

ITEM 4
STAFF REPORT

**STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF: JUNE 12, 2018**

ITEM 4 PUBLIC HEARING -APPEAL OF THE PLANNING DEPARTMENT'S DENIAL OF AN AMENDED USE PERMIT FOR A 585 SQUARE-FOOT ADDITION TO A 1,512 SQ. FT. SECOND FAMILY DWELLING WHICH EXCEEDS THE 1,200 SQ. FT. SIZE LIMIT ALLOWED BY COUNTY CODE

APPELLANT: Kimberly A. Lague Revocable Trust

SUPERVISORIAL DISTRICT: 4

LOCATION: 12360 Tabeaud Road, Pine Grove, approximately 1.7 miles south of Highway 88 (APN 038-570-007)

- A. GENERAL PLAN DESIGNATION:** R-R, Rural Residential (1 family per 1 acre density).
- B. ZONING DISTRICT:** "RIA," Single Family Residential & Agricultural District
- C. DESCRIPTION:** This appeal is a result of the Planning Department's denial of an amended Use Permit application to construct a 585 square-foot addition to a second family dwelling. The subject dwelling is currently 1,512 square feet in size and was approved by the Planning Commission in 2003 (minutes attached). At the time, the maximum size of a second family dwelling on parcels less than 20 acres was 1,200 square feet. The State's Accessory Dwelling Unit law (effective January 1, 2017), while making our second dwelling ordinance null and void, also limits second units to 1,200 square feet. Staff denied the amendment to the Use Permit because the dwelling already exceeds the maximum square footage for second family dwelling.
- D. PLANNING COMMISSION ACTION:** Following the public hearing, the Planning Commission may either:
1. Grant the appeal, thereby nullifying staff's denial of the amended Use Permit, and direct staff to issue the amended Use Permit based on the application, as submitted; or
 2. Deny the appeal, thereby upholding staff's denial of the amended 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.

APPLICATION MATERIALS

info@roaringcampgold.com



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

AMENDED SECOND FAMILY DWELLING USE PERMIT APPLICATION

Clearances from the Environmental Health Department, Amador Fire Protection District, the Public Works Agency, and where applicable, public water and/or sewer district must be obtained prior to submitting this Use Permit Application to the Planning Department.

AMADOR FIRE PROTECTION DISTRICT: (209) 223-6391
Date 4-2-18

Amador Fire Protection District Representative Signature

ENVIRONMENTAL HEALTH DEPARTMENT CLEARANCE: (209) 223-6439
Date 4-2-18

Environmental Health Department Representative Signature

If served by: Public Water Public Sewer

Date _____

District Representative Signature

PUBLIC WORKS AGENCY CLEARANCE: (209) 223-6429
Date 4-2-18

Public Works Agency Representative Signature

PLEASE COMPLETE THE FOLLOWING: ATTACHED UNIT DETACHED UNIT

Applicant's Name Kimberly A. LAGUE TRUST Please Print Phone No. 209 296-4100

Mailing Address P.O. Box 312 Street No./P.O. Box Pine Grove City Ca State 95665 Zip Code

Property Location 12360 TABEAU Road Street No. Pine Grove City Ca State 95665 Zip Code

Assessor Parcel No. 038-570-007 Size of Parcel 2.36 ac

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

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 19.48.120
- 3. Application Fee: ~~\$66.00~~; Receipt Number _____

Application Received By: _____ Planning Staff Initials

Date Submitted

+ Appeal fee: # 261.00
492 \$427.00
522.00

APPROVED DENIED _____ Date _____
Planning Department Representative Signature

CONDITIONS/REASON(S): _____

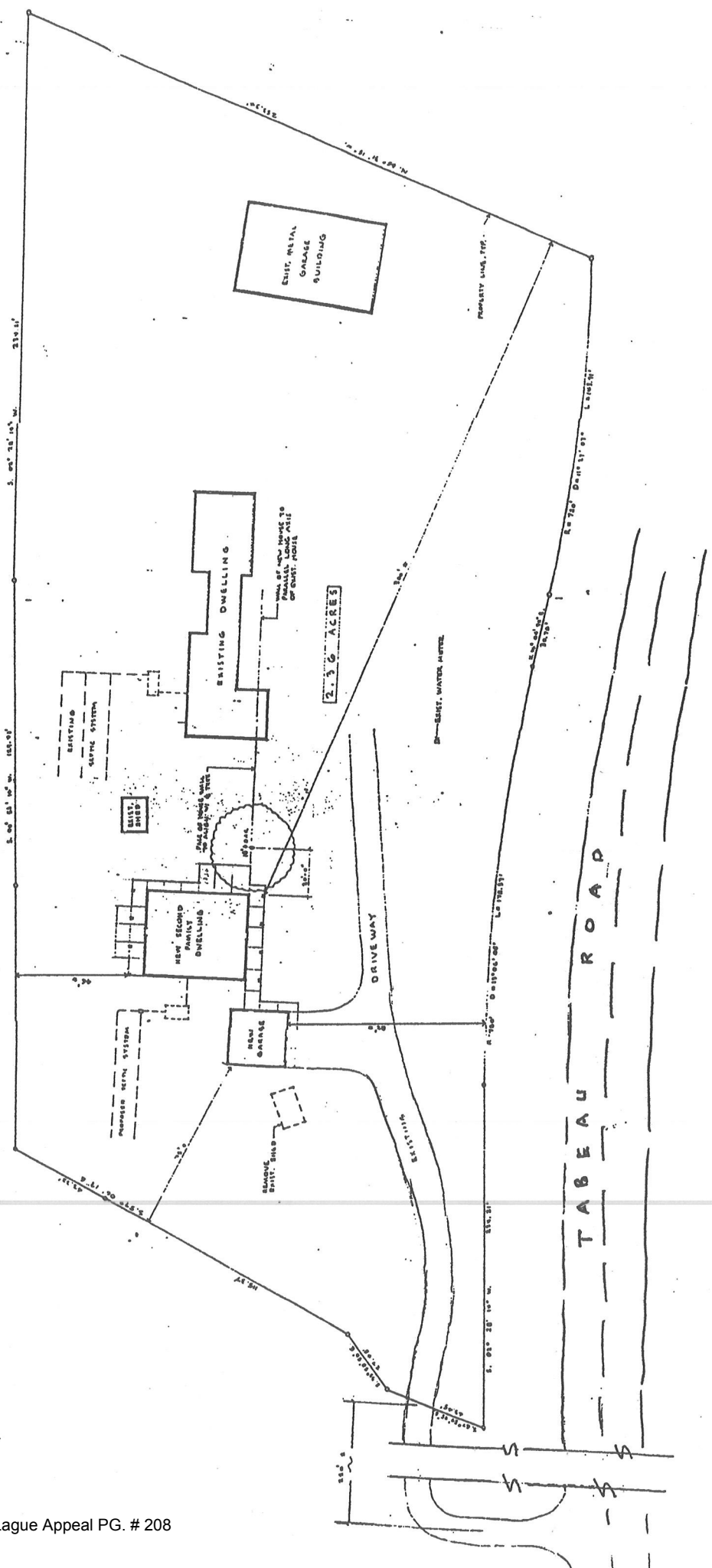
The applicant or any interested person may appeal the Planning Director's decision pursuant to Chapter 19.64 (Appeals) of the Amador County Code within 10 days of the decision on this application.

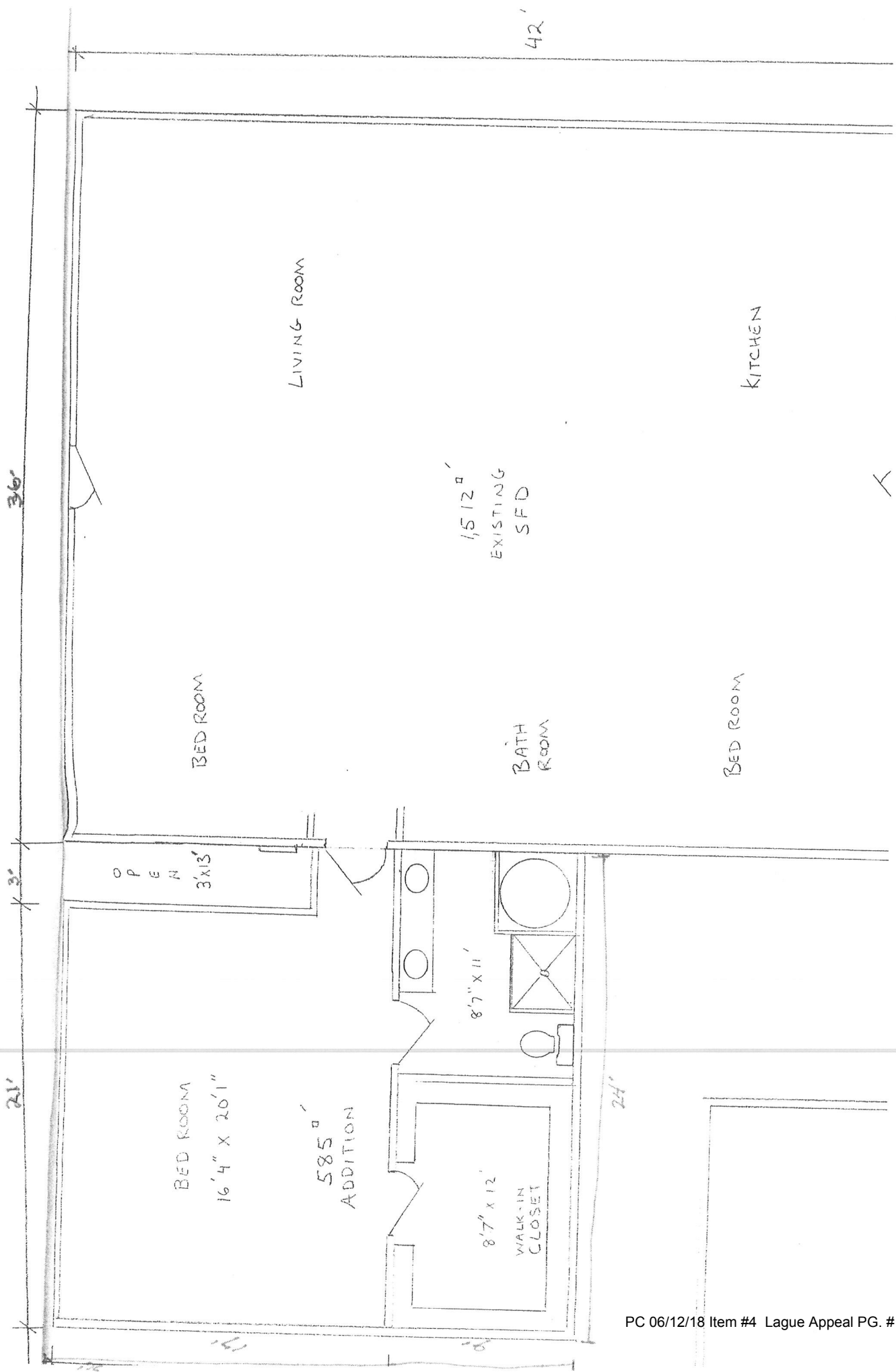
PLANNING COMMISSION ACTION ON APPEAL, IF ANY: _____

PLOT PLAN

Include the Following:

1. Outline of property with dimensions.
2. Sizes, dimensions and distances from property lines of all structures on property.
3. Proposed second family dwelling with dimensions.
4. Names of nearest roads and intersection.
5. North arrow and scale.
6. Driveway location.
7. Any other pertinent information.





PREVIOUS APPLICATION
&
PLANNING COMMISSION MINUTES

**PLANNING DEPARTMENT
LAND USE AGENCY**

500 ARGONAUT LANE • JACKSON, CA 95642-9534 • PHONE (209) 223-6380



Date Submitted
7/21/03

**SECOND FAMILY DWELLING USE PERMIT APPLICATION
AND AFFECTED LANDOWNER NOTIFICATION**

This application form is being sent to affected landowners no less than a distance of 300 feet in all directions from the subject parcel. If opposition to the permit application is expressed by area landowners within 10 days of the mailout or the Planning Director finds the application does not meet the requirements of County Code Section 19.48.120 (attached), then the Planning Director may deny the permit. **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.**

PLEASE COMPLETE THE FOLLOWING:

ATTACHED UNIT

DETACHED UNIT

Applicant's Name Elton V. Rodman Phone No. 296-4100

Mailing Address P.O. Box 278 Pine Grove, CA 95665
Please Print Street No./P.O. Box City Zip Code

Property Location ~~22107~~ 12360 Tabeaud Rd Pine Grove, CA 95665
Street No. City Zip Code

Assessor Parcel No. 38-570-007 Size of Parcel 2.36 Ac.

Zoning: (Circle One) R1 R1A X A AG RE R2A General Plan Classification R-S

Submit the following with this application: **Building Plans, Plot Plan, and Application Fee (\$50.00).**

Applicant's Signature D. Rodman Date 7/21/03
Dennis R. Rodman General Bldg. Contractor

TO BE FILLED OUT BY PLANNING DEPARTMENT

- Application Contains:
() 1. Building Plans; Plot Plan
() 2. Review for compliance with County Code Section 19.48.120
() 3. Application Fee: \$50.00

APPROVED _____ DENIED Stephen W. Branco 07/23/03
Planning Department Representative Date

CONDITIONS/REASON(S): Per County Code Section 19.48.120 D.2., the proposed 1512 sq.ft. (36'X42') second family unit exceeds the allowed 1200 sq.ft. requirement for this property. An appeal has been submitted.

PLANNING COMMISSION ACTION ON APPEAL, IF ANY: Planning Commission granted the appeal, thereby approving the Use Permit allowing construction of a 1,512 square foot detached second family dwelling.

MOTION: It was moved by Commissioner Kirkley, seconded by Commissioner Riley, and carried to grant a 30-day extension to obtain approval of a landscaping plan and an additional 30 days to implement the landscaping plan.

NO: Commissioners Ferreira and Fleissner

NOTE: Mr. Branco advised if anyone wished to appeal the decision of the Commission they could do so by submitting in writing to the Board of Supervisors a request for appeal prior to August 22, 2003, at 5 p.m. along with a \$75 appeal fee.

APPEAL HEARING

ITEM 2 - APPEAL OF STAFF'S DENIAL OF A USE PERMIT FOR A 1512 SQ. FT. SECOND FAMILY DWELLING WHICH EXCEEDS THE 1200 SQ. FT. SIZE ALLOWED BY COUNTY CODE SECTION 19.48.120 D.2. (APN 038-570-007).

APPELLANT: Elton V. Rodman (represented by Dennis Rodman).

Commissioner Kirkley stepped down at this time due to a potential conflict of interest.

Steve Branco, Planner, summarized the Staff Report, which is hereby incorporated into these minutes as though set forth in full.

Chairman Risberg opened the public hearing.

Dennis Rodman, representing the appellant, stated his father is getting older and needs to have someone living closer and his sister has agreed to live on the property to fill this need. He indicated the plan was drawn up to meet his father's space needs; however, they did not know there was a size limitation because he had an old version of the Second Family Dwelling ordinance which did not limit the dwelling size if the proposal met the general plan density for the parcel, which this proposal does. When they found out about the size limitations, they tried to determine where they could cut the square footage, but they felt they could not make the home any smaller and meet his father's needs. Mr. Rodman noted they could divide the property and have two homes with no size limitations and additionally, his father owns the property on three sides of the parcel in question. Chairman Risberg asked what the square footage is on the existing home. Mr. Rodman indicated it is approximately 1900 sq. ft. in size.

MOTION: It was moved by Commissioner Ferreira, seconded by Commissioner Fleissner, and carried to close the public hearing.

ABSENT: Commissioner Kirkley

Commissioner Fleissner asked staff to give some background on why the square footage limitation was imposed when the ordinance was revised. Ms. Grijalva distributed copies of the Board of Supervisors minutes from the hearing wherein the ordinance was enacted (copy attached to these minutes), and noted there is no clear reason why the Board decided to limit the square footage. She indicated many people ask why they are restricted in size if they meet the density, and noted Mr. Rodman could divide the property and there would be no size restriction to the new home. Ms. Grijalva stated the Planning Commission may want to consider recommending the Board of Supervisors take another look at the ordinance if the Planning Commission feels the size limit should be changed.

MOTION: It was moved by Commissioner Fleissner, seconded by Commissioner Riley, and unanimously carried to grant the appeal based on the findings it is not feasible to comply with the criteria for County Code Section 19.48.120 (Second family dwelling in single-family zone districts) and the modification is not detrimental to the public interest or surrounding residents or properties, and subject to the conditions in the Staff Report.

ABSENT: Commissioner Kirkley

Commissioner Kirkley returned to his seat at this time.

PUBLIC HEARINGS

ITEM 3 - REQUEST FOR USE PERMIT TO ALLOW OUTDOOR DISPLAY AND SALES OF MANUFACTURED HOMES IN A "C2," HEAVY COMMERCIAL DISTRICT (APN 044-040-001).

APPLICANT: Mark Weiner for the Crossroads Office Complex

Steve Branco, Planner, summarized the Staff Report, which is hereby incorporated into these minutes as though set forth in full.

Chairman Risberg opened the public hearing.

Mark Weiner, Applicant, stated the Staff Report identifies the business across the street as "Amador Home Center," however, the name of the business is "Manufactured Home Center." He indicated the conditions as presented are acceptable to him.

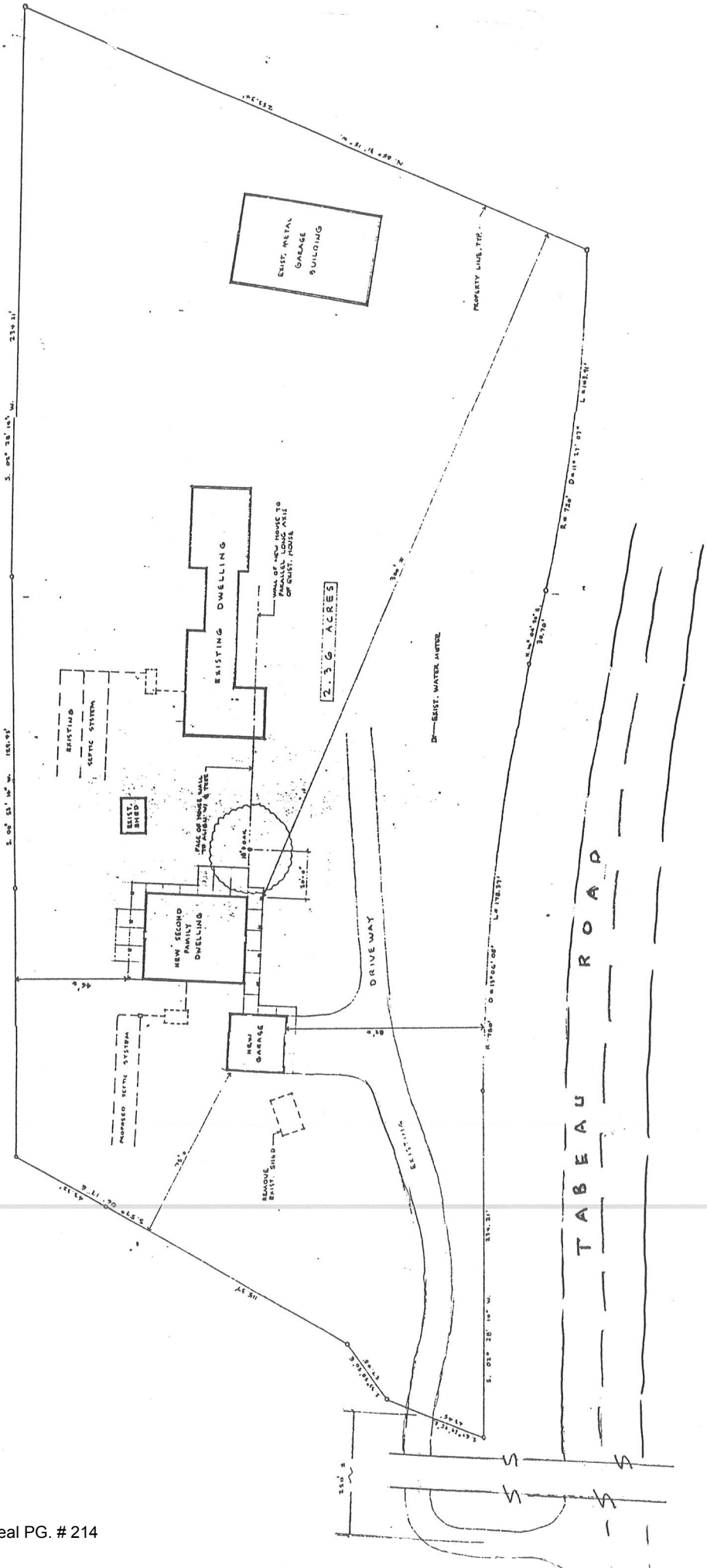
MOTION: It was moved by Commissioner Fleissner, seconded by Commissioner Riley, and unanimously carried to close the public hearing.

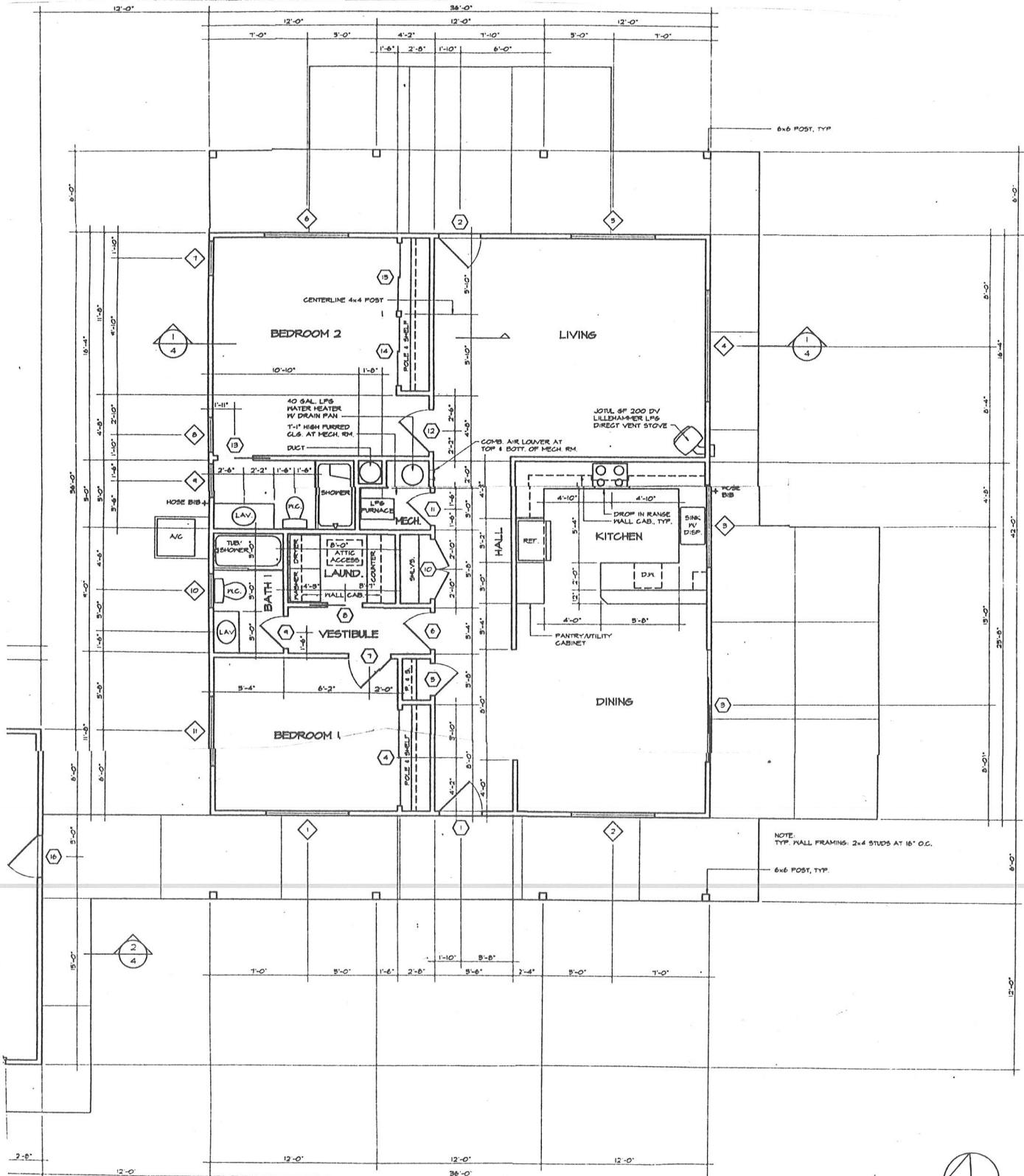
Chairman Risberg asked questions pertaining to sight distance and right-turn in and out only issues mentioned in the CalTrans letter. Mr. Schuler indicated CalTrans will be issuing the encroachment permit and they will require adequate sight distance and may or may not require there be only a right-turn in and out only for this business.

MOTION: It was moved by Commissioner Kirkley, seconded by Commissioner Ferreira, and unanimously carried to find the Mitigated Negative Declaration to be the appropriate environmental document.

MOTION: It was moved by Commissioner Kirkley, seconded by Commissioner Ferreira, and unanimously carried to conditionally approve the Use Permit for Mark Weiner subject to staff recommended conditions and findings in the Staff Report.

NOTE: *Mr. Branco advised if anyone wished to appeal the decision of the Commission they could do so by submitting in writing to the Board of Supervisors a request for appeal prior to August 22, 2003, at 5 p.m. along with a \$75 appeal fee.*





NOTE:
 TYP. WALL FRAMING: 2x4 STUDS AT 16" O.C.
 6x6 POST, TYP.

Amador County Code Section 19.48.120 - Second Family Dwellings in Single-Family Zone Districts. Second family dwelling units shall be permitted on lots or parcels in any R1, R1A, X, A, AG, RE, or R2A zone district, provided a use permit is obtained from the Planning Department and the following regulations are met:

- A. One of the dwelling units is owner-occupied; and
- B. Payment of all impact fees and compliance with all ordinances applicable to the construction of a single family dwelling.
- C. Attached second family dwelling units shall:
 - 1. Not exceed 1000 square feet in area;
 - 2. Be attached to the main dwelling by a common roof line or some structural feature which does not exceed a distance of 30 feet from the main dwelling;
 - 3. Be designed to be architecturally consistent with the existing unit, with architectural consistency to be determined by the Land Use Agency staff, or by the planning commission in the event the matter is heard by the commission.
- D. Detached second family dwelling units may be allowed, provided said detached second dwelling unit meets the following requirements:
 - 1. Compliance with either (a) the property's General Plan Land Use Designation family density; or (b) Policy 26 of the Amador County General Plan Land Use Element (which provides in part that on a parcel of land 20 acres or more in size and located in a general plan designation which has a family population density of 20 acres or less, second units are not considered in the calculation of the family population density of the general plan land use classification);
 - 2. Not exceed 1200 square feet in area if located on a parcel less than twenty (20) acres in size;
 - 3. Not exceed 2000 square feet in area if located on a parcel twenty (20) to forty (40) acres in size;
 - 4. Separate utility connections from the existing unit may be allowed for detached units;
 - 5. Use permit conditions of approval shall be:
 - a. detached second units shall meet the County's land division requirements for on-site sewage disposal; and
 - b. in the event subject property is divided in the future, all requirements for divisions of land at the time said land division application is made shall be met as though the second unit did not exist; and furthermore said second unit shall be increased in size, if necessary, to meet the minimum square footage and dimensions for a dwelling unit as set forth in County Code Sections 19.26.010A and 19.26.010B.

Any person desiring to construct a new structure or convert an existing structure to a second family dwelling shall meet all other provisions of the Amador County Code related to construction including, but not limited to, sewer, water, building permit.

A use permit application which does not comply with Section C., D. 2., or D. 3. may be granted by the Planning Commission on 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 infeasible to comply with these criteria and the modification is not detrimental to the public interest or surrounding residents or properties. (Ords. 1524 & 1525, 2001; Ord. 1438 §3, 1997; Ord. 930 §2, 1983.)