

Jackson Planning Commission

Minutes

Meeting of July 17, 2006

COMMISSION MEMBERS PRESENT:

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

CITY STAFF PRESENT:

Michael Daly, City Manager
Susan Peters, City Planner
Candy Collins, Accounting Services II

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.

Thornton Consolo wanted it to be on record that at the Special Planning Commission Meeting of July 5, 2006 Toni D'Arcy asked him if he worked for Lowes. His response was "Yes I Do". Since then it has been quoted in the paper and on the news. Mr. Consolo wanted it to be known that he has no ulterior motives and has not been asked by Lowes to say things against Home Depot. He again stated that he is not against Home Depot, just strongly opposed to the proposed location and scale. He added that he was very passionate about this project and would continue to fight this issue.

Commissioner Sexton addressed Mr. Consolo by stating that no one on the Planning Commission questioned his motives.

2. Proposed Countywide Transportation Sales Tax Expenditure Plan;

Charles Field, Executive Director ACTC presented the following;

The ACTC has been updating the Regional Transportation Plan (RTP) for Amador County and its cities every four to six years since 1990. Each RTP Update has documented that the shortfall of funding for highway and local road improvements is growing worse while traffic volumes continue to increase. The 2004 RTP Update qualifies the shortfall in needed funding for highway improvements to be \$110 million and the shortfall for local streets and roads to be \$35 million.

The ACTC is working with the cities and the county to raise regional and local traffic mitigation fees to help ensure that new homes and businesses pay for their share of cost to upgrade the regional and local roadway system. In order to ensure that new development pays its full share for improvements needed, it is anticipated that mitigation fees will need to be increased in the near future. Regional and local traffic mitigation fees will pay for less than one-half of the cost of new facilities needed. This is because new homes and businesses can only be charged fees based on the

amount of traffic or impact they will generate. Many of the counties new highway facilities will need to be constructed whether or not another home or business is built. This means that a large part of the cost for these improvements needs to be borne by existing residents or travelers visiting or passing through Amador County.

In the past Amador County has relied on the State of California to pay for highway widening, bypasses, and safety projects. Given transportation funding shortages at the State and Federal level, Amador County and its cities can no longer rely upon Sacramento or Washington to pay for these.

State funding for completion of the Sutter Creek/Amador City bypass has effectively used all of Amador County's share of projected State highway widening funds through the year 2012. Amador County has no less than six (6) highway corridors that will be vying for State highway funds after 2012 (Ione SR 104 corridor, Plymouth SR 49 corridor, Martell SR 88 corridor, Jackson SR 49/88 corridor, Pine Grove SR 88 corridor, and Pioneer SR 88 corridor). **There is no way that projected State and Federal funding can pay for all six of these corridor projects in the time that they will be needed.**

The "Pavement Management System Summary Report" completed by ACTC in March 1999 documents that the average annual expenditure for actual pavement work in Amador County and its cities was approximately \$700,000 a year, whereas the overall average annual need for roadway maintenance was \$1,950,000 per year. As is evident to all of us, the roads are decaying faster than they can be maintained.

The State infrastructure bond package is also proposed to go to voters on November 7, 2006. If voters statewide approve it, it will provide a **one-time** infusion of funds for county and city road improvements. A little over a million, maybe approximately two million will go to Amador County. This will be less than 1/10 of what is needed. Each city in the county will get \$400,000. Some of the bond funding will improve Amador County's chance of funding its single highest priority State highway project, likely the Pine Grove SR 88 corridor project after 2012.

ACTC and Amador County conducted a poll last winter through an objective, random telephone survey and found that slightly more than 2/3s of the voters polled would support a ¼ cents sales tax for specific transportation purposes. ACTC came back and determine that a ¼ cent would not be enough and recommended to the board that they go forth and ask for a full ½ cent. It is because of the survey that some of the funding money was used to put this program together and the Board of Supervisors has put it on the November 7, 2006 ballot.

The Amador County Road and Traffic Improvement Plan is going before the voters on the November 7, 2006 ballot as a county measure requiring a 2/3 voter approval for a ½-cent sales tax to fund a Transportation Plan that will improve roadways with projects such as:

- Improving traffic flow and safety on highways 104, 49, and 88.
- Fixing pavements and filling potholes on county roads and city streets.
- Building sidewalks and improving pedestrian safety.
- Improving bus services and facilities including transportation for seniors and the disabled.

And provide annual public reports to ensure funds are expended properly.

A ½ cent sales tax will generate about 2.2 million dollars a year in Amador County.

The Summary of expenditure plans will be as follows:

- A. 52% of proceeds shall be used for state highway traffic congestion and safety improvement.
 - 1. Ione interim west bypass.
 - 2. Martell Highway 88 widening and safety.
 - 3. Jackson Highway 49/88 widening and safety and saving the bypass to another day, based on workshops held this last summer.
 - 4. Pine Grove Highway 88 widening and safety or bypass.
 - 5. Plymouth Highway 49 widening and safety.
 - 6. Pioneer/Buckhorn Highway 88 widening shoulders, left-turn lanes and other intersection improvements and possible curve corrections.
- B. 24% of proceeds shall be provided to Amador County for local road rehabilitation and maintenance purposes.
- C. 12% of proceeds shall be distributed to the cities, based on population for local road rehabilitation and maintenance purposes.
- D. 14% of proceeds shall be used to maintain transportation services for seniors and the disabled and to fund construction of transit facilities.
- E. 4% of proceeds shall be used to provide grants for pedestrian safety facilities consistent with the adopted Countywide Transportation Plan.
- F. 4% of proceeds shall be used to fund program administration.

The program will be administered by the Amador County Transportation Commission and made subject to annual public reports and review by the Amador County Board of Supervisors and each City Council.

The expenditure plan can in combination with increased regional mitigation fees, enable construction improvements in the six major highway corridors of the county within the next 20 years. The sales tax component has to go 40 years to generate the kind of funds that are needed.

Mr. Field further explained that of the total funding of \$263million, \$160 million will be for projects, and the remaining \$103 million is for financing costs because the only way that the six (6) corridor projects can be built in the coming 20 years is not as a pay as you go but to pay for them in the next 20 years and then take out bonds to pay for a little more than half of the projects 20 years after. The projects will be built in 20 years and then paid back over the next 20 years, which makes it a 40-year program. This is the only way to build them in the time frame they are needed.

Mr. Field showed maps, charts and graphs of the proposed improvement costs and funding shares.

Charles Field and Commissioners and the audience further discussed where the funds would be used, and the bond issue.

3. Amador Countywide Pedestrian and Bicycle Transportation Plan.

Charles Field, Executive Director ACTC presented the following:

ACTC has spent two (2) years working with consultants (Gail Payne of MIG and Mel Welsh, local community outreach specialist) and a citizens advisory committee of 28 people in developing this plan and the guidelines. The plan identifies over 325 total pedestrian or bikeway projects. These are all mapped, listed, and given a rating based on benefits to mobility, safety, public input, and overall feasibility in Appendix D of the Plan. Appendix D is a separate document being reproduced in limited quantity due to its size and complexity. The top rated projects are mapped and listed at the back of the plan itself.

The Draft Pedestrian and Bicycle Design Guidelines and Recommended Standards is intended to be guidelines that can help developers to design projects that will comply with Americans with Disabilities Act (ADA) requirements as well as increase local desire for pedestrian and bicycle transportation facilities. If the cities and county adopt the plan and guidelines by resolution, then these documents may serve as the cities or county ADA transition plan. This helps to protect the cities and county from ADA compliance lawsuits. A policy and program within the plan requires the ACTC to use up to \$150,000 in Local Transportation Fund (LTF) 2% set aside to match local government funds in efforts to resolve ADA compliance issues.

The Plan's funding strategy is, at this time, based almost exclusively on use of the ACTC's 2% LTF set aside and possibly Bicycle Transportation Account (BTA) program grants. There are no policies, programs, or proposals within the plan recommending to take existing funds used for street, road, and highway purposes and spend them on pedestrian or bicycle facilities. If the cities and county adopt the plan and guidelines, they will become eligible to submit grant applications for funding from the statewide BTA. Grants of approximately \$200,000 each could become available for high priority projects identified in the countywide plan. Citizen groups, agencies, and organizations can nominate projects for BTA funding through the Board of Supervisors or any City Council. A local match is required. The next round of BTA grants occurs in December 2006.

Subsequent to the workshop of January 31, 2006, the Draft Pedestrian and Bicycle Transportation Plan has been amended based on public comments and a public hearing held on April 19, 2006.

The most essential changes made to the previous draft plan are summarized as follows:

- Although a total of \$111 million in pedestrian and bicycle transportation projects are identified, only \$16 million are identified as high priority projects expected to be funded over the next 20 years (by 2025).
- Policies are added to the goals, objectives and policy section of the document (page 5) which encourage city and county planning agencies to review proposed land use development projects to ensure that they preserve rights of way and construct needed higher priority and lower priority facilities identified in the plan.
- Clear guidance is provided to the ACTC for use of its limited Local Transportation Fund set aside (2% for pedestrian and bicycle facilities).

The Jackson City Council adopted the Countywide Pedestrian and Bicycle Transportation Plan and the Design Guidelines document during its meeting of April 24, 2006.

Mr. Field clarified that every one of the projects in the plan requires further work, none of them have been detailed out and he's sure that if some of the projects get into the actual pipeline for

construction, some will fall out because of some right-a-way or environmental concern, but all of them have been screened for their potential to be built. This plans' intent is to be used as a guide and it has not been adopted by any ordinance.

Charles Field answered questions from the Commissioners and the audience on further clarification of how the funds will be spent and how to make sure that new development pays their fair share.

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

City Planner Peters read the following report:

At the May 15, 2006 Planning Commission meeting, staff provided an updated Article II of the proposed City of Jackson Development Code. The update included modifications to the allowable land uses and the commercial development standards. Review guidelines were added addressing Large Retail Establishments (LREs). Staff was directed at this meeting to do, essentially four (4) difference tasks.

1. Keep the LRE size limitation which requires a Conditional Use Permit (CUP) for any Commercial building over 50,000 square feet.
2. Provide exceptions to the wall height
3. Provide figures.
4. Amend the Overall and LRE guidelines to include
 - a. A discussion regarding buildings per parcel
 - b. Encourage parking garages
 - c. Light standard height
 - d. A requirement for pitched roofs
 - e. Hours of operation.

The LRE size limitation language has been retained and wall height exception language has been added. Article II was amended with language regarding parking garages and pitched roofs. The hours of operation are included in other Article of the Development Code.

The goal of this 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 along with the rest of the Development Code.

Ms. Peters stressed that the proposed LRE regulations will apply Citywide, not just to the Home Depot site. Consideration of the Home Depot project is not on this Agenda and will not be discussed. There will be ample opportunity to discuss the Home Depot project during the public review process of the project's Environmental Impact Report and during project determination.

City Planner Peters and the Commissioners further discussed the proposal of changing the Development Code to reflect any LRE over 20,000 square feet to have a Conditional Use Permit (CUP) and made the following changes:

Visual Corridor and Creek/Floodplain will be added to Table 2-1 under Overlay Zoning Districts.

Table 2-6 Pg 15 (1) footnote to say **may** instead of **shall** and also to be referenced in Article III.

Ms. Peters to look into the landscaping ordinance and find **more language** in regards to the planting area.

Language to be added to Landscaping under Parking Lot Design & Orientation to include, whenever possible **and upon availability**, permeable paving systems shall be evaluated and utilized.

Ms. Peters to check with Gary Urzik, Engineer Technician in regards to walkway width requirements for the City of Jackson.

City Planner Peters and the Commissioners went through the letter from **Scott A. Mommer, Site Development Coordinator for Home Depot** and addressed some of their recommended changes to the Development Code.

1. Commercial, Office and Industrial Zoning Districts (Chapter 17.12)

Answer: Table 2-5 and 2-6 were made more consistent.

2. Overlay Zoning Districts (Chapter 17.20)

Answer: Some maps completed and some in progress. Phrases added. Some changes made.

3. Design Guidelines (Chapter 17.24)

a. Building placement

Answer: Leave as is.

b. Parking

Answer: Further research for additional verbiage to be done by Ms. Peters.

c. Viewsheds

Answer: Leave as is.

d. Lighting

Answer: To be addressed further at a later date.

e. Roofs

Answer: Leave as is.

f. Building design guidelines

Answer: Leave as is.

g. Refuse, storage and equipment areas

Answer: Leave as is.

h. Outdoor retail sales

Answer: To be in a designated area with a definite physical boundary.

i. Pedestrian Flow

Answer: Previously taken care of.

j. Central Features and Community Spaces

Answer: Leave as is with added definition.

k. Other

Answer: Ms. Peters to obtain further information on the remaining recommended changes.

Kathy Allen addressed her former request for a cap size. The following are Ms. Allen's 10 points of request, followed by the City Planner Peters and the Commissioner's response and well as some of the public responses.

1. As now proposed anything 50,000 sq. ft or over requires a Conditional Use Permit, and there was discussion of changing it to anything 20,000 or over requires a CUP. It was also her understanding that the maximum size limit to be 65,000 sq.ft.

Answer: There was much discussion between City Planner Peters, Commissioner, and the public and it was determined that the Planning Commissioners would not go for a maximum size limit but anything over 20,000 sq. ft required a CUP.

2. Create wording so that an LRE could not build 2 or more adjacent stores.

Answer: Now that it is changed to 20,000 sq.ft. w/ a CUP, the issue will require more information.

3. Create wording so that the entire retail footprint is included within the square footage allowed, including the garden center.

Answer: Agreed that this needed to be further clarified and to include language earlier discussed.

4. Include a clause that would allow current retail stores the ability to expand up to 15% with a CUP.

Answer: Now that there is no Cap set, this is no longer an issue.

5. Create a community review component or a citizen advisory committee for any new or expanding retail stores over 30,000 sq. ft, which includes examination of the impacts on historic and scenic sites, character of the town and impacts on Jackson's historic downtown business district.

Answer: Anything over 20,000 sq.ft. would go to the Planning Commission for discretionary review, which would include review of historic, visual, biological, cultural, air quality, traffic, noise, etc. It was stressed that the Planning Commission is the advisory committee to the City Council. It was also pointed out that when Raley's came in, the Planning Commission established an architectural committee made up of professionals, laypersons, and the public to come to talk about the architectural designs.

6. Separate out the size regulations for LREs.

Answer: This was answered earlier.

7. Put a temporary moratorium on any LRE until the regulations are finalized.

Answer: After much debate, it was decided that the answer was NO.

8. Require a preparation of a plan for any LRE vacancy and mitigation by the LRE.

Answer: This will be looked into further.

9. Require any LRE greater than 20,000 sq.ft. to submit an EIR.

Answer: The CUP requirement on anything over 20,000 requires discretionary review. Discretionary projects are subject to the California Environmental Quality Act (CEQA), which

starts with the initial study checklist and scoping to determine potentially significant impacts. Then a determination is made if the project can be categorically exempted, or will require a mitigated negative declaration or an EIR.

10: Proposed ordinance should be amended only by a majority vote of the people.

Answer: You can suggest that to the City Council.

5. **ADMINISTRATIVE REPORTS.**

City Planner Peters announced that the Shealor Trust Tentative Subdivision Map (TSM) on Jackson Gate/N. Main, which had received an allocation in 2005 needs to have a project determination by this coming December or ask to be extended. The City has received their application, it's deemed complete and currently going through review. This project should be on the next planning agenda for August 21, 2006.

Adjourn: 10:32 pm.

Attest:

Candy Collins, Accounting Services II

Date Approved: November 20, 2006