfaction of the City Engineer.
3. A paved shoulder shall be provided along frontage on South Avenue for parking. This condition shall be implemented to the satisfaction of the City Engineer.

4. A 10-foot wide public facilities easement shall be dedicated to the City at the driveway line (a city sewer exists within the driveway easement). This condition shall be implemented to the satisfaction of the City Engineer.
5. A drainage plan shall be included in the site plan improvements showing how drainage will be controlled from South Avenue to the creek from each parcel. No parcel shall drain onto another without a public facilities easement. This condition shall be implemented to the satisfaction of the City Engineer.
6. Per the Uniform Plumbing Code a backflow prevention device shall be installed for each sewer lateral. This condition shall be implemented to the satisfaction of the City Engineer.

Action

Should the Planning Commission choose to recommend approval of Tentative Parcel Map 2728 and rezone to the City Council, the following actions are recommended:

Move to recommend to City Council approval of Tentative Parcel Map 2728 and rezone for Susie Simmons & Eve Fenstermaker based on the Findings and subject to the Condition of Approval in this report.

Applicants Susie Simmons and Eve Fenstermaker further explained the advantages to splitting the lot and further described where the parking and access would be for each proposed lot.

Chairman Works opened the Public Hearing.

The following public either shared their approval or disapproval of the proposed application.

Jack Georgette, Kathy duBois, Thornton Consolo, Dave McDaniel, and Gordon Miller.

Chairman Works closed the Public Hearing.

Planning Commissioners shared their opinions for the proposed split.

Moved by Commissioner Butow, seconded by Vice-Chairman Carleton and carried by a 3-2 vote (Commissioners Garibaldi and Sexton opposed) to recommend to the City Council approval of Tentative Parcel Map 2728 and downzone from Commercial (C-2) to Single Family Residential (R-1) with a Planned Development (pd) overlay.

4. Public Hearing – Tentative Subdivision Map 150, Dolores and Fary Shealor and the Scardina Trust, APN 020-090-011.

City Planner Peters read the following report:

Project Description

The applicants are proposing to divide one 6.54 acre site located on the east side of North Main Street across from Bev-Ann's Salon into 26 single family residential parcels ranging in size from 6,080 square feet to 20,253 square feet. There are four additional lots reserved for landscaping, visitor parking, a drainage channel and an affordable housing lot intended for three additional housing units resulting in a total of 29 housing units. The site is currently unimproved and vacant. Access to the site would be via a 56-foot wide road from North Main Street. Access to the single-family lots would be via a 30 foot looped one-way road.

General Plan Designation and Zoning

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

Resource Constraints and Priority Allocation Policy Compliance

Ms. Peters further added that this project was initially looked at the Planning Commission, during the Resource Constraints and Priority Allocation Ordinance Review Process. Any subdivision of 5 or more must receive an allocation before they can even apply for their subdivision. At the beginning of every year the Planning Commission and the City Council establish the number of housing units that they will accept applications for. In 2005 the number was established at 116, based on the City's traffic constraints, water constraints and sewer constraints. The number of units established this year was zero (0). In 2005 developers were notified and requested to submit notices of intent to develop. These were preliminary maps. The City of Jackson received four (4) maps, with over 800 housing units. The Jackson Hills project was awarded 82 units; Stonecreek project was awarded 8 units and these project 26 units for a total of 116 units. Another large project was turned away with zero (0) units. This process only allows for the applicant to apply for a subdivision. It does not give them any sort of approval. They still have to go through the California Environmental Quality Act (CEQA), environmental review and the discretionary review process, whether that stops at the Planning Commission or if it involves rezoning, the City Council. The Inclusionary Housing Policy requires any subdivision over ten (10) lots to provide for affordable housing, 5 at the very low income and 5 at the low income.

In accordance with the Resource Constraints and Priority Allocation Policy, the applicants submitted a Notice of Intent to Develop to the City in March of 2005 requesting an allocation for 26 single-family residential units. In June of 2005 the City Council, upon the recommendation of the Planning Commission, granted the requested allocation. An initial application for development was submitted to the Planning Department prior to the December 31, 2005 deadline as set forth in the Policy. The applicants now have until December 2006 to have action taken on their proposed project. If the project is not approved by December, an extension request will need to be submitted.

The applicant must adhere to the requirements of the Interim Housing Policy, which requires ten percent inclusionary affordable housing, or three affordable housing units. The project as proposed exceeds their allocation of 26 dwelling units by three units. The applicants are asserting that the three additional units should be allowed because the housing policy allows for density bonuses, however, the allocation policy does not directly address this issue. Planning Commission interpretation is required to determine if their project should be restricted to a total of 26 dwelling units or if the affordable units should be exempted.

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). Additionally, comment letters were received from City of Jackson Engineering Technician Gary Urzik, Water Superintendent Max Godde, Fire Chief Mark Morton, Amador Water Agency, Amador County Public Works Agency, and Amador Air District. Recommended Conditions of Approval from these responders are included in this staff report. The Amador County Transportation Commission (ACTC) reviewed the proposed project and traffic study and determined that the project was consistent with the Amador County Regional Transportation Plan (personal communication with Executive Director, Charles Field). For this reason, no comment letter was submitted by the ACTC.

Discussion

Despite the significant unavoidable impact to circulation resulting from any additional traffic, the Planning Commission has approved several Tentative Parcel Maps and one Tentative Subdivision Map (Stonecreek – eight single-family residential units) 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 could, according to the proposed update, be allowed to exceed the Level of Service threshold.

Because this is the largest project that the Planning Commission has reviewed since the approval of Jackson View Estates in December 2002, Staff is requesting direction regarding the type of environmental document to utilize for consideration of this project.

Findings

Since no environmental document has been prepared for this project, the Planning Commission can not take action at this time. The following findings are necessary for project approval and are listed only for your information:

1. The proposed Tentative Subdivision 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

Since no environmental document has been prepared for this project, the Planning Commission cannot take action at this time. The following conditions of approval are preliminary for advanced review purposes only:

1. All City of Jackson Standards for Development shall apply to this project. This condition shall be implemented to the satisfaction of the City Engineer.
2. Air contaminants generated by activities on this property must comply with the Rules & Regulations of the Amador Air District. This condition shall be implemented to the satisfaction of the City Engineer.
3. Wood burning stoves or fireplace inserts for single-family residences shall be US EPA certified. This condition shall be implemented to the satisfaction of the Building Department.
4. Wood burning stoves and fireplaces shall not be allowed for multi-family or commercial development. This condition shall be implemented to the satisfaction of the Building Department.
5. Alternative methods should be considered for disposal of any natural vegetation cleared from this project instead of using open burning. However, if the vegetation cleared from the property will be burned onsite, a permit for "Land Development Clearing" must be obtained from the Amador Air District. This condition shall be implemented to the satisfaction of the Engineering Department.
6. Unwanted construction scrap materials shall be hauled offsite and disposed of in a legal manner and not burned. This condition shall be implemented to the satisfaction of the Building Department.
7. A water truck shall be used to control fugitive dust during construction and vehicles entering and leaving the site must drive slowly to reduce airborne dust. This condition shall be implemented to the satisfaction of the Engineering Department.
8. All material excavated or graded must be adequately watered to prevent excessive quantities of airborne dust. This condition shall be implemented to the satisfaction of the Engineering Department.
9. All clearing, grading and excavation activities shall cease during periods of dry conditions combined with strong winds to prevent creating excessive quantities of airborne dust. This condition shall be implemented to the satisfaction of the Engineering Department.
10. All material transported offsite shall be sufficiently watered or securely covered to prevent creation of excessive quantities of airborne dust. This condition shall be implemented to the satisfaction of the Engineering Department.
11. Streets adjoining the project shall be kept free of dirt, rock or other materials tracked out of the construction site. This condition shall be implemented to the satisfaction of the Engineering Department.

12. There shall be a five-foot separation between PG&E trench and any “wet” utilities (including storm drains). This condition shall be implemented to the satisfaction of the Engineering Department.
13. A street light assessment district shall be formed. This condition shall be implemented to the satisfaction of the Engineering Department.
14. Street and sidewalk design shall accommodate Title 24 (handicap Accessibility) standards. This condition shall be implemented to the satisfaction of the Engineering Department.
15. A final drainage study and drainage plan shall be submitted to and approved by the City Engineer. Surface drainage shall not be directed toward adjacent properties and/or public rights of way unless contained within existing and/or proposed easements and within approved and appropriately sized drainage structures. Construct on and off-site drainage improvements as required by the City Engineer. This condition shall be implemented to the satisfaction of the Engineering Department.
16. A final grading plan shall be submitted to and approved by the City Engineer prior to issuance of a grading permit. No grading on the site may be undertaken without prior approval of a final grading plan by the City Engineer. Grading shall be designed and implemented in accordance with all provisions of the Uniform Building Code unless otherwise recommended by a licensed geotechnical engineer in a geotechnical report prepared for this site, or unless otherwise approved by the City Engineer. This condition shall be implemented to the satisfaction of the Engineering Department.
17. Visitor parking shall be moved from Lot A to Lot C.
18. Re-align “A “ Drive easterly such that Lot C increases in size to accommodate a minimum of three inclusionary housing units in accordance with the City’s interim housing policy. Demonstrate to the satisfaction of the City Building Official that three conforming housing units may be sited on the re-configured Lot C. This condition shall be implemented to the satisfaction of the Engineering and Building Departments.
19. Establish and/or demonstrate the presence of an easement no less than 30 feet in width for ingress and egress to APN 020-090-012 (Swett) from “A” Drive. This condition shall be implemented to the satisfaction of the Engineering Department.
20. “A” Drive right-of-way width shall be 60 feet in width. This condition shall be implemented to the satisfaction of the Engineering Department.
21. Transitions into and out of parallel parking spaces located on Drive B shall be tapered. This condition shall be implemented to the satisfaction of the Engineering Department.
22. Drive B shall be striped, signed, and otherwise designated for one-way travel and shall be signed for no parking on both sides of the road. “No parking” signs shall be located and placed to the satisfaction of the City Engineer.

23. "B" Drive does not meet City standards and shall therefore be designated as a private road. Final map shall show "B" Drive as a separate parcel to be owned and maintained by a homeowners association.
24. Demonstrate to the satisfaction of the City Engineer that adequate corner and stopping site distance may be attained in both directions at the proposed intersection of "A" Drive and North Main Street and/or propose and construct improvements that establish to the satisfaction of the City Engineer adequate corner and stopping site distance. This condition shall be implemented to the satisfaction of the Engineering Department.
25. Intersection of "A" Drive and North Main Street shall be designed in accordance with the City's design standards and shall be subject to the approval of the City Engineer. This condition shall be implemented to the satisfaction of the Engineering Department.
26. Final grading plan shall incorporate design features and/or other appropriate measures for Parcels 6 through 9 to minimize grading and minimize tree loss. This condition shall be implemented to the satisfaction of the Engineering Department.
27. The boundaries of Parcels 6 and 7 shall be modified to converge at the centerline of the proposed 20-foot drainage easement and Lot D shall be eliminated. This condition shall be implemented to the satisfaction of the Engineering Department.
28. A final 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.
29. 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.
30. Removal or damage of any trees designated to be saved will result in a minimum fine of \$5,000 per tree.
31. A minimum 10 inch water main shall be installed the entire length of Drive A with a hydrant installed at its southerly terminus. All other water facilities shall be constructed in accordance with City standards. This condition shall be implemented to the satisfaction of the City Engineer, Water Superintendent, and Fire Chief.
32. Fire hydrants shall be spaced a minimum of 400-feet or as specified by the Fire Chief.

Action

Staff is recommending that the Planning Commission provide direction regarding the following issues:

1. Planning Commission interpretation to determine if the proposed project should be restricted to a total of 26 dwelling units or if the affordable units should be exempted.
2. Planning Commission determination regarding the type of environmental documentation to be utilized for project determination – Mitigated Negative Declaration or Environmental Impact Report.
3. Design review for tree removal avoidance options.

Scheduling of this project on a future Planning Commission Agenda will be dependent upon the direction provided to staff.

City Planner Peters, City Manager Daly, Planning Commissioners and members of the public shared their opinions on #1 of the recommended action.

Moved by Commissioner Garibaldi, seconded by Commissioner Butow and unanimously carried to restrict to the total of allowable dwelling units including any affordable housing to 26 units.

City Planner Peters, Planning Commissioners and members of the public shared their opinions on #2 of the recommended action.

Moved by Commissioner Garibaldi, seconded by Vice-Chairman Carleton and unanimously carried to require an Environmental Impact Report (EIR) be prepared in accordance with the California Environmental Quality Act (CEQA).

City Planner Peters, Planning Commissioners and members of the public shared their opinions on #3 of the recommended action.

Moved by Commissioner Sexton, seconded by Commissioner Garibaldi and unanimously carried to recommend that staff work with the applicant on the redesign to help minimize tree removal and grading.

5. Workshop – Proposed addition to Development Code Update – Large Retail Establishment Regulations.

It was determined that the request submitted by Kathy duBois for consideration of additional items to be included into the Draft Land Use Element and Draft Development Code to be put on the agenda for the September 18, 2006 Planning Meeting.

City Planner Peters read the following report:

At the July 14, 2006 Planning Commission meeting, staff provided an updated Article II of the proposed City of Jackson Development Code. Several issues were addressed at the July meeting including maximum building footprint sizes for all commercial zones and lighting standards. Recommended changes have been incorporated into Article II. A new section of Article III- Lighting Regulations was also addressed.

The goal of the meeting is for the Planning Commission to make a determination regarding the proposed LRE regulations and forward the updated Article II to the City Council for their review and environmental review along with the rest of the development code.

City Planner Peters, Planning Commissioners went over the changes made.

Chairman Works opened the public hearing.

Members of the public, Jack Georgette, Kathy duBois, Dave McDaniel, Thornton Consolo, Kathy Allen, Carla Bowers, Chris Fragaponi, and Home Depot Representative Scott Mommer, and Matt Francois all shared their opinions on the proposed changes and additions to the Development Code Update.

Chairman Works and Vice-Chairman Carleton put on the record their desire for a maximum LRE cap of 65,000 sq.ft.

Candy Collins was instructed to listen to the July 14, 2006 tape to confirm that the Planning Commissioners set a LRE 20,000 sq. ft and over will require a Conditional Use Permit (CUP).

Changes were made on the proposed Development Code.

Chairman Works closed the public hearing.

The Workshop – Proposed addition to Development Code Update – Large Retail Establishment Regulations will be continued to the next Planning Meeting of Sept. 18, 2006.

6. ADMINISTRATIVE REPORTS.

None were presented.

Adjourn: 10:32 pm.

Attest:

Candy Collins, Accounting Services II

Date Approved: November 20, 2006