

AMADOR CITY COUNCIL

MINUTES OF REGULAR MEETING, OCTOBER 19, 2023

1. Call to Order
2. Pledge of Allegiance
3. Roll Call – Kel-Artinian, Bragstad, Robinson, Sherrill, Staples
4. Report from Closed Session – None
5. Public Forum - Kirk Lindsay reported that the Fire Station/Old City Hall is in desperate need of paint and the caulking is deteriorating. – Council will look at the building.
6. Consent Agenda – City Council Minutes of September 21, 2023, meeting approved with correction 20% should be 12% (item 10 on 9-21-23 minutes). Year End Financials (Sewer Fund Only) Annual income \$130,399, budget \$161,700. Net loss higher now. Another rate increase for 2024 to avoid net loss. Effort to explore other avenues to avoid net loss. Engineering and maintenance are considered efficient. Possible grants money available. Capital equipment fund has been under sourced for decades. Staples moved 2nd by Bragstad to approve sewer budget, approved unanimously. City Council agenda for October 19, 2023 – Bragstad moved, 2nd by Sherrill, approved unanimously.
7. Ordinances and Public Hearing
 - A. Citizen’s Committee – Disappointing response.
 - B. Resolution #621 – Sales Tax Initiative for Road Improvements – Bragstad moved, 2nd by Robinson, approved unanimously. An impartial analysis must be provided by November 17, 2023. The initiative must state “sole purpose is to fund road maintenance.”
8. Administrative Agenda
 - A. Flood Lights – Ken Jennings will install.
 - B. Repair Side Walks Downtown - Bragstad recommended we repair as needed.
 - C. Gornet Property – No electricity on property – fire danger reduced. Fuel mitigation (tall, dried grass) is possible mitigation. Fire Chief Moreno stated the City has some responsibility to require property owners to mitigate...a lien can be placed on property. Sutter Creek has an ordinance addressing this issue.
 - D. Jennings-Brusatori -Property/Boundary Line Issue – Jennings wants unobstructed access to his property. Brusatori requested information on 2014 action by Amador City in giving access to Jennings ie. How much property included, what can he do with property, why no financial consideration or public notice? Jennings will complete process initiated in 2014. Toma has indicated four corners of Jennings property. Both parties want to avoid disputes in the future and to guarantee access to both properties. City Planner Susan Peters will assist all parties in the proper procedure to achieve a mutually acceptable outcome. Council agreed the ball is in the property owner’s court.
 - E. City Hall Park Update – Project on budget. Work to commence Monday, October 23, 2023.

9. Committee Reports:

ARSA – Nothing – Our Attorney Patrick Keene has received copies of all documents – Litigation not very active right now.

CIRA – Nothing

RTMF – Working on bike and pedestrian trails.

LAFCO – Nothing

ACRA – lone has withdrawn from ACRA.

AAD - ?

HOMELESS –

FIRE – Need to work on process. Some properties to review. City needs an ordinance...see Sutter Creek's. Plan to clear bushes off Hwy 49 at south end of Amador City. Traffic control needed. Chief Moreno stated 5 million acres should burn each year.

MUSEUM – Nothing

SHORT TERM RENTALS – Two in Jensen Building

DESIGN REVIEW – Bruce Sherrill's carport was approved.

MAINTENANCE – Creek clearing completed

CEMETERY – Nothing

ACBCA - Dancing in the Streets ends Oct.28. They should submit invoice to city for grant.

10, 14, Nothing

15. Meeting adjourned. Next meeting November 16, 2023.

City Council Resolution No. 2023-622

**A Resolution of the City Council of Amador City
Approving Variance 2023-622
Patrick & Alaina Lyons
10741 Cross Street (APN 008-272-020)**

WHEREAS, Patrick & A'laina Lyons are requesting a variance to construct a 20 foot by 24 foot (480 square foot) carport at their residence at 10741 Cross Street. The carport would encroach completely into the 20-foot front yard setback; and

WHEREAS, the City Council has held a duly noticed Public Hearing to solicit public comment on the application:

NOW, THEREFORE, BE IT RESOLVED, that the City Council makes the following findings consistent with Amador City Municipal Code Section 17.76.030 Necessary Conditions:

1. That there are exceptional or extraordinary circumstances for conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone and vicinity;
2. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or vicinity in which the property is located;
3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone and vicinity; and
4. That the granting of such variance will not adversely affect the comprehensive general plan.

BE IT FURTHER RESOLVED that the City Council hereby approves Variance 2023-622 for Patrick and A'laina Lyons at 10741 Cross Street (APN 008-272-020).

The foregoing resolution was duly passed and adopted by the City Council of Amador City at a regular meeting on the 16th day of November 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Amador City

ATTEST:

City Clerk

**AMADOR CITY
Planning Staff Report**

Date: November 10, 2023
Application Type: Variance 2023-622
Proposed Project: Carport
Applicant: Patrick & Alaina Lyons
Location: 10741 Cross Street (APN 008-272-020)

Project Description/Discussion

The applicant would like to construct a 20 foot by 24 foot (480 square foot) carport at their residence at 10741 Cross Street. The carport would encroach completely into the 20 foot front yard setback. The proposed carport has received Design Review approval.

Environmental Review

While variances are typically subject to the California Environmental Quality Act (CEQA), projects which have no possibility of causing an environmental impact can be categorically exempted from CEQA review in accordance with Section 15061(b)(3) of CEQA.

Findings

In accordance with the Amador City Municipal Code Section 17.76.030 – Necessary Conditions, the following findings must be made for approval of the requested variance:

1. That there are exceptional or extraordinary circumstances for conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone and vicinity;
2. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or vicinity in which the property is located;
3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone and vicinity; and
4. That the granting of such variance will not adversely affect the comprehensive general plan.

Planning and Engineering staff have reviewed the variance application and determined that there will be no safety issues (site distance) due to construction of the proposed carport in the front yard setback. Additionally, since there are other structures within the setbacks along Cross Street, the proposed variance would not be considered a grant of special privilege.

Action

Should the City Council choose to approve the variance for Patrick & A'laina Lyons on their property at 10741 Cross Street (APN 008-272-020) the following actions are recommended:

1. Instruct Staff to file a Categorical Exemption; and,
2. Adopt Resolution No. 2023-622 approving Variance 2023-622 for Patrick & A'laina Lyons at their property at 10741 Cross Street (APN 008-272-020) based on the Findings in this report.

City of Amador City Fire Fuels Management

Ordinance #185

An ordinance creating Chapter 8.14 of the Amador City Municipal Code, relating to the requirements for the reduction of organic waste disposal.

The CITY COUNCIL of the City of Amador City ordains as follows:

Chapter 8.14 is hereby added as follows: **Fire Fuels Management.**

8.14.010 Generally.

In addition to any other means of enforcement provided under this Code, including but not limited to those provided under chapter 8.12 , whenever the fire chief or his authorized representative shall find vegetative growth or refuse upon any property, lands, or lots in the city, which in his opinion is or may become a fire hazard or a health and safety hazard, he shall have cause to give to the owner of said property a notice to remove such vegetative growth and/or refuse which may constitute a hazard in the manner hereinafter provided in this part. For purposes of this chapter, the fire chief or his authorized representative is designated as the superintendent in accordance with California Government Code Section 39560.

(Ord. 18x §010, 2023)

8.14.020 Definitions.

When used in this chapter, the words below shall have the following meanings, unless otherwise indicated:

- A. "City" means the City of Amador City.
- B. "Council" means city council of the city.
- C. "Drainage" means any ditch, culvert, and/or pipe used as a means of public drainage or drainage control.
- D. "Fire chief" means the Sutter Creek Fire Protection District fire chief or his or her authorized representative.
- E. "Fire fuel" means dry flammable grass or stubble greater than four inches in height.
- F. "Fuel break" is defined as a strip or block of land on which the vegetation, debris, and detritus have been reduced and/or modified to control or diminish the risk of the spread of fire crossing the strip or block of land.
- G. "Property" means and includes lands, lots, drainage structures, drainage ways, and/or drainage easements.
- H. "Refuse" means waste matter, litter, trash, debris, cut vegetative growth, dead trees which threaten structures or streets, paper, waste material of every kind, or other unsanitary substance, object, or condition which is, or when dry, may become a fire hazard, or which is or may become a menace to health, safety, or welfare.
- I. "Roadway" means public streets, alleys, parkways, sidewalks, and areas between sidewalks and curbs.

- J. "Treat" means to mow, disc, spray, or any method of treatment that will attain a four-inch minimum vegetative growth height.
- K. "Vegetative growth" means flammable vegetation and combustible growth.

(Ord. 18x §020, 2023)

8.14.030 Public nuisances declared.

It is unlawful for any property owner in the city to cause or permit any vegetative growth or refuse to remain on any real property in the city. It shall be the duty of every property owner to destroy such vegetative growth and remove or destroy such refuse.

In addition to any other means of enforcement provided under this Code, including but not limited to those provided under chapter 8.12, the city council may declare by resolution, in accordance with Sections 39561 through 39700 of the California Government Code, that vegetative growth and refuse, which are, or may become, a hazard upon or in front of private property to the center line of adjoining streets in the city, are public nuisances. As part of any resolution it adopts, the city council may declare vegetative growth as seasonal and recurring nuisances and provide for the abatement of the same in accordance with Government Code Section 39562.1.

(Ord. 18x §030, 2023)

8.14.040 Clearance of vegetative growth.

Any person owning property in the city shall:

- A. Treat dry fire fuels which are located within one hundred feet of any building or structure, or to the property line, whichever is nearer.
- B. Maintain a twelve-foot fuel break on a parcel if that parcel adjoins a parcel with a structure.
- C. Treat dry fire fuels twelve feet from the edge of roadways, twelve feet from each property line, and twelve feet on each side of driveways.
- D. Remove that portion of any tree that extends within ten feet of the outlet of any chimney or stovepipe.
- E. Maintain any tree adjacent to or overhanging any building free of dead wood.
- F. Provide and maintain, at all times, a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than one-half inch in size.

(Ord. 18x §040, 2023)

8.14.050 Exceptions.

- A. The provisions of this chapter shall not be applicable to any land beyond fifty feet from improved streets, as declared by the city, state or federal government, which has been acquired or is managed, for one or more of the following purposes:
 - 1. Animal pastures and agricultural fields growing hay or grains. Agricultural fields must be cut at harvest time. Uncut hay and grain is subject to abatement.
 - 2. The interior portion of fenced pastures where the quantity of livestock significantly reduces the vegetative growth, therefore bringing the parcel into compliance.

3. Habitat for endangered or threatened species, or any species that is a candidate for listing as an endangered or threatened species by the State of California or federal government.
4. Land kept in a predominantly natural state as habitat for wildlife, plant, or animal communities.
- B. For any activities excepted from the requirements of this chapter under paragraph (A), abatement requirements shall remain in effect in waterways where flood preparation measures and emergency flood control mitigation is necessary. In addition, the following requirements shall also be applicable:
 1. This exception applies whether the land or water are held in fee title or any lesser interest. This exception also applies to any public agency, and private entity that has dedicated the land or water areas to one or more of those purposes or uses, or any combination of public agencies and private entities making that decision.
 2. This section shall not be construed to prohibit the use of properly authorized prescribed burning to improve the biological function of land or to assist in the restoration of desired vegetation.
 3. In the event that any lands adjacent to land or water areas, as described above, are improved such that they are subject to this chapter, the obligation to comply with section 8.14.40 shall be with the person owning, leasing, controlling, operating or maintaining the occupied dwelling or occupied structure on the improved lands. All maintenance, activities and other fire prevention measures required by section 8.14.040 shall be required only for the improved land and water areas as described above.

(Ord. 18x §050, 2023)

8.14.060 Drainage.

With the permission of the permitting agencies with jurisdiction over the area in question, any drainage shall be cleaned and maintained in a manner that does not restrict the natural or engineered flow of water.

(Ord. 18x §060, 2023)

8.14.065 Enforcement.

The preferred procedure for enforcing the requirements of section 8.14.030 shall be through the imposition of fines and penalties in accordance with chapter 8.12 of this Code. When enforcement by that procedure has not resulted in compliance, or when the city determines that abatement in the first instance is the best manner for addressing a particular nuisance, the city may follow the procedures set forth in this chapter.

(Ord. 18x §065, 2023)

8.14.070 Notice to destroy or remove vegetative growth and/or refuse.

In the event the person or persons owning, occupying, renting, managing, or controlling any real property in the city shall fail to remove therefrom and from the portions of streets adjoining such property all vegetative growth and/or refuse in accordance with the provisions of this part, it shall be the duty of the fire chief or his authorized representatives to notify such person(s) to remove the same.

The city council may direct the city clerk, in accordance with Section 39567.1 of the Government Code, to mail written notice of the proposed abatement to all persons owning property described in the resolution. The city clerk shall cause such written notice to be mailed to each person to whom such

described property is assessed in the last equalized assessment roll available on the date the resolution was adopted by the city council. The address of the owner(s) shown on the assessment roll shall be conclusively deemed to be the proper address for the purpose of mailing such notice. Such notice shall be mailed at least fourteen calendar days prior to the time fixed for hearing objections by the city council.

(Ord. 18x §070, 2023)

8.14.080 Form of notice.

The notice shall be substantially in the following form:

NOTICE TO DESTROY VEGETATIVE GROWTH AND/OR REMOVE REFUSE

Notice is hereby given on the _____ day of _____, 20___, the city council passed a resolution declaring that (insert the appropriate hazard: fire fuels, vegetative growth, refuse, etc.) constitute a (insert the appropriate term: fire hazard, or health and safety hazard) which must be abated by the (insert the appropriate phrase: cutting of said fire fuels, or removal of said health and safety hazard). If the owner does not abate the hazard, it will be abated by the city, and the cost of the removal assessed upon the county property tax bill, and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the city clerk.

All property owners having any objections to the proposed removal of the hazard are hereby notified to attend a meeting of the city council of the City of Amador City to be held _____, when their objections will be heard and given due consideration.

Dated this _____ day of _____, 20yy. City of Amador City

(Ord. 18x §080, 2023)

8.14.090 Hearing of objections.

At the time stated in the notices, the council shall hear and consider all objections to the proposed removal of vegetative growth and/or refuse.

At the conclusion of the hearing, the council shall allow or overrule any objections. At that time, the city acquires jurisdiction to proceed and perform the work of abatement. The decision of the council shall be final and binding.

(Ord. 18x §090, 2023)

8.14.100 Order to abate nuisance.

If objections have not been made or after the council has disposed of those made, it shall order the fire chief to abate the nuisance(s).

(Ord. 18x §100, 2023)

8.14.110 Destruction and removal of vegetative growth and refuse by city.

In the event the person or persons owning, occupying, renting, managing, or controlling real property in the city shall fail to remove or destroy vegetative growth and/or refuse, in accordance with provisions of this chapter within ten calendar days after the hearing of objections an order to abate nuisance, it shall be the duty of the fire chief and his deputies, assistants, employees, contacting agent, or

other representatives to destroy or remove such vegetative growth and/or refuse. They are expressly authorized to enter upon private property for such purpose. It is unlawful for any person to interfere, hinder, or refuse to allow them to enter upon private property for the purpose(s) to destroy or remove vegetative growth and/or refuse, in accordance with the provisions of this part. Any person owning, occupying, renting, managing, leasing, or controlling real property in the city shall have the right to destroy or remove vegetative growth and/or refuse, or have the same destroyed or removed at his own expense, at any time prior to the arrival of the fire chief or his authorized representatives for such purpose(s).

(Ord. 18x §110, 2023)

8.14.120 Account and report of cost of abatement.

The fire chief or his authorized representatives shall keep an account of the cost of abatement for each separate lot or parcel of land. He shall submit such itemized written report, showing such cost, to the council for confirmation. Such report shall refer to each separate lot or parcel of land by description sufficiently reasonable to identify the same, together with the expense proposed to be assessed against it, which shall include charges sufficient to pay for the administrative costs of the program.

(Ord. 18x §120, 2023)

8.14.130 Notice of report and hearing.

The city clerk shall make available a copy of such report and assessment list at his/her office together with the notice of the filing thereof and of the time and place when and where it will be submitted to the council for hearing and confirmation. The copy shall be available for at least five calendar days prior to the submission of the council.

(Ord. 18x §130, 2023)

8.14.140 Hearing of report—Modification—Confirmation of report.

At the time and place fixed for receiving and considering the report, the council shall hear the same, together with any protests or objections of the property owners liable to be assessed for the abatement. Upon the conclusion of such hearing, the council may then confirm or modify the report by motion and the amount thereof shall constitute a lien on the property assessed until paid. The confirmation of the assessment by the council shall be final and conclusive.

(Ord. 18x §140, 2023)

8.14.150 Report to assessor and tax collector: Filing copy of report with county auditor.

A certified copy of the report shall be filed with the Amador County auditor on or before August 10th of each year for entry of such assessment of the county tax roll. In the event the report cannot be prepared in time for the county auditor to enter the assessment on the next immediate tax roll, the certified copy may be filed with the county auditor any time before August 10th of the succeeding year.

(Ord. 18x §150, 2023)

8.14.160 Collection of assessment: Penalties and procedures for foreclosure.

The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes. If delinquent, the amount is subject to the same penalties and procedure of foreclosure and sale provided for ordinary municipal taxes.

(Ord. 18x §160, 2023)

IT IS FURTHER HEREBY DETERMINED AND ORDERED that the City of Amador City shall amend its Municipal Code to read as follows with updated language in italics:

8.12.005 – Fire Fuels Management addressed in a separate ordinance.

In acknowledgement that wildfire risks are increasing for the city and its residents, a separate ordinance addresses measures available to the city to mitigate those risks. See Chapter 8.14 Fire Fuels Management.

8.12.010 - Definitions.

As used in this chapter:

"Nuisance" includes anything which is injurious to human health, is indecent, or is offensive to the senses. A nuisance interferes with the comfortable enjoyment of life or property. A nuisance affects at the same time an entire community, neighborhood, or a considerable number of persons although the extent of annoyance or damage inflicted upon the individual may be unequal. A nuisance includes all conditions of property including but not limited to, that condition which occurs as a result of the storage, removal, transport, processing or disposal of solid waste. *Nuisances that are fire hazards are described in Chapter 8.14, Fire Fuels Management.*

(Ord. 128 (part), 1997; Ord. 108 (part), 1993; Ord. 81 § 1.00.010, 1988), Ord. 18x, § 2, 2023