

The Planning Commission of the County of Amador met on Tuesday, June 12, 2018 in the Board of Supervisors Chambers at the County Administration Center, 810 Court Street, Jackson, California. The meeting was called to order at 7:00 p.m. by Chair Callsen.

**THOSE PRESENT WERE:**

Planning Commissioners: Keith DesVoignes, District 1  
Dave Wardall, District 2  
Caryl Callsen, District 3, Chair  
Ray Ryan, District 5

Staff: Grace Pak, County Counsel  
Chuck Beatty, Planning Director  
Monica Ammann, Planner II  
Robin Rehart, Administrative Secretary

**THOSE ABSENT WERE:**

Planning Commissioner: Andy Byrne, District 4

**NOTE:** The Staff Report packet prepared for the Planning Commission is hereby incorporated into these minutes by reference as though set forth in full. Any Staff Report, recommended findings, mitigation measures, conditions or recommendations which are referred to by Commissioners in their action motions on project decisions which are contained in the Staff Reports are part of these minutes. Any written material, petitions, packets, or comments received at the hearing also become a part of these minutes. The recording of this meeting is hereby incorporated into these minutes by reference. All Items from the Minutes and are stored in the Amador County Planning Department.

**A. Pledge of Allegiance.**

**B. Approval of Agenda:**

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner DesVoignes and carried to approve the agenda as presented.

Absent: Andy Byrne, District 4

**C. Minutes:** April 10, 2018

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner DesVoignes and carried to approve the minutes of April 10, 2018 as presented.

Absent: Andy Byrne, District 4.

**D. Correspondence:** None

**E. Public Matters Not on the Agenda:** Chuck Beatty, Planning Director, introduced new Planning Department staff member Monica Ammann, Planner II.

**F. Recent Board Actions:** Chuck Beatty, Planning Director, updated the Planning Commission on the recent actions of the Board of Supervisors:

Chuck Beatty, Planning Director, informed the Planning Commission that the Board of Supervisors upheld the Commission's interpretation that the road maintenance agreement requirement for wine tasting rooms on private roads applies to the property occupied by Mabera Winery, and the Board directed the appellants to comply with County Code prior to operating a tasting room at that location.

Director Beatty also informed the Commission that the Board of Supervisors directed staff to prepare an amendment to the County Code that would allow facilities with similar zoning and General Plan land use classifications as The Hideout at Kirkwood to apply for a Use Permit. Commissioner Ryan asked if the proposed amendment(s) will be coming back to the Commission

for a public hearing. Director Beatty stated that the proposed amendment(s) will be presented to the Commission for review and recommendation to the Board of Supervisors at a future meeting.

**Public Hearings**

Commissioner DesVoignes recused himself from the meeting due to a potential conflict of interest regarding Agenda Item #1 and left the Board Chambers.

**Item 1 - Request for a Use Permit to allow the construction of a fuel service station with 12 pumps (6 pump islands), two 12,000-gallon above-ground fuel tanks, a carwash, and an outdoor dining area adjacent to the covered patio at the existing Pine Grove Market.**

**Applicant:** Sam & Marilyn Orlando Revocable Trust

**Supervisory District:** 4

**Location:** 19444 Highway 88, Pine Gove, CA 95665 (APNs 030-170-027, 030-170-028, and 030-170-029)

Chuck Beatty, Planning Director, summarized the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Chair Callsen opened the public hearing.

Susan Bragstad, Foothill Conservancy, asked if there was going to be a traffic study due to the added problem of getting in and out on Hwy 88.

Chair Callsen stated that the Environmental Study reveals that the west entrance would be right in and right out only, and that after the Pine Grove Improvement Project is completed the eastern driveway entrance will also be a right in and right out. She did not know if a traffic study had been done.

Chuck Beatty, Planning Director, shared that Caltrans was a commenting agency during the project review and did not request a traffic impact study. Caltrans' comment was that the driveways be integrated with the Pine Grove Improvement Project.

Susan Bragstad asked if turn lanes would be added.

Chuck Beatty, Planning Director, added that additional traffic lanes would be added by the Pine Grove Improvement Project to accommodate turning movements on Highway 88.

Susan Bragstad inquired if there would be a charging station for electric vehicles.

Sam Orlando, Applicant, shared that an online application with Tesla had been completed and that Tesla was taking it into consideration. Sam also stated that a third party could be sought to provide a charging station.

Chair Callsen asked if the Applicant has considered putting solar panels on the station.

Sam Orlando replied that the long-term plan is to have a solar system large enough to handle the demands of the entire property including the grocery store, which is the largest energy user.

Chair Callsen asked where the dining area is going to be located.

Sam Orlando replied that the dining area will be where the picnic tables and chairs currently are by the side door exit.

Commissioner Wardall inquired if a Use Permit is needed to put another picnic table in.

Chuck Beatty, Planning Director, responded that the current outdoor dining area is a nonconforming use, and expanding it would require a Use Permit.

Dave Laubach, resident of 19524 Hwy 88, Pine Grove, voiced his opposition to the project. He shared that other gas stations already serve the area, that traffic is already bad, and that lighting from a 24-hour fuel station adjacent property would negatively affect him.

Sam Orlando, Applicant, stated that the parking lot currently is hard to navigate. The building in the middle of the lot would be removed and the parking area redesigned. This, along with working with the Pine Grove Improvement project, should help on-site traffic flow. He shared that third party surveys revealed that the site could reasonably pump 130,000 gallons of gas. The fueling site would be large in comparison to other smaller stations in the area so that people could get off the highway and fill up quickly. Above-ground tanks would be installed in the rear of the site.

Commissioner Ryan asked if the old fuel tanks were to be removed. Mr. Orlando shared that the tanks were already removed.

Chair Callsen asked if anyone else wanted to comment.

Dan Morris, resident of 813 Fairway Drive in Lone, commented that coming out of the parking lot and turning left is currently a challenge. He shared that he desired a traffic study and Caltrans weighing in for potential of street lights.

Commissioner Wardall commented that traffic was planned to only go right in and only go right out.

Dan Morris stated that people will still try to turn left out of the driveway.

Commissioner Wardall shared that if someone turning left causes an accident the driver could be subject legal problems and noted Walgreens has right in and right out access where people ignore posted signs to turn left.

Chair Callsen inquired as to what kind of signage there would be so that people could turn left. She also asked if the Pine Grove Improvement Project will make it a right turn only from the second driveway that is further east.

Sam Orlando, Applicant, replied that he was at the meeting for a Use Permit and that construction drawings would have the details.

Chair Callsen asked if there was anyone else who would like to comment.

Tom Infusino shared that maybe a traffic study is warranted or when get to Pine Grove Implementation Project take a second look on how get people to go west. He shared concern that people will want to turn left and that the project is supposed to have a large volume of business and traffic. He shared that options are limited for turning around and asked how people are going to get west when the turn is limited. He commented that businesses will not want people turning around in their parking lots.

Chair Callsen stated that the Environmental Review says that there is only a right in and a right out.

Commissioner Ryan added that there would need to be a turn lane on Hwy 88 and that even though there is an existing facility the project will exponentially increase traffic in and out and present challenges for drivers due to trailers pulling out slowly and searching for a way to make a u-turn.

Sam Orlando agreed that there is a need for people to exit left.

Commissioner Ryan requested clarification of the Pine Grove Improvement Project.

Chuck Beatty, Planning Director, shared that the Caltrans comments state that the west entrance is to be right in and right out and that when the Pine Grove Improvement Project is complete the east entrance will also be right in and right out.

Commissioner Ryan shared that unless Caltrans puts in a left turn lane there is going to be traffic snarl and business may be lessened from traffic from one direction.

Chair Callsen asked if there was significant impact to cultural resources since mitigation does not recommend or required it.

Chuck Beatty, Planning Director, shared that the General Plan requires that a cultural/historical resource analysis be prepared on discretionary projects, but that this project is being developed on an existing paved parking lot where fuel tanks had previously been installed and removed rather than undisturbed land.

Commissioner Ryan added that he was hesitant to decline the Use Permit because just somebody else is selling gas in the area and that he is more concerned about traffic flow. He shared that the Applicant needs to determine whether his business model originally projected business only coming from one direction. He commented that he had no problem with the project since there is an existing facility now with ongoing business and that the business will be bigger, but not bigger than what it has been historically. He added that traffic will be mitigated in that no one coming from the west would be able to turn left. Commissioner Ryan stated that he concurs with staff regarding cultural resources since the land has already been disturbed.

Commission Wardall agreed that there is not a big change to the existing business with modest improvements and plenty of parking.

Commissioner Ryan questioned whether there is a condition about protection of the night sky since the project will be a 24/7 operation. He suggested downward facing lighting to mitigate or minimize the impact to the neighborhood.

Chair Callsen stated that conditions addressing light and glare are included for the project.

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner Wardall, and carried to approve the Use Permit and Mitigated Negative Declaration subject to the Mitigation Measures and Conditions of Approval included in the staff report.

AYES: Ryan, Wardall, Callsen  
NOES: None  
ABSENT: Byrne, DesVoignes

***NOTE:** Mr. Beatty, Planning Director, advised those present that the Planning Commission has approved a Use Permit to Sam & Marilyn Orlando Revocable Trust for the operation of a fuel station and car wash at 19444 Highway 88 in Pine Grove. If anyone wishes to appeal the decision of the Commission they may do so by submitting to the Clerk of the Board of Supervisors a written request for appeal prior to Friday, **June 22, 2018** at 5:00 p.m. along with the appropriate appeal fee.*

Commissioner DesVoignes re-entered the Board Chambers and rejoined the meeting.

**Item 2 - Request for a Zone Change from the “R1A,” Single Family Residential and Agricultural District to “M,” Manufacturing Zone District for 1,150 +/- acres to achieve consistency with the General Plan’s Industrial Land Use Designation.**

**Applicant:** Edwin Lands, LLC  
**Supervisory District:** 2  
**Location:** West of the lone city limits, north of Highway 104 and east and west of Michigan Bar Road (area includes the portions of APNs 005-020-019, 005-030-005, 005-050-008, 005-060-015, and 005,080-019 which are congruent with the 2016 General Plan Land Use classification of Industrial)

**Note:** *At the request of the Applicant and Staff this Item (Item 2) will be continued until the August 14, 2018 Planning Commission Meeting. Public comments will be taken.*

Chair Callsen opened the public hearing.

Sally Barron shared that she is opposed to the zoning change and that several things in the Staff Report raise serious concerns. She commented that there is no specific plan and that many businesses in similar zoning need large amounts of water. She added that the aquifer is already in danger according to the Water Resources Board and that the septic/sewage system can lead to contamination. She shared concerns about ingress and egress for large/heavy equipment to Hwy 104 or Lone Michigan Bar and that ingress and egress have not previously been addressed in the area by Caltrans. She questioned whether Caltrans will approve ingress and egress. Sally requested that the Planning Commission make conditions of use because a project development of this size with a Manufacturing Zone is incompatible with anything else in the area.

Sondra West-Moore requested that the zone change not be approved. She voiced her concern of changing the zoning from R1A to M which is the heaviest industrial zoning possible. She stated that with an M zoning there could be potentially environmentally impactful uses such as an asphalt plant, nuclear waste storage, petroleum drilling, or a labor camp. She shared that the area is virgin, pristine, with original woodland oak and ranching which fit into the current R1A zoning allowed uses. She added that she had traffic concerns with an approved quarry and asphalt plant, SGI, Mule Creek, expansion prison, and Castle Oaks all using a two lane already heavily travelled road that funnels into a two block town with three 90 degree turns. She was concerned that the Applicant could completely bypass CEQA and commented that though the General Plan did program review it was not site specific and that site specific environmental and cultural reviews along with traffic and air studies are desired, especially since the project is unknown.

Dan Morris from Lone opposed the zone change referencing the General Plan’s goal of protecting the health, safety, and quality of life of its residents. He stated that there are four Compatible Zones which can align with the General Plan Land Use Designation of Industrial: Manufacturing, Medium Manufacturing, Light Manufacturing and Mineral Resources and questioned how Manufacturing was chosen without a plan. He shared that in the M zone an amusement park, junkyard, explosives, and fertilizers as well as uses horrible in smell are acceptable.

Tom Infusino, on behalf of Foothill Conservancy, commented that a specific plan, conditions of approval, postponement of a rezone, and measures for mitigation are needed. He shared that a specific plan can help buffer from incompatible uses, minimize harm to the environment, and make fiscal sense when plans for water, sewer, and road improvements are financially arranged for. He stated that assertions by the applicant that new manufacturing uses will not create significant amounts of solid waste, dust, fumes,

odors, noise, vibrations and that there will not be use of hazardous materials or toxic substances must become conditions of the project approval, conditions of the rezone. He requested that Staff determine the appropriate conditions of approval so that the correct level of Environmental Review is executed. Tom shared concern that many manufacturing uses could have significant impacts, but they are allowed by right and not subject to future Environmental Review or impact mitigation. He added that if impacts are not evaluated at this rezoning state that they will not be evaluated later.

Jim Nevin, lone resident, shared that the Planning Commission makes decisions based on what a parcel is zoned for and that he opposes the zone change since there is no specific purpose. He commented that rezoning it makes the parcel more attractive on the real estate market where a new owner can say the parcel is zoned M.

Susan Bragstad, olive farmer and resident of lone, commented that she wants to preserve and promote agriculture and tourism, Amador County's top industries, and supports agricultural use of this land.

Chair Callsen inquired if there was anyone else who would like to speak.

Kathleen Green, rancher in lone for 20 years, shared that she moved to lone because of the peace and quiet and the residential and agricultural zoning. She stated that she opposes the rezoning to M.

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner DesVoignes and carried to continue the public hearing until August 14, 2018.

Absent: Andy Byrne, District 4

AYES: Ryan, Wardall, Callsen, DesVoignes

NOES: None

ABSENT: Byrne

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

**Applicant:** Kirkwood Mountain Resort

**Supervisory District:** 3

**Location:** 33611 Kirkwood Meadows Dr., Kirkwood, CA (APN 026-270-034)

Chuck Beatty, Planning Director, summarized the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Vice Chair Callsen opened the public hearing.

Vice Chair Callsen asked if anyone was here for the 10 year extension for a Use Permit for Kirkwood Mountain Resort.

Andrew Strain, representing the Applicant, requested approval to extend the existing Use Permit with conditions stating that the facility has served the guests well. He shared that there have been no negative comments from guests or the Forest Service and that the Spring Structures are used at other ski resorts, are cost and energy efficient, and work well in snow country. He added that the Tri-County Technical Advisory Committee recently recommend approval.

Commissioner Wardall stated that it was good for the county and a good project.

Commissioner Ray concurred and shared that it has less of a footprint than an actual building.

Chair Callsen commented that she agreed.

**MOTION:** It was moved to approve the 10 year extension of the Use Permit by Commissioner Ryan, seconded by Commissioner Wardall and carried to approve the use permit subject to the conditions of approval included in the staff report.

Absent: Andy Byrne, District 4

AYES: Ryan, Wardall, Callsen, DesVoignes

NOES: None

ABSENT: Byrne

*NOTE: Mr. Beatty, Planning Director, advised those present that the Planning Commission has approved the 10 year extension of a Use Permit for Spring Structures at Kirkwood Mountain Resort. If anyone wishes to appeal the decision of the Commission they may do so by submitting to the Clerk of the Board of Supervisors a written request for appeal prior to Friday, **June 22, 2018** at 5:00 p.m. along with the appropriate appeal fee.*

**Item 4 - Request for an Appeal of Staff's Denial of a Use Permit for an addition to the accessory dwelling unit.**

**Applicant:** Kimberly Lague Revocable Trust

**Supervisory District:** 4

**Location:** 12360 Tabeaud Rd., Pine Grove, CA 95665  
(APN 038-570-007)

Chuck Beatty, Planning Director, summarized the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Chair Callsen opened the hearing.

Dennis Rodman, Applicant, stated that the county road is in front of the property and that his family owns Roaring Camp which is the property behind. He shared that this is his Dad's old house and that Kim Lague who inherited the property, lives in the larger house with her husband and desires to build another bedroom in the second house to accommodate her son and his growing family. She shared that none of the neighbors object to the addition.

Commissioner Wardall inquired if notice was given to the neighbors.

Chuck Beatty, Planning Director, replied that property owners within 300 feet were notified.

Commissioner Wardall asked how large the parcel is.

Kim Lague, Applicant, answered 3 acres.

Dennis Rodman, Applicant, added that the rest of the property is 500 acres.

Commissioner Wardall inquired if Dennis owns or controls both of the properties.

Dennis responded yes.

Commissioner Wardall asked how large the primary residence is.

Kim Lague replied that is about 3000 square feet.

Commissioner Ryan asked if the son and family can move into the larger home and Kim and her husband move into the smaller home.

Kim Lague responded that is not best to move her husband who has Alzheimer's who will be needing in-home care at some point.

Chair Callsen asked if anyone else wanted to speak.

Commissioner Ryan moved to close the public hearing, Commissioner DesVoignes seconded and the motion carried.

Commissioner Wardall stated that he approves of the appeal since it is a 3 acre parcel, there are no complaints, no one is going to rent it out, and that it is intended for family members.

Commissioner Ryan commented that he somewhat agreed, but that the 3 acres should not be taken into consideration since they could be separated. He added that there is county and state code to take into consideration and that when complete the addition will exceed the current state code by about 1000 square feet.

Kim Lague, Applicant, contributed that they owned the property behind.

Commissioner Wardall asked Grace, Pak, County Counsel if the state recommendations are hard regulations.

Grace Pak, County Counsel, replied that she believes they are hard regulations and that state regulations supersede county, but both limit accessory dwellings to 1200 square feet.

Commissioner Ryan stated that there are no findings other than compassion. He added that the Applicant has already received a variance and now wants to grow larger.

Chair Callsen agreed that both codes need to be referred to and that a precedent should not be set.

Dennis Rodman, Applicant, shared that the property can be split, but that another lot is not desired to be created or sold. He asked why the 1200 square feet is the magic number.

Chair Callsen stated that county code and state statute dictate the size.

Chuck Beatty, Planning Director, shared that the Applicant can file an application for a parcel map and go through the parcel map review process.

Commissioner DesVoignes agreed that it might be the best option.

Dennis Rodman commented that he did not prefer to do that, but that he understands the reasoning.

Kim Lague, Applicant, added that she wants to use money on the house not on surveyors, a lot split, or a boundary line adjustment.

Commissioner Wardall shared that a boundary line adjustment is fairly inexpensive and quick.

Kim Lague acknowledged and added that she wants to add a bedroom and bathroom for her brother's growing family. Trying to get done the quickest and least expensive way.



Chair Callsen commented that the Planning Commission is empathetic, but that if approved, it will set a precedent and codes need to be adhered to.

**MOTION:** It was moved by Commissioner Wardall, seconded by Commissioner Ryan, and carried to deny the appeal as there because no findings could be made to support an approval.

Absent: Andy Byrne, District 4

AYES: Ryan, Wardall, Callsen, DesVoignes

NOES: None

ABSENT: Byrne

***NOTE:** Mr. Beatty, Planning Director, advised those present that the Planning Commission has denied the Appeal of Staff's Denial for a Use Permit for an addition for an accessory dwelling unit. If anyone wishes to appeal the decision of the Commission they may do so by submitting to the Clerk of the Board of Supervisors a written request for appeal prior to Friday, **June 22, 2018** at 5:00 p.m. along with the appropriate appeal fee.*

**ADJOURNMENT:** It was moved by Commissioner DesVoignes, seconded by Commissioner Ryan and carried to adjourn the meeting. Chair Callsen adjourned this meeting of the Planning Commission at 8:42 p.m. Planning Commission to meet again on August 14, 2018.

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Caryl Callsen, Chair  
Amador County Planning Commission

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Mary Ann Manges, Recording Secretary  
Amador County Planning Department

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Chuck Beatty, Planning Director  
Amador County Planning Department