



CALAVERAS COUNTY PLANNING DEPARTMENT
 891 Mountain Ranch Road,
 San Andreas, California 95249
 (209) 754-6394

Planning Commission Staff Report

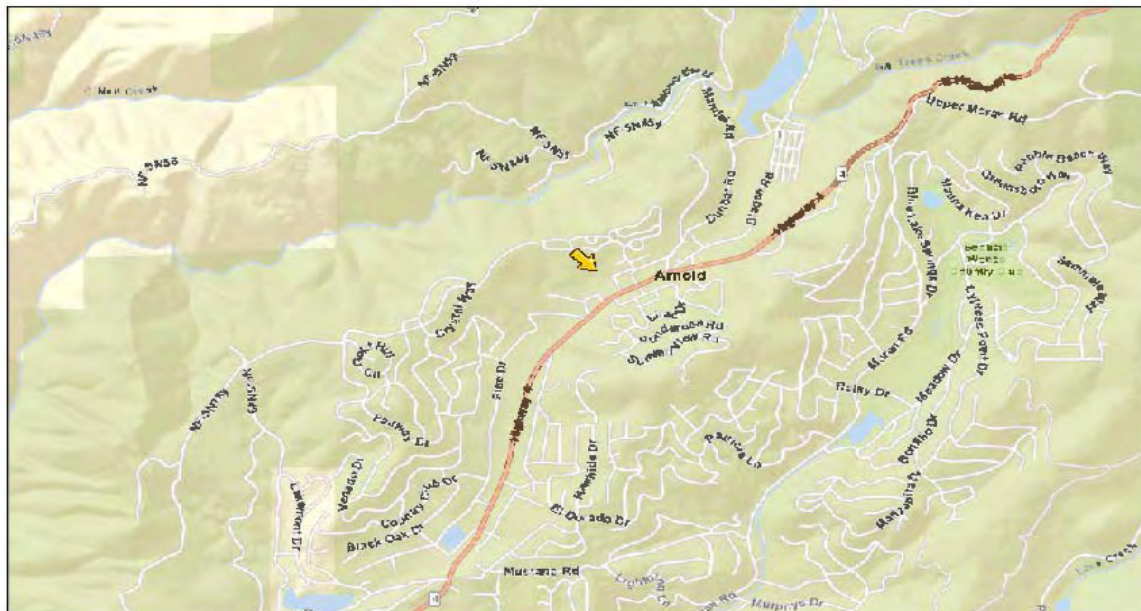
Hearing Date	April 13, 2023
Project Number/Name	2022-031 Planned Development
Supervisorial District Number	District 3, Martin Huberty
Assessor's Parcel Number(s)	028-001-046
Planner	Gina Kathan, Planner III

DATE: March 28, 2023

APPLICANT: John and Maryna Jeffries, 2668 Ball Way, Sacramento CA 95821

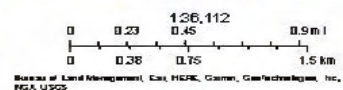
Location: The subject parcel is located off Oak Circle in Arnold, approximately 0.14 miles north of the Oak Circle / Hwy 4 intersection. APN: 028-001-046 is described as parcel 2 of Parcel Maps, Book12, Page 190. The parcel is in the northeast ¼ portion of Section 30, T5N, R15E, MDM.

ArcGIS Web Map



7/28/2022, 12:52:42 PM

BOUNDARIES COUNTY BOUNDARY



Bureau of Land Management, Esri, HERE, Garmin, GeoTechnology, Inc., NGA, USGS | © 2022 | California Department of Fish and Wildlife, California Natural Diversity Database | California Department of Fish and Wildlife, NGA, USGS

ArcGIS Web Application

Figure 1 - Location Map

DESCRIPTION: The project site is an undeveloped 13.16-acre parcel zoned General Commercial – Planned Development (C2-PD) and is designated by the County General Plan as Community Center within the Arnold/White Pines Community Area. The parcel was zoned C2-PD in 1998 during the community wide re-zone for compliance with the Arnold Community Plan. The uses enumerated in the proposed project are permitted uses in the C2 base zone; however, the PD combining zone requires the design of the project be approved by the County Planning Commission prior to a Building Permit for construction of the buildings. The intent of the PD combining zone is to regulate site development and aesthetics to ensure compatibility with the surrounding area.

The applicants seek approval of a Planned Development Permit for the design of a proposed artists' center on the 13.16-acre site in Arnold. The proposed facility will include two 35' x 50' "A" framed structures with one "A" frame structure to be used as a lodge where professional artists and dancers and their students will gather to receive introduction to and instruction in fine art and professional dance. The second "A" frame structure will be used as the owners' private residence and Bed & Breakfast Inn. The facility also includes eleven (11) small 220 sq. ft. cabins for short term lodging of guests, and an outdoor area where guests of the facility can participate in art and dance activities in an outdoor setting. The proposal also includes a Quonset hut style structure for storage.

Access to the facility is proposed from a main entrance off Oak Circle. An on-site parking area consisting of 28 parking spaces, 2 of which are ADA van accessible, is proposed near the front entrance. There are also two (2) minimum parking spaces for the private residence. Access to the lodge/gathering space is proposed via an existing road constructed to meet fire, life, and safety standards, while access to the cabins will be over new walking/cart paths surfaced with compacted decomposed granite.

MODIFICATIONS: The following modifications have been made the project since the project was continued from the from the February 9, 2023, Planning Commission meeting:

- (1) addition of a second 35'x50' "A" frame style structure to be used as the applicant's primary residence and a Bed & Breakfast Inn for special guests; and
- (2) additional parking to accommodate the Bed and Breakfast Inn; and
- (3) cabins manufactured to meet Title 24 standards and placed on an approved foundation with a building permit; and
- (4) elimination of special events; and
- (5) elimination of secondary emergency road as it is not required by code

ANALYSIS: On February 9, 2023, Planned Development application 2022-031 for John and Maryna Jeffries was scheduled before the Planning Commission for design review consideration because of the C2-PD zoning designation. Prior to opening the public hearing for deliberation, planning staff, with consent from the applicants, requested a continuance to analyze anticipated project related concerns. As a result, the applicants have modified the design of the project and have further clarified their proposed operation to mitigate those anticipated concerns. This updated report will outline the changes that have been made to the project to address those concerns and provide evidence to support staff's

recommendations.

It was also discovered after the February 9, 2023, meeting that reviewing departments, including Public Works and the Building Department, were treating *all* Planned Development Permit applications as if they were discretionary permit applications, instead of just those applications requiring a concurrent use permit. This resulted in these departments reviewing not just the design but also the underlying use, which also resulted in these departments recommending that conditions be imposed (as is standard practice for use permits) to help ensure that whatever is approved through the Planning Department or Planning Commission will also meet the requirements for the subsequent required ministerial permits (such as grading and building permits). While the Planning Department believes this customary interdepartmental review is useful even for ministerial Planning approvals like this one, since it can alert the applicant to subsequent requirements he/she will need to build into the design, it has been determined that Chapter 17.50 does not provide any authority to impose (or ask the Planning Commission to review) discretionary conditions when the underlying use is permitted by right in its zone. Chapter 17.50 expressly distinguishes between Planned Development review of permitted uses (see 17.50.020) and conditional uses (see 17.50.030), and review of uses permitted by right in the zone is limited to reviewing site development plans to ensure that the project as designed satisfies the applicable performance standards listed in 17.50.060.

ADDITIONAL INFORMATION

The February staff report outlined project compliance with performance standards of the PD combining zone and shows the compatibility of the project's design with the surrounding area. The report further reiterated regulatory compliance with code standards subject to a building permit for the construction of the facility. However, prior to the scheduled February 9th public hearing, several concerns were brought to staff's attention. Those concerns are enumerated below:

Concern #1: Is the proposed use (cabins and a bed-and-breakfast for short-term lodging and a fine art and dance center) consistent with Section 17.36.020, permitted uses in the C2 (General Commercial) zone?

Determination: Yes. "The purpose of the C2 zone is to provide lands for intensive and general commercial use." (Section 17.36.010). CCC Section 17.36.020 describes the land uses permitted by right in the C2 zone. Subsection 17.36.020.G also gives the Planning Director authority to determine that commercial uses similar to the uses enumerated are consistent with the zone. While Title 17 does not expressly list or define a use characterized by short-term cabin lodging combined with an art center, the C2 zone permits a wide range of commercial uses including retail, service businesses, administrative and professional offices, public assembly, meetings, and accommodations in addition to processing and assembly uses. A hotel, motel, or bed & breakfast is permitted by right in C2 regardless of size. A school, church or other place of worship, health spa, playground, picnic area, park, photography studio, or museum is also permitted by right in C2 regardless of size. The uses as currently proposed combines elements of a small hotel/motel, small

bed-and-breakfast, and small art/dance studio—all more modest in size and scale than many other uses permitted in the C2 zone.

Concern #2: The cabins are manufactured structures, built on a frame containing wheels and can be towed behind another vehicle. This poses the question as to whether these units meet the standards of a Recreational Vehicle (RV) and, if so, does the proposed project site meet the code definition of a RV park, which is not permitted in the C2 zone.

Determination: The cabins have been constructed to meet Title 24 standards and will be placed on approved permanent foundations. Each cabin will be provided with electricity, water, and wastewater disposal. Even if the cabins do fit within the Zoning Code's definition of "Recreational Vehicle (RV)" at 17.06.1630, the proposed use does not fit within the Zoning Code's definition of "Recreational vehicle park" at 17.06.1635, meaning "a developed area where one or more sites are used, or intended to be used, by *campers* with recreational vehicles or tents" (emphasis added). The use proposed in this application is one where *the property owner* is providing permanent cabins affixed to foundations on the site—a use more akin to a hotel or motel than a camping facility. The applicant does not propose to operate a RV park within the meaning of the Zoning Code.

Concern #3: Is the proposed use more consistent with the definition of Rural Recreation and Camping?

Determination: No. While the property contains many natural resources that are likely to be enjoyed by guests, the primary use of the property is not a "resource-oriented activity" as defined by CCC Chapter 17.06.1745. Instead, the proposed artists and dance center is a commercial use, providing professional instruction and cultural activities in both an indoor and outdoor setting. The cabins provide short-term lodging for paying guests of the artist and dance center. Guests are encouraged to enjoy the surrounding natural beauty and activities offered in the Ebbetts Pass area, but the property itself will not offer resource-oriented activities such as those enumerated in CCC Chapter 17.06.1745. – "Rural recreation and camping". Rural and recreational camping means low intensity/minimal impact resource-oriented activities which occur in an outdoor environment. These activities may or may not necessitate improvements or infrastructure and are provided (for fee) by the landowner/occupant for the enjoyment and pleasure of invited persons, groups, guests, or clients. Such recreational activities include, but are not limited to, fishing, hunting; recreational camping (including incidental RV camping, but not RV parks); incidental seasonal camping areas without facilities; equestrian riding trails, hiking and bicycling trails, wildlife viewing and photography, gold panning, picnic or rest areas, parks, etc. This use was introduced to code during the 2005 update to the Agriculture Zones and allowed by right in the General Agriculture (A1) and Agriculture Preserve (AP) zones. The use was intended to offer means of a secondary income to the farmers/ranchers to supplement their income from agriculture production. Furthermore, this facility will include improvements such as electricity, water and on-site wastewater hooked up to each cabin. Each cabin, in turn, will be affixed to a permanent foundation. These types of improvements are not compatible with incidental RV camping and, since the cabins do not qualify as RVs or "camping", this code section does not apply to this project.

Concern #4: The original tentative map was approved requiring the participation of the subdivider in the road maintenance agreement in place for Oak Court. For unknown reasons, the parcel map recorded, and the subject parcel was never added to the agreement. This was brought to our attention a few days prior to the public hearing. While this issue is arguably beyond the scope of allowable review of a Planned Development Permit being reviewed under Section 17.50.020, the Planning Department wishes to address this briefly:

Determination: A road maintenance agreement runs with the land and the owners of the parcels subject to the agreement must pay their fair share to maintain the road. The applicants have no issues with participating in the road maintenance agreement and will gladly amend the agreement to include their property and pay the appropriate fees for maintenance of Oak Circle.

CEQA: The project is exempt from CEQA pursuant to section 15061(b)(3), the Common-Sense Exemption, and section 15268, the exemption for ministerial projects. The commonsense exemption asserts that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment, the activity is not subject to CEQA. This exemption, along with the exemption for ministerial projects pursuant to section 15268, applies to this project because the proposed use is permitted by right in the underlying zone; therefore, it requires only design review—not a use permit. The Planned Development Combining Zone (an overlay zone) is described in Chapter 17.50 of the County Code. Its intent is “to regulate site development and aesthetics, not the type of use. Permitted uses are as defined in the base zone.” Per Section 17.50.020:

The land uses permitted within the base zoning district are not affected by the inclusion of the parcel within the planned development combining district. Such uses as specified in the base zoning district are also permitted uses within the planned development combining district. The planning commission shall review and approve the site development plans for all projects in a planned development combining zone, prior to issuance of a building permit or initiation of a land use. Prior to approval, the planning commission shall find that the project satisfies the requirements of Section 17.50.060.

A use permitted by right in the underlying zone is entitled to a Planned Development Permit so long as the applicable Performance and Site Development Standards described in 17.50.060 are met through its design. Potential environmental impacts of the proposed use were already considered when the underlying zoning district was established. The scope of the Planning Commission’s review under 17.50.020 is limited to reviewing the plans and project description to ensure that these lists pre-determined standards will be met; the review is therefore ministerial. This is distinguishable from situations in which a conditional use permit is required to approve the underlying use, in which case the Commission’s scope of review will be discretionary—since it must not only ensure that the ministerial Planned Development standards are met under Chapter 17.50 but must also ensure that conditions are imposed to mitigate its potential project-specific environmental and nuisance impacts.

For the reasons described above, review of this application falls within the ruling of McCorkle Eastside Neighborhood Group v. City of St. Helena (2018) 31 Cal.App.5th 80, in which the California Court of Appeal held that the City of St. Helena did not violate CEQA by approving a demolition permit and design review for a multi-family residential project without preparing an environmental impact report. The court held that because the city's discretion under its local design review ordinance did not extend to addressing the project's environmental effects, CEQA review was unnecessary. The Court of Appeals affirmed the decision of a trial court which held in favor of the City of St. Helena that the City property focused on design review (as required by its ordinance) because no permit with broader considerations (such as conditional use permit) was involved. Both the demolition and design review permits were ministerial actions that were not subject to CEQA review. This court case supports staff's position that, in the absence of a requirement for a use permit or other discretionary approval, the project is exempt from CEQA.

ArcGIS Web Map

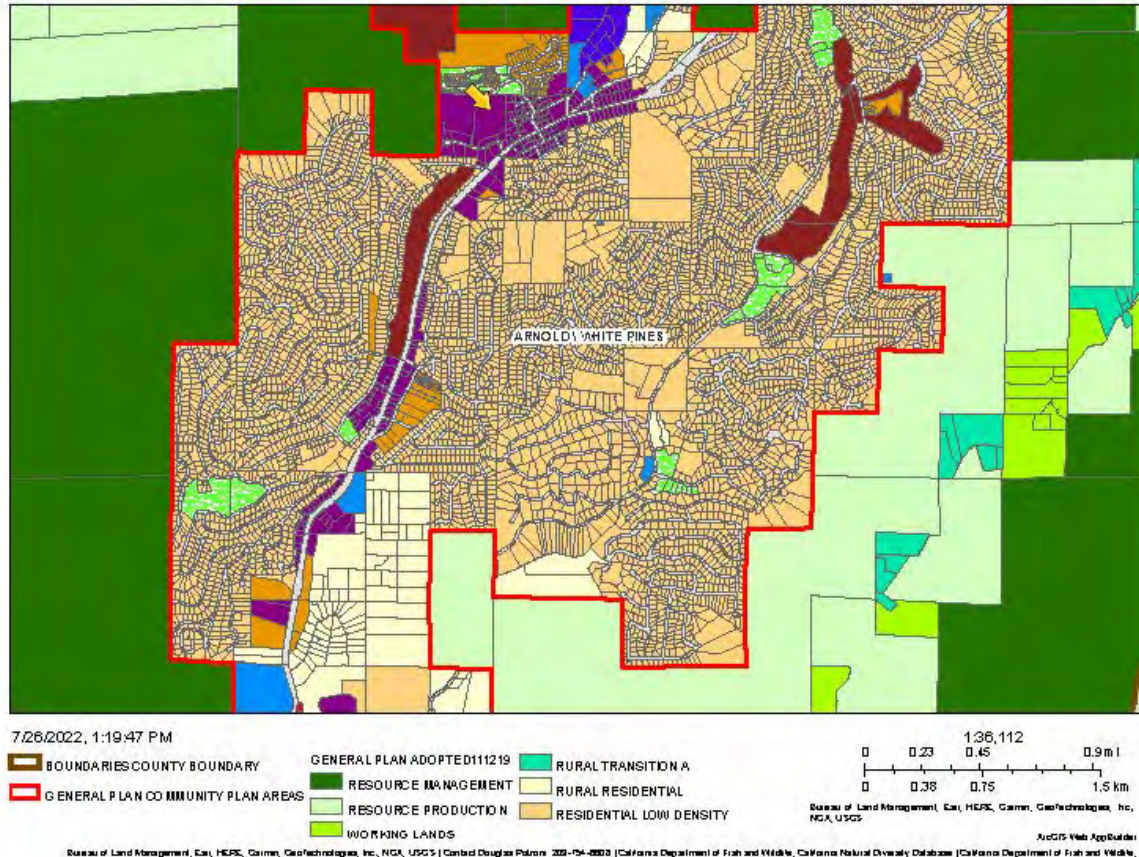


Figure 2 - Arnold / White Pines Community Area Map

Planned Development: The Arnold / White Pines Community does not have a community plan; thus, there are no community plan policies or design guidelines that may otherwise direct the aesthetics and/or architectural features of a project in Arnold. Instead, the enhanced design standards of Chapter 17.50 are applied: The design of all structures, fences and signs must be compatible with the project location and its natural environment. In addition, performance standards include additional landscaping above the percentage required in the base zone, refuse storage, visual screening (where applicable), restrictions regarding mechanical and rooftop devices apply in addition to standard parking and access requirements.

The community of Arnold is in the Ebbetts Pass area of Calaveras County, 20 miles northeast of Angels Camp off Hwy 4, approximately 12 miles northeast of Murphys, and approximately 33 miles southwest of the Bear Valley/Mt. Reba Ski area. The community of Arnold is bordered mainly by US Forest Service and land owned by the Sierra Pacific Land and Timber Company. Arnold is a rural community in the middle of coniferous forests. Located within

the community are several small streams and creeks, notably Moran Creek, Love Creek, Cowell Creek which runs through the southern portion of the parcel, and San Antonio Creek. During the Gold Rush era, the area surrounding present day Arnold consisted of a large sawmill and two large ranches which raised cattle, and farmed potatoes and hay. For more than 100 years, Arnold has also been known for its recreational attractions. Since 1938, Arnold now also has several residential subdivisions.

ArcGIS Web Map



Figure 3 - Aerial Phot of Project Site

ArcGIS Web Map

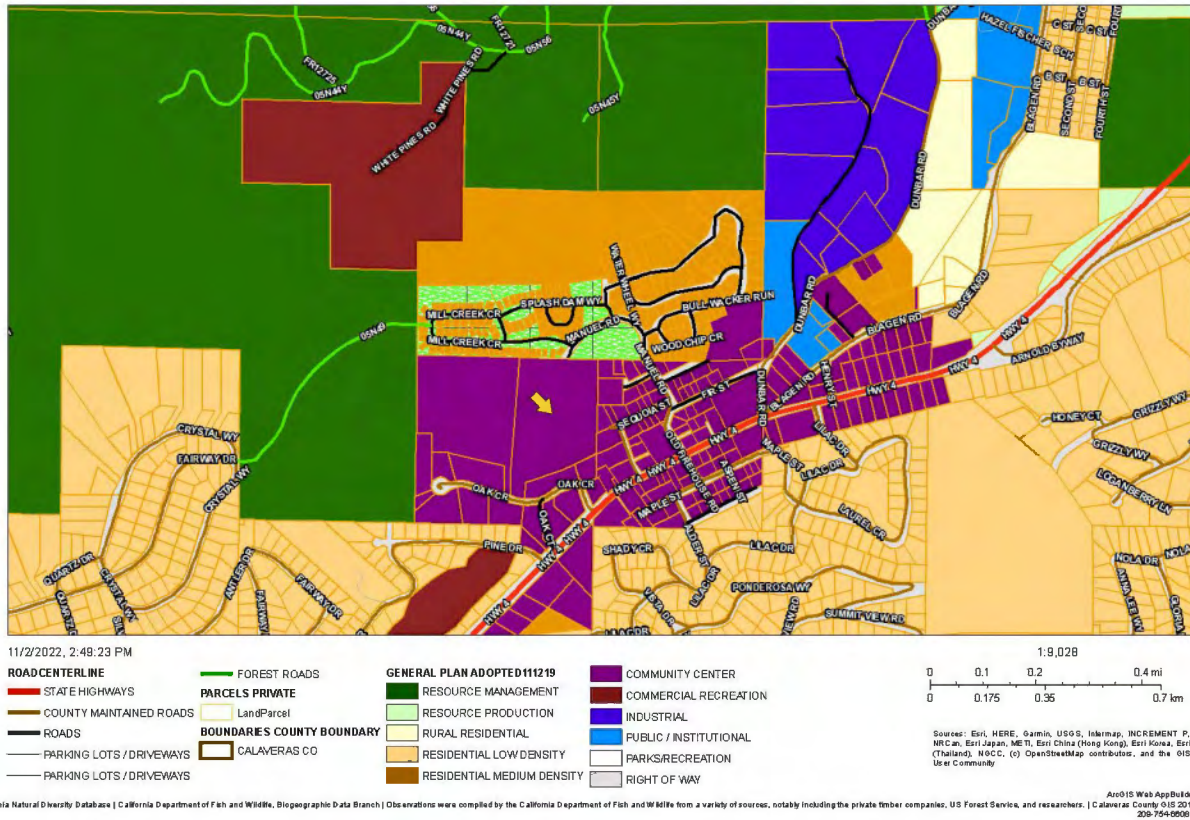


Figure 4 - General Plan Map of Area Surrounding Project Site

General Plan and Zoning Consistency: The parcel is designated by the County General Plan as Community Center. This designation identifies a mix of residential and commercial uses intended to serve the residents of and visitors to the community and the surrounding area. Typical commercial uses include retail and service establishments, lodging, professional offices, eating establishments and other support services for residents and visitors. Residential uses typically include live/work units, second floor residential, single, and multi-family units; public and quasi-public uses and similar uses in support of the community. With limited exceptions, development in Community Centers must be served by public water and sewer. Compatible zoning in a Community Center includes R1, R2, R3 (Single, Two-Family & Multi-Family Residential), C1, C2 (Local & General Commercial), CP (Professional Office), M4 (Business Park), REC (Recreation), and PS (Public Service). The proposed land use is described as a mix used project with lodging, professional services along with a residential component. The applicants/landowners will live on-site and operate the facility. The Planning Director finds the proposed uses to be permitted in the C2 zone pursuant to Chapter 17.36.020 for the reasons described above. The property is in the Arnold/White Pines Community Area; although, community plan policies have not been adopted for this area of the County.

Regulatory Compliance: The application was circulated to various County and State Departments, special interest organizations and local public agencies seeking comments. The circulation resulted in comment letters from the County Public Works Department,

County Environmental Management Agency, County Building Department and Calaveras County Water District. These comments reiterated local and state codes that are required with the approval of other ministerial permits (e.g. a building permit for construction of the facility) and are not specific to the design features of the project. For the reasons described above, the Planning Department does not believe that review of a Planned Development Permit under 17.50.020, where the underlying use(s) is permitted by right, authorizes discretionary review or the imposition of conditions. It was recently discovered that departments to which the application was routed were not distinguishing between review of Planned Development permits under 17.50.020 (permitted uses) versus 17.50.020 (conditional uses).

PD Performance Standards: The purpose of the planned development combining zone is to encourage design innovation and provide more detailed county project review than would otherwise normally be allowed in the base zone in locations where it is particularly important to improve the visual quality of a project, provide more efficient land use, to provide more open space, to protect fragile natural resources, and to develop public services at minimal cost. Pursuant to Section 17.50.020(C), the intent of Chapter 17.50 is to regulate site development and aesthetics, not the type of use. Permitted uses are as defined in the base zone. Pursuant to Chapter 17.50.060 and 17.50.070, special performance standards and site development standards apply to all construction within the PD combining zone:

Landscaping

The applicant's aesthetic preference is to retain native vegetation except as necessary to build the structures described in the plans—rather than plant non-native vegetation. Vegetation habitats within the site include mixed coniferous forest with an understory of manzanita, deer brush and mountain pink currant. A minimum area equal to ten percent (10%) of the gross disturbed land area will be planted with new landscaping in a manner that improves the visual quality of the project from surrounding parcels and roads. This project is not a “typical” commercial project in that it will be built in the center of a 13-acre conifer forest with a significant amount of existing land left untouched. The applicants own and will operate the facility while living on site in their private residence so will be reliably available to manage both the native and imported vegetation. They have designed the project to minimize tree removal to 10± trees as needed on the 13-acre parcel. Approximately 20% new landscaping will be planted around the art and dance studio and walking paths to enhance the beauty of the natural vegetation on the parcel. New landscaping will consist of drought resistant plants native to the Arnold area and will be watered by drip irrigation and comply with the State's model water efficiency landscape ordinance (MWLO).

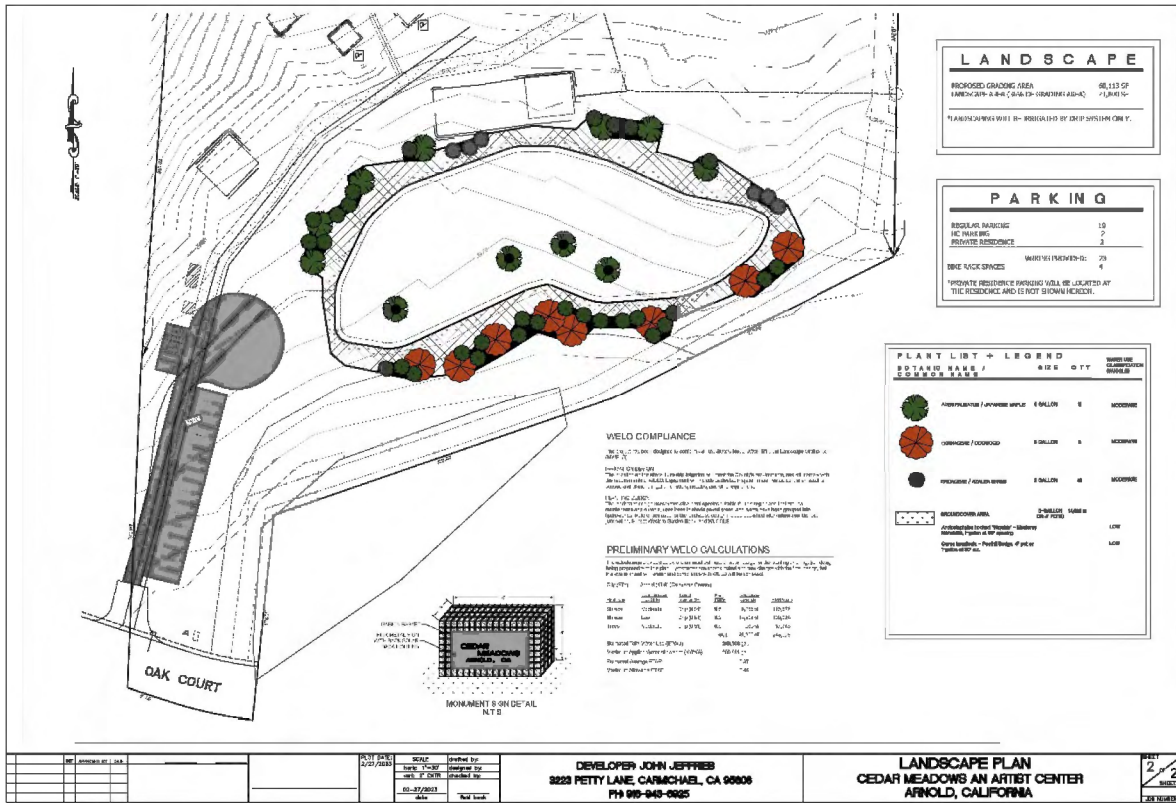


Figure 5 - Landscape Plan

Grading

The total disturbed area on the 13.6-acre parcel will be 1.38 acres, including a 0.8-acre graded area that will match the existing slopes and existing onsite roads as much as possible. The applicants indicate that the cabins have a narrow width and will be placed perpendicularly to the slope to limit grading. All grading will be limited to approximately 2-3 feet of slope heights, and gabion basket retaining walls will be used where necessary. The gabion basket is a heavy gauge steel basket which is filled with natural materials from the site.

Structures, Fences and Signs

The project design of all the structures, fences and signage is compatible with the natural environment and architectural characteristics of the Arnold Community. Both the primary residence/bed & breakfast inn and artist and dance center buildings are a typical “A” frame style structure approximately 1,750 sq. ft. in size. The building will have a roof pitch of 12/12 (45 deg) and will be approximately 20’ high. The foundation will be a stem wall with an exterior rock finish. The building will be finished with dark metal and Hardie backer faux wood siding and metal roofing, matching the materials that will be used for the cabins.



Figure 6 - Proposed Artist Center

The eleven cabins for transient lodging will be manufactured to meet Title 24 standards. They are approximately 220 sq. ft. in size. With wheels removed, the cabins will be placed on permanent foundations with a small wood deck providing access to the front door. They will be constructed using light gauge steel framing and the exterior will be built using sheet metal, or Hardie backer faux wood siding. All materials will be non-combustible and colored to blend into the forest using dark natural colors. Two of the eleven cabins will be ADA accessible units.



Figure 7 - Proposed Cabin Idea

The Quonset hut style building is for personal storage. The building will be placed on a slab foundation, 2' tall, thickened stem walls with exterior rock finish. Each building is 35' wide x 39' deep x 20' high.



Figure 8 - Proposed Single Family Residence

A monument sign measuring 8' wide x 4' high will be placed at the front entrance to the facility. The sign will be a gabion basket design constructed with thick metal and back lit by a solar power light. The sign shall include the name of the facility, Cedar Meadows, Arnold CA. The sign detail is shown on the landscape plan and attached as an exhibit to the Staff Report.

The final structures are two 6' gabion/wood fences with steel support posts. One fence will be constructed along the western boundary of the parcel approximately 375' long. The other will be constructed in a location that creates privacy between the private residence and the cabins on the interior of the parcel.



Figure 9 - Proposed 6' Gabion/Wood Fence

The project site is heavily wooded. Approximately 200' feet of natural vegetation and dense forest provides visual screening between the project and the multi-family residential development to the north. Public access to the facility will be scheduled by appointment and/or reservation. The refuse storage area and a covered bike and cart enclosure will be located near the front entrance, behind the gabion/wood fence located on the west boundary of the parcel that will provide screening for the adjacent residence. Parking is also located near the front entrance which includes 28 total spaces, 2 of which are ADA van accessible. Guests will park their vehicles at the entrance and either walk or take a golf cart into the site to access the cabins and/or the center and outdoor area. Except for solar collectors, all rooftop mechanical devices, pipes, vents, and fans, shall be screened from view and baffled for sound. Although actual construction plans are not currently being reviewed, it does not appear by the structural design of these buildings that mechanical and rooftop devices will be visible.

Conclusion:

The purpose of the PD is not to regulate the type of use, but to regulate site development and aesthetics by encouraging project design that improves the visual quality of a project, provides more efficient use of the land, provides more open space, and protects fragile natural resources. This design of the structures is compatible with the aesthetics and/or architectural features in Arnold. The visual quality of the project is enhanced by not only the design of the structures, but also using materials and colors that blend with the natural environment of the surrounding area. The structures have been located on the 13-acre parcel in a manner that retains the natural vegetation and conifer forest along the boundaries of the property, minimizes the removal of trees within project site and maintains open space throughout the parcel. Where possible, natural materials such as decomposed granite will

be used on the property to surface walkways and cart paths. New landscaping will be planted in areas surrounding the walking paths within the project site to enhance the beauty of the natural vegetation. Parking and signage will be constructed to the minimum standard, lessening the amount of disturbed land necessary for the improvements. Natural materials from the project site will be incorporated into the gabion / wood fencing as well as the retaining walls.

RECOMMENDATION: Staff recommends the Planning Commission take the following action:

1. Approve Resolution 2023-002 approving Planned Development Permit 2022-031 pursuant to 17.50.020 for an art and dance center and short-term lodging facility to be located on APN: 028-001-046; and

ATTACHMENTS

1. NOE
2. PC Resolution 2023-002
3. Project Application
4. Site Plan (reduced size)
5. Landscape Plan (reduced size)

Attachment #1

NOE

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Lead Agency

Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Attachment #2

PC Resolution 2023-002

**COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION**

RESOLUTION NO. 2023-002

>>A RESOLUTION APPROVING PLANNED DEVELOPMENT PERMIT FOR PROJECT 2022-031 FOR THE DESIGN OF THE CEDAR MEADOWS ARTIST STUDIO AND SHORT-TERM LODGING PROJECT ON APN: 028-001-046 FOR JOHN AND MARYNA JEFFRIES.

WHEREAS, the Planning Department of the County of Calaveras received application 2022-031 from John and Maryna Jeffries requesting a Planned Development Permit for consideration of the design of their project “Cedar Meadows” a facility for fine art and professional dance instruction and activities, which includes an indoor and outdoor space in addition to eleven cabins to be use as short term lodging, a single family residence/bed & breakfast inn, a personal storage building, entrance sign, gabion/wood fencing and a parking lot located on a 13.16-acre parcel in Arnold zoned General Commercial-Planned Development (C2-PD); and

WHEREAS, the Plans submitted for the construction of the Cedar Meadows Artist and dance facility which includes two “A” framed style structure not to exceed 1,750 sq. ft., 11 cabins not to exceed 220 sq. ft. each, a Quonset Hut Style building, gabion walls, signage and parking as described in the staff report and illustrated on the site plan; and

WHEREAS, the subject property is located off Oak Circle in Arnold, approximately 0.14 miles north of the Oak Circle / Hwy 4 intersection. APN: 028-001-046 is described as parcel 2 of Parcel Maps, Book12, Page 190; and

WHEREAS, the ministerial design review of a project where the uses are permitted in the base zone is not a project under California Environmental Quality Act (CEQA); and/or is exempt from CEQA pursuant to CEQA Guidelines 15268 and 15063(b)(3) due to the limited scope of allowable review; and

WHEREAS, during a noticed public hearing on April 13, 2023, the Planning Commission considered all the information presented to it, including its staff report, information presented by the project proponent, and public testimony presented at the meeting; now

BE IT THEREFORE RESOLVED, that the Planning Commission approves Planned Development Permit 2022-031, based on the following findings:

1. The proposed use is consistent with the county's General Plan, any applicable community or special plan, and the provisions Title 17.

Evidence: The parcel is designated by the County General Plan as Community Center. The project is consistent with the Community Center LUD, which calls for a mix of residential and commercial uses intended to serve the residents of and visitors to the community and the surrounding area. The C2 base zone is consistent with the Community Center LUD. All the proposed uses are consistent with and/or similar to other permitted uses by right in the C2 base zone for the reasons described in the staff report and its exhibits, which are incorporated by reference, and at the hearing, so review is limited to whether the proposed development as designed complies with Chapter 17.50 – Planned Development Combining Zone. The subject site is within the delineated Arnold/White Pines Community Plan Area, but there are no policies or implementation measures adopted for the Arnold/White Pines community. This project is subject to one General Plan Implementation Measure, COS-3C, for stream and wetland setbacks. The site plan has been designed around these parameters, and they will be further implemented by the County Building Department during the permitting process (or construction) and the County Public Works Grading Permit for all on-site grading and road improvements.

2. The review of this application is ministerial and therefore not a project under CEQA and/or exempt from CEQA pursuant to Guidelines 15268 and 15063(b)(3).

Evidence: The review of a project that is permitted by right in its underlying zone and reviewed using a set of ministerial standards for design and site development is not a project under CEQA and/or it is exempt from CEQA because the reviewing body has no authority to impose conditions that could affect the environment within the meaning of CEQA. See McCorkle Eastside Neighborhood Group v. City of St. Helena (2018) 31 Cal.App.5th 80. Section 17.50.020 states that, when reviewing a Planned Development Permit under this section—for a use permitted within the base zoning district, “*The planning commission shall review and approve the site development plans for all projects in a planned development combining zone, prior to issuance of a building permit or initiation of a land use. Prior to approval, the planning commission shall find that the project satisfies the requirements of Section 17.50.060.*” 17.50.060, in turn, sets forth a set of predetermined performance standards that apply to projects located within the Planned Development overlay zone. It requires the Planning Commission to simply review the plans and ensure that it conforms to the predetermined performance standards. The Commission cannot substitute its own judgment for these standards, and there is also nothing in Chapter 17.50 that authorizes the imposition of additional project conditions in the absence of a concurrent need for a use permit or other discretionary approval. (See, e.g. 17.50.030). For the reasons described in the staff report and its attachments, which is incorporated by reference herein, and based on evidence received during the hearing, CEQA does not apply to the approval of a Planned Development Permit under 17.50.060 due to the limited scope of its review.

Alternatively, review of the project is exempt pursuant to Guideline 15268, which expressly exempts ministerial projects, and pursuant to 15063(b)(3), the “common sense” exemption, which exempts from CEQA any project approval that does not have the potential to affect the environment. Here, the project approval is limited to ensuring the plans conform to a set of predetermined performance standards relating to the aesthetics of the development. The county adopted these standards in 1993 to apply to particularly sensitive locations of the County as a means of ensuring that new development is in aesthetic harmony with its surrounding area—precluding the need to analyze aesthetic impacts in these areas on a case-by-case basis. Since the County has already determined what aesthetic standards must be met in the design of the project to minimize its impact, and this review by the Planning Commission is merely to ensure compliance with these predetermined standards, the issuance of a Planned Development permit for this project cannot result in potentially significant environmental impacts.

3. The proposed project, as designed, conforms to all the applicable performance standards of County Code Section 17.50.060.

Evidence: The Planning Commission has reviewed the site plans for conformance with Section 17.50.060:

- a. Landscaping: As discussed in the staff report, the landscaping plan for the site is primarily to leave as much native vegetation as possible intact, clearing only as necessary to locate the structures described in the plans within state and local requirements. Approximately 10 mature trees will be removed as necessary on the entire 13+ acre site. Unlike building in a disturbed area, where new plantings must be brought in to improve the development’s aesthetics, the retention of the existing woods is integral to this development. In addition, to comply with this performance standard, approximately 20% new landscaping will be planted around the art and dance studio and the walking paths. The parking lot will not be adjacent to the street from which the development takes access and the view from the access road will be mostly of existing trees and vegetation. Grading shall be as described in the staff report, and any cut and fill slopes that are planted to conform to the performance standard will not count toward the landscaping requirement.
- b. Design of structures/fences/signs: As described in the staff report, the design of structures, fences, and signs incorporates an alpine cabin or chalet aesthetic with predominantly natural wood, stone, and metal surfaces and paint, when used, in colors that are designed to blend in with the natural colors of surrounding natural features and vegetation.
- c. Refuse Storage: The site plan delineates the refuse storage area on the west boundary between the parking lot and the gabion/wood fence. The owners will manage trash removal as needed.

- d. Screening: The project site is heavily wooded. Approximately 200' feet of natural vegetation and dense forest provides visual screening between the project and the multi-family residential development to the north.
- e. Sign standards: A monument sign measuring 8' wide x 4' high will be placed at the front entrance to the facility. The sign will be a gabion basket design constructed with thick metal and back lit by a solar power light. The sign shall include the name of the facility, Cedar Meadows, Arnold CA. The sign detail is shown on the landscape plan and attached as an exhibit to the Staff Report. The sign as designed will meet the standards of Chapter 17.72 of the County Code.
- f. Mechanical and Rooftop Devices: Any rooftop mechanical devices must be screened from view and baffled for sound. There are no mechanical or rooftop devices proposed with the style structures being proposed.
- g. Access and Vehicle Parking: The site is accessed via an existing encroachment from Cedar Circle, a County maintained road. An encroachment permit will be required at the time of building permit issuance to improve the existing encroachment to a commercial encroachment standard, and all on-site roads will be required to meet current road standards in compliance with County Road Ordinance and California Fire Code Regulations. Natural vegetation and trees will screen the proposed parking area.

Approved by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on April 13, 2023, on a motion by Commissioner _____ and seconded by Commissioner _____

AYES:
NOES:
ABSTAIN:
ABSENT:

Chair, Planning Commission

ATTEST:

Gina Kathan, Planner III

The project files are available for public review in the Planning Department, County of Calaveras, Government Center, 891 Mountain Ranch Road, San Andreas, CA. 95249, between the hours of 8:00 a.m. and 4:00 p.m.

Attachment #3

Project Application

Project No. _____



County of Calaveras Department of Planning

Phone (209) 754-6394 Fax (209) 754-6540

www.planning.calaverasgov.us

APPLICATION FOR LAND USE DEVELOPMENT

- | | | | |
|--|--------|--|-------|
| <input type="checkbox"/> General Plan Amendment | (GPA) | <input type="checkbox"/> Administrative Use Permit | (AUP) |
| <input type="checkbox"/> Zoning Amendment | (ZA) | <input type="checkbox"/> Conditional Use Permit | (CUP) |
| <input type="checkbox"/> Tentative Subdivision Tract Map | (TSTM) | <input type="checkbox"/> Planned Development | (PD) |
| <input type="checkbox"/> Tentative Parcel Map | (TPM) | <input type="checkbox"/> Other | _____ |

NOTE: FAILURE TO FULLY COMPLETE APPLICABLE FIELDS AND PROVIDE REQUIRED ATTACHMENTS COULD DELAY THE PROCESSING OF YOUR APPLICATION.

Applicant (s):

Name _____

Project Address _____ City _____

Mailing Address _____ City/ZIP _____

Phone (Business) _____ (Home) _____

Email _____

Landowner (s):

Name _____

Mailing Address _____ City/ZIP _____

Phone (Business) _____ (Home) _____

Email _____

Name and address of property owner's duly authorized Agent who is to be furnished with notice of hearing. (Section 65091 – Calif. Govt. Code):

Authorized Agent:

Name _____

Mailing Address _____ City/ZIP _____

Phone (Business) _____ (Home) _____

Email _____

Assessor's Parcel Number(s): _____ Parcel Size: _____

Project No. _____

(High) ____ (Medium/Moderate) ____ (Low) ____ . If sensitivity is shown as high or medium/moderate an archaeological assessment study will be required prior to completing the environmental review. If an assessment has been completed on a prior project that included the project area, provide the information where the study can be found.

Describe the existing natural features of the subject property, including terrain or topography, vegetation, bodies of water, wetland habitat (marsh, riparian, vernal pools), etc.:

Describe the existing land uses within 500 feet of the subject property. (Example: Five single family residences to the north, a duplex and pine forest to the west, a state highway and a gas station to the east, and grazing land to the south.) Be specific:

North: _____

South: _____

East: _____

West: _____

Access:

Name of road on which property fronts: _____

If property fronts on a private road, provide the name of nearest publicly maintained road:

If the subject property does not have frontage on a County road or State highway, describe the legal access to the property from the nearest public road: _____

Level of Service (Check with Calaveras County Public Works Department): _____

PROJECT SPECIFIC QUESTIONS

Will grading be required to implement the proposed use? [] Yes [] No

Project No. _____

If yes, estimate the total cubic yards that will be moved and explain what will be done with the graded material: _____

Will there be any potentially hazardous materials or toxic substances, flammables or explosives used, stored, manufactured or disposed of at the site? [] Yes [] No

If yes, list and describe the method of disposal of these items:

Describe any odor, noise, smoke, or dust which will result from the proposal: _____

ANSWER THE FOLLOWING QUESTIONS APPLICABLE TO YOUR APPLICATION

GPA Proposed General Plan Designation: _____

ZA Proposed Zoning: _____

TSTM Proposed Land Division:

& TPM Total Acres: _____ Number of Lots: _____

Minimum Lot Size: _____ Average Lot Size: _____

TSTM Type of proposed land uses for land divisions:

& TPM Natural Resource: Ag/Timber/Mineral _____ lots _____ total acres

Single Family Residential _____ lots _____ total acres

Multi-Family Residential _____ lots _____ total acres

Commercial _____ lots _____ total acres

Industrial _____ lots _____ total acres

Public Service _____ lots _____ total acres

Recreation/Open Space _____ lots _____ total acres

CUP/PD Is the proposed use an expansion of an existing use? [] Yes [] No

If yes, when was it established? _____

Project No. _____

CUP/PD Is the proposed use part of an intended larger future project? [] Yes [] No

If yes, describe: _____

CUP/PD Will all proposed uses be confined within a building? [] Yes [] No

If no, describe what activities will not be (including storage that will occur outdoors):

CUP/PD Expected total number of people to be employed at the proposed uses:

Full Time _____ Part Time _____

CUP/PD For commercial uses, the number of parking spaces to be provided: _____

CUP/PD Estimated number of vehicles to use the facilities daily: _____

CUP/PD How many trees with a breast-height diameter of 12" or greater will be removed as a result of the site development? _____

Any additional information or explanations supporting the proposal is encouraged and may be submitted on a separate sheet of paper.

Project No. _____

ACKNOWLEDGMENT / AUTHORIZATION / VERIFICATION PAGE¹

Calaveras County Agriculture Disclosure Statement

Real property within or adjacent to areas zoned for agricultural operations or areas in zones which permit agricultural operations may be subject to inconveniences or discomfort arising from such operations. Calaveras County has determined that the use of real property for agricultural operations, as defined by County Code, is a high priority and a proper and necessary use, and will not consider the inconveniences or discomforts arising from agricultural operations to be a nuisance if such operations are consistent with accepted agricultural practices and standards.

By our signatures below, I (We), as applicant(s) and property owner(s), hereby acknowledge having read and understood this disclosure.

Right of Entry

By our signatures below, I (We), as applicant(s) and property owner(s), hereby acknowledge that by making this application, and under the authority of Government Code Section 65105, County agency personnel, in the performance of their functions, may enter upon the subject property and make examinations and surveys, provided that the entries, examinations and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof.

Verification of Application / Declaration Under Penalty of Perjury

NOTE: If someone other than an individual applicant or land owner signs below (e.g. business entity representatives, agents) satisfactory documentation of signature authority must be provided [see application instructions]. Each record title property owner must sign the application.

APPLICANT(S):

By my signature(s) below, I (we) provide the acknowledgment and consent described above and furthermore declare under penalty of perjury that I am (we are) the applicant(s) for the project described in this application, and I (we) have completed and verified the truthfulness and accuracy of this application and all other documents required for its submittal.

Printed Name(s) of Applicant(s): _____

Authorized Signature: _____ Date: _____

Authorized Signature: _____ Date: _____

LAND OWNER(S):

By my signature(s) below, I (we) provide the acknowledgment and consent described above and furthermore declare under penalty of perjury that I am (we are) the record title owner(s) of the property on which the project described in this application will be located and I (we) consent to the applicant's(applicants') preparation and submission of this application.

Printed Name(s) of Property Owner(s): _____

Authorized Signature: _____ Date: _____

Authorized Signature: _____ Date: _____

FOR OFFICIAL USE ONLY

Receipt Number _____

Date Stamp

Application Number _____

Method of Payment [] Cash [] Check # _____

Amount _____

(Revised July 1, 2021)

¹ May be signed in counterparts.
Land Use Application

ACKNOWLEDGMENT / AUTHORIZATION / VERIFICATION PAGE¹

Calaveras County Agriculture Disclosure Statement

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Printed Name(s) of Applicant(s): John and Maryna Jeffries
Authorized Signature: _____ Date: 7/12/2022
Authorized Signature: _____ Date: 7/12/2022

LAND OWNER(S):

By my signature(s) below, I (we) provide the acknowledgment and consent described above and furthermore declare under penalty of perjury that I am (we are) the record title owner(s) of the property on which the project described in this application will be located and I (we) consent to the applicant's(applicants') preparation and submission of this application.

Printed Name(s) of Property Owner(s): John and Maryna Jeffries
Authorized Signature: _____ Date: 7/12/2022
Authorized Signature: _____ Date: 7/12/2022

FOR OFFICIAL USE ONLY

Receipt Number PLNG 329
Application Number 2022-00031
Method of Payment [] Cash [X] Check # 729
Amount \$ 5,491.00

Date Stamp
RECEIVED
JUL 12 2022

Calaveras County
(Revised July 1, 2021)
Planning Department

¹ May be signed in counterparts.
Land Use Application

Attachment #4

Reduced Site Plan

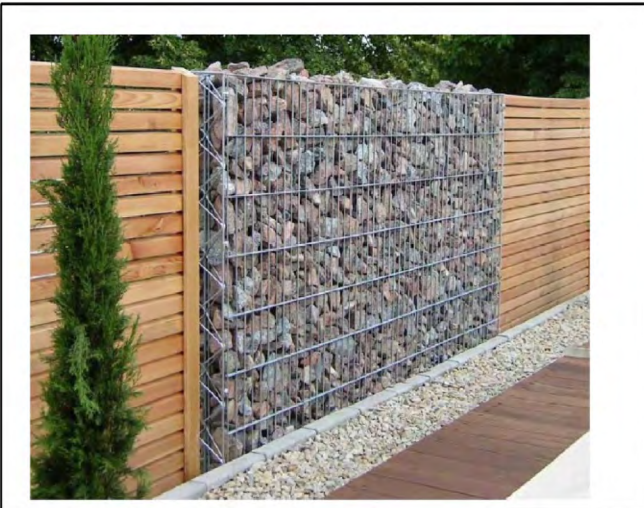
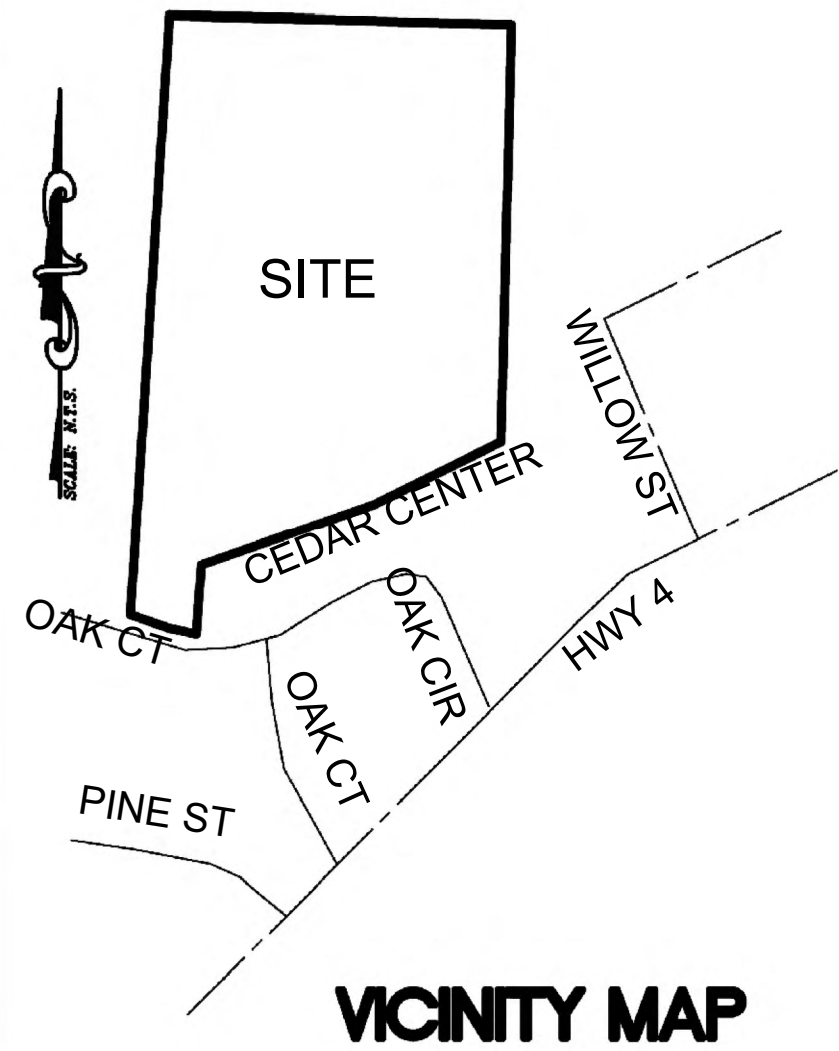
LANDSCAPE NOTES:

1. TREES OVER 8" TO BE PRESERVED.
2. AREA TO BE KEPT CLEAR OF BRUSH AND AREA ADJACENT TO WALKING PATH TO BE SEEDED AND PLANTED WITH NATIVE FOLIAGE.

*NOTE: STRUCTURES SHOWN ARE NOT BASED ON ACTUAL BUILDING PLANS, BUT SHOW THE INTENT ONLY FOR CENTER THEME. OWNER WILL OCCUPY THE SMALL BED AND BREAKFAST BUILDING SHOWN HEREON.

ROAD / PARKING IMPROVEMENTS

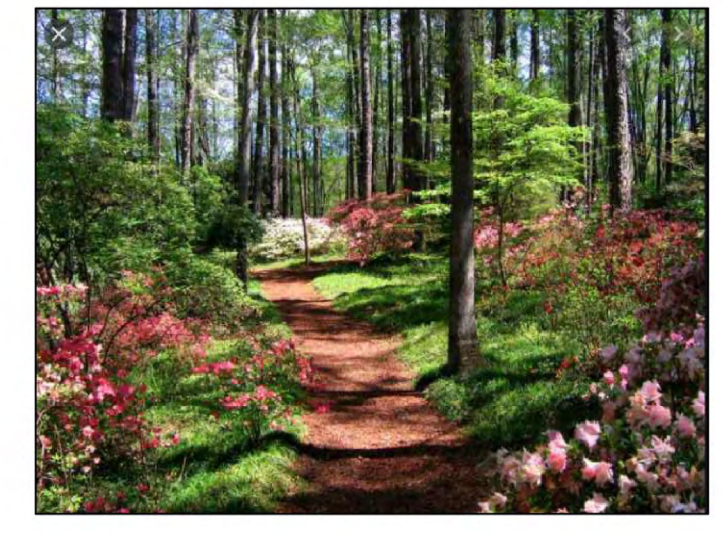
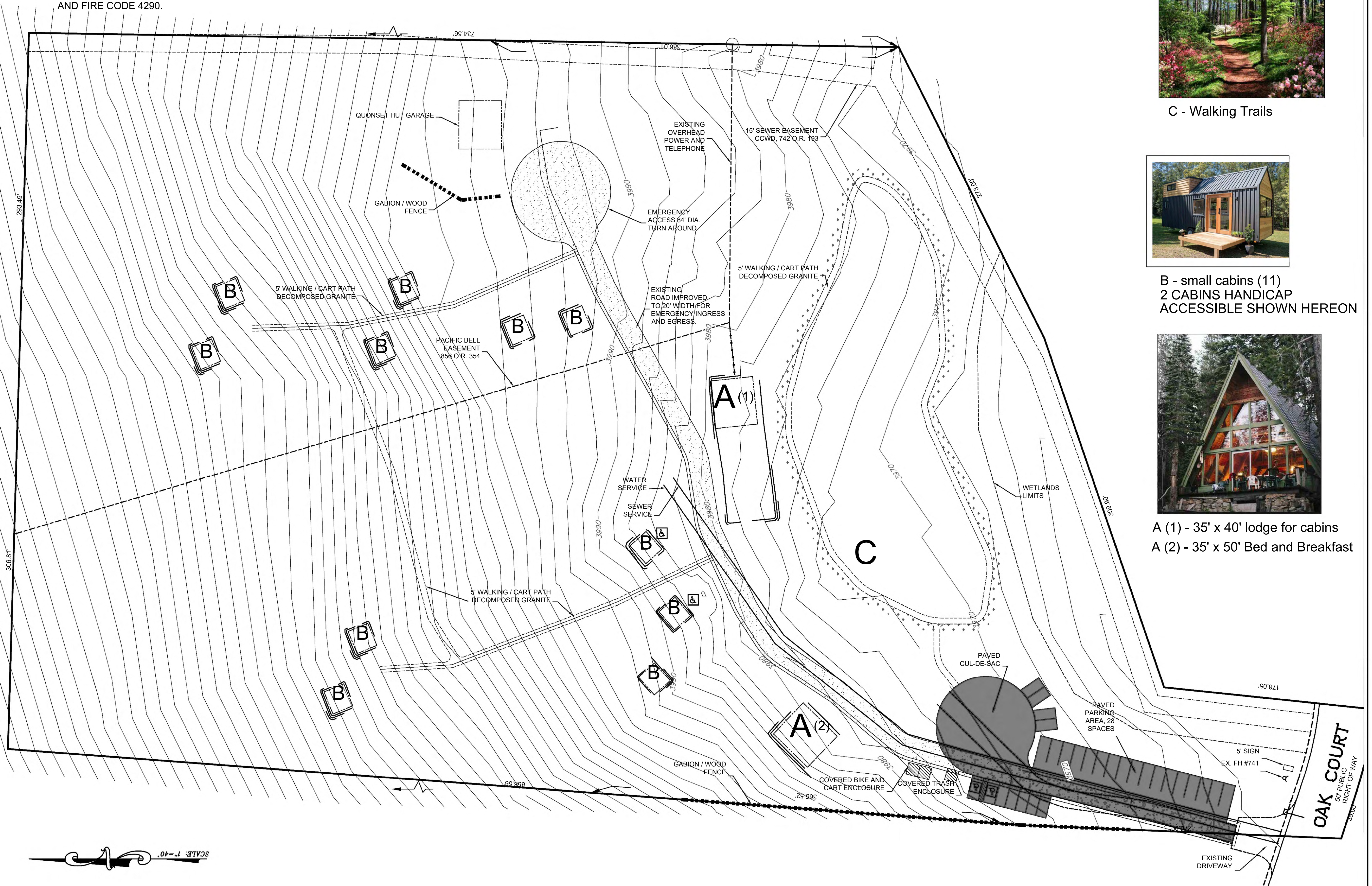
1. EMERGENCY ACCESS TO BE BUILT TO COUNTY ROAD ORDINANCE STANDARDS AND FIRE CODE 4290. 20' WIDTH, 84' CUL-DE-SAC.
2. PARKING ACCESS AND PARKING SPACES TO BE PAVED AND BUILT TO COUNTY ROAD ORDINANCE STANDARDS AND FIRE CODE 4290.



6' GABION / WOOD FENCE WITH STEEL SUPPORT POST.

SECTION 20, T.5N., R.15E., M.D.M.
 APN 028-001-046
 PREPARED APRIL 26, 2022
 TOTAL ACREAGE: 13.16 ACRES
 TOTAL SQUARE FOOTAGE: 7,000

WATER: CCWD
 SEWER: CCWD



C - Walking Trails



B - small cabins (11)
 2 CABINS HANDICAP ACCESSIBLE SHOWN HEREON



A (1) - 35' x 40' lodge for cabins
 A (2) - 35' x 50' Bed and Breakfast



INT	APPROVED BY	DATE

PLOT DATE: 3/05/2023	SCALE horiz: 1"=40' vert: 2" CNTR	drafted by: designed by: checked by:
03-05-2023 date	field book	

DEVELOPER: JOHN JEFFRIES
 3223 PETTY LANE, CARMICHAEL, CA 95608
 PH: 916-943-6925

SITE PLAN
CEDAR MEADOWS AN ARTIST CENTER
ARNOLD, CALIFORNIA

Attachment #5

Reduced Landscape Plan

SCALE: 1"=30'



LANDSCAPE

PROPOSED GRADING AREA 60,113 SF
 LANDSCAPE AREA (36% OF GRADING AREA) 21,800 SF

*LANDSCAPING WILL BE IRRIGATED BY DRIP SYSTEM ONLY.





PARKING PROVIDED: 23 PARKING

REGULAR PARKING 19
 HC PARKING 2
 PRIVATE RESIDENCE 2

BIKE RACK SPACES 4

*PRIVATE RESIDENCE PARKING WILL BE LOCATED AT THE RESIDENCE AND IS NOT SHOWN HEREON.

PLANT LIST + LEGEND

BOTANIC NAME / COMMON NAME	SIZE	QTY	WATER USE CLASSIFICATION (WUCOLS)
 ACER PALMATUM / JAPANESE MAPLE	5 GALLON	11	MODERATE
 CORNACEAE / DOGWOOD	5 GALLON	8	MODERATE
 ERICACEAE / AZALEA SHRUB	3 GALLON	48	MODERATE
 GROUNDCOVER AREA	(1-GALLON OR 4" POTS)	14,595 sf	
Arctostaphylos hookeri 'Wayside' - Monterey			LOW
Menziesia, 1-gallon at 60" spacing			
Carex tumuicola - Foothill Sedge, 4" pot or 1-gallon at 30" o.c.			LOW

WELO COMPLIANCE

This project has been designed to conform with the State's Model Water Efficient Landscape Ordinance (MWELI).

IRRIGATION DESIGN
 The irrigation on the site will use drip irrigation, will meet the County's requirements, and will comply with the requirements of WELO. Equipment will include dedicated irrigation meter, smart controller, weather sensor, and efficient irrigation emitters, nozzles, and other equipment.

PLANTING DESIGN
 The landscape design uses water-wise plant species suitable for this region and that are low maintenance and durable, uses trees to shade paved areas, and plants have been grouped into hydro-zones. References used for the landscape design include published information from the local jurisdiction, Sunset Western Garden Book and WUCOLS.

PRELIMINARY WELO CALCULATIONS

The calculations provided below are an initial estimate of water usage for the planting and irrigation design being proposed with this plan. Hydrozones are approximated and may change with the final design, but the overall intent will remain and compliance with WELO will be achieved.

City (ETc): Arnold (48.8) (Calaveras County)

Plant Type	Water Use (per WUCOLS)	Type of Irrigation (IE)	Plant Factor	Hydrozone Area (sf)	ETWU (gal.)
Shrubs	Moderate	Drip (0.81)	0.5	6,255 sf	116,822
Shrubs	Low	Drip (0.81)	0.2	14,595 sf	109,034
Trees	Moderate	Drip (0.81)	0.5	950 sf	17,743
Total:				21,800 sf	243,598

Estimated Total Water Use (ETWU): 243,598 gal.
 Maximum Applied Water Allowance (MAWA): 296,811 gal.
 Estimated Average ETAF: 0.37
 Maximum Allowable ETAF: 0.45

