

STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF: FEBRUARY 13, 2018

Item 2 - Public Hearing – Appeal of the Planning Department’s denial of Use Permit for a Temporary Medical Hardship Recreational Vehicle on the grounds that the application does not meet the requirements of County Code Section 19.48.055 – Temporary Uses, Hardship Situations.

Appellant: Elizabeth O’Keefe
Supervisory District: 3
Location: 22750 Rocky Lane, Pioneer, also being Lot 34 of Red Corral Estates (APN 030-290-007).

A. General Plan Designation: R-R, Rural Residential (1 acre minimum)

B. Present Zoning: “R1,” Single-family Residential

C. Background: In November of 2017, the Planning Department received a complaint of a recreational vehicle located on the appellant’s property that had been occupied beyond the 16-day limit allowed by County Code. Upon being notified of the violation, the appellant subsequently submitted an application for a staff-issued Use Permit for a temporary medical hardship recreational vehicle pursuant to County Code Section 19.48.055(B)(1)(a). The Code defines hardship situation as,

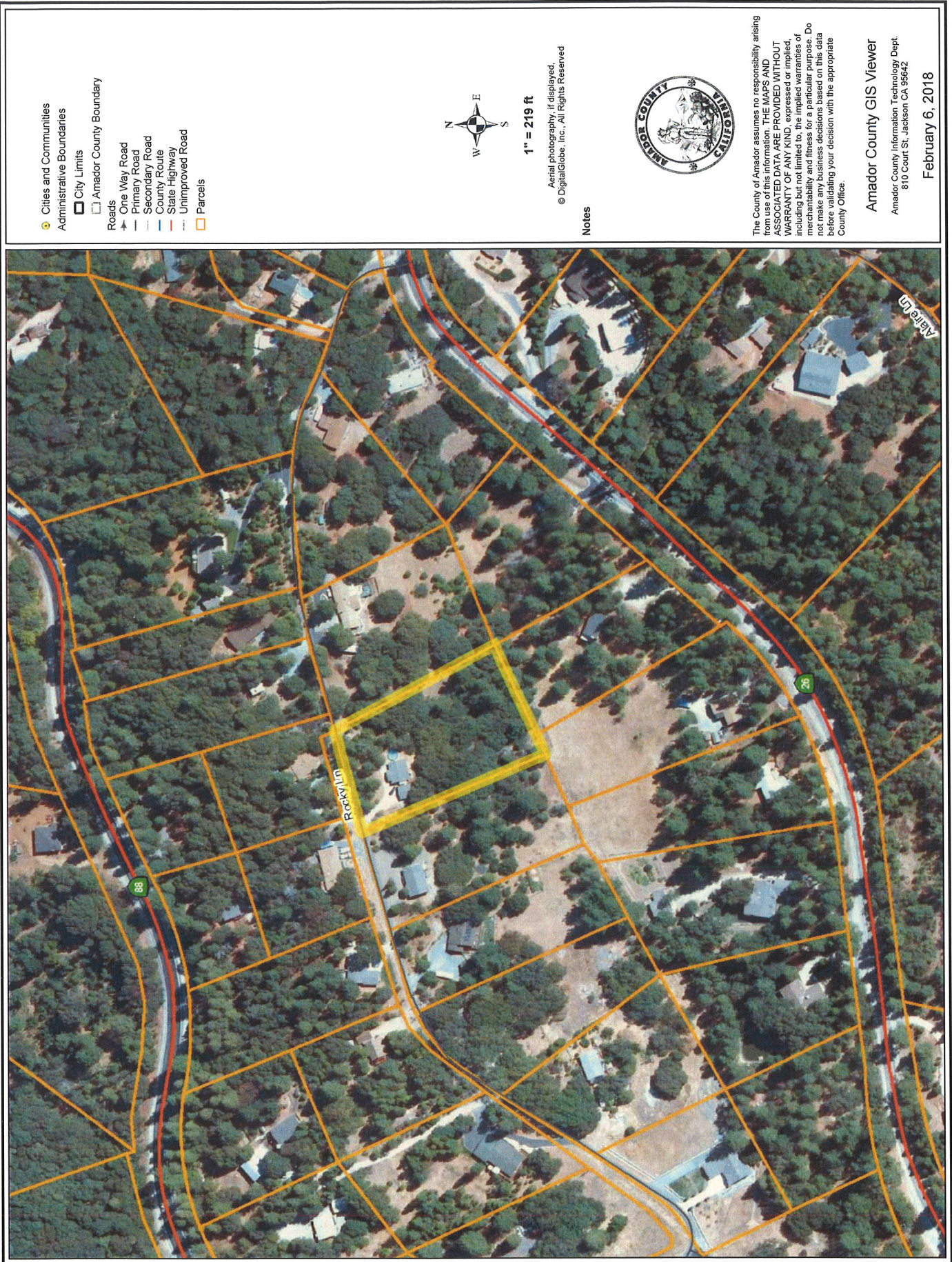
“B. For the purposes of this section, a “hardship situation” means:

1. A person or family with an existing dwelling on a parcel wants to:
 - a. Have a temporary mobilehome or recreational vehicle to provide accommodations for an immediate family member in need of medical or other constant care for a long-term duration; or
 - b. Have a temporary mobilehome or recreational vehicle to provide accommodations to a caregiver who provides care and assistance for a resident of the existing dwelling on the parcel;”

The application was denied by the Planning Department on the grounds that the situation does not meet the requirements of the County Code in that the appellant’s dwelling on the property is being rented to non-family members, while and the appellant occupies the recreational vehicle.

D. Planning Commission Action: Following the public hearing, the Planning Commission may either:

1. Grant the appeal, thereby nullifying the staff's denial of the Use Permit, and direct staff to issue the Use Permit based on the application, as submitted, or with conditions that the Commission deems appropriate; or
 2. Deny the appeal, thereby upholding staff's denial of the Use Permit.
- E. Findings:** If the Planning Commission moves to *grant* this appeal, the action must be based on specific findings which are supported by materials or statements presented during the hearing.



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JAN 08 2018

To Whom it May Concern,

01/08/18

AMADOR COUNTY
PLANNING DEPARTMENT

I would foremost like to thank you in consideration of my application for a Medical Hardship Use Permit which would have allowed me to remain in my trailer at the property located at 22750 Rocky Lane in Pioneer.

I am appealing your department's decision to deny my application on the grounds that my specific situation does not conform to regulations under Section 19.48.005 (B) (1) (a).

I am asking for a compassionate reconsideration based on my belief that my situation does merit approval under Section 19.48.005 (B) (1) (b), in that a care giving relationship exists with the residents of the existing dwelling.

In the past twelve months I've struggled to maintain stable housing. That this repeated displacement is significantly detrimental to my health and well being is reinforced by the enclosed documentation from my treating physician. I am finally in a stable and familiar environment with people who provide critical assistance and support for me [REDACTED]. Without this established support system, I am now in fear of joining our expanding homeless population. In addition, affordable housing units in our county have extensive wait lists and offer me no current workable options.

In closing I would again like to thank you and that upon further consideration of all aspects presented, you'll find approval of my application both legal and reasonable.


Elizabeth O'Keefe

1/19/18

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To Whom It May Concern

JAN 22 2018

From: Richard Buss, M.D.

AMADOR COUNTY
PLANNING DEPARTMENT

Re: Elizabeth O'Keefe

Elizabeth O'Keefe has been my patient since 1992. [REDACTED]

[REDACTED]

Currently she is living in a trailer on her property, while she has some caretakers living in her house on the property. This is essential for her to be able to manage.

[REDACTED]

The caretakers in her house provide care of her property, including covering the mortgage, maintaining the house and yard. They also provide assistance for Elizabeth, including shopping, cooking, doing finances, paying bills, monitoring her medication, and running errands.

It is essential that she be permitted to remain in this environment, with this arrangement, [REDACTED]

Sincerely, Richard Buss, M.D.

R Buss MD

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FEB 05 2018

AMADOR COUNTY
PLANNING DEPARTMENT

TO. Amador County Planning Commission.

My name is Jim Ferrell my wife name
Diane Ferrell Our home address is
22715 Rocky Ln.

We are not in favor of this
Permit for Elizabeth O'Keef.

Fire Hazard - The risk of fire in
That area is very high. It's not
worth taking the chance.

Property Values - We have owned that
house for 15 years and would like
to ~~sell~~ sell sometime. Trailer
Trash would not look very good
to a buyer. Keep living in ~~at~~
trailers at R.V. parks. Not
Residents. Lets try to keep from
turning that location into an eye
sore.

Thanks Jim Ferrell
1-30-18

Kathleen M. Magana
22656 Rocky Lane
Pioneer, CA 95666

January 28, 2018

Amador Co. Planning Commission

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RE.: Elizabeth O'Keefe
Appeal for Temporary Residence
22750 Rocky Lane, Pioneer, CA

FEB 01 2018

AMADOR COUNTY
PLANNING DEPARTMENT

I object to Ms. O'Keefe's application And appeal for the following reasons:

- The camper is unsightly and highly visible. Property values will be compromised and it could make it more difficult for a homeowner to sell or re-finance their property.
- The camper is old and was not built to be a permanent residence. The smell of raw sewage, which occurs at night, lofts threw the neighborhood and is repulsive at best.
- The camper is surrounded by brush and clutter. The camper is quite close to the propane tank and is also close to the house. The camper is highly flammable and has many potentially combustible sources of ignition. California has seen many catastrophic fires which our Governor says is our, "New normal". If a fire were to start in or around the camper, it would immediately take out the house and rapidly spread, jeopardizing our entire neighborhood.

Thank for considering my objections and concerns.



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AMADOR COUNTY
PLANNING DEPARTMENT

To: Amador County Planning Commission

From: Melinda McCloud
PO Box 1364, Pine Grove, CA 95665 [22716 Rocky Lane, Pioneer, CA]

Re: Appeal of denial of Use Permit Application for Temporary Residence for Elizabeth O'Keefe, 22750 Rocky Lane, Pioneer, CA 95666 (APN 030-290-007)

Date: January 30, 2018

I respectfully request that you uphold the decision to deny the above-referenced application for use permit based on the following reasons:

Addressing Section 19.48.055 A.1.:

The applicant owns the property but does not live in the existing dwelling. She rents it out and lives in the recreational vehicle. If the code section were to be enforced as written, she has no basis for her application. Additionally, she does not qualify under either Section (a) or (b).

Addressing Section 19.48.055 A.1.a.:

The applicant is not related to the renters who live in the existing dwelling.

Addressing Section 19.48.055 A.1.b:

As stated above, applicant is the one living in the recreational vehicle.

BACKGROUND:

Applicant moved onto the property with her camping trailer in early 2017 and occupied it well beyond the sixteen (16) days allowed without a permit.

Applicant returned to the property with her camping trailer on or about August 14, 2017, and has occupied it continuously – and illegally – since then. She did not seek an application for a use permit until after the Planning Department was contacted by neighbors concerned that it appeared as though she had the intention to “camp” long-term. Furthermore, she did not file her application until she was again contacted by the Planning Department. Based on applicant's history, one could reasonably infer that this is less about “hardship,” which itself is dubious, and more about a desire to live rent-free in the camping trailer while collecting income from renting out her house.

OTHER CONCERNS:

PROPERTY VALUES: With few exceptions, our neighbors work hard to maintain a community that not only supports individual property values but shows a sense of pride of

ownership. In comparison, this camping trailer and the area around it are an eyesore. This not only negatively affects our property values but could have a profound impact on any homeowner planning to sell or refinance their property.

FIRE HAZARD: The applicant is living in an older camping trailer, not intended to be a full-time, long-term residence. The camping trailer itself has multiple sources of ignition. In addition, the area around the camping trailer is not kept clear of flammable brush and other combustible objects. It is located next to a propane tank and the existing dwelling. The situation presents a danger, not only to the applicant's property, but to all of us living in the neighborhood.

SANITATION: The overpowering and repulsive smell of sewage has been noticed on multiple occasions. This has always happened when it's dark which leads to the question of whether or not the sewage/waste water is being disposed of properly or if the environment is being contaminated.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in cursive script that reads "Melinda McCloud".

Melinda McCloud

Elizabeth O'Keefe 2275 Rock Lane Pioneer
 is stating hardships.
 She owns the house + rents it out.
 Very Capable and owns a cleaning Business.
 Sanitation could be a proble + stuff around
 the trailer looks bad. Fire is a concern
 the property is never kept up.
 the trailer is already been there about
 Eight months.
 Most of us keep our Homes up.
 I have been here about Eighteen years
 On aia is getting wors. Also the
 proptey values go down.

Louis Juantarard
 22480 Rocky Lane Pioneer

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JAN 31 2018

**AMADOR COUNTY
 PLANNING DEPARTMENT**

Objection to Permit Application for Temporary Residence

Dixarae Espey [REDACTED]
to me

01/30/18

To Whom It May Concern:

I am a home owner on Rocky Lane in Pioneer California and I object to neighbor Elizabeth O'Keefe's permit for temporary residence for the following reasons:

1. Fire hazard. Her structure is unsightly and unkempt and the property is not properly cleared for another building. There is trash around the trailer she is living in while she has renter's in the home and collecting rent from them.
2. Negative for property values. The unsightliness of the "temporary residence" reduces the neighborhood aesthetics and appeal for responsible home ownership.
3. There is no need for a second building. The home owner can take care of herself and does so and is trying to take advantage of her renters, neighbors and the county.

Sincerely,

Dixarae Espey, property owner on Rocky Lane.

[REDACTED]
PO Box 344, Pine Grove, CA 95665

Dixarae Espey [REDACTED]

Jan. 31, 2018

Re: Medical Hardship Use Permit Application
22750 Rocky Lane, Pioneer

This letter is to reinforce our original request of December 18, 2017 to deny the above referenced Use Permit application. Following are some of the reasons:

- the trailer is already on the property and has been there for several months prior to even requesting the Use Permit.

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AMADOR COUNTY
PLANNING DEPARTMENT

- A lot of garbage/junk is stacked around the trailer. It is a health and fire hazard in addition to making the neighborhood look poorly and reducing property values and making it harder for anyone desiring to sell their home.

I am not fully aware of this homeowners situation; however she is seen regularly walking a dog or dogs up and down the street by herself. This does not appear to be what we would expect to see if she requires the assistance of someone else to live there.

We respectfully request that this
Use Permit for 22750 Rocky Lane,
Pioneer (A PN 030-290-007) be denied.

Thank you for your consideration of
the neighbors to this property.

Sincerely,

Robert & Julia Piffel
22797 Rocky Lane
Pioneer 95466

FRED & CATHY ENSIGN

22790 ROCKY LANE
PIONEER, CA 95666



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AMADOR COUNTY
PLANNING DEPARTMENT

January 31, 2018

Amador County Community Development Agency
Planning Commission

Re: Notice of Appeal: Application for Temporary Residence/Elizabeth O'Keefe, 22750 Rocky Lane Pioneer

We request that the denial of the application submitted on the above referenced property be upheld.

The denial should be upheld for the simple fact(s) that the application does not meet the County code(s). As a citizen, taxpayer and homeowner in this county, we have the expectation that the county in which we live adheres to the laws and codes that are written.

Code Compliance: Section 19.48.055 (B) (1) (a).

19.48.055 Temporary uses--Hardship Situations

A. The planning commission (or, in medical hardship cases under subsection (B) (1) of this section, the planning director) may permit temporary uses for mobilehomes or recreational vehicles as defined in this title for hardship situations, as defined below in this section, for periods as prescribed below in this section.

B. For the purposes of this section, a "hardship situation" means:

- 1. A person or family with an existing dwelling on a parcel wants to:
 - a. Have a temporary mobilehome or recreational vehicle to provide accommodations for an immediate family member in need of medical or other constant care for a long-term duration; or
 - b. Have a temporary mobilehome or recreational vehicle to provide accommodations to a caregiver who provides care and assistance for a resident of the existing dwelling on the parcel;

As stated in the planning departments denial of the application, applicant does not comply with the above code in any respect.

Furthermore, as a homeowner and taxpayer we are concerned for our neighborhood and the negative impact to the value of our property. Attached is a photo of current conditions at 22750 Rocky Lane. If the codes as they are written are not upheld, you could be setting a precedent for the decline of many neighborhoods in Amador County to potentially become long term campgrounds or trailer courts.

We respectfully request that you uphold the denial for this application.
Thank you for your time.

Regards,

Fred & Cathy Ensign

Encl. Copy of original letter & photo of current conditions

FRED & CATHY ENSIGN

22790 ROCKY LANE
PIONEER, CA 95666

December 13, 2017

Amador County Community Development Agency
Planning Department
810 Court Street
Jackson CA 95642
E-mail: planning@amadorgov.org

Re: Notice of Permit Application for Temporary Residence/Elizabeth O'Keefe, 22750 Rocky Lane Pioneer

We are writing this letter as homeowners adjacent to the property in the application. We are vehemently opposed to the approval of this application for the following reasons:

- **Fire Hazard.** The property has not been cleared. The trailer, which is old and not subject to any inspection, sits surrounded by an uncleared/overgrown lot of combustible fuels.
- **Sewage & gray water waste.** The trailer, which Ms. O'Keefe has occupied for the past 4 months, without permit, is not subject to any monitoring. This is a health concern due to prior and possible future dumping of waste and will negatively impact our property values. The fact that she has been living in the trailer for 4 months, without approval or permit, shows she has a lack of concern for following codes or rules.
- **Code Compliance.** Based on the code cited in your letter, we believe this application is being presented under false pretense. The code referenced states that medical care is for a family member, Ms. O'Keefe owns the home and the occupants of the home are not family members but are tenants.

As a homeowner and taxpayer we are concerned for our neighborhood and the negative impact to the value of our property. We would be subjected to a heighten risk of fire and without proper monitoring of waste disposal, our health.

Based on the objections stated above, we ask the planning department to consider this-If, for the reasons we have listed, this application was being presented next to your home, would you want it to be approved?

Thank you for your time and careful consideration of our objections.

Regards,

Fred & Cathy Ensign

Cc: hardcopy to follow





AMADOR COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

PHONE: (209) 223-6380

FAX: (209) 257-5002

WEBSITE: www.amadorgov.org

E-MAIL: planning@amadorgov.org

COUNTY ADMINISTRATION CENTER • 810 COURT STREET • JACKSON, CA 95642-2132

December 29, 2017

Elizabeth O'Keefe
PO Box 1462
Pine Grove, CA 95665

Re: Medical Hardship Use Permit application
22750 Rocky Lane, Pioneer
(APN 030-290-007)

Dear Ms. O'Keefe:

The above referenced permit application to allow a temporary recreation vehicle (RV) to provide accommodations for an immediate family member in need of medical or other constant care for a long-term duration, was denied by this department on December 29, 2017. The permit was denied because the application (copy enclosed), as submitted, does not conform to the regulations contained in County Code Section 19.48.055(B)(1)(a) in that there is no familial relationship between the occupant of the dwelling and the occupant of the recreational vehicle.

You and/or any other interested person(s) may appeal the Planning Department's decision to the Amador County Planning Commission by submitting a request for appeal in writing to this office within 10 days from the date on this letter (5:00 p.m. on Monday, January 8, 2018) along with the \$361.00 appeal fee. A copy of County Code Section 19.64, Appeals, is enclosed.

If an appeal of this decision is received, notice of the Planning Commission's appeal hearing will be sent to those same landowners receiving notice of the original permit application.

If you have any questions concerning this matter, feel free to contact this office.

Sincerely,

Chuck Beatty
Planning Director

Enclosures



AMADOR COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

PHONE: (209) 223-6380

FAX: (209) 257-5002

WEBSITE: www.amadorgov.org

E-MAIL: planning@amadorgov.org

COUNTY ADMINISTRATION CENTER • 810 COURT STREET • JACKSON, CA 95642-2132

December 29, 2017

Re: Medical Hardship Use Permit application
22750 Rocky Lane, Pioneer
(APN 030-290-007)

To Whom It May Concern:

The above referenced permit application to allow a temporary recreation vehicle (RV) to provide accommodations for an immediate family member in need of medical or other constant care for a long-term duration, was denied by this department on December 29, 2017.

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If you have any questions concerning this matter, feel free to contact this office.

Sincerely,

Chuck Beatty
Planning Director

Enclosures