CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

CITY OF ANGELS
PLANNING COMMISION AGENDA
December 8, 2022

THIS MEETING WILL BE HELD AT ANGELS FIRE HOUSE, 1404 VALLECITO ROAD AND WILL BE OPEN TO PUBLIC. MASKS ARE RECOMMENDED FOR ATTENDEES.

In person public attendance will be available with limited seating. Seats are available on a first come, first served basis. Members of the public shall have the right to observe and offer public comment at the appropriate time. To view or participate in the meeting online, please use the following link:

Zoom Meeting joining info
Video call link: https://us02web.zoom.us/j/83721763951
Meeting ID: 837 2176 3951 / **One tap mobile**: +16699009128, 83721763951# US (San Jose)

The Planning Commission appreciates your interest and encourages your participation. Regularly scheduled meetings are held the 2nd Thursday of each month.

Appeals: Any decisions of the Planning Commission may be appealed to the City Council within 10 days of the decision, by submitting a written request and applicable fee to Angels Camp City Hall.

The numerical order of the items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Chair or Commission Members. All questions shall be directed to the Chair who, at his/her discretion, will refer to Staff.

Chair John Broeder **Vice Chair** Gary Gordon
Commissioners Robert Moncada, Kristopher Klerk, Joseph Whittle
Planning Director Amy Augustine **Deputy City Clerk** Caytlyn Schaner

6:00 p.m. MEETING

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **APPROVAL OF THE AGENDA AS POSTED (OR AMENDED)**
4. **APPROVAL OF MINUTES**

   A. November 10, 2022, Draft Minutes, Caytlyn Schaner, Deputy City Clerk

5. **PUBLIC COMMENT**

   At this time, any person may comment on any item that is not on the agenda. Please state your name and address for the record and sign your name and address on the sign-up sheet (you may decline to provide this information). Action will not be taken on any item. If a non-agenized item requires action, it will be referred to staff and/or placed on the next agenda.

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6. PUBLIC HEARING

A. Resolution 22-28: Conditional Use Permit to allow freestanding solar panels as covered parking at the rear of 52 South Main Street (MACT Building)

I. Receive Staff Report
II. Open Public Hearing
III. Receive Public Comment
IV. Close Public Hearing

8. **COMMISSION BUSINESS**
9. **COMMITTEE REPORTS**
10. **COMMISSIONER'S REPORTS**
11. **STAFF REPORTS**
12. **ADJOURNMENT**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at City Hall 209-736-2181. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II) Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection at City Hall at 200 Monte Verda Street Ste. B, Angels Camp, CA 95222 during normal business hours. The Agenda is also available on line at www.angelscamp.gov.

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-1346

DRAFT MINUTES CITY OF ANGELS
PLANNING COMMISSION
November 10, 2022

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The numerical order of the items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Chair or Commissioners. All questions shall be directed to the Chair who, at his/her discretion, will refer to his/her staff.

A decision of the Planning Commission may be appealed to City Council by following the appeal procedures in Section 1.19.080 and by submitting a written request, accompanied by the appropriate fee, within ten (10) calendar days from the date of the Commission decision (Ord. 514 § 1 (Att. D), 2021)

CHAIR (PRESENT) John Broeder **VICE CHAIR (PRESENT)** Gary Gordon
Commissioners Robert Moncada **(PRESENT)**, Kristopher Klerk **(ABSENT)**, Joseph Whittle **(PRESENT)**
Planning Director Amy Augustine **(PRESENT)** **Deputy City Clerk** Caytlyn Schaner **(PRESENT)**

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF THE AGENDA AS POSTED (OR AMENDED)

ACTION: COMMISSIONER WHITTLE MOTIONED TO APPROVE THE AGENDA, SECONDED BY VICE CHAIR GORDON, AND PASSED 4 YES, 1 ABSENT

4. PUBLIC COMMENT

NO COMMENTS

5. APPROVAL OF THE MINUTES AS POSTED (OR AMENDED)

ACTION: VICE CHAIR GORDON MOTIONED TO APPROVE THE AGENDA, SECONDED BY COMMISSIONER WHITTLE, AND PASSED 4 YES, 1 ABSENT

6. REGULAR AGENDA

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-1346

A. Resolution of Intent 22-26: 1195 South Main Street, Assessor's Parcel 62-004-008. Site Plan Review for a Residential Hotel and Finding of Architectural Conformity to adda security door at the base of the staircase.
PUBLIC COMMENT: Greg McCullough spoke on behalf of resolution.
ACTION: VICE CHAIR GORDON MOTIONED TO APPROVE THE RESOLUTION, SECONDED BY COMMISIONER WHITTLE, AND PASSED 4 YES, 1 ABSENT

B. Resolution of Intent 22-27 to add 1195 South Main Street to the City of Angels Register of Cultural Resources.
PUBLIC COMMENT: Greg McCullough spoke on behalf of resolution.
ACTION: VICE CHAIR GORDON MOTIONED TO APPROVE THE RESOLUTION, SECONDED BY COMMISIONER MONCADA, AND PASSED 4 YES, 1 ABSENT

C. Resolution of Intent 22-25 to amend Chapter 15.04 of the City of Angels Municipal Code to remove sections inconsistent with the California Building Codes and adopt the 2022 California Building Codes effective of January 1, 2023.
ACTION: MOTIONED TO APPROVE THE RESOLUTION, SECONDED BY COMMISIONER MONCADA, AND PASSED 4 YES, 1 ABSENT

7. COMMISION BUSINESS
Discuss planting options for sidewalk landscaping.
DISSCUSSED AND COMMITTEE DECIDED ON DESIGN #3

8. COMMITTEE REPORTS
ALTAVILLE MARKET AND BIG HORN ENTRANCE PAVEMENT IS DETEARATING

9. COMMISSIONER'S REPORTS
LOADING AND UNLOADING TIMES FOR TRACTOR SUPPLY AND SAVEMART

10. STAFF REPORTS
MUSUEM LECTURE ON THE 1ST SUNDAY OF THE MONTH

11. ADJOURNMENT
ACTION: VICE CHAIR GORDON MOTIONED TO AJOURN, SECONDED BY COMMISIONER WHITTLE, AND PASSED 4 YES, 1 ABSENT

_____
John Broeder, Chair

_____
Caytlyn Schaner, Deputy City Clerk

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-1346

DATE: December 8, 2022

TO: Planning Commission

FROM: Amy Augustine, AICP - City Planner

RE: Resolution 22-28: Conditional Use Permit for MACT Freestanding Solar Energy System (panels) in the rear parking lot

RECOMMENDATION
Approve Resolution 22-28 - Conditional Use Permit for a freestanding solar energy system (panels) in the rear parking lot with the attached conditions.

PROJECT DESCRIPTION:

APPLICANT/ LANDOWNER: Mariposa, Amador, Calaveras, Tuolumne (MACT) Health Board Incorporated

LOCATION: 52 South Main

ASSESSOR's PARCEL NUMBER: 058-015-012

GENERAL PLAN/ ZONING: Community Commercial

Conditional Use permit pursuant to Angels Municipal Code Section 17.27.030 (FF) to allow a non-residential freestanding solar energy system (panels) in the rear parking lot at MACT.

Figure 1: Project Location and Medi-flight Landing Area

Figure 2: Site Plan

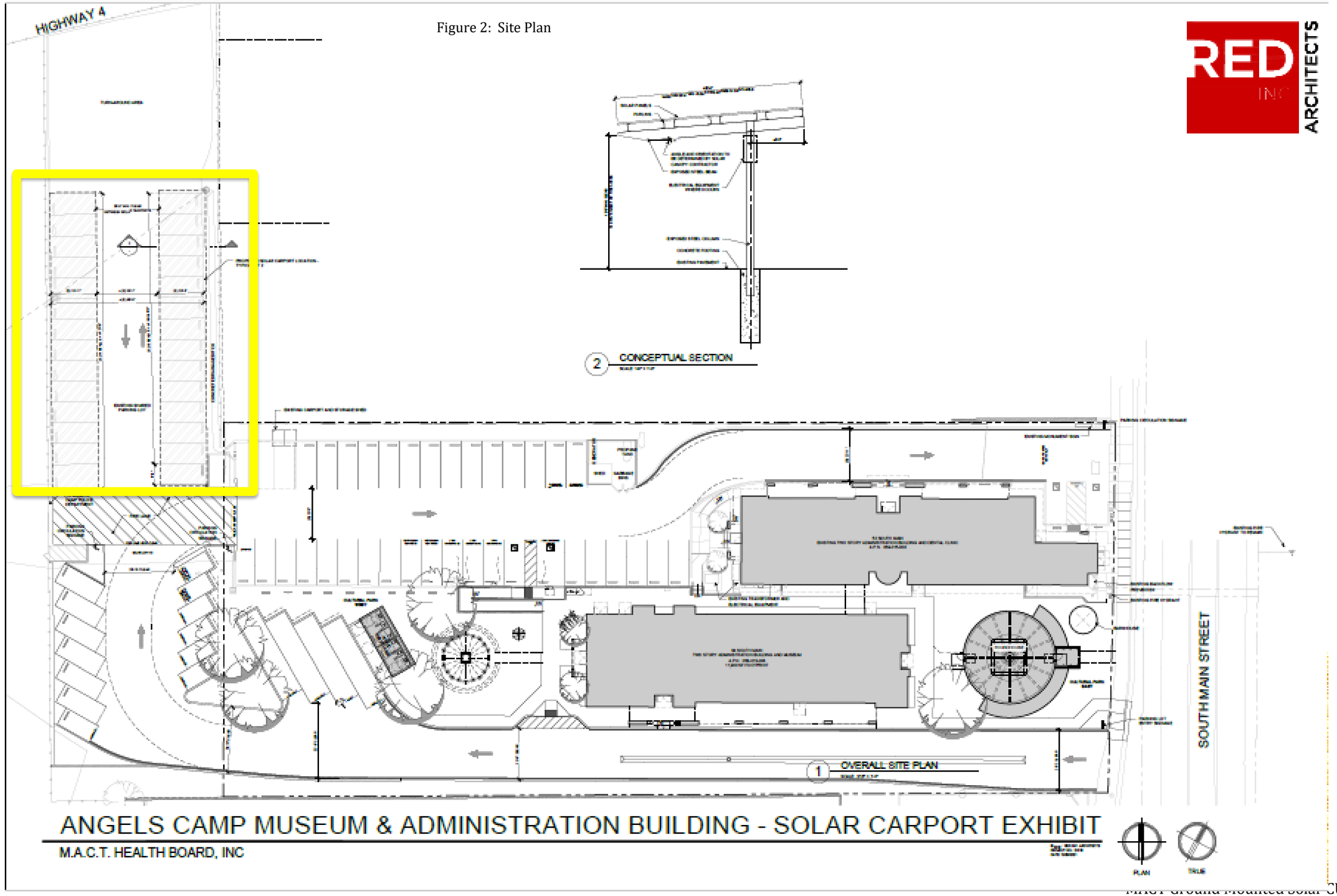
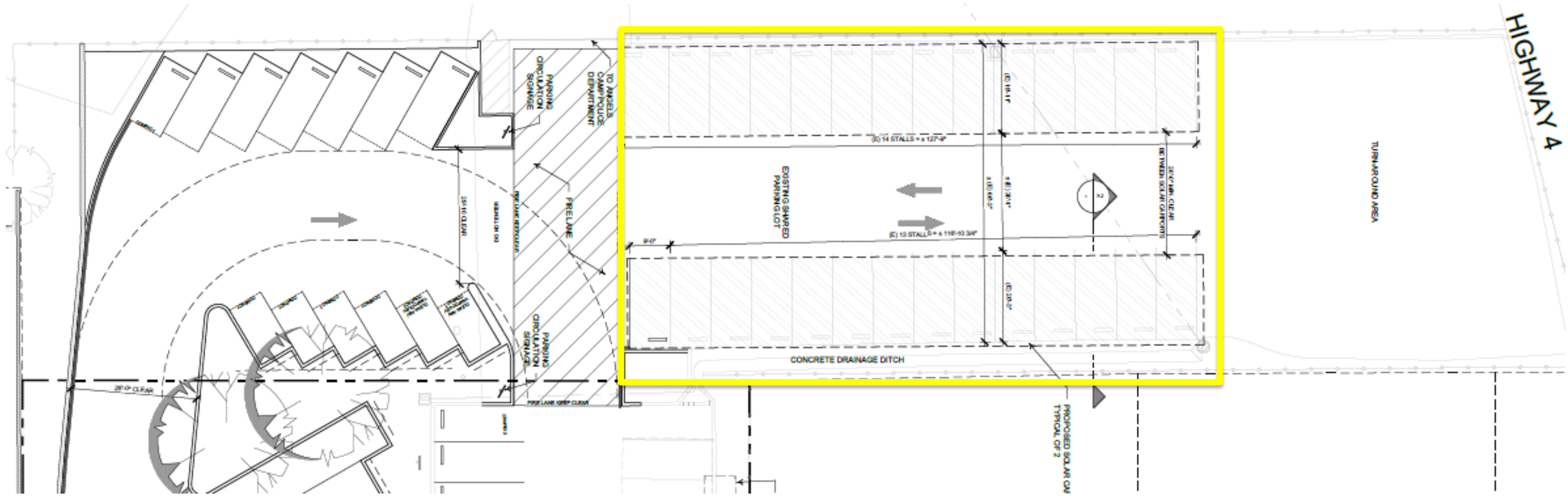


Figure 3: Enlargement - Solar Panel Location



ANALYSIS:
Pursuant to 17.78.010 of the AMC, the purpose of a Conditional Use Permit is to allow public review and City discretion in the control of certain uses which may be necessary but which may cause public concern, affect property values, or disturb the character of a neighborhood if they are not carefully located and controlled. The use permit process is necessary to carry out review and exercise control over this category of potentially harmful or inappropriate uses. Use permits may be approved or denied by the planning commission. They are usually conditional when they are approved. They may be revocable or valid for a term period. Guarantees to ensure compliance with terms and conditions may be required.

Pursuant to 17.78.030 of the AMC, the following findings are required for issuance of a conditional use permit:

Finding A. The proposed use is consistent with the City of Angels Municipal Code; and
Finding B. The proposed use is consistent with the City of Angels General Plan
The site is zoned Community Commercial (CC). CC zoning is consistent with the Community Commercial (CC) General Plan land use designation pursuant to General Plan 2020 Table I-5. Therefore, the site's zoning is consistent with the general plan.

Pursuant to Angels Municipal Code Section 17.27.030 (FF), a non-residential freestanding solar energy system (panels) requires a conditional use permit. Approval of this use permit will render the proposed project consistent with the AMC.

Per AMC 15.28.040(D)(3), fencing or landscaping may be required to screen solar panels from view from a public right-of-way and shall be maintained by the landowner throughout the life of the project. A slatted fence divides the property from the Police Department parcel and provides screening. In conjunction with approving the MACT Museum, Planning Commission Resolution 22-12 requires landscaping along the fence line between SR 4 and the parking area. This landscaping will provide screening from SR 4.

Based on the preceding, Findings A and B may be made.

Finding C. The proposed use will not overburden existing municipal facilities.
The site is served with City water, sewer, police, and fire services. The demand for services is not expected to increase with the proposed use. Therefore, the proposed solar facilities are not anticipated to overburden existing municipal services and finding C may be made.

Finding D. The size and terrain of the parcel are suitable for the proposed use.
Figures 2 and 3 show the location of the proposed solar panels. The site is flat and currently used as a parking lot. Therefore, it can accommodate the panels. Setbacks in the CC Zoning District are zero. Therefore, Finding D can be made.

Finding E. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety, or general welfare of persons in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood.
Surrounding land uses are illustrated in **Figure 1**. As shown, the site is surrounded by the City Police Department to the south, Caltrans to the southeast, SR 4 to the west, and MACT

Administration and its future museum to the north. The City Police Department site includes the emergency helicopter landing area for medi-flights.

Given the landing site for the emergency medi-flights in close proximity to the solar panels, staff contacted the Columbia Air Attack base and asked if glare from solar panels would be a concern for helicopters. The airport recommended that a condition of project approval should include a non-glare coating for the solar panels. The requirement is included in the conditions of project approval. The applicant was notified of the requirement and did not express objections.

Adjoining landowners within 300 feet were notified of the proposed project. As of 11/30/22, no responses were received. Advisory agencies were consulted. Neither the building department nor the fire department has concerns related to the project. Based on the preceding, Finding E may be made.

ENVIRONMENTAL FINDINGS:

Pursuant to the state guidelines for implementing the California Environmental Quality Act (CEQA), the proposed project is categorically exempt from CEQA pursuant to Section 15303, Class 3, New construction of small structures which allows for construction of accessory structures.

The Project does not involve any of the exceptions to this categorical exemption as established in Section 15300.2(a-f) of the guidelines (i.e., is not in a particularly sensitive environment, does not contribute cumulatively to a significant impact, will not result in any potentially significant impact, will not impact a scenic highway, does not involve a hazardous waste site, and will not create a substantial adverse change to the significance of a historical resource).

ATTACHMENTS:

A. Planning Commission Resolution 22-28 and Conditions of Project Approval

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-1346

CITY OF ANGELS
PLANNING COMMISSION

Resolution No. 22-28

RESOLUTION PASSED AND ADOPTED BY THE CITY OF ANGELS PLANNING COMMISSION FOR

CONDITIONAL USE PERMIT - MACT

FREESTANDING SOLAR ENERGY SYSTEM (PANELS) IN THE REAR PARKING LOT

WHEREAS, the City received an application for a Conditional Use Permit to allow ground-mounted solar (Free-standing solar energy system); and

WHEREAS, the City of Angels Municipal Code requires that consideration of such development requires a Conditional Use Permit; and

WHEREAS, the City of Angels Municipal Code establishes that a Conditional Use Permit requires review by the City of Angels Planning Commission, and

WHEREAS, at a duly noticed public hearing the Planning Commission heard and considered public input on the proposed project;

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Angels hereby approves the Conditional Use Permit based on the following findings and subject to the attached conditions:

A. The proposed use is consistent with the City of Angels Municipal Code; and

B. The proposed use is consistent with the City of Angels General Plan; and

C. The proposed use will not overburden existing municipal facilities; and

D. The size and terrain of the parcel are suitable for the proposed use; and

E. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety, or general welfare of persons in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood; and

F. The proposed project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the state guidelines for the implementation of CEQA Section 15303, Class 3 (New construction of small structures)

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The foregoing resolution was introduced and moved for adoption December 8, 2022, by

_____and duly seconded by Commissioner _____.

PASSED AND ADOPTED THIS 8th day of December, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
John Broeder, Chairman

ATTEST:

_____
Caytlyn Schaner, Deputy City Clerk
City of Angels

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-1346

CONDITIONS OF PROJECT APPROVAL
FOR PLANNING COMMISSION RESOLUTION 22-28

CONDITIONAL USE PERMIT - MACT
FREESTANDING SOLAR ENERGY SYSTEM (PANELS) IN THE REAR PARKING LOT

1. To the fullest extent permitted by law, Applicant shall defend, indemnify, and hold harmless City and its agents, elected and appointed officials, officers, employees, consultants, and volunteers (collectively, "City's Agents") from any and all liability arising out of a claim, action, or proceeding against City, or City's Agents, to attack, set aside, void, or annul an approval concerning the project, any applicable Permit, or subsequent City approvals. Applicant's duty to indemnify and hold harmless shall not extend to any claim, action, or proceeding arising from the gross negligence or willful misconduct of City or City's Agents.

   Upon receiving notice of a claim, action, or proceeding, Applicant shall assume the defense of the claim, action, or proceeding through the prompt payment of all attorneys' fees and costs, incurred in good faith and in the exercise of reasonable discretion, of City's counsel in defending such an action. City shall have the absolute and sole authority to control the litigation and make litigation decisions, including, but not limited to, selecting counsel to defend City and settlement or other disposition of the matter. The modification of a proposal by the applicant or the imposition of conditions by the City shall not alter the effectiveness of this indemnity obligation.

Prior to installation:

2. The solar panels shall be coated with an anti-glare/anti-reflective coating as necessary to eliminate interference with landing medi-flights. Should glare be identified as interfering with medi-flight landings, additional coatings or measures may be required.

3. A building permit shall be secured from the City Building Department.

Prior to issuance of a final building permit:

4. Applicant shall comply with Condition 7(D) of the MACT Museum Site Plan Review (Resolution 22-12). Specifically, applicant shall submit a final landscaping plan to the City for final review and approval. The Plan shall, at a minimum:

   … (d) Include landscaping along the fence line facing SR 4 (outside of the Caltrans right-of-way) to screen the parking area from SR 4 on the currently city-owned parcel. The type of tree, shrub, or vine, as may be accommodated by the narrow width of dirt available for planting will be subject to agreement between the City and the applicant and shall be maintained by the applicant throughout the life of the project.

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Throughout the life of the Project:

5. Significant changes to the above conditions shall require an amendment to this Conditional Use Permit.

6. Landscaping shall be maintained in healthy manner by the property owner throughout the life of the project. Dead or dying plants shall be replaced with plants of the same size and type as approved in the original landscaping plan unless alternates are approved by the City.

7. The Project shall comply with all provisions of the Project Description and these land use entitlements as approved December 8, 2022, by the City of Angels Planning Commission.