



PLANNING COMMISSION COUNTY OF ALPINE, STATE OF CALIFORNIA

**Meeting Agenda
Thursday, September 26, 2024
1:00 P.M.**

**Primary location:
Administration Building, Board Chambers
99 Water Street, Markleeville, CA 96120**

Hybrid Meeting with Zoom Link

If you would like to participate virtually, you can click on the Zoom website link or call the phone number listed below. You will be asked to enter the Meeting ID. You do not need a participant ID to join the meeting and can press the pound key (#) to connect to the meeting.

Zoom Link:

<https://us06web.zoom.us/j/87265375078?pwd=tC7sUb8X5Xe7jC6xm39yDWvSfkdKwa.1>

Meeting ID: 872 6537 5078
Passcode: 593141

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Planning Commission

Bob Broyer, Chair
Nick Hartzell, Vice-Chair
Jim Haen
Tom Sweeney
Steve Yonker

Members of the public who wish to make a general public comment for items not on the day's agenda may submit their comment via email, preferably limited to 250 words or less, to Sam Booth at sbooth@alpinecountyca.gov. The Planning Commission date and "general comment" should be indicated in the subject line. The comment will be placed in the record for the meeting, and every effort will be made to read the comment into the record at the appropriate time on the agenda.

Every reasonable effort will be made to accommodate any person needing special assistance to participate in this meeting. Please contact Sam Booth at 530-694-2140 ext 425 or at sbooth@alpinecountyca.gov in advance of the meeting.

All members of the public are encouraged to participate in the discussion on any items on the agenda at the time the items come up for Commission consideration. Speakers are requested to identify themselves before speaking. Whenever possible, lengthy testimony should be presented to the Commission in writing and only pertinent points presented.

1. Call to Order

2. Planning Commission Minutes

2.1 Requested Action/Proposed Motion: Pass a motion to approve the May 30, 2024 and July 25, 2024, Planning Commission meeting minutes.

3. General Public Comment

Any person may make comments during the General Public Comment period on items of interest, within the subject matter jurisdiction of the Commission, that are not listed on the posted agenda. In accordance with the Brown Act, the Planning Commission cannot deliberate or vote on any matter under general public comment.

4. Public Hearings

4.1 Request approval of two variances for 301 Larkspur Drive, Kirkwood. File #2024-051.

Public hearing and request to consider variances to the Alpine County Development Standards for Residential Driveway Alignment Parameters (Table 9-1), and a variance to Section 4.10.2 – Building Envelopes, of the Kirkwood Specific Plan to allow a variance to the approved building envelope for East Meadows Lot 422. If granted the variances would allow the construction of new driveway with an alignment less than 80 degrees with Larkspur Drive and an encroachment outside the building envelope to fortify the structure at the northwest corner of the new single-family residence. The property is located at 301 Larkspur Drive, Kirkwood. The application representative is Andy Nolting with R.O. Anderson on behalf of the owner John Khau. APN 006-133-010-000. The application includes a finding that the project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15305, Class 5: Projects consisting of minor alterations in land use.

5. Unfinished Business

None

6. New Business

6.1 Election of Chair and Vice-Chair

Election of Chair and Vice-Chair in accordance with Section 10 of the Planning Commission Rules of Procedure.

7. OTHER BUSINESS

7.1. Community Development Director Report

7.2. Items initiated by Commissioners

8. ADJOURNMENT



UNAPPROVED: SUBJECT TO CORRECTION

**PLANNING COMMISSION
COUNTY OF ALPINE, STATE OF CALIFORNIA
Administration Building, Board Chambers
99 Water Street, Markleeville, CA 96120**

MINUTES

Thursday, May 30, 2024

1. CALL TO ORDER

Chair Bob Broyer called the meeting to order at 1:00 p.m. with Commissioners (Vice Chair) Jim Haen, Tom Sweeney present. Nick Hartzell was absent

A quorum was established.

2. PLANNING COMMISSION MINUTES

Requested action/proposed motion: Pass a motion to approve the March 28, 2024, Planning Commission minutes. **ENTER COMMISSIONER RESPONSE**

3. ORAL COMMUNICATION – GENERAL PUBLIC COMMENT

None was heard.

4. PUBLIC HEARINGS

4.1 Request approval of a Special Event Permit for the Death Ride-Tour of the California Alps, File #2024-010

Review and possible action to approve a special event permit application to allow the Tour of the California Alps: Death Ride, cycling event with up to 1500 participants, to occur on July 13, 2024. The event is staged from Turtle Rock Park and the course includes State Routes 4 and 89; including a finding that the project is categorically exempt from CEQA pursuant to Section 15304.e, Class 4 Minor Alterations to Land.

Staff planner Sarah Traiman introduced the application and gave a summary of the event. Chamber of Commerce Director Meghan Wolf then gave a brief description of the event and described new requirements this year from Caltrans to add additional electronic message boards. She described that there would be an expanded expo at Turtle Rock Park on Friday ahead of the event in order to attempt to attract more people to attend and stay around Markleeville.

Commissioner Sweeney asked about the stated start time of 5 am to 7:30 am. Ms. Wolff stated that there are staggered start times to allow all of the riders to get out and not be on the road at the same time. She described that at times riders have tried to get out ahead of the start time but that they do their best to notify them not to leave early and that they do so at their own risk as the road is not closed before the start time.

Chairman Broyer asked if the Chamber did any formal follow up with the merchants in the county to determine the economic impact of the event. Ms. Wolff mentioned that she is in contact with the Cutthroat, Stonefly, Caples Lake Resort and businesses in Kirkwood that are all doing specials to attract patrons before and after the event.

Chairman Broyer then opened public comment, there was none.

Commissioner Haen then made a motion to approve the event with the finding that it was categorically exempt from CEQA. Tom Sweeney seconded the motion.

After a vote, it was approved 3 – 0.

4.1 Request approval of variance from driveway grade requirements from Cynthia Munoz for 838 Quaking Aspen Rd, Bear Valley, File #2024-018.

Review the variance application from Cynthia Munoz for a variance to the Alpine County Development Standards, Driveway Centerline Profile Grade Requirements. To increase the allowed paved centerline profile grade from 13% to 15; including a finding that the project is categorically exempt from CEQA pursuant to Section 15305, Class 5: Projects consisting of minor alterations in land use. The property is located at 838 Quaking Aspen Rd, Bear Valley APN:(005-291-004-000).

Staff Planner Alexa Burke introduced the item and gave a short description of the request. Chairman Broyer stated that what he understood from the staff report, that the lot was originally created in 1985 and he didn't believe at that time that the county would have analyzed the slope of the driveways in the subdivision and that he believed there were other driveways in the area with a greater slope than this. He then asked staff to clarify that prior to 2014 the development standards were different. Ms. Burke confirmed and stated that the prior standards had a requirement of a slope no greater than 13% but allowed for automatic approvals by staff up to 16% and allowed the potential for a driveway with a 25% slope.

Chairman Broyer mentioned that he thought the ability for staff to approve a small variance of the standard was a good practice to avoid having to hear many anticipated variances in the future. Director Sam Booth mentioned that he also thought that was a good idea and could be explored with future amendments to the standards. Chairman Broyer then asked for staff to confirm that the driveway would be paved, and Ms. Burke confirmed that was the case.

Commissioner Haen asked about the liability to the county in approving a variance if there was an issue with the driveway safety in the future. Director Booth mentioned that there could be, but that staff relied on the expertise of the design engineer as well as the county engineer that reviewed and approved the plans.

The Chairman then opened the meeting to the applicant and Cynthia Munoz, the architect for the project spoke. She mentioned that due to the constraints on the site, she had worked with staff to look at various options to try to get as close to the currently allowed slope as possible and that the best solution was the proposed 15% grade with a paved driveway in the configuration proposed.

Commissioner Haen asked if the centerline profile was a consistent 15% and if there was a steeper side to the left, or right? The applicants confirmed it was a consistent grade.

The Chairman opened the item for public comment. None was heard.

Chairman Broyer then made a motion to approve the variance request with the stated CEQA exemption. Jim Haen seconded the motion.

After a vote, the request was approved 3 – 0.

4.3 Request approval of a conditional use permit for an expanded home occupation for 155 Blue Camas Road, Markleeville, File# 2024-022

Review the proposed conditional use permit application for an expanded home occupation. Consider the applicants' responses to the findings for granting the use permit 18.76.015 and home occupations 18.70.120 (see attachment 7). Determine whether to grant an exemption to the Home Occupation Standard 18.70.090 (B.) Location which states: *"the home occupation shall be confined completely within the dwelling unit, attached garage, or accessory structures located on the same lot as the dwelling. Use of outdoor space for the home occupation is not allowed."*

Director of Community Development Sam Booth informed the commission that additional public comments were received the day of the meeting and distributed to the commissioners for their review. Staff Planner, Sarah Traiman presented the item, describing the request for the conditional use permit under which the applicants would operate an expanded home occupation. The applicants would like to host outdoor events, in particular weddings at their home as they have done in the past. The recommendation from staff is to grant the conditional use permit for an expanded home occupation with mutually agreed upon conditions as informed by the Planning Commissioners and applicants. Include the finding that the permit is Categorical Exempt for California Environmental Policy Act (CEQA) pursuant to Section 15304 (e), Minor Alterations to Land, Temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees etc. (attachment 6).

Ms. Traiman described the characteristics and background of the property and the staff responses to the findings for granting a conditional use permit and the expanded home occupation permit. Alternate actions to deny the permit or continue the public hearing pending consideration of additional information were presented to the commissioners by Ms. Traiman.

Chairman Bob Broyer stated that there was a lot of information appended to the application in terms of exhibits as well as public comments expressing opinions in favor and against the proposed use. Bob stated that these were presented to the commissioners in advance, so they do not need to review them publicly.

The commission then asked Community Development staff questions.

Vice Chair Jim Haen asked if the proposed use would generate TOT (transit occupancy tax) not associated with the short-term rental use. Bob Broyer asked if Alpine County Assistant Treasurer Susan Lapin could be asked to join the meeting to respond to tax specific questions.

Bob Broyer continued the proceedings asking about sound decibel dB requirements and where sound is measured on the property. Mr. Booth stated that it is measured from the property line. The max emissions are 60dB, same as those stated in the code for a residential estate. Mr. Booth stated that 60-65dB is conversational level. This noise level only applies during the hours between 9pm and 7am. The residential estate noise regulation was used as there is no standard for areas zoned agricultural.

Jim Haen asked what the maximum noise level is between the hours of 7am and 9pm. Mr. Booth stated that we are not proposing a maximum noise level. The code does not contain max noise ordinance for daylight hours but rather has uses which are exempt.

Mr. Haen asked what level of sound might be considered annoying to a neighboring property owner. Sam Booth responded that the code states no noise shall constitute a public nuisance. Activities exempt from noise standards during the daytime are typical noise produced in residential communities. Examples include children playing, use of landscaping equipment, vehicle sounds etc.

Bob Broyer addressed Circulation Element of the General Plan and that the applicants said they would be onsite to direct traffic during the events. Mr. Broyer stated that he doubted the probability of a parking attendant being available at all hours and times to direct traffic. Mr. Booth suggested that would be a good question for the applicants that were present at the meeting.

Bob Broyer asked Community Development staff about one of the standard conditions which states; Individuals distributing or selling alcohol on the premises are required to obtain a temporary permit from the California Department of Alcoholic Beverage Control. He asked if those distributing alcohol need an ABC license. Ms. Traiman said those distributing alcohol are required to be covered on a certificate of liability insurance and those selling alcohol need an ABC license. Bob Broyer asked for an explanation of what the liability insurance covers. Mrs. Traiman responded that it would cover property damage and injuries resulting from alcohol use. Bob Broyer asked who was responsible for buying that insurance. Mr. Booth said that questions should be posed to the applicants for explanation.

Bob Broyer asked if there are any more questions for community development staff. Hearing none, Mr. Broyer asked the applicants to approach the podium.

Applicants Dave and Jean come forward. Jean introduced themselves and stated that they have had 2-3 weddings per year for the past few years. In 2022 the county issued a business license for events with 75 people or less. The applicant began advertising the venue after the business license was received. No violations were issued from the county and the applicant was unaware that neighboring property owners had any issues with them operating the business until October of 2023 when Walter Bell sent them a letter. Ms. Vandenburg stated that she and her husband met with Walter Bell and John Wuchenich to try to address their concerns and come to an agreement. This was unsuccessful.

Jean Vandenburg continued to state that Walter Bell then brought his concerns to the attention of the county. The county determined that a conditional use permit for an expanded home occupation should be obtained to continue operations with mutually agreed upon conditions.

Ms. Vandenburg stated that they tested DJ equipment on the property in an alternative location to mitigate noise disturbances to the neighbors. They agree to prohibit sub-woofers and base. Ms. Vandenburg asks guests and DJs to decrease volume if she perceives that it is too loud.

Mr. Vandenburg stated that the new location is on the north side of the home between the garage and the home so that the structures create a sound buffer. Jean Vandenburg said they are willing to limit the number of events per year to 12. She said couples book their weddings 2-years in advance. Parties that booked for this year understand that there is a 9:30pm cutoff for music and that the event would take place in the original location. They will encourage guests to conform to the new conditions if

approved. Otherwise, they would like the conditions to officially take effect for the 2025 wedding season.

Bob Broyer asked if the applicant had weddings booked for this year. Ms. Vandenburg confirmed that they did have reservations. Mr. Broyer asked if the events would be covered by the existing business license or the new conditional use permit. Ms. Vandenburg responded that the business license is valid through the end of June, and they hope that the commission will approve the permit with the conditions proposed today.

Sam Booth reintroduced himself and stated that the board recently adopted a code amendment for short-term rentals in the county which specifies that event venues must have a conditional use permit granted by the county to operate at a short-term rental property.

Mr. Haen asked who is responsible for informing wedding couples if their conditional use permit is not approved and the events are not allowed to commence in 2024. Ms. Vandenburg said that they invested in the business with the understanding that they were legally operating and that now the rules have changed so they are willing to agree to the new conditions. Ms. Vandenburg stated that they were not aware of the issues that the neighbors had, and the weddings were already booked after they learned of the conflicts.

Mr. Broyer asked if the applicants wanted to make any further comments. Mr. Vandenburg addressed the private road used to access their property and stated that the road was built to county standards. Blue Camas Road has turn out areas so vehicles can pass each other.

Jim Haen responded that the road was built for access to a residential neighborhood, but can the applicant confirm that it is suited to accommodate commercial use. Mr. Booth responded that Eastern Alpine Fire Department would need to approve the access and turnaround as a condition of the permit.

Mr. Vandenburg addressed the commissioners and said they have a fire mitigation and evacuation plan for the property and said that he could get fire department personnel to confirm their inspection and approval of the access as it pertains to fire safety.

Jim Haen asked if there are signs of erosion or compaction resulting from guests parking off pavement. Sam answered that there is not and thought that the area could accommodate up to 60 vehicles.

Tom Sweeny asked about how 60 vehicles could evacuate the area safely in the event of an emergency and if there was secondary access to the property. Ms. Vandenburg stated that there is an old logging road that can be used in the event of an emergency. Mr. Sweeny said that he does not see an alternate route on the map, so its existence would need to be confirmed. He questions the probability of 60 vehicles being able to evacuate via Blue Camas Road or the old logging road safely.

Bob Broyer asked if Blue Camas Road is private. Sam Booth confirmed that it is and serves as access to 6 parcels. The county does have design standards for private roads which differ from driveway design standards.

Jim Haen asked the applicants if they would consider blackout days to give their neighbors a reprieve from events held every weekend. Ms. Vandenburg stated yes they are willing to have blackout weekends and that about one quarter of the weddings scheduled for this year will take place on weekdays.

Tom Sweeny asked if applicants offer the property for event use during the winter months. Mr. Vandenburg responded that their wedding season usually begins at the end of May and continues to October. Usually 6 months. They did have one event during the winter and do not want to offer winter events again.

Bob Broyer asked about what activities they advertise currently. The applicant replied that they would be willing to offer other accommodation, for example a Yoga class. Bob Broyer asked what specific activities the conditional use permit would be prohibited. Sam Booth responded it is primarily weddings, but the commission could discuss whether to allow other uses.

Jim Haen expressed concern over the number of events allowed each year. The applicant responded that it was a 12-event maximum which mostly consists of weddings, but other types of events would count toward the 12-event maximum per year.

Bob Broyer asked about the proposed condition that the applicants be onsite to direct traffic and place signage. Events can be long, and Mr. Broyer questions the ability of the applicant to handle traffic concerns the entire time. Ms. Vandenburg said that they monitor traffic two hours before and after the events.

Bob Broyer asked the commissioners if there were any further questions for the applicants. Hearing none he asked Jeanette Millar from the Assessor's Office to answer a previous question about tax revenue from private event venue businesses.

Jeanette introduces herself and states that she handles all business property. Bob Broyer asks if there is a tax revenue benefit to the county from the proposed business. Ms. Millar stated that they send out notices to businesses to request information about the property and what items or equipment have been acquired in order to operate their business. The assessor's tax is 1% of whatever amount is reported by the business owner. That tax is applied to their secured property tax. A bill is sent to the property owner or renter each year. The amount reported by the business is put in the assessment system and will depreciate from the year of acquisition. Improvements and structures are not included in this tax assessment.

Bob Broyer opens meeting up to public hearings at 2:44pm

Tom Craven is a neighbor with a property off Blue Camas Road. He noticed that the applicants began having larger events last summer and has concerns about the liability transferred to neighbors should accidents occur on the road. Guests drinking alcohol are of particular concern. Mr. Craven does not believe the road meets county standards and is unsafe.

Kim Jackson, owner of Mad Dog Café, does not believe that any small business should be discouraged in Alpine County as small business owners struggle to survive, especially after the Tamarack Fire. Ms. Jackson stated that any amount of revenue brought to other businesses in the area as a result of Vandenburg's venue is a great benefit. Ms. Jackson stated that she is also an assistant chief with the

Eastern Alpine Fire Department and has visited the Vandenburg property. They have addressed all fire safety concerns including the design of their driveway and trimming vegetation to allow visibility. There have not been issues accessing the property with emergency vehicles in the past. Ms. Jackson stated that the access to Blue Camas Road is consistent with many other roads in the county. Jim Haen asked Kim if it would be helpful if the applicants shared the event schedule with the fire department personnel. Kim stated yes it would be helpful and that they have never been called to the Vandenburg property for an emergency associated with the venue use. She would be willing to do a pre-plan for each event to assess staffing needs in case of emergency.

Gail Wuchenich is a neighbor of the Vandenburg property. Gail is concerned with the impact of the proposed business on the environment. The noise, traffic and light pollution disturb their peace. She stated the use "alters the characteristic of the neighborhood and creates adverse impacts to the surrounding area" which violates county code.

Jim Haen asked for examples of the disturbances. Photos and video were submitted by Gail.

John Wuchenich is Gails husband and opposes the proposed use as well. He shares the same opinion as Gail. He does not believe the permit should be issued nor would it mitigate the disturbances entirely. He stated that another neighbor requested to use their property for a similar purpose and the Vandenburg's opposed it. He does not believe the access is safe for emergency traffic.

Walter Bell has a residence on Blue Camas Road. Mr. Bell and Mr. Wuchenich delayed bringing their complaints about the venue in 2023 because they did not want events to get cancelled. In January of 2023 Community Development staff informed Vandenburg's that they were required to obtain a conditional use permit for an expanded home occupation to continue operating as a venue. Any other weddings they have now without the permit are out of compliance. The venue jeopardizes the peace and security of the neighborhood. Mr. Bell reiterates safety concerns regarding the road. The road association includes 6 properties that share liability as they own the easement. Mr. Bell grants the easement to all property owners through his own. The noise is disturbing to him, and he worries about guests threatening his security. The nature of the events held last summer was not in conformance with what was stated on the business license. Mr. Bell reiterated the violation of the county code that was stated by Gail.

James is a nearby property owner. He has perceived no negative impact as a result of the weddings being held.

Jean Vandenburg states that there are shuttles available to bring guests back to their lodgings. Ms. Vandenburg asked Sam Booth if he agreed that they had been operating legally. Sam Booth stated that the business license was granted with the stipulation that the Vandenburg's obtain a special event permit if the gathering involved more than 75 people. Mr. Booth said the business license was signed by himself and that Ms. Vandenburg wrote on the license that they would not hold more than 7 events. Mr. Booth continued to state it appears that 7 events were exceeded. Ms. Vandenburg stated that number was an estimate and they had not yet begun advertising at that time. Mr. Booth stated that the business license is not something the Planning Department enforces. Walter Bell met with Mr. Booth to address his concerns regarding the venue, and it was determined that Vandenburg's would need to obtain a conditional use permit for an expanded home occupation to operate the business.

Sam booth continued to explain that as community development staff were updating the Residential Short-Term Rental Code, the issue of events occurring at short-term rentals was important to the

community. Community Development staff updated the county code to specifically prohibit the use of short-term rental properties for events without obtaining a conditional use permit.

Jean Vandenburg stated that the snowmobile business creates noise and operates with no issue on Blue Lakes Road. She continued to state that Desolation Hotel allows events at their property, and it is also in an agricultural area. Mr. Vandenburg reiterated the conditions they were willing to operate under to address the neighbor's concerns. Mr. Vandenburg said they were speaking with their attorney Tim Pemberton. Vandenburg's provided an example of a case study that found that neighboring property owners are exempt from liability if event guests were to sustain or cause injury which involved a neighbor's property. Jean Vandenburg said they have event liability insurance for each occasion held on the property. There is extra liability insurance for cancellation. They are also willing to obtain additional insurance for neighboring property.

Jim Haen stated he saw the risk of collision on Blue Camas Road as the biggest liability. Sam Booth mentioned that other parties can be added to the insurance policy to cover the neighbors' properties. Jean Vandenburg stated that the insurance that guests are required to obtain covers 2 million in damages. Jean stated that they are open to suggestions on the conditions of operation.

Jim Haen again suggested black out weekends. He stated there should be a limit on events and the proposed 12 maximum seems excessive.

Walter Bell and Jon Wuchenich both provided further comments reiterating their opposition to the proposed use at 155 Blue Camas Road and doubt that the insurance policy would be sufficient to protect them.

Bob Broyer closed the public hearing at 3:49pm and opens the discussion up to the commissioners. Jim Haen stated that he was not in favor of any of the options: approve, deny or postpone but would propose a sunset clause on the operation perhaps 2 to 3 years after which the applicants would discontinue the venue use.

Bob Broyer stated that the proposal of 12 events per year invites many people to property. Preparations in the days prior to the event and clean up after could increase the number of days associated with the event to 36 or 10% of the year. Mr. Broyer said that he considered what Jim Haen suggested regarding the sunset clause but that he ultimately feels that the proposed use is not appropriate for the road. He has concerns about guests leaving the property in their vehicles intoxicated. Mr. Broyer stated that he empathized with the brides but that the applicants could have addressed the issue sooner.

Tom Sweeny stated that the safety of the people and community was the primary factor in his decision. Jim Haen asked Sam Booth if writing a sunset clause into the permit would be procedurally awkward. Mr. Booth replied that the commissioners could craft the conditions in any way that would satisfy their concerns and that they could approve. Mr. Booth continued to state that the commissioners could approve the proposed use for one-year and add a condition that the permit is reviewed annually to ensure compliance.

Jim Haen expressed concern that any decision the commission made would be appealed to the board and that their suggestions would be ignored. Mr. Haen stated that there was too much at stake for the

decision not to be appealed. Bob Broyer asked why Mr. Haen why with his concerns he didn't just deny the application. Mr. Haen he was leaning that way.

Tom Sweeny made a motion to deny the application. Bob Broyer seconded the motion. The applicant addressed the commissioners and Mr. Broyer said that the public hearing had concluded. Mr. Broyer asked Sam Booth to call roll. Sam Booth: Bob Broyer? "aye" Tom Sweeny? "aye", Jim Haen? "no". Bob Broyer stated that with Mr. Haens' vote the motion fails. Bob Broyer asked Jim Haen for an alternative motion. Mr. Haen responded that he wanted to explain his vote. He wanted the board to know that the decision was not unanimous but realized his vote would not have the intended outcome with only 3 commissioners present. Jim Haen asked to rescind his vote. Sam Booth called roll again. Bob Broyer? "aye" Tom Sweeny? "aye" Jim Haen "aye".

Motion to deny the conditional use permit (2024-022) for an expanded home occupation passes 3:0 vote.

5. Unfinished Business

None

6. New Business

6.1 Presentation from Ed James, General Manager of the Carson Water Subconservancy District on an update to the 30-Year Regional Water Study.

Presentation was given by Ed James.

7. OTHER BUSINESS

7.1. Community Development Director Report

Director Sam Booth gave the Commissioners an update and discussed the recent approval of the Residential Short Term Rental code revisions and revised fee schedule. He gave an update on the approved Williamson Act application for the Ace Hereford Ranch.

7.2. Items initiated by Commissioners

No items were initiated by Commissioners.

8. ADJOURNMENT

The meeting was adjourned at approximately 4:35 pm.

Bob Broyer, Chair

Attest:

Sam Booth, Director
Alpine County Community Development



UNAPPROVED: SUBJECT TO CORRECTION

**PLANNING COMMISSION
COUNTY OF ALPINE, STATE OF CALIFORNIA
Administration Building, Board Chambers
99 Water Street, Markleeville, CA 96120**

MINUTES

Thursday, July 25, 2024

1. CALL TO ORDER

Chair Bob Broyer called the meeting to order at 1:00 p.m. with Commissioners (Vice Chair) Jim Haen (absent), Tom Sweeney, Nick Hartzel and Steve Yonker in attendance

A quorum was established.

2. MINUTES

Requested action/proposed motion: Pass a motion to approve the May 30, 2024, Planning Commission minutes.

3. ORAL COMMUNICATION-GENERAL PUBLIC COMMENT

None was heard.

4. PUBLIC HEARINGS

4.1 Variance application 133 Lake Rd, Bear Valley, CA File # 2024-039

Request for variance to chapter 18.38.040 for area, lot and yard requirements, item D to allow the reduction of the front yard setback from 30' to 0' to accommodate the construction of an entry landing and awning over the front door of the existing single-family residence. Application includes a finding that the project is categorically exempt from CEQA pursuant to section 15305, Class 5: for projects consisting of minor alterations to land.

Staff planner Sarah Traiman introduced the item and showed the location of the property using a vicinity map. The parcel is designated residential neighborhood in the Alpine County Zoning Code and planned development under the General Plan. The applicant proposed to reduce the 30-foot front yard setback to 0 and allow the construction of an entrance landing to replace the staircase. The new landing will be placed in the footprint of the existing staircase. The applicant is also requesting to construct an awning over the front door which will extend 11 feet horizontally into the front setback. Michelle Plotnik represented the applicant and was in attendance. The staff recommendation is approval of the variance application and the categorical CEQA exemption which is an exemption for "projects consisting of minor alterations in land use.

Ms. Traiman then presented the criteria for decision for requested variances. That because of special circumstances applicable to the property, including size, shape, topography, location or

surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. She stated that the finding was satisfied. There is a 20%-25% slope descending from the edge of the pavement. The proposed expanded entry landing will provide direct access from the parking pad on Lake Road to the entrance of the home. The pitch of the proposed awning will prevent snow from accumulating in front of the entrance.

Ms. Traiman continued to explain the next finding and the staff response. The granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity. Ms. Traiman explained that the finding was satisfied. The parcel was established and recorded in 1965. The home was built in 1969 encroaching 7 feet into the front setback. The staircase was built to access the home from the road and extends through the entire setback. The Alpine County zoning ordinance was first adopted in 1979 and amended to its current content in 1981. The subject parcel existed prior to the effective date of the zoning ordinance which implemented setback requirements. The existing entrance/exit design presents conditions which are hazardous to foot traffic due to the steepness of the slope. The proposed design will improve access and safe passage.

The last finding was presented. The granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated. Ms. Traiman explained that the finding could be made. Bear Valley residents encounter challenges with creating safe property access due to steep slopes and heavy snow accumulation. Other property owners have been granted front yard reduction variances to improve access. The proposed design is commonly seen in Bear Valley.

Ms. Traiman then asked the commissioners if there were any questions for the staff or Michelle Plotnik representing the owner.

There were few questions for Michelle Plotnik.

Charman Broyer opened the meeting for public comment. There was none.

The Chair then brought the discussion back to the Planning Commission members. A motion was made to approve the request, and was seconded.

The request was approved 4-0 with Bob Broyer, Tom Sweeney, Nick Hartzel and Steve Yonker voting to approve the application.

5. Unfinished Business

No unfinished business was discussed.

6. New Business

No new business was discussed.

7. OTHER BUSINESS

7.1. Community Development Director Report

Director Sam Booth gave a brief update to the Planning Commission members.

7.2. Items initiated by Commissioners

Chair, Bob Broyer mentioned that the election of Chair and Vice-Chair should be added to the next agenda as it wasn't included on the July agenda.

8. ADJOURNMENT

The meeting was adjourned at approximately 1: 35 pm.

Bob Broyer, Chair

Attest:

Sam Booth, Director

Alpine County Community Development



COUNTY OF ALPINE Community Development Department

Samuel R. Booth, AICP, Director

STAFF REPORT

TO: Planning Commission

FROM: Community Development Department

DATE: September 26, 2024

SUBJECT: 4.2 Variance Application for 301 Larkspur Drive, Kirkwood, File # 2024-051.

Review the application for two requested variances and approve the finding that the proposed is categorically exempt from CEQA pursuant to Section 15305, Class 5: Projects consisting of minor alterations in land use (attachment 7). Requested variances would allow exceptions to the following county regulations:

- **Variance 1:** Alpine County Development Standards for Residential Driveway Alignment Parameter which states that the preferred driveway alignment with the road shall be 90 degrees but that 80-100 degrees is acceptable. Applicant seeks approval for driveway design with less than 80-degree alignment with Larkspur Road (attachment 2).
- **Variance 2:** A variance to Section 4.10.2 – Building Envelopes, of the Kirkwood Specific Plan to allow a variance to the approved building envelope for Kirkwood’s East Meadow Lot 422 (see attachment 3).

RECOMMENDATION

Approval of variance requests and finding that project is Categorical Exempt from CEQA.

SITUATION

A. Applicant

Andy Nolting (R.O. Anderson)/ John Khau (Owner)
4633 Ironside Drive. Suite 130
Santa Clara, CA 95054

B. Background

Location:	301 Larkspur Drive, APN:006-133-010-000
General Plan Designation:	Planned Development - PD
Zoning Designation:	Planned Development- PD
Environmental Processing:	Categorical Exemption, Class 5

C. Project description

The applicants have submitted plans to the Alpine County Building Department for the construction of a new single-family residence at 301 Larkspur Road (attachment 1). Topographic constraints limit the ability of the applicant to meet specific Alpine County and Kirkwood Specific Plan design criteria and code regulations. The granted variances would allow the construction of new driveway and an encroachment outside the approved envelope to fortify the structure at the northwest corner of the home. The variances have been reviewed and approved by John Reiter with the East Meadow Architectural Review Committee (attachment 8) and the Tri-County Architectural Review Committee.

D. Criteria for Decision

Section 18.80.015 of the Alpine County Code includes the following criteria for considering zoning variances:

- A. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
- B. That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity.
- C. That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

E. Staff Response to Findings

- A. **Variance 1:** Alpine County Development Standards (table 9-1) requires driveway alignment with the road to be 90 degrees with 80-90 degrees being “acceptable”. Due to the steepness of lot 422 the applicant has proposed a driveway approach with an alignment of less than 80 degrees (see attachment 2). If approved, the driveway would cut across the terrain to minimize the slope of the driveway to 9.9%. The county contracted engineer with Lumos & Associates has provided a letter of support for the proposed driveway design, see attachment 4.

Variance 2: The proposed structure encroaches approximately 4-feet outside the building envelope to accommodate the construction of the driveway and to fortify the structure (see applicant materials attachment 6)

- B. **Variance 1:** Off-street parking is required in every zoning designation in the county per code section 18.68.100 Off Street Parking. Heavy snowfall is common in the Kirkwood area. The granting of the proposed driveway variance is essential to minimize hazardous driving and maintenance challenges which would result from installing a driveway with a steeper grade. Many properties in the East Meadows neighborhood have driveway designs consistent with the proposed driveway.

Variance 2: See applicant justification for building envelope encroachment (attachment 6)

- C. **Variance 1:** The properties bordering the parcel were developed with similar driveway designs as the one proposed by the applicant (attachment 5). Both homes were developed in 90’s and were subject to the Alpine County Development Standards from 1986. The standards allowed the county engineer to approve road designs “Where unusually difficult alignment problems exist, less than the minimum curve radii may be allowed”. However, the standards do not reference alignment for driveways. For this reason, the neighboring driveway designs were not subjected to updated design standards which require the granting of a variance for driveway alignments with less than 80 degrees.

Variance 2: Prior to 2003, the Kirkwood Specific Plan and the East Meadow Architectural Control Committee guidelines allowed building envelope modifications of 5% or less. For this reason, previously approved envelope variance applications were not located.

ENVIRONMENTAL REVIEW

The project is categorically exempt from CEQA pursuant to Section 15303(a) the CEQA Guidelines - Class 5, Projects consisting of minor alterations in land use. A notice of exemption is included as Attachment 7.

RECOMMENDED CONDITIONS

None

PUBLIC NOTIFICATION

Notice of the public hearing was posted according to Alpine County Code section 18.50.030. No comments have been received as of the date of this report.

ALTERNATE ACTIONS

- 1. Deny the application with specific findings addressing the criteria for decision listed in this report.
- 2. Continue the public hearing pending consideration of additional information necessary to make a decision.

RECOMMENDATION

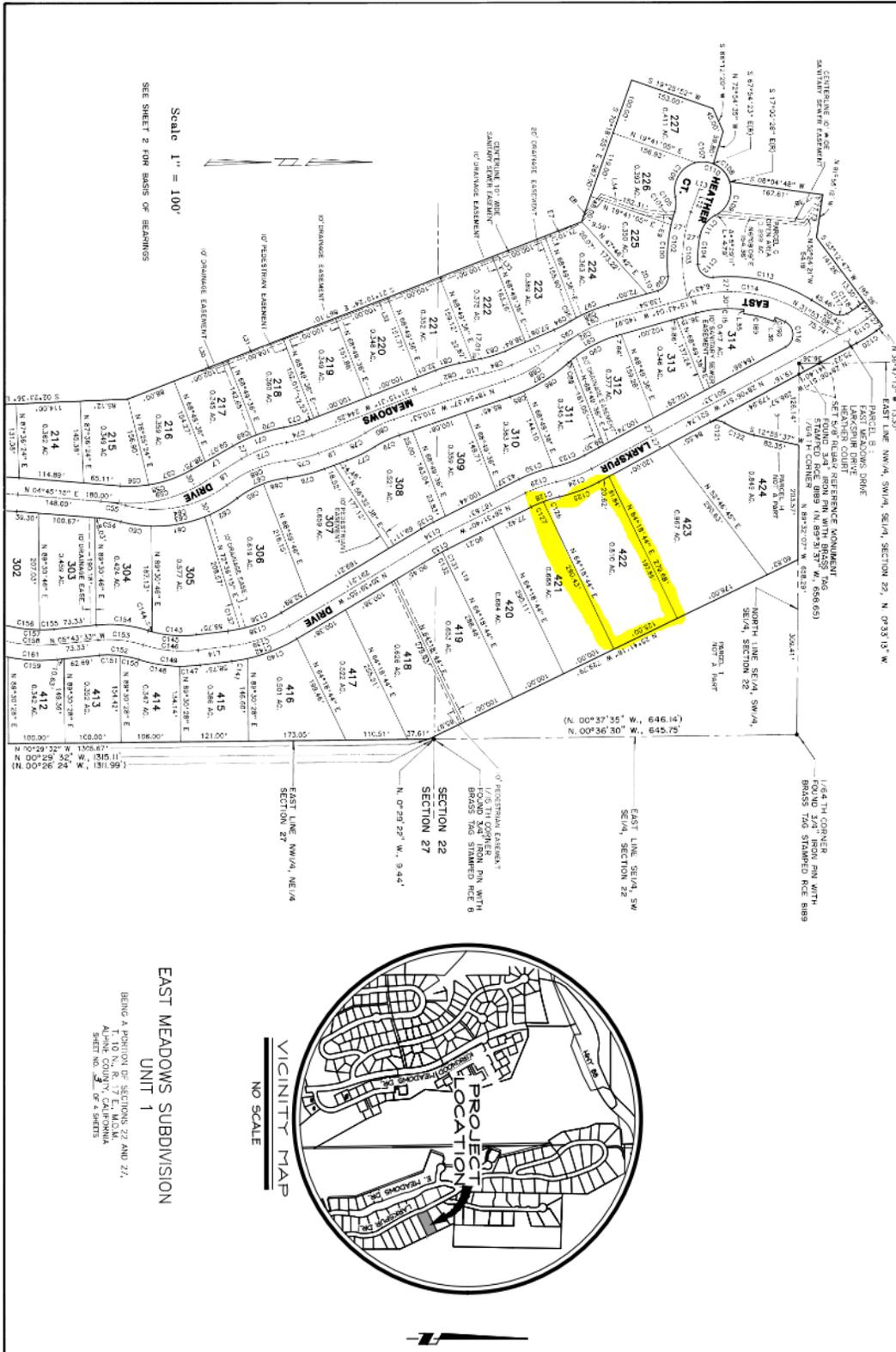
- 1. Approval of the proposed variances to Alpine County Development Standard for Residential Driveway Alignment Parameter and the building envelope encroachment
- 2. Adopt a Notice of Exemption (Attachment 7) for the project in conformance with the requirements of the California Environmental Quality Act (CEQA).

Respectfully submitted,

Sarah Traiman
Planner II

- Attachments:
- 1. Project location/vicinity map
 - 2. Proposed driveway and development standard (table 1-9)
 - 3. Original approved envelope and proposed envelope
 - 4. Lumos & Associates letter of support
 - 5. Neighboring property driveway photos
 - 6. Applicant’s Materials
 - 7. Notice of Exemption
 - 8. East Meadow John Reiter Review

ATTACHMENT 1: PROJECT LOCATION/VICINITY MAP



ATTACHMENT 2. PROPOSED DRIVEWAY AND DEVELOPMENT STANDARD TABLE 9-1

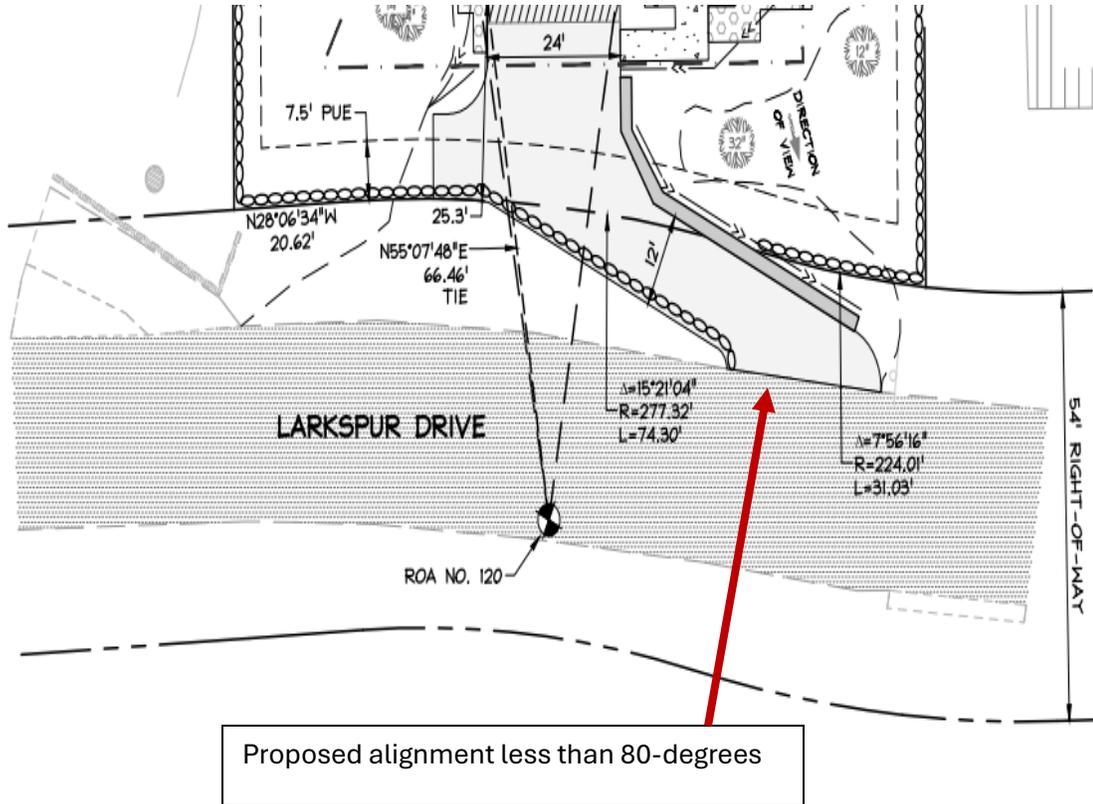
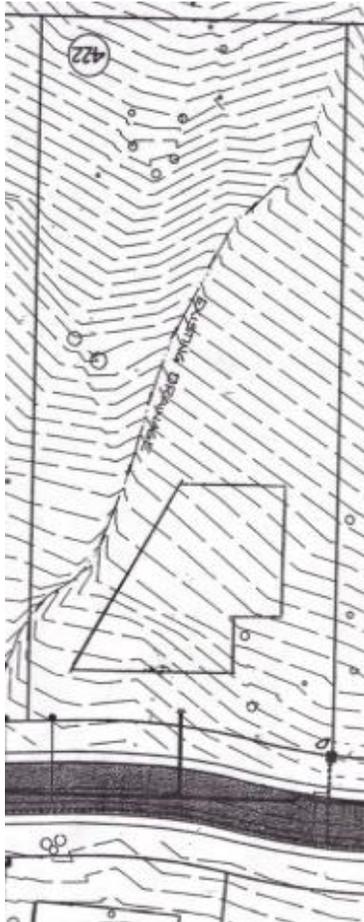


TABLE 9-1

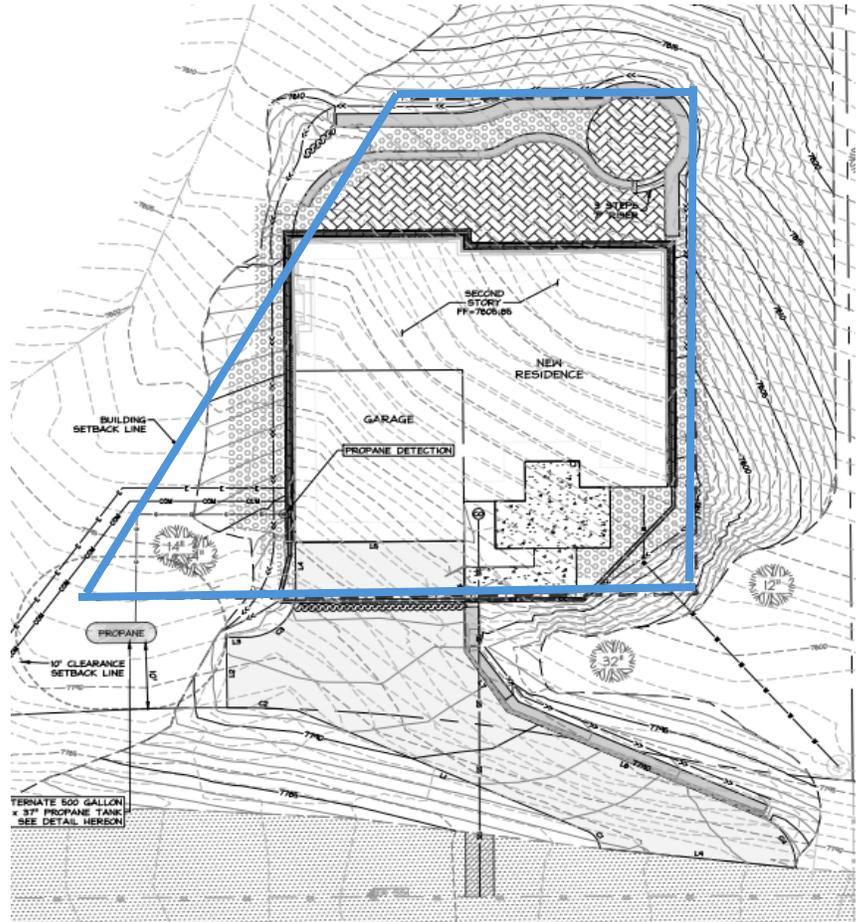
RESIDENTIAL – DRIVEWAY AND LANE STANDARDS				
PARAMETER	DRIVEWAY (RDW)	TWO PARCEL LANE (RL2)	THREE TO FIVE PARCEL LANE (RL5)	NOTES
General Parameters (Typical Section and Horizontal Criteria)				
Alignment	90 degrees preferred. 80-100 degrees acceptable.	90 degrees preferred. 80-100 degrees acceptable.	90 degrees preferred. 80-100 degrees acceptable.	See R-5 and R-6

ATTACHMENT 3: ORIGINAL APPROVED ENVELOPE (1) AND PROPOSED ENVELOPE (2)

1.



2.





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Reno
 950 Sandhill Road, Suite 100
 Reno, Nevada 89521
 775.827.6111

August 11, 2024

Tony Creter
 Building Official
 50 Diamond Valley Road
 Markleeville, CA 96120

Plan Review: **Khau Residence**
301 Larkspur Dr., Kirkwood, CA
Location: **APN 006-133-010-000**

Dear Mr. Creter:

Lumos and Associates was asked to review the driveway alignment and connection to Larkspur Drive for the proposed residence at 301 Larkspur Drive in Kirkwood, CA. Our review was based on the follow plans submitted:

1. Civil Improvement Plans for Khau Residence, prepared by RO Anderson dated 07-26-24

Per County Development Code, Table 9.1, preferred driveway connections to the adjacent road would be 90 degrees with 80 to 90 degrees being acceptable. The proposed alignment of the proposed connection is less than 80 degrees. Additionally, driveway grades for paved driveways have a maximum allowable slope of 13%. The existing topography for the parcel is steep and the plans provided show a maximum driveway grade of 9.9%, less than the maximum allowed.

To increase the angle of the driveway connection to Larkspur Drive, the driveway could be steepened. However, it may not be feasible to achieve an 80 degree angle of connection and keep grades less than the 13% maximum required. Due to the significant snow conditions in Kirkwood, it would be more acceptable to have a less than optimum driveway approach angle with less steep grades, as the project engineer has proposed.

Review of adjacent residences in the area show this approach has been acceptable in the past. I would recommend a variance be applied for to allow for a less than 80 degree angled connection of the driveway to Larkspur Drive. Included as supporting documentation for the variance, I would recommend the project engineer verify that modifying the angle of approach to 80 degrees would result in an over steepened driveway or by steepening the driveway to the maximum of 13%, it would still not result in at least an 80 degree angle of connection.

Please let me know if you have any additional questions.

Sincerely,



Michelle Gamble, P.E.
Group Manager

Cc: Sara Traiman
Ethan Gray
Sam Booth

ATTACHMENT 5: NEIGHBORING PROPERTIES WITH DRIVEWAY DESIGNS APPROVED PRIOR TO ALIGNMENT DEVELOPMENT STANDARDS (RESOLUTION 86-120)



ATTACHMENT 6: APPLICANT MATERIALS

August 22, 2024

Via Digital Delivery

Sarah Traiman
Planner II
Alpine County Planning Division
50 Diamond Valley Road
Markleeville, CA 96120

**Request for Variance for Driveway Access
301 Larkspur Drive No. 422
APN 006133010000**

Dear Ms. Traiman:

Thank you for your direction and assistance with the Alpine County requirements for approval of a variance to the driveway access for the property referenced above.

We understand that to permit access to the property from a slope angle other than 90°, the County requires approval of a variance required by code. The findings for this approval are addressed below.

18.80.010 Issuance conditions.

Where practical difficulties, unnecessary hardships, or results inconsistent with the purposes and intent of this title may result from the strict application of certain area, height, yard, and space requirements thereof, variances in such requirements may be granted as provided in this chapter. (Ord. 453 § 26.00, 1985)

Planned Development Zone (PD)

The property, located within the Kirkwood Planned Development Zone, is vacant. Homes in the area tend to be "clustered" on the least sensitive or most appropriate portion of the entire parcel involved. The Kirkwood Meadows East HOA approved the building envelope for this parcel.

18.80.15 Variance findings

- A. *That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.*

In this case, the topography and approved HOA Building Envelope location pose an obstacle to constructing a driveway. The applicant seeks approval of a variance to allow access to the driveway via a slope rather than a 90° angle. In this Planned Development Zone, a 90° angle is often not feasible, and other owners have been

Sarah Traiman
 Alpine County Planning Division
 August 22, 2024
 Page 2 of 2

approved to allow construction of a sloped driveway. Figure 1 illustrates access to a property with a similar slope to the one anticipated for construction at 301 Larkspur Drive. The image, provided by the County, demonstrates that the privileges enjoyed by other property owners in the vicinity can extend to the applicant in this case. The building envelope is very close to the street – much like the property in Figure 1. This constraint limits the options for constructing a driveway in another location.



Figure 1: Sample Sloped Driveway in Kirkwood

- B. *That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.*

The proposed development will be in harmony with the general intent and purpose of the Kirkwood Planned Development. The existence of similar driveways in the area suggests that the proposed driveway will not be detrimental to public health, safety, or welfare, or injurious to property or improvements in the vicinity.

- C. *That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated. (Ord. 554 (part), 1993)*

It is understood that the granting of a variance for the location of the driveway does not include “special privileges inconsistent with the limitations upon other properties in the vicinity and zone” in which the development is located. As noted above, similar driveways have been permitted and permitting a similar sloped driveway would not be a “special privilege” that overrides the restrictions of others.

We respectfully request your review and approval of the project plans. During your review of these responses, or the updated drawings, should you have any questions or require any further clarifications, please do not hesitate to contact me.

Yours faithfully,
 R.O. ANDERSON ENGINEERING, INC.

Kate Cunningham
 Kate Cunningham, MA, Associate Planner

Cc: Tri-TAC Advisory Committee

Y:\Client Files\3593\3593-002\Documents\Permitting\Alpine County\SUBMITTAL 1\Findings for Driveway Variance.docx

ATTACHMENT 6 CONTINUED

August 22, 2024

Via Digital Delivery

Sarah Traiman
Planner II
Alpine County Planning Division
50 Diamond Valley Road
Markleeville, CA 96120

**Request for Variance for Building Envelope
301 Larkspur Drive No. 422
APN 006133010000**

Dear Ms. Traiman:

Thank you for your direction and assistance with the Alpine County requirements for approval of a variance to the building envelope located on the property referenced above.

We understand that the building envelope encroaches on a corner of the northwest corner of the residence.

18.80.010 Issuance conditions.

Where practical difficulties, unnecessary hardships, or results inconsistent with the purposes and intent of this title may result from the strict application of certain area, height, yard, and space requirements thereof, variances in such requirements may be granted as provided in this chapter. (Ord. 453 § 26.00, 1985)

Planned Development Zone (PD)

The property, located within the Kirkwood Planned Development Zone, is vacant. Homes in the area tend to be "clustered" on the least sensitive or most appropriate portion of the entire parcel involved. The Kirkwood Meadows East HOA approved the building envelope for this parcel.

18.80.15 Variance findings

- A. *That because of special circumstances applicable to the property, including size, shape, topography, location of surroundings, and the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property owners in the vicinity and under identical zoning classifications.*

A small portion of the northwest corner of the residence falls outside the building envelope and encroaches through a portion of the walls, totaling just 4 square feet within the residence. The building was strategically designed in this location in order



Sarah Traiman
Alpine County Planning Division
August 22, 2024
Page 3 of 3

During your review of these responses, should you have any questions or require any further clarifications, please do not hesitate to contact me.

Yours faithfully,

R.O. ANDERSON ENGINEERING, INC.

A handwritten signature in blue ink that reads 'Kate Cunningham'. The signature is written in a cursive style and is positioned above a horizontal line.

Kate Cunningham, MA
Associate Planner

Cc: Tri-TAC Advisory Committee

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: Alpine

From: (Public Agency): Alpine County
Community Development Department
50 Diamond Valley Rd Markleeville CA 96120
 (Address)

Project Title: 301 Larkspur Dr. Variance requests for driveway and building envelope

Project Applicant: Community Development Department

Project Location - Specific: 301 Larkspur Dr Kirkwood CA 95646 APN: 060-133-010
 Residential properties, county wide

Project Location - City: Kirkwood Project Location - County: Alpine

Description of Nature, Purpose and Beneficiaries of Project:
 Clarify code language regarding residential short-term rentals to improve general comprehension and public compliance of and with the code.

Name of Public Agency Approving Project: Alpine County Board of Supervisors

Name of Person or Agency Carrying Out Project: Alpine County Community Development

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: 15305 Class 5
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The activity is covered by the common sense exemption 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 activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Lead Agency Contact Person: Sam Booth Area Code/Telephone/Extension: (530)694-2140

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: Sarah Traiman Date: 9/26/24 Title: Planner II

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 8: EAST MEADOW ARCHITETUAL REVIEW COMMITTEE PLAN APPROVAL

June 30, 2024

John Khau
301 Larkspur – East Meadows
Kirkwood, CA 95646

RE: Final Review – East Meadows Architectural Control Committee

Dear Mr. Khau and ROA Team,

Below are the final review comments based on your plans dated June 4, 2024:

1. We do not see a building envelope shown in the plans. It is our understanding that you are seeking a variance for a minor encroachment of the building envelope for one corner of the roof line. Please indicate the building envelope and roof encroachment on the plans. **Completed**
2. On C2 – what are the left-hand patio steps serving? **Removed**
3. Please confirm with the KMPUD that they will allow propane for this project. If so, please indicate the meter shed location in the plans and have the KMPUD approve its location and structure. Same for the electric meter shed. **Please provide KMPUD's sign off**
4. Please indicate a 4-corner average height in the plans. The average height appears to be 36' that would comply with guidelines for Lot 422. **Completed**
5. Can you please describe what the condenser units are for. Are there plans for a protective enclosure? **Removed**
6. The protective roof over the front door in the Front Elevation page does not match the design shown in the rendering shown on the Materials page. Please indicate which one is actual. **Completed**
7. Are roofs pitched at 2:12 intended to hold snow? Guidelines recommend 4:12. **Plans still show 2:12.**
8. Hardi Plank can be difficult to maintain and can deteriorate quickly if not properly installed.
9. May want to consider removing glass sidelight at front door for snow accumulation. **Show now as tempered**
10. Please be aware that the ground floor rear glass line will most likely be covered with snow in most winters.
11. Please consider the addition of a mud room in a strategic location inside. We have found this feature most helpful in the Kirkwood environment. **I did not see it added. Owner's choice**
12. Please consider changing triangular window types to rectangular. **I did not see it changed. Owner's choice**
13. Please consider adding a snow splitter device at the base of the chimney for protection. **I did not see it added. Owner's choice**
14. Please change the Owner reference on the Title Page to John Khau. **Completed**
15. Please consider darker shades of color patterns in the material selections. **Completed**
16. Please consider “flipping” the layout of the great room and master bedroom configuration to improve views. **I did not see it changed. Owner's choice**
17. Please consider a re-alignment of the roofline over the popout area in the area of the pool table to mitigate potential damage from snow slides. **I did not see it changed. Owner's choice**

The East Meadows ACC still has the following requirements to make a Final Approval:

- \$3,500 Construction Compliance Deposit
- \$2,500 Revegetation Deposit
- \$5,000 Contractor Deposit
- Executed Contractor Constraints Agreement (located on EM website)
- Sign offs from Alpine County and Kirkwood Meadows Public Utility District
- Completed Final Review Checklist (located in Guidelines).

If you have any questions or concerns regarding this communication, please contact me at johnreiter@kirkwoodcp.com.

Sincerely,

John Reiter, East Meadows ACC Liaison