

**STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF: JUNE 12, 2018**

Item 3 - Public Hearing - Request for a 10-year extension of a Use Permit to allow two existing engineered Sprung Structures totaling approximately 10,000 square feet in size to continue to house rentals, retail, food service, and ticket operations in the Timber Creek Village area.

Applicant: Kirkwood Mountain Resort (Heavenly Valley Limited Partnership, owner)
Supervisory District: 3
Location: On the west side of Kirkwood Meadows Drive about 3/4 mile south of the Highway 88/Kirkwood Meadows Drive junction, in the Timber Creek Village area of Kirkwood Mountain Resort (APN 026-270-034).

- A. General Plan Designation:** S-P, Special Planning
- B. Current Zoning:** "PD," Planned Development
- C. 2003 Kirkwood Specific Plan Land Use Designation:** "MF-C," Multi-Family/Commercial
- D. Background:** The Timber Creek Lodge was formerly located on what is now the abandoned construction site for the Thunder Mountain Lodge condominium project, immediately south of the current Timber Creek facilities. In order to temporarily house the services that were offered in the former Timber Creek facility, the applicant requested a temporary use permit for the placement of two engineered sprung tent facilities totaling approximately 10,000 square feet in size. The Amador County Planning Commission granted this request with a five-year sunset date on June 13, 2006. A five-year renewal was granted in 2011, with a provision to automatically allow an additional five years (to 2021), subject to seven Conditions of Approval, including the following deadlines for securing a building permit for permanent facilities:

Condition of Approval #6:

“Should the permittee wish to exercise the one-time additional five year extension (6/13/2016 through 6/13/2021) the following requirements shall be met:

- a) Prior to January 13, 2016 the permittee must provide Amador County Planning Staff and the Tri-County Technical Advisory Committee (TC-TAC) a phasing/development plan for the Timber Creek Village area;
- b) Prior to June 13, 2018 a building permit application to the Amador County Building Department must be submitted for the future replacement of the Timber Creek sprung tent structures with permanent facilities to serve the Timber Creek Village area;
- c) Prior to June 13, 2019 said building permit(s) must be issued;
- d) Failure to meet any of the above described deadlines, or to maintain an active building permit after June 13, 2019, will result in the initiation of revocation proceedings pursuant to Amador County Code §19.56.060.”

Condition of Approval #7:

“If in the event of revocation pursuant to d) above; or, if at any time it is realized by the resort they will not be able to meet any of the above described requirements (as listed in Condition of Approval #6), the permittee may elect to submit a new Use Permit application to be considered for approval by Amador County to extend the temporary use of the tent facilities.”

The deadline for submittal of a phased development plan for the Timber Creek Village area was met (COA #6a, above). The applicant is exercising their option to submit a new request per COA #7, above.

- F. TAC and TCTAC Review/Recommendation:** The Tri-County Technical Advisory Committee (TCTAC) reviewed this request at their May 11, 2018 meeting and had no technical objection to the Planning Commission approving the Use Permit request with similar conditions for securing a building permit for a permanent facility. The Amador County Technical Advisory Committee reviewed this request at their May 16, 2018 meeting and had no technical objection to the Planning Commission approving this Use Permit with the adoption of conditions (1-6) and findings (1-2) as proposed by staff.
- G. Conditions of Approval:** See attached recommended project conditions (1-6).
- H. Findings:** If the Planning Commission moves for approval of this request, the following findings are recommended for adoption:
1. The granting of this Use Permit is consistent with County Code Section 19.56.040 (Use Permit Findings) in that the project proposed with conditions will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County; and
 2. A review of the Use Permit was conducted by staff and found the project is not subject to CEQA per Section 15183 (Projects Consistent With a Community Plan). CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies. A Notice of Exemption will be filed with the County Recorder.

USE PERMIT CONDITIONS OF APPROVAL
AND
MITIGATION MONITORING PROGRAM
FOR

**Heavenly Valley Limited Partnership/
Kirkwood Mountain Resort
Timber Creek Temporary Sprung Structures Use Permit Extension**

ADDRESS: PO Box 1, Kirkwood, CA 95646

PHONE: (209)258-6000

APN: 026-270-034 **USE PERMIT NO.:** UP-18;5-1

PLANNING COMMISSION DATE OF APPROVAL:

PROJECT DESCRIPTION AND LOCATION: Use Permit to allow a conditional ten-year extension (see COA #6 below) for the continued use of two existing engineered Sprung tent facilities totaling approximately 10,000 square feet in size to continue to house rentals, retail food service, and ticket operations at the Timber Creek Village (APN 026-270-034). Located on the west side of Kirkwood Meadows Drive about 3/4 mile south of Highway 88, in the Timber Creek Village area of Kirkwood Mountain Resort.

CONDITIONS OF APPROVAL

1. This Use Permit shall not become valid, nor shall any uses commence until such time as the Permittee is either found to be in compliance with or has agreed, in writing, to a program of compliance acceptable to the County. At that time the permit shall be signed by the Planning Department and the use may commence. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
2. The issuance of this Use Permit is expressly conditioned upon the permittee's compliance with all the provisions contained herein and if any of the provisions contained herein are violated, this Use Permit may be subject to revocation proceedings as set forth in Amador County Code. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
3. The project shall be substantially the same as approved. Any substantial changes must be submitted as a Use Permit amendment for approval by the Amador County Planning Commission. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
4. Prior to issuance of the Use Permit, obtain all applicable permits from the Environmental Health Department; Building Department; and Public Works Agency. THE ENVIRONMENTAL HEALTH DEPARTMENT, BUILDING DEPARTMENT, DEPARTMENT OF TRANSPORTATION & PUBLIC WORKS, AND THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
5. This request is granted for an initial period not to exceed five-years from the date of issuance, thereby expiring on 06/13/23, during which time the resort operator shall continue to plan for the development of the Timber Creek Village area, consistent with the 2003 Kirkwood Specific Plan and 2003 Kirkwood Specific Plan Environmental Impact Report. The permittee shall report annually to the Planning Commission, on or by June 13, as to the current progress and forecasting of development plans for permanent facilities serving the Timber Creek Village area of Kirkwood Mountain Resort. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

**CONDITIONS OF APPROVAL AND
MITIGATION MONITORING PROGRAM FOR
Kirkwood Mountain Resort - Timber Creek Temporary Sprung Structures Use Permit Extension**

6. Should the permittee wish to exercise the one-time additional five year extension (6/13/2023 through 6/13/2028) the following requirements shall be met:
 - a) Prior to June 13, 2023 the permittee must provide Amador County Planning Staff and the Tri-County Technical Advisory Committee (TC-TAC) a phasing/development plan for the Timber Creek Village area;
 - b) Prior to June 13, 2025 a building permit application to the Amador County Building Department must be submitted for the future replacement of the Timber Creek sprung tent structures with permanent facilities to serve the Timber Creek Village area.
 - c) Prior to June 13, 2026 said building permit(s) must be issued.
 - d) Failure to meet any of the above described deadlines, or to maintain an active building permit after June 13, 2026, will result in the initiation of revocation proceedings pursuant to Amador County Code §19.56.060. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

7. If in the event of revocation pursuant to d) above; or, if at any time it is realized by the resort they will not be able to meet any of the above described requirements (as listed in Condition of Approval #6), the permittee may elect to submit a new Use Permit application to be considered for approval by Amador County to extend the temporary use of the tent facilities. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.



**PLANNING DEPARTMENT
LAND USE AGENCY**

County Administration Center
810 Court Street ▪ Jackson, CA 95642-2132
Telephone: (209) 223-6380
Website: www.co.amador.ca.us
E-mail: planning@amadorgov.org

APPLICATION REFERRAL

TO: Ione Band of Miwok Indians**
Buena Vista Band of Me-Wuk Indians**
Washoe Tribe of Nevada & California**
Transportation & Public Works Department
Surveying Department
Undersheriff
Amador County Transportation Commission
Amador Ranger District
Kirkwood Meadows Public Utilities District
Caltrans, District 10
Tri-County Technical Advisory Committee

Building Department
Environmental Health Department
Waste Management/Air District
County Counsel
Amador Transit
Amador Water Agency
Kirkwood Meadows Fire District
Volcano Telephone Company
Cal Fire
CDFW, Region 2

DATE: May 4, 2018

FROM: Monica Lewis, Planner II

PROJECT: Timber Creek Sprung Structure – Use Permit Renewal Application; UP-18;5-1

Request by Kirkwood Mountain Resort (KMR) for a use permit for temporary sprung tent structures at the Timber Creek Village area. Currently, these facilities house rental services, retail services, food service, and ticket sales.

The initial Use Permit (UP-06;3-8) was issued on June 13, 2006 by the Amador County Planning Commission and expired on June 13, 2011. On June 13, 2011, the permit was renewed through June 13, 2016 (UP-11;1-4), with conditions allowing for an additional five-year extension through June 13, 2021 as follows: a) prior to January 13, 2016, KMR was to provide Amador County and the Tri-County Technical Advisory Committee a phasing/development plan for the Timber Creek Village area; b) prior to June 13, 2018, a building permit application is to be submitted to the Amador County Building Department for the future replacement of the Timber Creek sprung tent structures with permanent facilities; and c) prior to June 13, 2019, the building permit must be issued. Also stated in the June 2011 renewal is the requirement that if KMR realizes any of the above conditions could not be met, KMR may elect to submit a new use permit application to be considered for approval by Amador County to extend the temporary use of the sprung tent facilities.

LOCATION: Kirkwood Mountain Resort's Timber Creek Village, on the west side of Kirkwood Meadows Drive, approximately ¾ mile south of Highway 88.

REVIEW: As part of the preliminary review process, this project is being sent to State, tribal, and local agencies for their review and comment. The Tri-County Technical Advisory Committee will review the project for completeness during its regular meeting on **Friday, May 11, 2018 at 10 a.m.** in the Kirkwood Meadows Public Utility District's Community Service Building Board Room, 33540 Loop Road, Kirkwood, California.

The Amador County Technical Advisory Committee (TAC) will review the project for completeness during its regular meeting on **Wednesday, May 16, 2018, at 3:30 p.m.** in Conference Room "A" at the County Administration Building, 810 Court Street, Jackson, California.

At this time, staff anticipates that a Categorical Exemption will be adopted for the project per CEQA Guidelines. Additional TAC meetings may be scheduled at a later date to prepare conditions of approval and make recommendations to the Planning Commission.

**In accordance with Public Resources Code Section 21080.3.1, this notice constitutes formal notification to those tribes requesting project notification. This notification begins the 30-day time period in which California Native American tribes have to request consultation.

NEW APPLICATION



April 16, 2018

Mr. Chuck Beatty
Community Development Director
Amador County
810 Court Street
Jackson, CA 95642

Dear Mr. Beatty

**KIRKWOOD MOUNTAIN RESORT TIMBER CREEK LODGE FACILITY USE PERMIT
RENEWAL APPLICATION**

Heavenly Valley Limited Partnership, dba Kirkwood Mountain Resort, proposes to renew the existing Use Permit for the Timber Creek Lodge facility and the two engineered Sprung Structures that are located there for a period of ten years.

The Use Permit would allow the continued operation of the base facility structures that house a number of goods and services provided for the public. They include lift ticket sales, public restrooms, ski and snowboard rentals, children's ski school and food and beverage services. This range of services provide the fundamental purpose and need of a ski resort base area operation. The guest experience would be significantly diminished without them.

Given several years of inconsistent snowfall and related business levels since we began ownership and operation of the resort in 2012, we have not arrived at final decisions or capital plans to replace the existing facilities.

Since 2012, I am not aware of any complaints that have been received from members of the public or our guests regarding the form or function of the Sprung Structures. We continue to believe that they serve their purpose in a cost-effective way that allows us to deliver the goods and services to our guests that they seek. The Sprung Structures have been previously reviewed and approved by the County Building and Health Departments and are compliant with applicable County codes.

Kirkwood Mountain Resort is proud to be a part of Amador County and plays a significant role in our recreation economy for residents and visitors alike. We continue to provide a high-quality public outdoor recreation experience to the public. The Sprung Structures serve an important element of the experience.

Please let me know if you have questions or need further information.

Thank you for your assistance.

Warm regards,

A handwritten signature in black ink that reads "ANDREW STRAIN". The letters are slanted and connected in a cursive style.

Andrew Strain
Vice President of Planning & Governmental Affairs

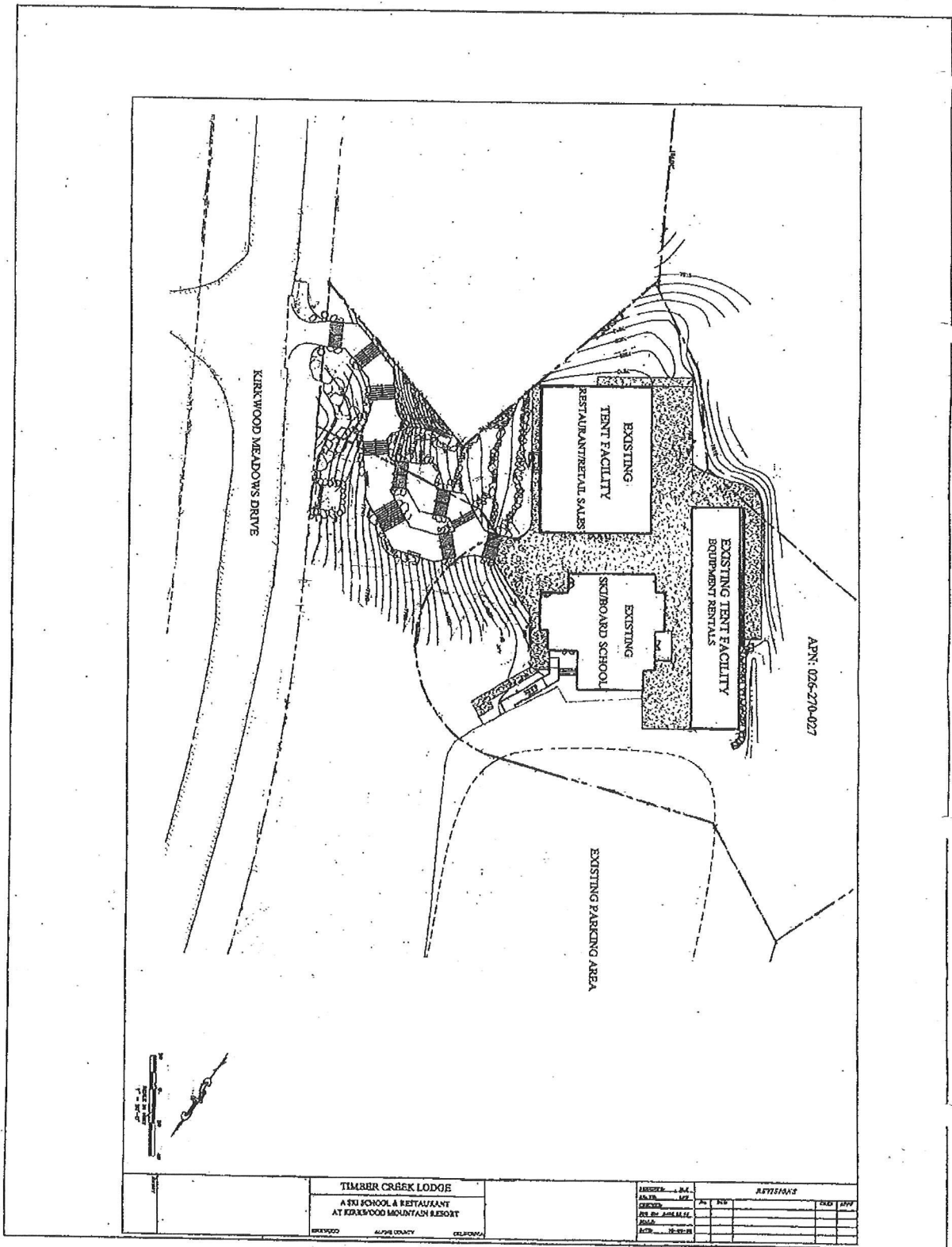
C; Doug Pierini, Kirkwood Mountain Resort

APPLICATION PROCEDURE FOR USE PERMIT

A Public Hearing before the Planning Commission will be scheduled after the following information has been completed and submitted to the Planning Department Office:

- x 1. Complete the following:
Name of Applicant Heavenly Valley Limited Partnership
Mailing Address C/O Andrew Strain PO Box 2180, Stateline NV 89448
Phone Number 775-586-2313
Assessor Parcel Number 026-270-034
Zoning District PD General Plan Designation SP
- X 2. Use Permit Applied For:
 ___ Excessive Height
 ___ Sea Land Container
 ** ___ Bed and Breakfast Inn
 ** ___ Sign Program
 ** x Other Temporary Structure
- X 3. Attach a letter explaining the purpose and need for the Use Permit.
- N/A 4. If Applicant is not the property owner, a consent letter must be attached.
- X 5. Attach a copy of the deed for the property (can be obtained from the County Recorder's Office).
- X 6. Assessor Plat Map (can be obtained from the County Surveyor's Office).
- X 7. Plot Plan (no larger than 11" X 17") of parcel showing location of request in relation to property lines, road easements, other structures, etc. (see Plot Plan Guidelines). Larger map(s) or plans may be submitted if a photo reduction is provided for notices, Staff Reports, etc. The need is for easy, mass reproduction.
- x 8. Planning Department Filing Fee: \$ 575.00
 ___ Public Works Agency Review Fee: \$ _____ Rep. Initials _____
 ___ Environmental Health Review Fee: \$ _____ Rep. Initials _____
 ___ Amador Fire Protection District Fee: \$ _____ Rep. Initials _____
- N/A 9. If necessary, complete an Environmental Information Form (ask Planning Department Staff).

**** Public Works Agency, Environmental Health Department, and Amador Fire Protection Fees apply.**



TIMBER CREEK LODGE
 A SKI SCHOOL & RESTAURANT
 AT KIRKWOOD MOUNTAIN RESORT

APPLICANT		DATE		BY	

**Kirkwood Mountain Resort
Timber Creek Sprung Structures
Use Permit Renewal Application
April 16, 2018**

























James B. Rooney , County Assessor

General Information

APN: 026-270-034-000 [Open Map](#)
Value Change Notice [Open](#)
Situs Address:
33611 KIRKWOOD MEADOWS DR
KIRKWOOD CA 95646
Mailing Address:
390 INTERLOCKEN CRESCENT #1000
BROOMFIELD CO 80021
Legal Description:
ADJ COMP PAR 3
Use Type:
COMMERCIAL
Tax Rate Area: 052-029

Assessment


Year Assd: 2017
Land: \$432,904
Structure(s): \$1,022,736
Other:
Total Land and Improv: \$1,455,640
HO Exempt?: N
Exemption Amt:

Property Characteristics

Bedrooms:
Baths (Full):
Baths (Half):
Bldg/Liv Area:
Year Built: 11,580
Lot Acres: 504,424
Lot SqFt:

Recent Sale History

Recording Date: [View Available](#)
Document #:
Transfer Amount: [View More History](#)



Natural Hazard Package [Learn more](#) [Add to Cart \\$ 19.95](#) [View Sample](#)

Full Property Detail [Learn more](#) [Add to Cart \\$ 4.95](#) [View Sample](#)

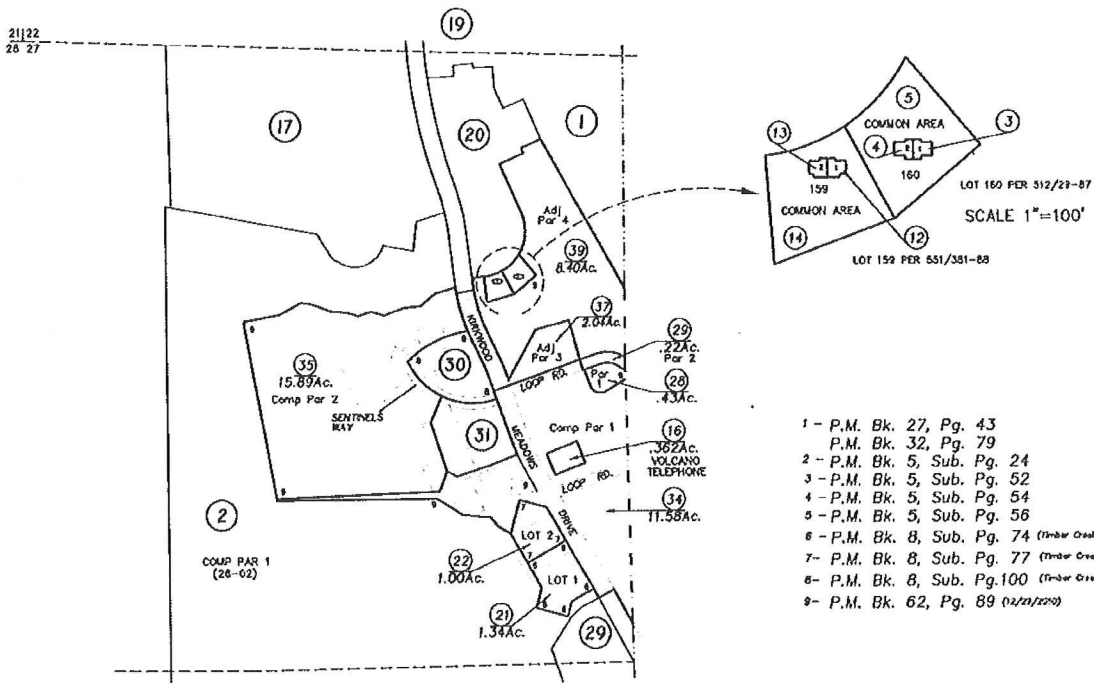
[Property Reports](#)

**The information provided here is deemed reliable, but is not guaranteed.



POR. SEC. 27, T.10N., R.17E., M.D.B. & M.

26-27
FROM: 26-02



- 1 - P.M. Bk. 27, Pg. 43
- 2 - P.M. Bk. 32, Pg. 79
- 3 - P.M. Bk. 5, Sub. Pg. 24
- 4 - P.M. Bk. 5, Sub. Pg. 52
- 5 - P.M. Bk. 5, Sub. Pg. 54
- 6 - P.M. Bk. 5, Sub. Pg. 56
- 7 - P.M. Bk. 8, Sub. Pg. 74 (Timber Creek Wsgs. Unit 1 Phase 2, 12/21/2005)
- 8 - P.M. Bk. 8, Sub. Pg. 77 (Timber Creek Wsgs. Unit 1 Phase 3, 12/21/2005)
- 9 - P.M. Bk. 8, Sub. Pg. 100 (Timber Creek Wsgs. Unit 1 Phase 1, 09/25/2004)
- 9 - P.M. Bk. 62, Pg. 89 (12/21/2005)

IMPORTANT NOTE: This map was prepared for property tax assessment purposes only. It is assumed that the property, as described in it's deed, is the property being assessed. No liability is assumed for the accuracy of the data delineated herein.

Map changes become effective with the 2018-2019 roll year. Parcel numbers are subject to change prior to adoption of roll on each July 1.

NOTE--Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

(39)
Assessor's Map Bk. 26, Pg. 27
County of Amador, Calif.

EXISTING USE PERMIT &
CONDITIONS OF APPROVAL

**COUNTY OF AMADOR
PLANNING DEPARTMENT**

APPLICATION FOR: USE PERMIT Renewal
 Amendment

VARIANCE
 ZONE CHANGE

1/24/11	UP-11;1-4
Date Received	File Number(s)
\$ 575.00	60932
Fee Paid	Receipt Number

Supervisorial District III Current General Plan SP Current Zoning "PD"

Assessor's Parcel Number(s) 026-270-009

Applicable County Code Section(s) 19.56 Legal Description 2000-0003627

Location West of Kirkwood Meadows Drive approximately 3/4 mile south of Highway 88, immediately north of the existing "Mighty Mountain" facility, in the Timber Creek Village area of Kirkwood Mountain Resort.

Property Area (acres or square feet) 10.78 acres (portion of)

Request for Use Permit Renewal to allow a conditional ten-year extension (see COA#6) for the continued use of two existing engineered sprung tent facilities totaling approximately 10,000 square feet in size to continue to house rentals, retail food service, and ticket operations at the Timber Creek Village

Applicant Kirkwood Mountain Resort Representative _____

Address PO Box 1 Address _____
Kirkwood, CA 95642

Phone No. 209-258-7291 Phone No. _____

Applicant's Signature

Representative's Signature

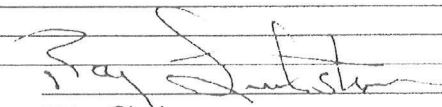
ACTION

Approved on May 10, 2011 by Planning Commission

Denied on _____ by _____

Expiration Date (if applicable) June 13, 2016 (see COA #6)

Conditions/Findings See attached Conditions of Approval, Minutes, and Notice of Exemption.



 Title: Chairman

USE PERMIT CONDITIONS OF APPROVAL
AND
MITIGATION MONITORING PROGRAM
FOR

Kirkwood Mountain Resort
Timber Creek Sprung Tent Structure Use Permit Amendment

ADDRESS: PO Box #1, Kirkwood, CA 95646

PHONE: (209)258-7291

APN: 026-270-027 **USE PERMIT NO.:** UP-11;1-4

PLANNING COMMISSION DATE OF APPROVAL: May 10, 2011

PROJECT DESCRIPTION AND LOCATION: Use Permit to allow a conditional ten-year extension (see COA #6 below) for the continued use of two existing engineered sprung tent facilities totaling approximately 10,000 square feet in size to continue to house rentals, retail food service, and ticket operations at the Timber Creek Village (APN's 026-270-027). Located west of Kirkwood Meadows Drive about 3/4 mile south of Highway 88, immediately north of the existing "Mighty Mountain" facility, in the Timber Creek Village area of Kirkwood Mountain Resort.

CONDITIONS OF APPROVAL

1. This Use Permit shall not become valid, nor shall any uses commence until such time as the Permittee is either found to be in compliance with or has agreed, in writing, to a program of compliance acceptable to the County. At that time the permit shall be signed by the Planning Department and the use may commence. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
2. The issuance of this Use Permit is expressly conditioned upon the permittee's compliance with all the provisions contained herein and if any of the provisions contained herein are violated, this Use Permit may be subject to revocation proceedings as set forth in Amador County Code. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
3. The project shall be substantially the same as approved. Any substantial changes must be submitted as a Use Permit amendment for approval by the Amador County Planning Commission. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
4. Prior to issuance of the Use Permit, obtain all applicable permits from the Environmental Health Department; Building Department; and Public Works Agency. THE ENVIRONMENTAL HEALTH DEPARTMENT, BUILDING DEPARTMENT, DEPARTMENT OF TRANSPORTATION & PUBLIC WORKS, AND THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
5. This request is granted for an initial period, not to exceed five-years from the date of expiration of Use Permit No. UP-06; 3-8, being 06/13/16, during which time the resort operator shall continue to plan for the development of the Timber Creek Village area, consistent with the 2003 Kirkwood Specific Plan and 2003 Kirkwood Specific Plan Environmental Impact Report. The permittee shall report annually to the Planning Commission, on or by June 13, as to the current progress and forecasting of development plans for permanent facilities serving the Timber Creek Village area of KMR. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

CONDITIONS OF APPROVAL AND
MITIGATION MONITORING PROGRAM FOR
Kirkwood Mountain Resort Timber Creek Sprung Tent Structure Use Permit Amendment

6. Should the permittee wish to exercise the one-time additional five year extension (6/13/2016 through 6/13/2021) the following requirements shall be met:
 - a) Prior to January 13, 2016 the permittee must provide Amador County Planning Staff and the Tri-County Technical Advisory Committee (TC-TAC) a phasing/development plan for the Timber Creek Village area;
 - b) Prior to June 13, 2018 a building permit application to the Amador County Building Department must be submitted for the future replacement of the Timber Creek sprung tent structures with permanent facilities to serve the Timber Creek Village area.
 - c) Prior to June 13, 2019 said building permit(s) must be issued.
 - d) Failure to meet any of the above described deadlines, or to maintain an active building permit after June 13, 2019, will result in the initiation of revocation proceedings pursuant to Amador County Code §19.56.060. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
7. If in the event of revocation pursuant to d) above; or, if at any time it is realized by the resort they will not be able to meet any of the above described requirements (as listed in Condition of Approval #6), the permittee may elect to submit a new Use Permit application to be considered for approval by Amador County to extend the temporary use of the tent facilities. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.