

STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF: JANUARY 9, 2018

Item 2 - Appeal of the Planning Department's denial of a Guest House Use Permit pursuant to County Code Section 19.48.070 which requires guest houses to be served by the same electrical meter and sewage disposal system as the main dwelling.

Appellant: Brian Radice

Supervisory District 4

Location: 12951 Spagnoli Mine Road, approximately 1 mile south of Irishtown Road, in the Pine Grove area (APN 038-140-080)

A. General Plan Designation: A-T, Agricultural-Transition (5 acre density)

B. Present Zoning: "RE," Residential Estates

C. Description: The appellant submitted a Use Permit application to construct a 612 square-foot guest house on March 26, 2014. The permit was denied by the Planning Department due to the electrical service and septic system for the guest house being separate from the main dwelling. County Code Section 19.48.070(A)(5) requires that "Electrical service to a guest house shall be connected to the meter of the main building." County Code Section 19.48.070(A)(6) requires that "Guest houses shall be connected to the same water supply and sewage disposal system as the main building."

D. STAFF REVIEW: The location of the main dwelling and septic system make it impractical for the proposed guest house to be situated such that it could also be served by the same sewage disposal system. Similarly, the power pole that provides electrical service to the main dwelling is closer to the proposed site of the guest house. Staff has no technical objection to the Planning Commission's approval of the appeal, subject to the findings below.

E. PLANNING COMMISSION ACTION: The Planning Commission may either:

1. Grant the appeal, thereby allowing the guest house to have a separate electrical meter and septic system; or
2. Deny the appeal, thereby requiring the guest house to be connected to the same electrical meter and septic system as the main dwelling.

F. Findings: If the Planning Commission moves to grant the appeal, the following finding is required pursuant to County Code Section 19.48.120.D.7:

1. It is physically infeasible to comply with the criteria of County Code Sections 19.48.070(A)(5) and 19.48.070(A)(6), and the modifications are not detrimental to the public interest or surrounding residents or properties.

HP-17;12-3



**PLANNING DEPARTMENT
LAND USE AGENCY**

County Administration Center
810 Court Street • Jackson, CA 95642-2132
Telephone: (209) 223-6380
Website: www.co.amador.ca.us
E-mail: planning@co.amador.ca.us

GUEST HOUSE USE PERMIT APPLICATION

Clearances from the Environmental Health Department and the Public Works Agency must be obtained prior to submitting this Use Permit Application to the Planning Department.

ENVIRONMENTAL HEALTH DEPARTMENT CLEARANCE: (209) 223-6439

CAN CONNECT TO EXISTING SEPTIC

CANNOT CONNECT TO EXISTING SEPTIC

PERMIT # 12828

PERMIT # _____

A. Dunklee
Environmental Health Department Representative Signature

Date 12-12-17

PUBLIC WORKS AGENCY CLEARANCE: (209) 223-6429

Steve R. Smith
Public Works Agency Representative Signature

Date 12-20-17

PLEASE COMPLETE THE FOLLOWING:

Applicant's Name BRIAN RADICE Please Print Phone No. 916 832-0027

Mailing Address 12951 SPAGNOLI MINE RD PINE GROVE CA 95665
Street No./P.O. Box City State Zip Code

Property Location 12951 SPAGNOLI MINE RD PINE GROVE CA 95665
Street No. City State Zip Code

Assessor Parcel No. 038-140-080 Size of Parcel 7.35 AC.

Zoning: R1 R1A X A AG RE R2A General Plan Classification A-T

Submit the following with this application: Plot Plan and Floor Plan (8-1/2" X 11" size paper) Application Fee (\$66.00)

Applicant's Signature _____ Date _____

TO BE COMPLETED BY PLANNING DEPARTMENT

Application Contains:

- 1. Plot Plan and Floor Plan (8-1/2" X 11" size paper)
- 2. Review for compliance with County Code Section 19.48.070 *separate power & septic*
- 3. Application Fee: ~~\$66.00~~ 361.00 Appeal

Date Submitted
12/20/17

APPROVED DENIED Susan C. Mujalva Date 12/20/17
Planning Department Representative Signature

CONDITIONS/REASON(S): application contains separate septic and power service.

The applicant or any interested person may appeal the Planning Director's decision pursuant to Chapter 19.64 (Appeals) of the Amador County Code within 10 days of the decision on this application.

PLANNING COMMISSION ACTION ON APPEAL, IF ANY: _____



Guest House Regulations

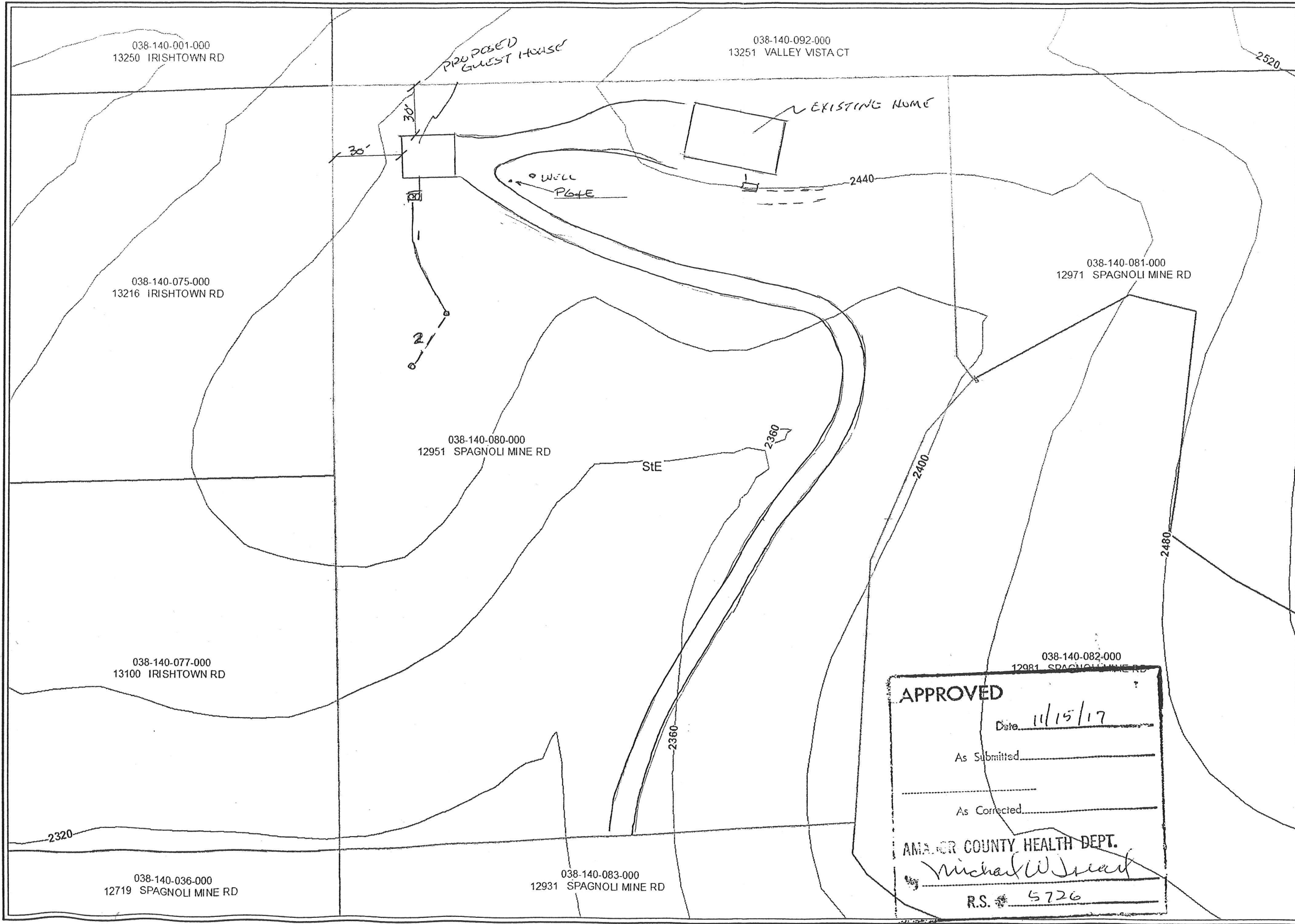
19.08.310 Guest house. "Guest house" means detached living quarters of a permanent type of construction to be used temporarily or intermittently by a person or persons visiting the occupants of the main building. Construction and use of a guest house are regulated in Section 19.48.070. (Ord. 956 §5, 1983).

19.48.070 Guest houses. No guest house as defined in Section 19.08.310 of this code shall be erected or enlarged and no existing accessory building shall be converted into a guest house without first obtaining a use permit.

- A. Use permits may be issued by the planning department for guest houses which comply with all of the following criteria after notification to all owners of property, as shown on the most recent tax roll, within a distance of at least three hundred feet in all directions from the subject parcel. If the planning department receives opposition to the permit application within ten calendar days after the mailout, or if the application in the opinion of the planning department does not meet the criteria listed below, the permit may be denied. The applicant or any interested person may appeal the planning department's decision pursuant to Chapter 19.64 of this title within ten calendar days after said decision. Approved use permits shall become valid following the ten-day appeal period if no appeals are filed.
1. There shall be but one guest house on any one parcel.
 2. Use of a guest house shall be clearly subordinate and incidental to the main building on the same parcel and shall not be used as a permanent dwelling. The guest house shall not be separately rented, let or leased, whether compensation is direct or indirect.
 3. A plot plan and a floor plan of the proposed guest house shall be submitted for review at the time of the guest house use permit application. The guest house shall be a maximum of seven hundred ninety-nine square feet.
 4. A guest house shall not have a kitchen or other cooking facilities and is restricted to one bathroom. Water supply shall only be connected to the bathroom and exterior faucets of the guest house.
 5. Electrical service to a guest house shall be connected to the meter of the main building.
 6. Guest houses shall be connected to the same water supply and sewage disposal system as the main building.
 7. No new driveway encroachment shall be issued for a guest house.
- B. A use permit which includes modifications only to the criteria set forth in subsections 5. 6. or 7. above may be granted by the planning commission upon appeal of the use permit denial by the planning department pursuant to Chapter 19.64 of this title. Such appeal may be granted if the planning commission finds that it is physically infeasible to comply with these criteria and the modification is not detrimental to the public interest or surrounding residents or properties. (Ord. 1419, 1996; Ord. 1018 §2, 3, 1984; Ord. 956 §3, 1983).

19.48.110 Yards and setbacks.

J. Detached accessory buildings used as guest house or as living or sleeping quarters of any kind, shall be at least six feet from rear or side property lines and at least six feet from the main building.



APN 038-140-080-000

- ⊙ Cities and Communities
- Transportation
 - Roads
 - One Way Road
 - Primary Road
 - Secondary Road
 - County Route
 - State Highway
 - Unimproved Road
- Administrative Boundaries
 - City Limits
 - Amador County Boundary
- Parcels
 - Parcels
- Natural Features
 - Elevation Contours
 - Soils
 - NRCS Soils
 - USFS Soils
 - Streams
 - Wetlands
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Freshwater Pond
 - Lake
 - Riverine
 - Other
 - Vernal Pools
 - Water Bodies



1" = 80 ft

Aerial photography, if displayed,
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Notes



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Amador County GIS Viewer
Amador County Information Technology Dept.
810 Court St, Jackson CA 95642
November 6, 2017

APPROVED

Date 11/15/17

As Submitted _____

As Corrected _____

AMADOR COUNTY HEALTH DEPT.

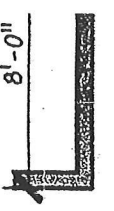
Michael W. Searl

R.S. # 5726

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CONVENTIONAL

BUILDINGS SHALL BE PROVIDED WITH PROTECTIVE LINES. SPACING SHALL NOT EXCEED 16" IN TRANSVERSE DIRECTIONS IN WALLS OR OFFSET FROM EACH OTHER. PANELS SHALL START AT THE WALL LINE AND CLEARLY IN



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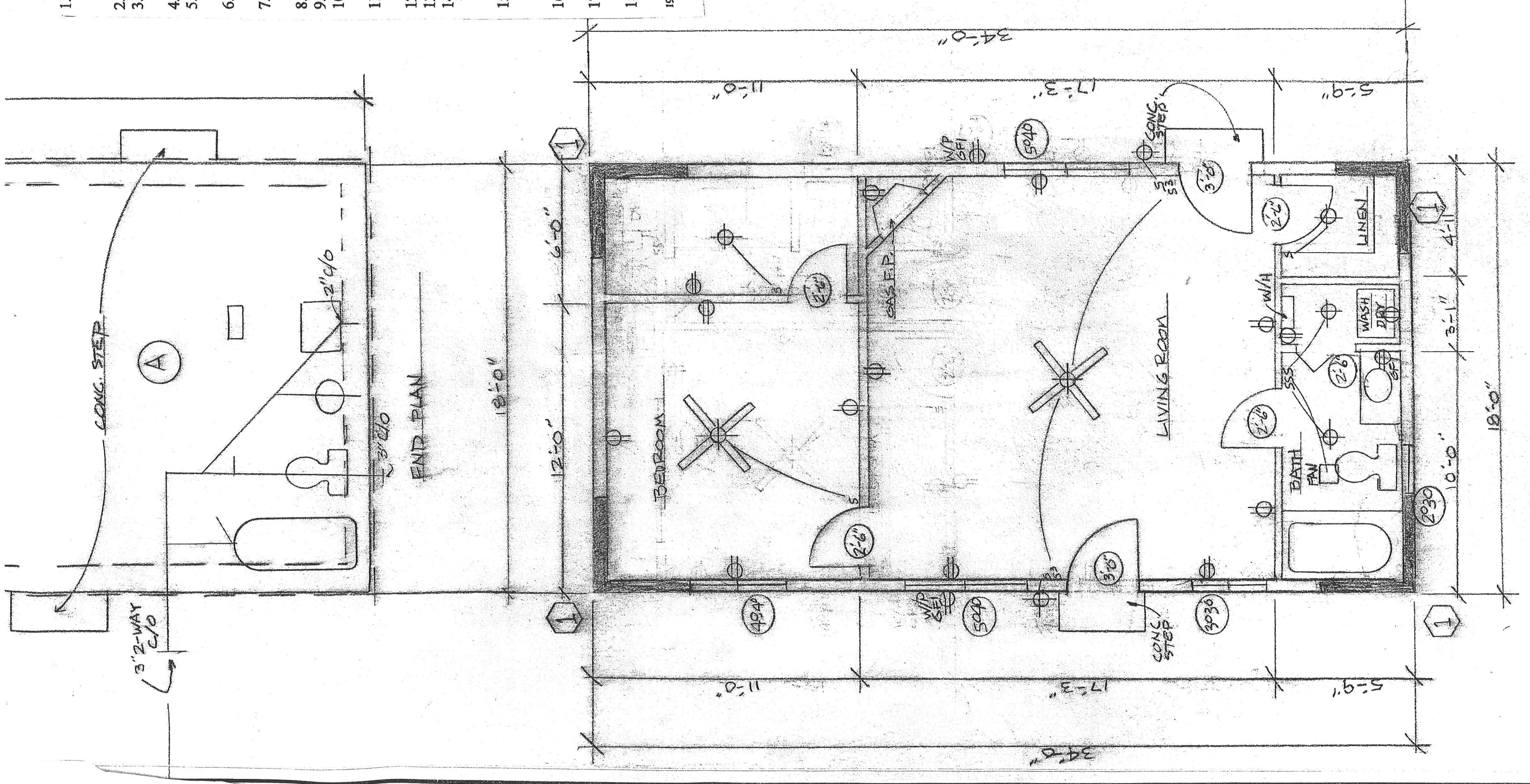
- 1 BWP WOOD STRUCTURE OF 3/8" AC
- 2 BWP PORTLAND CEMENT INSTALLED IN
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- 4 BWP GYPSUM BOARD VENEER BASE BY TABLE 25-1 SHALL BE APPLIED OR BRACED P

BRACED WALL PANEL SILLS WITH NOT LESS THAN 2 - 1/2" SECTION 18066

ALTERNATE BRA

ANY BRACED WALL PANELS SHALL BE CONSTRUCTED IN

- A. IN ONE-STORY BUILDINGS, SHEATHING SHALL BE SHEATHED ON ONE FACE WITH 2x4 OR GALV. BOX NAILS AT 16" OC. INSTALL 2 - 1/2" x 10" LGS NOT LESS THAN 1" FROM EACH OTHER PROVIDING AN UPLIFT FOR SHEATHING TO THE WALL. ONE #4 BAR SHALL BE PROVIDED IN THE FIRST STORY OF THE WALL. BOLTS SHALL BE PLACED AT 4' ON CENTER. CAPACITY SHALL NOT BE



FLOOR PLAN

January 3, 2018

Planning Commission
Amador County
810 Court Street
Jackson, CA 95642

Dear Planning Commission Board Members

The following information is in response to the use permit for the Brian Radice Guest House Project, located at 12951 Spagnoli Mine Road, Pine Grove, California.

- That the required 30 foot setback for the above described project be from the actual property line and not the existing fence line. The existing fence line is not on the real property line, the real property line is further on this projects property.

- That the permit for this project be subject to the following:
 - The Guest House only is used as a guest house and not a permanent residence.
 - The Guest House will not be used as a rental property.
 - A kitchen will not be added at a later date to make the house a full time residence situation.

- My other major concern was that the proposed septic and sewage disposal system was too close to my existing water well. I contacted Mike Israel from The Amador Environmental Health Department who came to the site and measured the distance from my water well to the proposed septic tank which I was told was 100 feet away. I was also told that the leech field was 140 feet away from my water well, and I was informed that both of these numbers were within safe health distances for a drinking water well.

The above concerns are for the future of my property and anyone else that may live here in the future.

I respectfully submit my concerns to the Honorable Amador Planning Commissioners and hope that you take these concerns into granting a building permit, or at least make them contingencies of the use permit if granted.

Dennis King
13216 Irishtown Road
Pine Grove, CA 95665