

**AMADOR COUNTY PLANNING COMMISSION MINUTES  
SUMMARY MINUTES OF TAPE RECORDED MEETING  
November 13, 2018 – 7:00 P.M.**

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The Planning Commission of the County of Amador met on Tuesday, October 9, 2018 in the Board of Supervisors Chambers at the County Administration Center, 810 Court Street, Jackson, California. The meeting was called to order at 7:00 p.m. by Chair Callsen.

**THOSE PRESENT WERE:**

Planning Commissioners: Keith DesVoignes, District I  
Dave Wardall, District II  
Caryl Callsen, Chair, District III  
Andy Byrne, Vice Chair, District IV  
Ray Ryan, District V

Staff: Grace Pak, County Counsel  
Chuck Beatty, Planning Director  
Krista Ruesel, Planner I  
Mary Ann Manges, Recording Secretary

**THOSE ABSENT WERE:** None

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

**A. Pledge of Allegiance.**

**B. Approval of Agenda:**

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

**C. Minutes:** October 9, 2018

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner Byrne, and carried to approve the minutes of October 9, 2018.

Ayes: Ryan, Byrne, Wardall, Callsen  
Abstain: DesVoignes

**D. Correspondence:** Public and agency comment letters not included in the Planning Commission agenda packet were submitted from Michael J. Graf Law Offices on behalf of the Foothill Conservancy, the City of Lone, Howard Coote, Bill and Sharon May, Dan Morris, Dennis Ray, and U.S. Mine Corporation.

**E. Public Matters not on the Agenda:** Chair Callsen advised that anyone may address the Commission on any matter in the Commission's jurisdiction, but no action may be taken.

Commissioner Ryan shared that he will not be able to attend the December 11<sup>th</sup> Planning Commission meeting.

Carl Schaefer stated that he desired to register a complaint regarding the County's removal of an inoperable truck loaded with mining equipment from his property. He added that other vehicles

were also removed, but that he wanted the truck and mining equipment back.

Chuck Beatty, Planning Director, commented that he would look into the matter.

Mr. Beatty introduced new permanent staff, Mary Ann Manges, Administrative Secretary II and Krista Ruesel, Planner I.

**F. Recent Board Actions:** Chuck Beatty, Planning Director, stated that the Board of Supervisors approved another Planner position for the Planning Department as well as the Variance for Plasse Family Trust, as recommended by the Planning Commission.

**Public Hearing**

**Item 1 - Request for a Zone Change from “R1A,” Single Family Residential & Agricultural District to “AG,” Exclusive Agriculture District in conjunction with a request for inclusion of a 252.43-acre parcel into a California Land Conservation Act Contract (APN 011-060-033).**

**Applicant:** Jackson Valley Properties, LLC (Martin Gardner, Manager)

**Supervisorial District:** 2

**Location:** On the south side of CA Highway 124 between Tonzi Road and Willow Creek Road.

Chair Callsen introduced the item.

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

Chair Callsen opened the public hearing and asked if the Applicant was present. The Applicant was not present. Chair Callsen continued and asked if anyone wanted to speak on the item. There being no further speakers the following actions were taken.

**MOTION:** It was moved by Chair Callsen, seconded by Commissioner DeVoignes, and unanimously carried to close the public hearing.

Chair Callsen asked for comments from the Commissioners.

Commissioner DesVoignes stated that he was present at the Agricultural Advisory Committee Meeting where it was recommended that the parcel be included in a California Land Conservation Act contract.

Commissioner Ryan added that with the documentation submitted with the packet, the Applicant obviously meets the requirements for the approval.

Chair Callsen shared that she agreed and said the documentation was very clear.

Commissioner Byrne agreed.

**MOTION:** It was moved by Commissioner Ryan, seconded by Commissioner Wardall, and unanimously carried to recommend approval for a zone change to the Board of Supervisors and to include the findings as recommended in the Staff report.

**NOTE:** *Mr. Beatty, Planning Director, advised those present that the Planning Commission has recommended approval of a zone change for Jackson Valley Properties from R1A to AG and a hearing will be held with the Board of Supervisors at a later date.*

**Public Scoping Session**

**Item 2 - Public Scoping Session to take public comment on the potential environmental impacts to be analyzed in the Draft Environmental Impact Report to be prepared for the proposed Lone Sands Motor Sports Facility. (APNs 005-160-003, 005-160-010, and 005-160-014)**

**Applicant:** U.S. Mine Corporation

**Supervisorial District:** 2

**Location:** 8625 Highway 124, Lone, CA, immediately west of the intersection with Buena Vista Road, and one-half mile north of CA Highway 88

Chair Callsen introduced the item.

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

Chair Callsen disclosed that Dan Morris phoned both Chair Callsen and Supervisor Lynn Morgan in July regarding concerns about the project and that a letter from Mr. Morris is included in the packet.

Chair Callsen opened the public hearing and asked if the Applicant was present. A representative for the Applicant was present, but did not desire to speak at that time.

Commissioner Ryan requested that the record reflect the Applicant's desire to not speak.

Chair Callsen asked if anyone else wanted to speak.

Andy Aguilera, resident on Spring Creek Drive, shared that he could hear the noise from both his backyard and inside his home. He added that he mistook the dust from the racetrack as a fire when coming home from Martell. He also shared his concern about retirees leaving Lone due to the noise, values of homes decreasing and difficulty selling their homes. Mr. Aguilera voiced his disappointment with how U.S. Mine started the track without permits and without any penalties. He requested that the Planning Commission not approve the project.

Chair Callsen reminded Mr. Aguilera that the Commission cannot do anything at this meeting, asked that the public not repeat points previously made, and to keep comments to three minutes.

Andy Aguilera replied that he would like his comments forwarded and on record.

Leo Reese, 309 Bacon Road, shared that he agreed with Mr. Aguilera and voiced that the noise sounded like it was on the east side of Howard Park. He added that he does not want the project approved.

Bonnie Krupp, 816 Dove Lane, stated that she had previously lived next to a private home in a rural community which had a small motor cross track in the back yard. She shared that even with occasional use that noise and dirt were bad and added that she had to disclose the track when she sold her home.

Kevin Wever, 108 E. Market, thanked the Commission for opening this up to the public. She shared that she has health concerns about the dust in the air and the noise and added that children along with retirees that live in Lone could be affected. She agreed with previous comments made.

John Arthur, 835 Dove Lane, shared that he opposes the track and urged the Commission to also oppose it.

Donald Slayton, 213 Roger Street, commented that on a number of occasions he has seen the dust from the race track reduce visibility on Hwy 124 by about 50%. He shared concerns about physical harm from exposure to silica sand.

Bob Conrad, 813 Dove Lane, voiced concerns about noise, decreased property values, the need to disclose if selling his home though it was not disclosed to him, and the setting of precedence of no penalty for property owners when proceeding with projects without proper permits.

Mark Hopkins, 324 W. Marlette, stated that he lives in front of the Jr. High and about a quarter mile from the elementary school. He shared that lone does not have room for the large numbers of people expected to come to events that were not in the initial notice. He shared that lone already has a hard time with a lesser numbers of people that attend other annual and year-round sporting events in lone.

Laurie Lord, 907 Vista Lane, stated that she could hear the motorcycles from her home which is on the far side of Castle Oaks. She inquired whether the document titled "Summary of USMC Misconduct" is being accepted as a factual document.

Chair Callsen and Chuck Beatty both responded that it is not.

Ms. Lord inquired if any importance should be placed on comments contained in the document.

Chuck Beatty, Planning Director, explained that the document was submitted by a private citizen and that the statements in it have not been evaluated by staff, but later could be evaluated by whomever prepares the EIR to determine validity.

Ms. Lord replied that US Mine Corporation tends to violate rules and regulations. She added that she has concerns about them breaking rules and later getting what they want anyway. She asked if there were going to be any fines, sanctions, or disciplinary measures and, if so, who will enforce them. She suggested that breaking the rules should have consequences and suggested that one solution could be for them to submit a performance bond from which fines could be paid. She also shared concerns about the facility being open daily.

Dave Livingstone, 735 Clover Drive, stated that the wind typically blows towards his home from the proposed facility. He shared that he does not want himself, his wife, or any children in the neighborhood breathing the silica dust.

Dominic Atlan, Quail Court, explained that he lives on the far end of lone and could hear the bikes. He shared that documents submitted were confusing on whether the facility would be open 365 days a year or only have events. He stated that he opposes use 365 days a year and added that he has concerns about dust and noise, especially since dust was not watered down when the track was previously used and typically there are higher noise levels at motocross events. He asked who would be enforcing dust violations and what the fines would be. Mr. Atlan suggested replacing the silica sand with coarser sand, using muffled motorcycles or e-bikes, and being open 2 to 10 days a year. He voiced sympathy for residents who were not provided with disclosures. He hopes issues are addressed with severe restrictions placed.

Tim Smith, previous manager for Howard Properties prior to them selling the property to US Mine Corporation, voiced concern about resources at the site. He shared that the current layout of the track was built on a waste product of the mines called heavy mineral sands. Mr. Smith was contacted in the last 18 months about what the process is to reprocess the sands. He stated that according to SMARA (Surface Mining Control & Reclamation Act) one cannot put a project in that will be detrimental to the future utilization of mineral resources. He added that he would like the EIR to address that issue. He added that the heavy mineral sands that constitute the sands being used for the bulk of the race track have titanium, zircon, and various other elements in them and are of commercial value. Mr. Smith would

like to make sure that the mineral overlay that the State has put on that property and mineral resources are properly evaluated.

Susan Bragstad, resident of District II and Foothill Conservancy representative, read a summarized version of the letter available in the packet by Foothill Conservancy attorney Michael Graf.

Dan Troxell, resident of Lone, grew up 3-5 miles from a stock car race track and shared how every Saturday the roar could be heard from his home. He shared that the location of this track from his home now is even closer at 1.2 miles. He suggested that the amount of time most residents of Lone would want the track running would make the track not economically feasible. He said he was unaware of the sand until this meeting.

Patrice Prest, 4900 Spyglass Drive, stated that she has a background in pulmonary disease and critical care. She voiced that she has health concerns for both young and old about silica dust and the other dust particles. She has concerns about the amount of track usage, location near a residential neighborhood, property values, and possible track and product development use.

Sam Prest, 1115 Fairway Drive, shared that when he bought his home five years ago he did not expect a race track with cancer dust floating in the air. He stated that he takes his 2- and 4-year-old children to Howard Park at least once a week and does not want them exposed to toxins. He added that a third facility in the area is not necessary and that the other two facilities are enough.

Chair Callsen stated that she had a couple questions for the representative of US Mine Corporation.

Shawn Harrison, representative of US Mine Corporation, came to the podium and stated his name.

Chair Callsen asked if Mr. Harrison hired EPS to complete the dust prevention and control plan.

Mr. Harrison replied that he did not. He added that US Mine Corporation has several people in engineering and geology and that Jason Cypher probably did the hiring and is currently working at a different site about 10 hours away from Lone. Mr. Harrison added that Mr. Cypher has attended many of the TAC meetings.

Chair Callsen inquired if Mr. Cypher completed the reports at the request of US Mine Corporation.

Mr. Harrison replied that he did.

Chair Callsen asked if Mr. Cypher also completed the Noise and Traffic reports.

Mr. Harrison answered yes and that US Mine Corporation was complying with discussions previously had with Amador County.

Chair Callsen asked if all the reports were requested to be done and if they were paid for by US Mine Corporation.

Mr. Harrison replied yes. He clarified that the proposed 4 to 6 events a year with 15,000 people in attendance is off the table and that he appreciates everyone's concerns about the noise and the dust. He added that he agrees with what is being said and clarified that though he works for U.S. Mine, he is part of the mining operation. He added that he represents US Mine Corporation and that decisions concerning the use permit go way above his level. He elaborated that they are an active mine site that kicks up dust and puts a lot of water on the roads, but that that it is different than the motorcycle track.

Commissioner Wardall asked if the mining operation is still active at the facility.

Shawn Harrison replied that there are full mining operations every day.

Commissioner Wardall asked what products are being mined.

Shawn Harrison answered Kaolin clay and silica sand.

Commissioner Ryan addressed staff and Counsel and asked if a cease and desist order had been issued.

Mr. Beatty responded that a Notice of Violation had been issued around December 1, 2017, after staff became aware of the creation and use of the track. Mr. Beatty stated that he believes that the track was used again for one more event, but the event occurred within the allowed 10 days after the notice was received. He added that no other uses had been reported to the County.

Commissioner Ryan stated that he wants to be assured that there is no further use of the facility until this process is completed because concerns raised are valid, especially with the silica dust. He added that the dust needs to be seriously considered, especially with families nearby.

Chair Callsen agreed and added that dust is the most serious thing, but other things need to be considered.

Commissioner Ryan agreed that the dust is just one of the problems and that noise is also health related.

Chair Callsen added that the traffic is a problem, too.

Commissioner Ryan commented that he would like to recommend to whoever the authority is to look into whatever can be done since the Commission can only recommend.

Mr. Beatty added that he believes that since no complaints have been received since last December, the facility has not been used.

Commissioner Ryan desired confirmation that if operations are going on that the local neighbors can complain to the County who, in turn, take care of it.

Mr. Beatty confirmed.

Chair Callsen asked if there were any repercussions for having starting this project without any approvals.

Grace Pak, County Counsel, responded that at this point and time discussions about any violations or implications of those violations should not be held. She reminded that the purpose of a scoping session is to bring up potential environmental impacts which will be discussed later in the Draft EIR. She suggested separating those out and limiting comments to those that the public or the Commission have.

Chair Callsen concurred.

Commissioner Byrne asked how the environmental documents already provided by US Mine Corporation come into play with the EIR.

Mr. Beatty responded that whoever prepares the EIR would have a chance to evaluate those documents and decide if they are adequate.

Commissioner Byrne inquired about who will be selecting the consultant.

Mr. Beatty confirmed that the County would be selecting the consultant and will have a reimbursement agreement with the Applicant.

Chair Callsen asked if anyone else wanted to speak.

Dave Livingstone asked if there was going to be another opportunity to have another discussion on this.

Chair Callsen responded that it will take several months for the EIR to be prepared and then it will come back to the Planning Commission.

Dave Livingstone commented that he and his wife did not move to Lone to enjoy dust coming into their home and neighborhood. He added that he was concerned there were not a lot of neighbors at the meeting.

Commissioner Byrne stated that there will be a draft EIR and a final EIR.

Commissioner Ryan added that this is far from being approved.

Chair Callsen concurred.

Dave Livingstone responded that is what he wanted to know and explained that he believes that neighbors are not fully aware of the impacts. He added that he desired to have neighbors be better aware, especially since living directly downwind from the track.

Commissioner Byrne commented that this is the first step and if the proponent chooses to proceed, the EIR should determine all of the impacts and how they are going to be mitigated.

Commissioner Ryan added that the EIR might be cost prohibitive.

Commissioner DesVoignes commented that this is also his first scoping session and that it is his understanding that individual concerns get specifically addressed in the EIR. He asked what the deadline is for letters.

Mr. Beatty replied November 16th at 5:00 p.m.

Commissioner DesVoignes added that an extension would be helpful for the neighbors.

Chair Callsen commented especially if there are concerns that have not been addressed so far.

Wally Allert, 608 Shakely Lane, voiced his opposition to the facility based on noise and the close proximity to lone residential properties. He shared that he lives approximately two miles away and could hear the motorcycles from his home.

Dan Troxell commented that he is for responsible development and growth and asked if property owners can do whatever they want with their property even if most of the neighbors do not approve.

Commissioner Ryan explained that it depends on zoning of the applicable city or county. He shared that certain things can be done by right based on the zoning or one may be required to have a conditional use permit. He added that the permit process brings the public out and allows them to speak to the Planning Commission. He shared that some things are approved through the Planning Commission which can be appealed to the Board of Supervisors, while other items are recommended to the Board of Supervisors for approval.

Dan Troxell asked if the location is outside of the city of Lone.

Commissioner Ryan answered yes.

Dan Troxell asked if the public has a direct vote on something like this project.

Commissioner Ryan explained that there are times that no one comments at the Planning Commission meetings and then other times there are many who comment. He assured that everyone's comments are heard and addressed in the EIR.

Chair Callsen added that there will be more public hearings.

Dan Troxell commented that he does not know how much the advantages outweigh the disadvantages with the project.

Commissioner Wardall stated that this is a public scoping session for the public to provide input into the EIR. He added that the EIR is a lengthy process which will be reviewed, assessed, and at a later date discussed by the Planning Commission. He further added that the public brings up issues that the Commission may not be aware of and these issues will be put on the record and have to be considered in the EIR.

Commissioner Ryan added that e-mail is a great way to provide input.

Tammy Goolsby, Pleasant Valley Drive, shared that she came to support her community. She stated that she learned at this meeting about the health hazards of silica dust. She added that she believes that the meeting would be packed if more of the community was fully educated about what is going on. She also commented that e-mail could be a great way to inform neighbors.

Kevin Wever stated that it took about twenty years to get signs up informing residents about the toxicity in the creek that is near the prison. She added that we do not want to be short sighted again with our residents with information such as silica dust and its potential to cause severe lung issues.

Commissioner Byrne questioned staff about the parcels being annexed by the City of Lone.

Mr. Beatty responded that information about annexation is in the Applicant's materials and appears to be a long-term goal.

Commissioner Byrne asked if that would affect Lone's interaction with the EIR if the project is going to be on a parcel they plan to have in the future.

Mr. Beatty responded that if it the project was presented as a large industrial park themed around motor cross equipment or research and development for motorcycles or motorcycle parts, it would have been looked at entirely differently as a potential annexation to Lone. He added that Lone has taken advantage of the opportunity to comment and will likely continue to do so.

Chair Callsen questioned staff about the potentially large expansion mentioned in one of the Applicant's documents and asked if that will that be taken into consideration in the EIR.

Chuck Beatty responded that if it is articulated by the Applicant that they want a large expansion, then that will have to be included as part of the EIR. He added that part of the confusion is that the original application requested larger events that could have up to 10,000 attendees. Mr. Beatty commented that the original application was rescinded and the current one was submitted a few months later.

Chair Callsen added that the Applicant was thinking of having a larger area and putting in more buildings.



Chuck Beatty stated that the current application shows an expansion area that would include about 70 acres more than the current tract.

Commissioner DesVoignes questioned whether the practice track is part of the 50 vehicles.

Chuck Beatty replied that it is part of the 50 attendees.

Commissioner Byrne stated that the Applicant would need to do another environmental review if this is beyond what they are proposing.

Dan Troxell asked if the due date for public comments could be extended another 30 days or even until the end of the year.

Chair Callsen deferred to Staff.

Chuck Beatty shared that the initial Notice of Preparation went out a month ago to over a thousand property owners within 2 miles of the site, and a 1/8<sup>th</sup> page legal ad was published in the newspaper. He added that the deadline for agencies to respond is November 16<sup>th</sup>, but that the date can be extended if the Commission feels it necessary. He added that a firm deadline is needed for comments before the EIR can start.

Commissioner Byrne added that notification is a chronic problem in the County. He shared that typically at meetings the public says it is the first time they have heard of something. He shared that he understands the desire to have the date extended and reminded that there are notification dates set in CEQA.

Chuck Beatty added that there are not necessarily notification dates for public scoping sessions, but that there is for public agencies to respond. He commented that the State Clearinghouse is notified who in turn notifies the other agencies. He shared that agencies have 30 days to respond which is today, but they were given until November 16<sup>th</sup> which is the end of the week.

Commissioner Byrne asked if the Commission could extend the date.

Chuck Beatty replied that the Commission could extend the date since the scoping session is not required. He added that there will be public hearing to take comments on the draft EIR.

Commissioner Byrne added that there mostly have been two basic complaints of noise and dust and that the consultant will have to look at those. He added that what has not been said is what is important. He commented that he would also include in traffic, but the City of Lone has covered that.

Dan Troxell shared that he agrees but that he believes that more people commenting would make a bigger impact.

Commissioner Byrne added with the draft EIR, the numbers of people commenting might have an impact. He stated that at scoping meetings, numbers have less of an impact because it is just discussion and no decision. He shared that with draft EIR will be a formal meeting.

Dan Troxell shared his desire for the draft EIR to be very transparent and fair and was not sure if it would be if paid for by the mine.

Commissioner Byrne stated that the consultant that completes the draft EIR is selected by the County.

Dan Troxell shared his belief since they have not apparently played by the rules in the past he does expect that they will in the future.

Commissioner DesVoignes stated that he would not be opposed to extending the date and shared concerns about the 2,500 kids that play soccer at Howard Park. He shared that he did not know if more time would help or not.

Chair Callsen questioned whether new information would be presented with an extension of the deadline.

Commissioner Byrne said that he believes adequate information has been provided which can now be addressed.

Commissioner Wardall stated that he supports extending the time deadline.

Commissioner Ryan shared that he thinks that those at the meeting and residents of Lone are gravely concerned with the silica dust. He added that others have asked where the motor bikes are going to be washed, where the water is going to flow, how the water is going to be contained, and what will be done about oils spilled on the track. He commented that these comments along with all things that will be affected such as the plants and the western turtle will be taken into consideration. He shared that people need to be seen and voices heard when reviewing the Draft EIR and that more comments from the Conservancy, the City of Lone, and others will help so that concerns are properly addressed.

Chair Callsen added that night glare was addressed by the City of Lone, but not mentioned at the meeting.

Dan Troxell voiced his concern that anyone can say they will turn down the amps, turn down the lights, and put covers over lights so they do not glow upwards.

Commissioner Byrne stated that all the aforementioned things have to be addressed.

Commissioner Ryan added that they need to be addressed to the Commission's satisfaction.

Dan Troxell asked if the deadline could be extended another two or three weeks for his neighbors.

Commissioner Ryan replied that he does not have a problem extending the date until the end of the month.

Chair Callsen concurred.

Dave Wardall added that he supports extending the date.

Chair Callsen asked for a motion.

**MOTION:** It was moved by Commissioner Wardall, seconded by Commissioner DesVoignes, and unanimously carried to extend the public comment period for the EIR until the end of November.

Dan Troxell added that people and horses at horse events at Howard Park need to be considered.

Mr. Beatty pointed out that both the General Plan Amendment and the Zone Change require the Board of Supervisors' approval. He commented that in addition to the Planning Commission having a hearing on the project, some aspects have to be approved by the Board of Supervisors following an additional hearing.

Commissioner Byrne shared that there will probably be three more public meetings.

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Ryan, and unanimously carried to adjourn the meeting.

**Adjournment:** At 8:09 p.m. Chair Callsen adjourned this meeting of the Planning Commission, to meet again on December 11, 2018.

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Caryl Callsen, Chair  
Amador County Planning Commission

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Mary Ann Manges, Recording Secretary  
Amador County Planning Department

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Chuck Beatty, Planning Director  
Amador County Planning Department