

Jackson Planning Commission
Minutes
Regular Meeting of September 19, 2005

COMMISSION MEMBERS PRESENT:

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

CITY STAFF PRESENT:

Mike Daly, City Manager
Susan Peters, City Planner
Gary Urzik, Engineer Technician
Candy Collins, Accounting Assistant

COMMISSION MEMBERS ABSENT:

David Butow

CITY STAFF ABSENT:

Chairman Garibaldi called the meeting to order at 6:04 p.m.

1. Public Matters Not on the Agenda.

None.

2. Approval of Minutes of June 20, 2005, August 15, 2005, and August 29, 2005

Moved by Vice-Chairman Carleton, seconded by Commissioner Faulkner and unanimously carried to approve the minutes of June 20, 2005, August 15, 2005, and August 29, 2005.

3. Tentative Parcel Map #2685, Rick Fenstermaker, Boarman & Kern Street, APN 020-341-016, to allow subdivision of one existing lot into four single-family residential lots.

City Planner Peters stated the following:

Project Description

The applicant is proposing to divide one 1.52-acre lot into four. Proposed Parcel 1 is 10,585 square feet, Parcel 2 is 27,833 square feet, Parcel 3 is 10,944 square feet and Parcel 4 is 12,255 square feet. Parcels 1, 2, and 3 would be accessed off of Kern Street while Parcel 4 would access off of Boarman Street. The site is currently vacant with vacant parcels on either side.

City Planner Peters further clarified that there are currently three vacant parcels at the end of these roads. Two of them on either side were made smaller by a boundary line adjustment and are owned by the same person. The center one which is made larger by making the two outside ones smaller is the one being

divided. The outside parcels are not what are being discussed tonight; it's solely the middle parcel that's proposed subdivided into four.

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. 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.

City Planner Peters further stated that the same staff recommendation was stated on three different subdivisions, Molenelli, Swett/Longacre, and the Carson Townhome Association. She stressed that she had to put the EIR recommendation in this report, because when the checklist is filled out and anything that is potentially significant that cannot be mitigated for, there has to be an environmental impact report prepared. The traffic situation is such that the level of service exceeds the threshold of C on two segments of Highway 49. She further stated that this body is in the process of updating the Circulation Element of the General Plan to make for exceptions to that level of service for projects, which meet certain criteria, four or less lots, affordable housing projects, projects that provide some other type of community benefit, etc. So the rationale has been on the last three, the staff recommendation was gone against and a negative declaration was accepted, because of the process of updating the Circulation Element. City Planner Peters felt that she wanted to clarify this again because Commissioner Works had some questions about the process and where it was. The General Plan Circulation Element is undergoing an Environmental Impact Report and it should be completed in the spring.

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 Department 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. Six-inch water line in Sergeant Street from Perry Street to the existing eight-inch line near Endicot shall be replaced with an eight- inch line. This condition shall be implemented to the satisfaction of the City Engineer.
6. Provide new fire hydrant off of new eight-inch water main near Endicott Street.
7. Relocate existing fire hydrants at the end of Boarman & Kern Streets to the satisfaction of the City Engineer.
8. Tie new paving into existing roadways, Boarman & Kern Streets, as directed by the City Engineer.

Action

Should the Planning Commission chose to approve Tentative Parcel Map 2685, 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 2685 for Mr. Rick Fenstermaker based on the Findings and subject to the Condition of Approval in this report.

Chairman Garibaldi stated that he was aware that traffic was going to be issue, not only for tonight's applicants but for upcoming issues and that he was aware of 2 possible answers what would be acceptable, which would be to go forward with the project as was done with a couple of other ones or to deny them on the basis that it would contribute to an impact.

City Planner Peters stated that it could be denied without prejudice and to require an EIR to be prepared.

Chairman Garibaldi further stated that would be assuming that an EIR would draw the same conclusion.

City Planner Peters responded with she would draw the conclusion that it's a significant unavoidable impact, until such time that the circulation element is amended and a finding for exception could be make to that level of service. The EIR would find that it is significant unavoidable impact, which requires a statement of overriding consideration made by the City Council that says there is some greater public benefit that out weights the impacts.

Chairman Garibaldi questioned whether there were any gray areas between these and that he was aware that if an intersection was going to be mitigated, the developer could do a fair share.

City Planner Peters answered with yes, any project that come through the City of Jackson has to pay a regional and a local traffic impact fee that's designed to mitigate their impacts. Then the CEQA (California Environmental Quality Act) Mitigation Measures can go up and above that, but there has to be a nexus between what the applicant is required to construct or pay into their actual impacts.

Chairman Garibaldi's 2nd question was regarding the tree ordinance and landscaping and how to pursue a plan that says if you lay a subdivision out a certain way to minimize the amount of tree removal and disruption rather than just validating the tree removal.

City Planner Peters responded by stating that the zoning ordinance that presently is being worked on has the grading ordinance, the hillside development standards and the landscape planning ordinance that will be refined. All three of these will force applicants during the initial process to take a second look at where their lot lines are going to be and where their proposed building envelopes are going to be.

Applicant Rick Fenstermaker chose to speak after hearing public comments.

Chairman Garibaldi opens the public hearing.

The following public signed in and expressed their comments and /or opposition to the project, issues of concern regarding this project consisted of emergency access on such narrow roads, poor water pressure in the area and poor condition of the streets.

Ken Ray, Kern Street

Ray and Pat Porto, Kern Street

Mike Milovich, Boarman Street

Phil Collins, Sergeant Street

Fred Cuneo, Boarman Street

Gerald and Nancy Pezzi, Kern Street

John Farrow and Grandson Justin, Kern Street

Lucia Blake, Boarman Street

Pat Keen, Kern Street

Pat Eckenrod, Endicott Street

Gale Groverman, Endicott Street

Ron Hall, Boarman Street

Virginia Berton, Boarman Street

Harold J. Moore, Endicott Street

Applicant Rick Fenstermaker stated that he shared the community's concerns and originally when his survey company came up with a plan it divided the property into a typical small subdivision of 10 lots. But upon talking to staff and talking in town, he felt that it would be something that the property owners on Kern and Boarman Street wouldn't want so he tried to scale it down to a lesser number of lots. He felt that in looking back to that larger 10-lot subdivision, and the way it was laid out, it might have alleviated

some of the other problems like the water, water pressure, emergency access, and vehicle space because the surveyors had created a loop that tied the two streets together. He further stated that he had come here not as a big time developer, but to just look at a piece of land to develop that made economic sense and stated he was more than willing to work with staff. He stressed that he felt that staff would see to what gets developed, what gets approved, what was needed by the community's input and he was willing to work together to try to come to some sort of agreement. The applicant further stated that he paid a premium price for the property and wasn't trying to maximize the value by putting 10 lots on it and he thought he was doing everybody a favor by only putting 6 lots on it.

Planning Commissioners questioned their confusion on the number of lots Mr. Fenstermaker was applying for tonight.

Applicant Fenstermaker confirmed that there are currently 3 lots and he is applying to split the center lot into 4 lots.

City Manager Daly further explained by pointing out the lots on a map.

City Planner Peters questioned on whether there was CC&R's (Covenants, Codes and Restrictions) and /or a Homeowners Association.

Pat Keene confirmed there was a CC&R, but further stated that these 3 lots were not part of the subdivision so the CC&R's wouldn't govern them.

City Planner Peters explains the difference between subdivision and parcel maps. The Subdivision Map Act reads 4 or less lots is considered a parcel map and anything over 4 lots is considered a subdivision map.

Further comments were exchanged among the public.

Engineer Technician Urzik stated that this project would have a minor effect on the water pressure. He further explained that the City's Water Superintendent felt that the old plumbing in the area is part of the problem. There has been some upgrading by increasing the size of the water line on Kern Street and some partial work done on Boarman Street. It was further discovered that on Sergent Street, there's a restriction because of an old 6" main and after discussing this with the City Engineer, it was proposed that they were going to have the Developer increase that water line also. Mr. Urzik stressed that this would only help with the quantity of water, not the pressure. He further stated that if the Jackson Hills Golf Course comes in with the proposal of a 1 million gallon water tank, it would help the water pressure. Mr. Urzik answered Vice-Chairman Carleton concerns of what could be done for the water pressure problem if the Jackson Hills Project didn't come in with the proposal of a Water Booster Station. He further answered the Commissioner's questions on the impact of the roads in the subdivision by stating they didn't meet any current standard for width and in his view the heavy traffic created by construction would further damage the roads.

The public further expressed their concerns.

Chairman Garibaldi closed the public comments.

Vice-Chair Carleton stated that he didn't feel this project would have an impact on wildlife but felt that it would deteriorate the water pressure and the heavy traffic from the developer would hurt the roads.

Commission Faulkner concurred with Vice-Chairman Carleton on the wildlife, traffic and the roads issue and further stated that she was ok with 3 lots but not any more than that.

Commissioner Works stated that she could find that the proposed TPM is consistent with surrounding land uses but could not on 2 & 3 of the findings. She further stated that she did not feel she could vote to approve this division.

Chairman Garibaldi felt that roads were already not up to standard and that this project would further impact them and the water issue. He did not feel he could approve this project.

Moved by Commission Works, Seconded by Commissioner Faulkner and unanimously carried to Deny Tentative Parcel Map #2685, Rick Fenstermaker, Boarman & Kern Street, APN 020-341-016 based on the findings:

- 1. The proposed Tentative Parcel Map is consistent with surrounding land uses.**
- 2. The proposed land division would be a detriment to the public health, safety, or general welfare of this community.**
- 3. The proposed use would have a significant adverse effect upon the environment.**

Chairman Garibaldi called for a recess at 7:45 p.m.

Chairman Garibaldi reconvened the meeting at 7:55 p.m.

City Planner Peters steps out of the meeting and the building due to a conflict of interest and stated that Gary Urzik would be standing in as Planner for Item #4.

- 4. Tentative Subdivision Map #127, Robert Hix, Scottsville Blvd, APN 044-200-027 and APN 044-200-051, to allow subdivision of two existing lots into eight single-family residential lots.**

Engineer Technician/ Planner Urzik stated the following:

Project Description

The Stonecreek Estates project is a proposed residential subdivision in the southeasterly portion of the City of Jackson near Terrace View Estates (Assessor's Parcel nos. 44-200-027 & 44-200-051). The site is accessed via State Route 49 south to Scottsville Boulevard (east), then southerly via the new Goldstone Avenue. The property is currently vacant, though at one time a residence occupied one of the parcels. Surrounding land uses include residential subdivisions under construction to the east and north, an existing single-family residential subdivision to the south, and an industrial park to the west.

The Stonecreek Estates project was originally submitted for review in May 2004 as a 16-lot subdivision re-zone and planned development. Since that time the developer has withdrawn the original application and has submitted a revised map proposing a reduced project consisting of eight lots intended to support detached single-family homes. The proposed average lot size is approximately 17,500 square feet (0.4± acres) with lot sizes ranging between 13,000± and 25,200± square feet. The project also includes a community park lot located in the northerly portion of the site, which the developer proposes to dedicate to the City. The project would be served by City services including police, fire, water, sewer and storm drainage.

The re-designed Stonecreek Estates project was the subject of a Notice of Intent to Develop filed with the City in April, 2005 and on May 23, 2005 the City Council awarded the project eight Housing Equivalent Units consistent with the provisions of the City's Resource Constraints and Priority Allocation Policy.

General Plan Designation and Zoning

The City of Jackson General Plan designation for the project site is Planned Development (PD) and the zoning is Multi-Family Residential (R-3). Single-family residential uses are allowed in the Multi-Family Residential zone.

Environmental Review

An application referral package with a proposed project description was circulated to responsible agencies on August 22, 2005. Comments were received from the Amador Water Agency, City Public Works Department, City Fire Department, the City Engineer, and the Amador Air District. Comment letters received to date are attached to this staff report for your review.

In accordance with the California Environmental Quality Act (CEQA) an Initial Study was also prepared for the project (attached). 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.

Findings

Should the Planning Commission choose to approve this project, the following findings should be made:

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

Should the Planning Commission choose to approve this project, the following findings should be made:

1. All Standard Conditions of Approval shall apply to this development.
2. Developer shall participate pro-rata in the cost of construction of the South Jackson water storage tank & booster station in accordance with the City Engineer's cost estimate. This condition shall be implemented to the satisfaction of the City Engineer.
3. Developer shall participate pro-rata in the cost of handicap ramps and realignment of the half-bulb at the intersection of Scottsville Boulevard & Goldstone Avenue. This condition shall be implemented to the satisfaction of the City Engineer.
4. Developer shall participate pro-rata in the cost of constructing required sewer lift station improvements to the existing lift station in Scottsville Blvd. This condition shall be implemented to the satisfaction of the City Engineer.
5. The project's water system shall be designed to provide fire flows of at least 2,000 gallons per minute.
6. All grading shall be in accordance with Appendix Chapter 33 of the Uniform Building Code and the City of Jackson Landscape Ordinance. This condition shall be implemented to the satisfaction of the City Engineering Department. All grading operations shall stop between October 15 and April 1, of each year.
7. Developer shall construct or cause to be constructed half-width street and roadway improvements for that portion of Goldstone Avenue extending from Scottsville Blvd. to the project's easterly boundary. Improvements shall be constructed to City of Jackson standards with sidewalk on both sides of the street. This condition shall be implemented to the satisfaction of the City Engineer.
8. Developer shall participate pro-rata in the one-time cost of crack sealing and slurry-seal of Scottsville Boulevard. This condition shall be implemented to the satisfaction of the City Engineer.
9. Public facilities easements shall be offered for dedication with on-site and off-site public facilities improvements, with widths subject to City Engineer approval.
10. If the project's storm water runoff is to be directed toward the Highway 49 storm drainage culvert crossing scheduled for upgrading as a part of the Jackson View Senior Development project, developer shall participate pro-rata in the cost of construction for said culvert crossing. If drainage is directed towards the new retention basin developer shall participate pro-rata for costs incurred for its construction. This condition shall be implemented to the satisfaction of the City Engineer.
11. Developer shall prepare and submit a drainage study and erosion control plan to the City of Jackson Engineering Department by September 1, of each year for approval and post 100% surety to assure implementation by October 1, of each year.
12. Developer shall comply with the Rules & Regulations of the Amador Air District.
13. Developer shall dispose of any unwanted construction scrap material in a legal manner that does not require on-site burning.

14. A water truck shall be used to control fugitive dust during construction activities.
15. Streets adjoining the project shall be kept free of dirt, rock or other materials that may be tracked out of the construction site.
16. Should an elderberry shrub be encountered during subdivision improvement construction, said shrub shall be avoided by erecting and maintaining a barrier of field fencing surrounding the shrub and extending a distance of 20 feet beyond the drip line in all directions.
17. No elderberry shrub shall be removed or disturbed during subdivision improvement construction without prior consultation with and approval by the USFWS.
18. Removal of all oaks with a diameter at breast height (dbh) over eight (8) inches as a result of subdivision improvement construction shall require replacement at a rate of three to one (3:1).
19. The developer shall make every effort to retain "heritage" oaks (oaks in excess of 24 inches dbh).
20. Developer shall provide the City with a contract with a qualified arborist to provide a five-year monitoring program for any oak mitigation plantings.
21. Developer shall enter into a Development Agreement and/or Improvement Agreement as necessary for the above improvements and participations to the satisfaction of the City Attorney.

Action

Should the Planning Commission chose to approve Revised Tentative Subdivision Map 127 for the Stonecreek Estates Project, 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 Revised Tentative Subdivision Map 127 for Stonecreek Development, Inc. based on the Findings and subject to the Condition of Approval in this report.

Robin Peters, Bata Engineering, representing the applicant highlighted a couple items to be taken for consideration. He stated that the surrounding area of this property is residential development or at least some type of development and this is a little island of undeveloped residential property. He further stated that from an infrastructure standpoint it really fits well with the community. Mr. Peters further stated that there is a potential of at least 8 units and the developer's perception of the market was such that the demand for 8 single-family dwelling for this property made more sense for the community than two 4-plexes. He felt that this would better fit with what was going on around it.

Mr. Peters addressed Commissioner Carleton's question on where the storm drainage was going to go by stating it was going to be collected, directed to Goldstone and then to Scottsville and then down to Highway 49. The proposed Condition of Approval requiring participation in the new culvert going underneath Hwy 49 would accommodate that storm drainage route. Mr. Peters further stated they could avoid, (as long as the City Public Works Department allows the route), sending drainage toward the North and existing basin.

Mr. Peters addressed the Commissioner's concerns regarding the trees by stating that there will be no removal of any oak trees and he is actively designing a new road to avoid removing any of the walnut trees.

Mr. Peters went on to state that there is a park designated for the northerly corner of the property.

Chairman Garibaldi opened to the Public at 8:17 p.m.

Sandy Nurse, Sierra Foothill Lab expressed her concerns in regards to the open space, park area, children play area and her displeasure regarding the dust control and mud control problem she's dealt with on prior projects with this developer. She further stressed the cost that her business has personally paid for high tech filtering systems and asks that a condition be added for a penalty for violation of dust control.

Sally Crocker- Terrace View shared Sandy Nurse's concerns and further expressed her concern for more area for the children to play and the dust that neighborhood has already had to endure for the last 3 years.

Chairman Garibaldi closed the Public hearing. 8:35 p.m.

City Manager Daly and the Commissioners addressed the issues of Mitigation Fees and dedicated land for park sites. Commissioner Works questioned the use of collected mitigation fees from other projects in the area used for a park site in this project. The Commissioners further addressed their concerns that the lot offered for the park by this project of 1600 sq.ft. will be too small to accommodate the area kids and suggested it be increased to 22000 sq.ft.

Representative Peters responded with that they wanted to include a park this time because of the fact there wasn't a park included on the other projects. He addressed some hesitation on the issue that taking a ½ acre from this Stonecreek project because it would create smaller lots. He agreed that the suggested offer was too small but they had used the City's formula. He also felt there was flexibility in the numbers and could be negotiated with what works best with the City and the proposals.

The Commissioners went on to address the issue of dust and mud control. After much discussion it was suggested that the use of palliatives (material applied to unpaved roadways under construction that suppress the generation of dust) be used.

Engineer Technician Urzik answered the Commissioner concerns and questions of what can be done to enforce the control of dust and mud by stating that it has been a constant battle with enforcement of the rules with the prior projects and it would help if a superintendent was on the site at all times. After much discussion on this issue it was agreed that that would be the best solution along with the use of palliatives.

Representative Peters addressed his concern in regards to #6 of the COA where all grading operations shall stop between October 15, and April 1 of each year by stating that if the nice weather extended out beyond this cutoff date, it would cause the project to sit idle with nothing to do. After much discussion

between the Commissioners and Mr. Urzik it was decided that it would be to the discretion of the City Engineer.

Commissioner Faulkner stated she was not in favor of increasing the park size.

Moved by Commission Works, Seconded by Vice-Chairman Carleton and carried by a 3-1 vote (Commission Faulkner dissenting) to approve Tentative Subdivision Map #127, Robert Hix, Scottsville Blvd, APN 044-200-027 and APN 044-200-051, to allow subdivision of two existing lots into eight single-family residential lots on the following actions:

- 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 Revised Tentative Subdivision Map 127 for Stonecreek Development, Inc. based on the Findings and subject to the Condition of Approval in this report amended as follows:**

6 All grading shall be in accordance with Appendix Chapter 33 of the Uniform Building Code and the City of Jackson Landscape Ordinance. This condition shall be implemented to the satisfaction of the City Engineering Department. All grading operations shall stop between October 15 and April 1, of each year, or at the discretion of the City Engineer.

#15 Palliatives shall be used for dust control.

#23 A Superintendent shall be on site at all times to control all aspects of dust, erosion and winterization control.

#24 Park size increased to 22,000 sq.ft.

5. Workshop – Zoning Ordinance.

Matter continued to Oct. 17, 2005 meeting.

6. Administrative Reports.

City Manager Daly reported that a letter provided by Bill Condershaf was left out the Final EIR and will be folded in and out to everyone as soon as possible. He further answered Vice-Chairman's question on when the commissioners were to meet with Charles Field by stating that it was opted to incorporate that meeting into the FEIR hearing since it was specific to the Jackson Hills EIR.

City Manager Daly also stated that the Amador Hospital EIR will be addressed on the Oct. 17, 2005 meeting and that the deadline to accept any comments will be Nov. 2, 2005. That it was hopeful to get this completed by the end of the year.

None

Adjourned – 9:35 p.m.

Attest:

Candy Collins, Accounting Assistant

Date Approved: January 17, 2006