



CALAVERAS COUNTY PLANNING DEPARTMENT
891 Mountain Ranch Road,
San Andreas, California 95249
(209) 754-6394

Planning Commission Staff Report

Hearing Date	July 13, 2023
Project Number/Name	CUP 2023-018
Supervisory District Number	District 2, Jack Garamendi
Assessor's Parcel Number(s)	052-002-027
Planner	John Franklin, Planner I

Date: June 22, 2023

PROJECT DESCRIPTION: Pursuant to Calaveras County Code Section 17.36.030(D)(1), the applicant is requesting approval of a Conditional Use Permit (CUP) to allow a primary single family residence on a parcel in the General Commercial zone that is subject to two overlay zones-- the Planned Development (PD) and Airport Overflight and Noise Impact (AO) Combining Zones (C2-PD-AO). An existing single- family dwelling on the parcel had been permitted by right because it was built as a caretaker's residence, a subordinate use to a then-existing commercial shed manufacturing business.

The 7.95-acre parcel has two addresses, one for the residence at 3526 Carol Kennedy Drive and the business, at 3612 Hwy 49 in San Andreas California. The applicant has left the State and the property is for sale. Also on the property are three structures in which the shed manufacturing business took place. To allow for maximum marketing opportunity in case a new buyer does not continue with the shed manufacturing business, the applicant wants the option to present the existing single-family dwelling as standalone residential use. Because of the property's C2 zoning, standalone single-family residential uses require a CUP.

Although the property is in the PD and AO overlay zones, the existing structure was lawfully constructed at the time and since no changes are proposed to it, no Planned Development permit is required for this approval. Also, the requirements of Calaveras County Code Section 17.60.060(A)(2) do not apply because the property is not within the 55 CNEL zone.

APPLICANT AND LANDOWNER: Applicant: Titus D. Byler
Landowner: Titus D. Byler and Beverly J. Byler

PROJECT LOCATION: The subject property is a 7.95-acre parcel located at 3526 Carol Kennedy Drive, and 3612 Hwy 49, in San Andreas California. APN: 052-002-027 is a portion of Section 3, T03N, R12E.



Figure 1 – Front View of Project Site with Single-Family Residence in background



Figure 2 – Single Family Residence

SUBJECT AND SURROUNDING PROPERTY ZONING AND LAND USE

	ZONING	LAND USE
SUBJECT PROPERTY	General Commercial with Planned Development and Airport Overflight and Noise Impact Combining Zones	Single Family Residence, a Quonset hut, a shop, and small sheds.
NORTH	Agriculture Preserve with Airport Overflight and Noise Impact Combining Zone	Single Family Residence and Grazing Lands
SOUTH	General Commercial with Planned Development and Airport Overflight and Noise Impact Combining Zones	Single Family Residences
EAST	Public Service with Airport Overflight and Noise Impact Combining Zone	Calaveras County Airport
WEST	Right Of Way & Residential Agriculture with Airport Overflight and Noise Impact Combining Zone	Highway 49 and Grazing Lands

ANALYSIS:

The Single-family dwelling was constructed in 2020 as a caretaker's unit after the Planning Department's determination that it was subordinate in size and use to the other structures on the property. There are no permits on record for the Quonset hut because of its age, but there are also no permits on record for the beige structure with the two brown metal garage doors and model shed building between the two structures in Figure 1.

It appears that, at the time of Planning's 2012 analysis, the shed manufacturing business utilized the 3,000 square-foot shop and the 2,100 square-foot Quonset hut for construction of the sheds, storage of materials, and storing tools. In the General Commercial zone, residential uses are permitted by right only if subordinate in use to a principal permitted use (e.g., a commercial use or other use listed under or similar to a use listed in County Code Section 17.36.020). With the principal permitted use now being discontinued, the parcel cannot be used for primarily residential purposes without approval and validation of a Conditional Use Permit.

Calaveras County Code Section 17.36.030.D.1. allows for one primary single-family residence per legal parcel. The purpose of allowing residential uses subordinate to a principal permitted commercial use is to provide business owners the option to reside at their business location or allow a caretaker to do so. A residence on the same parcel as the business provides numerous benefits to the business owner. Primarily, it allows them to be able to maintain and protect their business, and it also reduces the commute and allows immediate response in the event of an emergency.

The purpose of a CUP is to provide the public with an opportunity to review a proposed land use that is generally consistent with the purpose of the base zoning district but has the potential to cause conflicts with neighboring land use and zoning. CCC Section 17.06.1803 defines a single-family dwelling as "a building designed for and/or occupied exclusively by one family."

As stated earlier, the C2 parcels are intended primarily for commercial use and a standalone residential use of the parcel requires a CUP to ensure the appropriateness of the parcel's location as a standalone residence. Although the property is in the AO overlay zone, it is not subject to the 55 CNEL noise exposure requirements and is in compliance with the height requirements enumerated in Section 17.62.050 of the Calaveras County Code because it is a one story structure less than 22 feet high.

Utilities

Water is provided by an existing well onsite and wastewater is processed by an existing septic system. The parcel is within the San Andreas Fire District. Access to the Single-family dwelling is taken primarily from Carol Kennedy Road and has secondary access from Highway 4.

PLANNED DEVELOPMENT OVERLAY ZONE

Per Section 17.50.030 of the Calaveras County Code, "The land uses conditionally permitted within the base zoning district are not affected by the inclusion of the parcel within the planned development combining district. Such conditional uses as specified in the base zoning district are also allowed within the planned development combining district. The Planning Commission shall review and approve the site development plans for all projects in a planned development combining zone, as part of the use permit review process."

While the parcel is located in the PD combining zone, this CUP application is solely to allow a change in the primary use of the parcel, with no changes proposed to any of the existing structures on the parcel, which are not a part of this application. Therefore, no PD permit or modification to a PD permit is required as part of this application.

AIRPORT OVERFLIGHT AND NOISE IMPACT COMBINING ZONE

The parcel is located in the AO combining zone (Chapter 17.60), the purpose of which is "to assure the construction, maintenance or establishment of structures, uses or objects of natural growth will not constitute hazards to air navigation; to minimize public exposure to airport-related hazards; and to assure the compatibility of land uses within the vicinity of airports in the county". This overlay applies in relevant part to "all land contained within the overflight zone or areas with a noise exposure level in excess of the 55 CNEL as identified in the airport special plan (for the Mary Rasmussen Field)".

Per 17.60.020(C), parcels are exempt from the requirements of the AO overlay zone if all of the following apply:

- The parcel is not within "the airport imaginary surfaces" as defined by federal aviation regulations"
- The parcel is not within an "airport safety area"; and
- The parcel, if within an "airport area", is not within the 55 CNEL noise contour as defined by the Airport Special Plan

This parcel, while outside the 55 CNEL noise contour, is within the FAA Height Notification Area. However, it has been stated earlier in this report that with a building height of 21' 6", the house is below the permitted height limit for the AO overlay zone. Being outside the 55 CNEL noise contour, the residential structure on the property is exempt from the structural noise attenuation requirements of 17.60.070 (even if it was not deemed a legal non-conforming use). However, the applicant is required to notify future buyers that the property is located within an AO overlay zone.

As required by Calaveras County Code Section 17.60.090, compliance with any stricter state or federal requirements that may apply to a parcel this close to an airport shall also be required as a conditional approval.

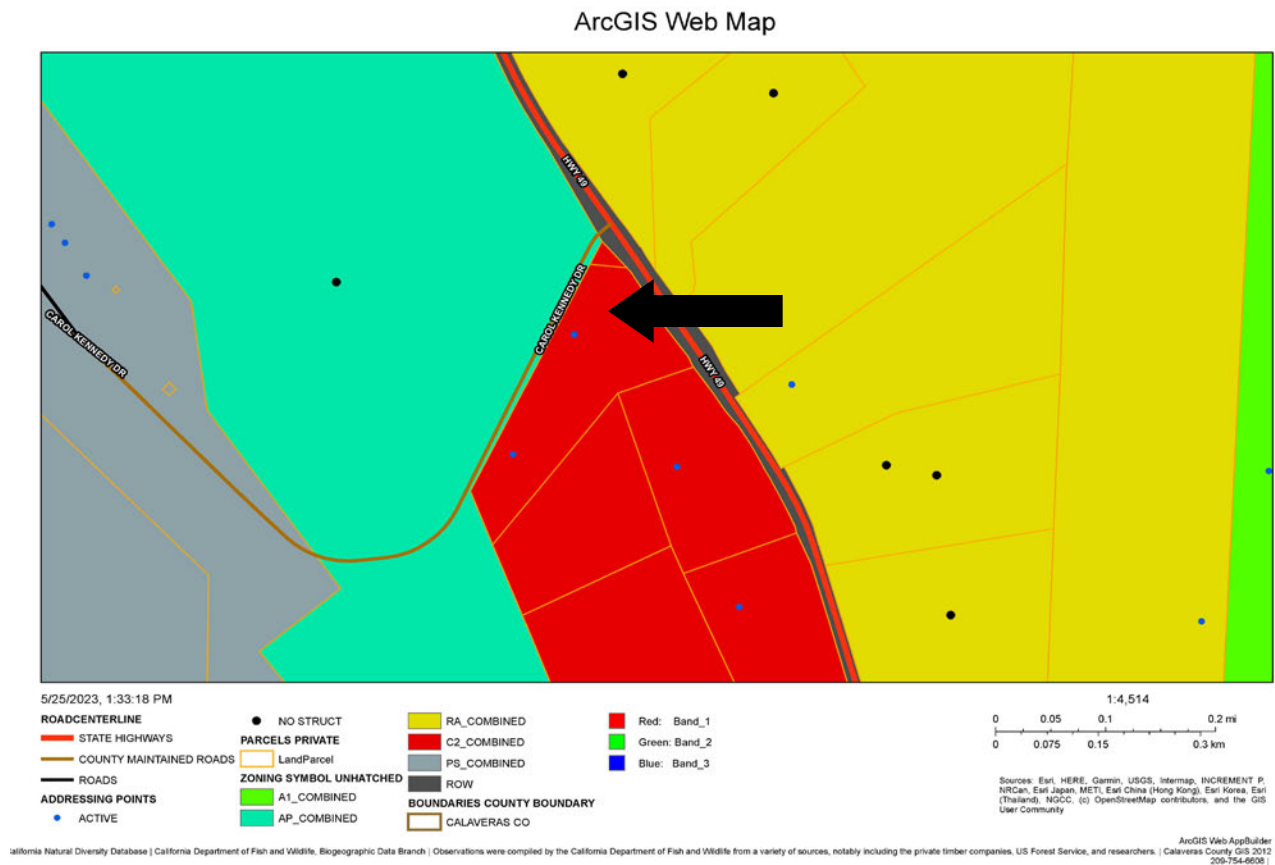


Figure 3 - Zoning Map

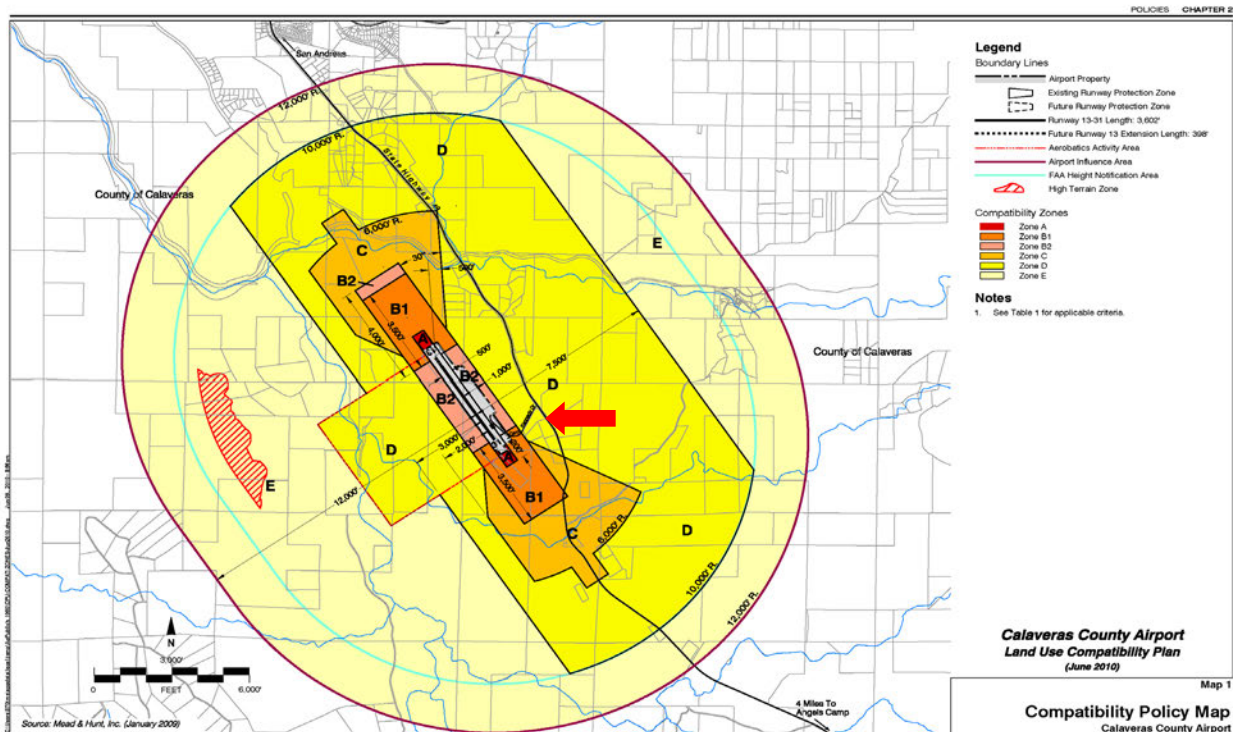


Figure 4. AO Compatibility Policy Map

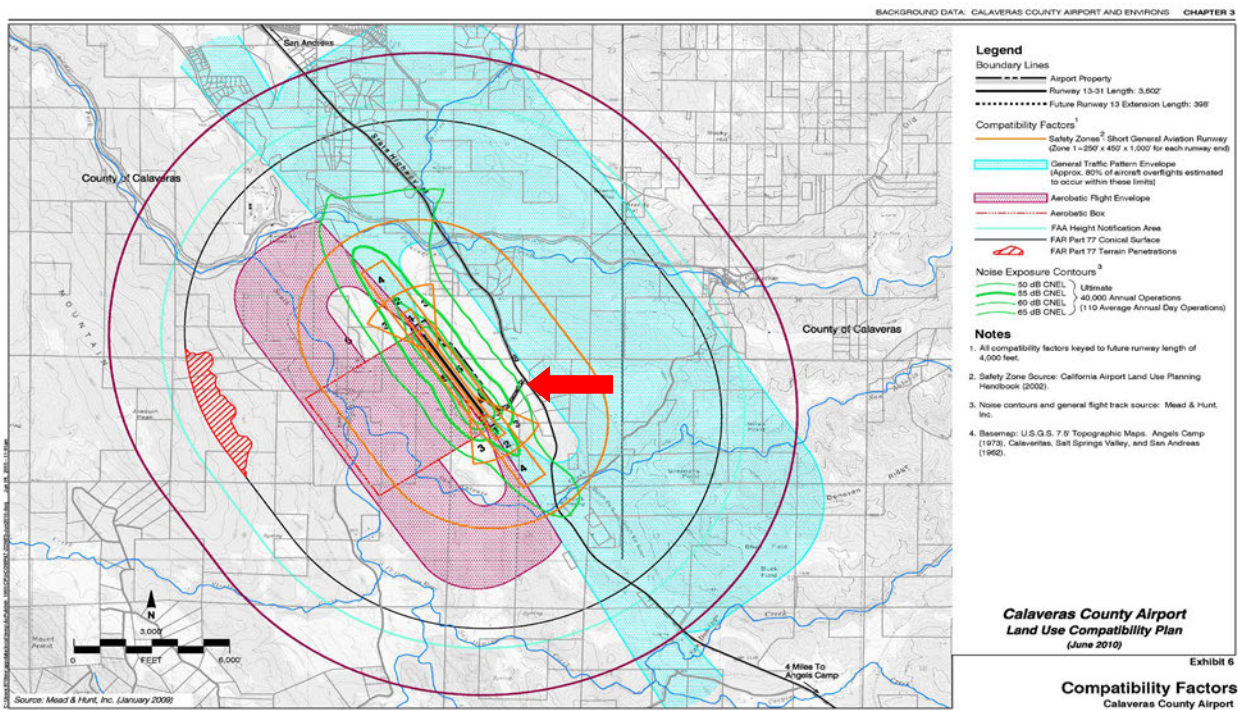


Figure 5 . AO Compatibility Factors

Land Use Category ¹	Compatibility Zone						Additional Criteria ²
	A	B1	B2	C	D	E	
Multiple land use categories and compatibility criteria may apply to a project							Intensity criteria apply to all nonresidential uses including ones shown as “Normally Compatible” (green) Additional conditions listed below apply to uses listed as “Conditional” (yellow)
Max. Sited Average Intensity (people/acre) ³ Max. Single-Acre Intensity (people/acre)	10 20	30 60	80 200	60 150	200 500	no limit	
General Characteristics							
Any use having more than 3 habitable floors							
Any use having structures or trees 35 to 100 feet in height							B1: Ensure airspace obstruction does not occur (see Map 2)
Any use having structures or trees more than 100 feet in height							B1, C, D, E: Ensure airspace obstruction does not occur (see Map 2)
Any use having the potential to cause an increase in the attraction of birds or other wildlife							B1, B2, C, D, E: Mitigation must be provided consistent with FAA rules and regulations ⁴
Any use creating visual or electronic hazards to flight ⁵							
Outdoor Uses (limited or no activities in buildings)							
Natural Land Areas: woods, brush lands, desert							A: Objects above runway elevation not allowed in OFA ⁶
Water: flood plains, wetlands, lakes, reservoirs							A: Objects above runway elevation not allowed in OFA ⁶ All: Avoid new features that attract more birds
Agriculture (except residences and livestock): crops, orchards, vineyards, pasture, range land							A: Not allowed in OFA ⁶ All: Avoid crops that attract birds
Livestock Uses: feed lots, stockyards, breeding, fish hatcheries, horse stables							B1, B2, C: Avoid uses that attract birds
Outdoor Major Assembly Facilities (capacity ≥ 1,000 people): spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, zoos							E: Allowed only if alternative site outside zone would not serve intended function
Group Recreation (limited spectator stands): athletic fields, water recreation facilities, picnic areas							C: Avoid if intended for noise-sensitive uses
Small/Non-Group Recreation: golf courses, tennis courts, shooting ranges							B1, B2, C: Ensure intensity criteria met
Local Parks: children-oriented neighborhood parks, playgrounds							C: Allowed only if alternative site outside zone would not serve intended function
Camping: campgrounds, recreational vehicle/ motor home parks							C: Ensure intensity criteria met
Cemeteries (except chapels)							
Residential and Lodging Uses							
Single-Family Residential: individual dwellings, townhouses, mobile homes, bed & breakfast inns							B1, B2: Portions of parcel including accessory buildings can be in zone; dwelling must be outside of zone C: Maximum 1 d.u./10 acres D: Maximum 1 d.u./5 acres

Table 1

Compatibility Criteria

Calaveras County Airport

Figure 6 . AO Compatibility Criteria

Pursuant to California Environmental Quality Act (CEQA) guidelines, the project is exempt per California Code of Regulations (CEQA Guidelines) §15061(b)(3), which in the case of projects where there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this case no construction, alterations to the land, or any activity would be taking place that would significantly impact the environment. The use would simply allow for a constructed dwelling to be lawfully occupied in the absence of accompanying commercial use. This change in use therefore only serve to authorize a less environmentally impactful use of the property. A Notice of Exemption will be submitted upon final approval of the permit.



Staff recommends that the Planning Commission adopt Resolution 2023-009 approving Conditional Use Permit 2023-018 to allow the existing single-family residence on the parcel as a primary single-family residence on the parcel, at 3526 Carol Kennedy Drive, in San Andreas California. APN: 052-002-027 in the C2-PD-AO zone, subject to conditions of approval.

ATTACHMENTS:

1. Draft Resolution 2023-009
2. Notice of Exemption
3. Site Plan
4. Airport Commission Correspondence
5. Real Property Disclosure Statment

Attachment #1

Draft Planning Commission Resolution 2023-009

**COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION**

RESOLUTION NO. 2023-009

>>A RESOLUTION APPROVING CONDITIONAL USE PERMIT 2023-018 TO ALLOW AN EXISTING SINGLE-FAMILY DWELLING ON A GENERAL COMMERCIAL ZONED PARCEL.

WHEREAS, the Planning Department of the County of Calaveras received an application from Titus Byler requesting approval of a Conditional Use Permit (CUP) to establish an existing 2,825 square-foot Single-family dwelling as the primary use on a property zoned General Commercial (C2) with Planned Development (PD) and Airport Overflight and Noise Impact (AO) combining zones; and

WHEREAS, the property is located on real property in the unincorporated portions of the County of Calaveras, more particularly described as APN: 052-002-027 at 3526 Carol Kennedy Drive, in San Andreas California, a portion of Section 3, T03N, R12E.; and

WHEREAS, a Notice of Exemption was prepared pursuant to the California Environmental Quality Act (CEQA) guidelines, Article 5, Section §15061(b)(3); and

WHEREAS, during a noticed public hearing on July13, 2023, the Planning Commission considered all the information presented to it, including a staff report, information presented by the project proponent, and information presented at the meeting; therefore

BE IT RESOLVED that the Planning Commission approves CUP 2023-018, based on the following findings:

1. The project was processed consistent with the requirements of CEQA, California Public Resources Code §21000 et seq. On the basis of the whole record, there is no substantial evidence that the project as designed could have a significant effect on the environment. The project is exempt from CEQA.

Evidence: Pursuant to CEQA guidelines, the project is exempt per California Code of Regulations (CEQA guidelines) §15061(b)(3), which in the case of projects where there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The applicant is requesting a previously constructed single-family dwelling to be permitted as the primary use on a C2 zoned parcel. In this case no construction, alterations to the land, or any activity would be taking place that would significantly impact the environment. It would allow for a constructed dwelling to be lawfully occupied as it previously was.

2. The proposed use is consistent with the county's General Plan, any applicable community or special plan, and the provisions of Title 17.

Evidence: The parcel is zoned General Commercial (C2) with Planned Development (PD) and Airport Overflight and Noise Impact (AO) combining zones and designated by the County General Plan as a Commercial land use designation. The intent of the C2 zone is to provide lands for intensive and general commercial use. Calaveras County Code Section 17.36.030 D.1. "Residential uses" allows for one primary Single-family dwelling per legal parcel, and using the parcel for a primarily single-family residential purpose is permitted in C2 with the approval of a CUP.

The existing C2 zoning of the subject parcel is consistent with the Commercial land use designation. Typical uses in the commercial land use designation are general commercial (e.g., retail, stores, and services), professional business offices, employment centers, service commercial (e.g. automotive related, large equipment sales, building maintenance services, construction sales and services, and storage/warehousing), public and quasi-public, and other similar and compatible uses. The Planned development combining zone is subject to review when exterior alterations are proposed. This CUP application is solely to permit the Single-Family Dwelling as the primary use of the parcel, and no changes to the exterior are proposed. As such, no PD permit or modification to an existing PD permit is necessary.

The AO combining zone was established to minimize public exposure to airport related hazards and assure compatibility with land uses in the vicinity of the airport. The Calaveras County Airport plan has designated compatibility zones with their own uses based on the risk level and noise impact. The subject parcel is located within compatibility zone D, which has a low risk level and a moderate noise impact. Construction of a Single-family residence in compatibility zone D is a conditional use, which required the applicant to appear before the Airport committee for approval. This was done and approval was subsequently granted, rendering the residential structure legal on the parcel despite its proximity to the airport. The subject parcel is outside of the 55 CNEL noise contour defined by the Airport Special Plan but within the AO combining zone. As such, the parcel is subject to the noise disclosure requirements set forth in Calaveras County Code 17.60.060. This requirement is included as a condition of approval.

The San Andreas Community Area does not have adopted community plan policies applicable to this project.

3. The subject property is adequate in land area to accommodate the proposed project, its required parking area, access, landscaping, and site improvements.

Evidence: The subject parcel is 7.95 acres and current residential development consists of a 2,825 square-foot single family residence. The lot is of sufficient size

to accommodate the 2,825 square-foot single-family dwelling and the other structures used in conjunction with the shed manufacturing business. Pursuant to CCC Chapter 17.36.070.C.1, the C2 zone allows a maximum lot coverage of 35% for residential uses; the residential lot coverage for the subject parcel is 0.815%.

The current commercial development consists of a 3,120 square-foot shop, a 2,400 square-foot Quonset hut, and a third unidentified structure for which there is no building permit. Pursuant to CCC Chapter 17.36.070.C.1, the C2 zone allows a maximum lot coverage of 100% for commercial uses, less setback, landscaping, and septic requirements. The commercial lot coverage for the subject parcel is 1.593%.

4. The proposed land use is compatible with neighboring land use and zoning.

Evidence: The subject parcel is immediately surrounded primarily by agriculturally zoned grazing lands and single-family residences. To the North and East are grazing lands zoned Residential Agriculture and Agricultural Preserve which both allow for single-family residences. The West has the county airport zoned public service and grazing lands zoned Agriculture Preserve. To the South of the subject parcel are three single-family residences. Two are in the same zoning of the subject parcel, General Commercial with Planned Development and Airport Overflight and Noise Impact Combining Zones (C2-PD-AO) and the third is zoned Residential Agriculture. Neighboring parcels with the same zoning currently enjoy the use of a single-family residence establishing compatibility with the land use and zoning. Notice of the proposed CUP was sent to all neighbors within 300' of the subject parcel, and no comments have been received.

5. The public and private roads providing access to the subject property meet necessary standards to provide safe and adequate access or have been amended by conditions of project approval to satisfy the access requirements.

Evidence: The site is accessed by an existing encroachment and driveway off Carol Kennedy Drive to the single-family residence. There is secondary access to the parcel from the front of Carol Kennedy drive and tertiary access from Highway 49. The existing roadways currently provide safe and adequate access to the project site, and, since no modifications are proposed to the site to increase existing land use intensity, the existing roadways are adequate.

6. Conditions of project approval are necessary for protection of the public health, safety, and welfare, and to reduce or eliminate potential environmental effects.

Evidence: This permit is conditioned to ensure that protection of the public health, safety, and welfare is maintained and to reduce any potential impacts to the environment.

BE IT FURTHER RESOLVED that the Planning Commission approves Conditional Use Permit 2023-018 based on the following conditions:

I. GENERAL CONDITIONS

- I-1. This approval is for a Conditional Use Permit (CUP) to allow a Single-family residential dwelling located at 3526 Carol Kennedy Drive in San Andreas, on a commercially zoned parcel. All conditions of approval set forth herein must be complied with for this permit to be considered valid.
- I-2. The Applicant(s) and Owner(s); and their Heirs, Successors, and Assigns shall abide by all terms of the Indemnification Agreement, dated March 27, 2023, and on file in the Planning Department's records for 2023-018.
- I-3. This Conditional Use Permit is subject to all applicable county regulations or plans whether such requirements are specified as a condition of project.

II. PLANNING

- II-1. This approval is for a Conditional Use Permit (CUP) to allow a Single-family residential dwelling on a general commercially zoned parcel, located at 3526 Carol Kennedy Drive in San Andreas, APN 052-002-027. All improvements shall be in conformance with the approved, stamped site plan in Attachment A, and the conditions of approval contained herein.
- II-2. Applicants shall be responsible for meeting all applicable performance and site development standards described in Sections 17.36.060 and 17.36.070.
- II-3. Applicant shall sign and record a noise disclosure statement containing the language required by Calaveras County Code 17.60.060: "Real property located within the vicinity of the airport may be subject to inconveniences or discomfort pertaining to noise arising from operation of the airport. Calaveras County has determined that the operation of the public use airport is a benefit to the general public, and a proper and necessary use, and will not consider the inconveniences or discomforts of noise arising from the operation of the airport as a nuisance, if such operations are consistent with accepted practices and standards of the airport operation." Said disclosure statement shall be provided to all future purchasers of the property at the same time as all other real estate disclosures are required by law to be provided.

Approved by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on July 13, 2023, on a motion by Commissioner _____ and seconded by Commissioner _____.

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair, Planning Commission

ATTEST:

John D. Franklin,
Planner I

The project files are available for public review in the Planning Department, County of Calaveras, Government Center, 891 Mountain Ranch Road, San Andreas, CA. 95249, between the hours of 8:00 a.m. and 4:00 p.m.

Attachment #2

Notice of Exemption

Notice of Exemption**Appendix E**

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Lead Agency _____

Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

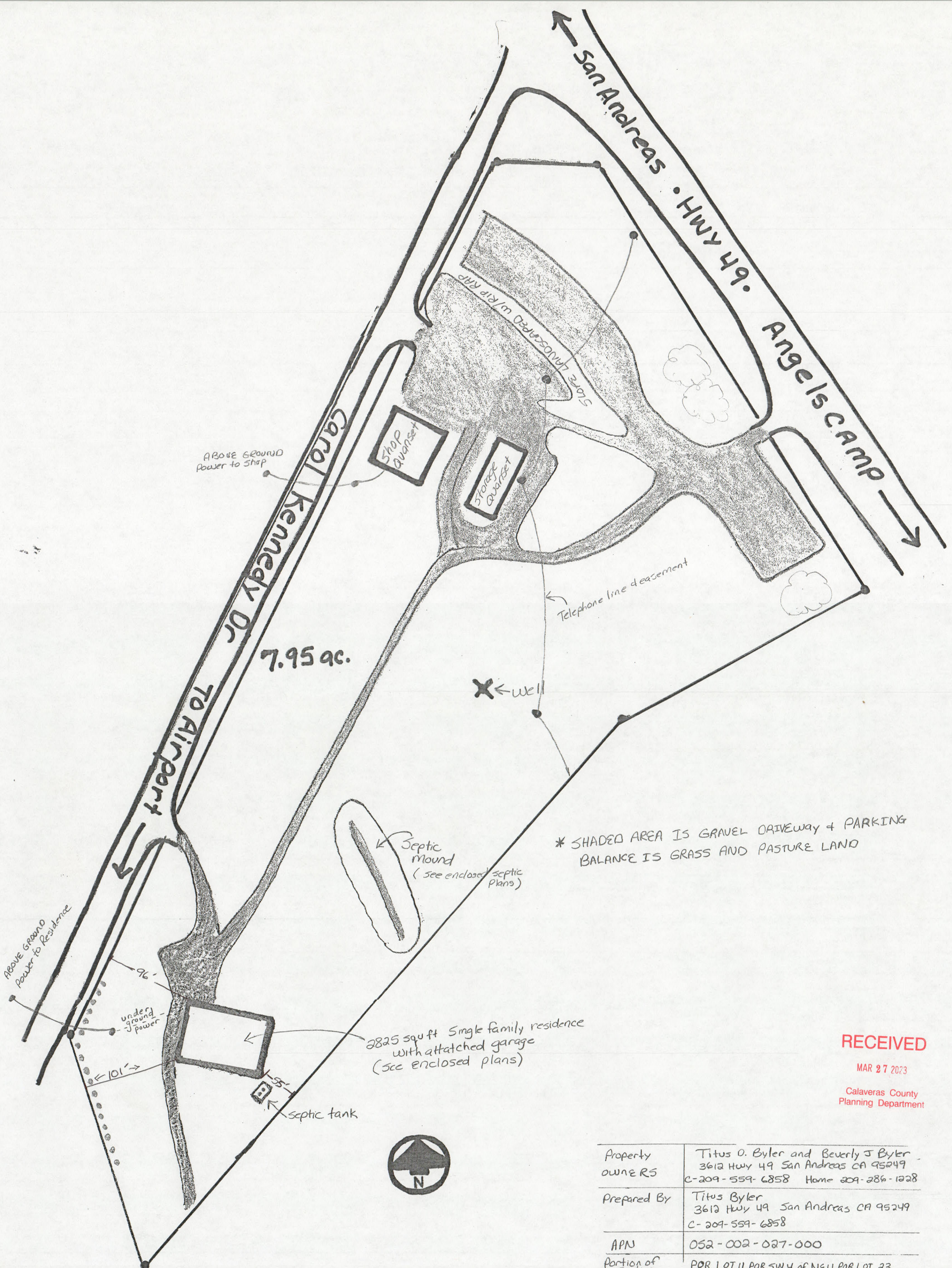
Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Attachment #3

Site Plan



RECEIVED

MAR 27 2023

Calaveras County
Planning Department

Property owner	Titus O. Byler and Beverly J Byler 3612 Hwy 49 San Andreas CA 95249 C-209-559-6858 Home 209-286-1228
Prepared By	Titus Byler 3612 Hwy 49 San Andreas CA 95249 C-209-559-6858
APN	052-002-027-000
Portion of Section	POR LOT 11 POR SW 4 of NE 4 POR LOT 23
SCALE	1" = 5.5 ft T3 R1/2

Attachment #4

Airport Commission Correspondence

John Franklin

From: Gina Kathan
Sent: Tuesday, December 18, 2012 1:47 PM
To: 'Kathy Zancanella'; 'Brad Sutton'; 'Brenda Gillardi'; cherbuz@sbcglobal.net; 'Cliff Overmier'; 'Dan Thorall'; Dennis Dooley; donna@schantzads.com; 'Jeff Rasmussen'; 'Jim Kavanagh'; 'John Lavaroni'; 'Larry Thompson'; 'Ray Sunseri'; 'Rodger Orman'; 'Terry Campbell'; 'Tim McSorley'
Cc: Rebecca L. Willis
Subject: RE: Meeting at airport

Kathy,

Thank you to you and everyone who attended our meeting on December 12th. The purpose of our gathering was to introduce to you Titus Byler and to allow the Airport Commission the opportunity to discuss with Mr. Byler and County Staff the intended uses of the subject property relative to the Airport Land Use Compatibility Plan. The subject property is zoned M1-PD-AO (Light Industrial – Planned Development – Airport Over Flight). Mr. Byler's proposed uses are permitted uses in the M1 zone; therefore, do not require any discretionary approvals. Mr. Byler's specific land use was reviewed and discussed with the Airport Land Use Commission and found to be compatible with the County Airport Land Use Plan. As a result of our discussion, "access" from Carol Kennedy Drive seemed to be a concern. Planning Staff consulted with the County Public Works Department. After discussion with Public Works, we have determined that Carol Kennedy Drive is a public, County maintained road. Mr. Byler will need to apply for an encroachment permit with the County Public Works Department, but does not need to obtain an easement or any other entitlement in order to access Carol Kennedy Drive. Again, Rebecca and I appreciate your insightfulness and will look to you again on future projects in the airport land use plan area.

Gina Kathan

Planner II

Calaveras County Planning

From: Kathy Zancanella [mailto:kz@mlode.com]
Sent: Monday, December 17, 2012 10:20 AM
To: 'Brad Sutton'; 'Brenda Gillardi'; cherbuz@sbcglobal.net; 'Cliff Overmier'; 'Dan Thorall'; Dennis Dooley; donna@schantzads.com; Gina Kathan; 'Jeff Rasmussen'; 'Jim Kavanagh'; 'John Lavaroni'; 'Kathy Zancanella'; 'Larry Thompson'; 'Ray Sunseri'; 'Rodger Orman'; 'Terry Campbell'; 'Tim McSorley'
Cc: Gina Kathan; Rebecca L. Willis
Subject: Meeting at airport

On Wed. 12/12 Rebecca Willis and Gina Kathan from Planning met with Titus Byler, 5 members of the ALUC and I to discuss the property adjacent to Carol Kennedy Drive. He and his family plan to manufacture sheds (located at the old airport now) in the quonset huts and eventually build a home on the property. His uses are all appropriate as the zoning is agriculture. Planning is looking into access off Carol Kennedy Drive as safer than off highway 49. There is a well there but no septic so they will need that. They are comfortable with the airport noise and activity.

If anyone has any concerns you can call me (736-2501) or Gina (754-63940). Gina is the most knowledgeable about land uses!!! Thank you Donna, Dave, Jim, Danny and Terry for your attendance and input. Thanks also to Gina and Rebecca for keeping the ALUC in the loop!!!

Kathy Z APLUC Coordinator

Attachment #5

Real Property Disclosure Statement



County of Calaveras Planning Department

Gabriel Elliott, Planning Director

Phone (209) 754-6394 Fax (209) 754-6540

website: www.co.calaveras.ca.us

Real Property Disclosure Statement

Real property located within the vicinity of the airport may be subject to inconveniences or discomfort pertaining to noise arising from operation of the airport. Calaveras County has determined that the operation of the public use airport is a benefit to the general public, and a proper and necessary use, and will not consider the inconveniences or discomforts of noise arising from the operation of the airport as a nuisance, if such operations are consistent with accepted practices and standards of the airport operation.

By signing this Real Property Disclosure Statement, you are acknowledging that you have read, understood, and agreed to the above statement as set forth by Calaveras County Code section 17.60.060 Noise Disclosure Requirement.

Landowner Signature

Project No. 23-018



Calaveras County Planning Department

Phone (209) 754-6394

Fax (209) 754-6540

www.planning.calaverasgov.us

APPLICATION FOR LAND USE DEVELOPMENT

☐
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General Plan Amendment (GPA)
Zoning Amendment (ZA)
Tentative Subdivision Tract Map (TSTM)
Tentative Parcel Map (TPM)

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☐
☐
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Administrative Use Permit (AUP)
Conditional Use Permit (CUP)
Planned Development (PD)
Other _____

NOTE: FAILURE TO FULLY COMPLETE APPLICABLE FIELDS AND PROVIDE REQUIRED ATTACHMENTS COULD DELAY THE PROCESSING OF YOUR APPLICATION.

Applicant (s):

Name Titus D. Byler

Project Address 3526 Carol Kennedy Dr City San Andreas, 95249

Mailing Address 3612 Hwy 49 City/ZIP San Andreas, 95249

Phone (Business) 209-559-6858 (Home) 209-286-1228

Email goldcountrynuggets@daystar.io

Landowner (s):

Name Titus D Byler and Beverly J Byler

Mailing Address 3612 Hwy 49 City/ZIP San Andreas 95249

Phone (Business) 209-559-6858 (Home) 209-286-1228

Email goldcountrynuggets@daystar.io

Name and address of property owner's duly authorized Agent who is to be furnished with notice of hearing. (Section 65091 – Calif. Govt. Code):

Authorized Agent:

Name _____

Mailing Address _____ City/ZIP _____

Phone (Business) _____ (Home) _____

Email _____

Project No. 23-018

Describe the existing man-made features of the subject property, including buildings, roads, wells, septic systems, etc.:

Single family residence with attached garage - well -
Septic - 3000 sqft shop - 2100 sq ft. quonset
hut - pump house/garden shed - wood shed.
large graveled area used for sales

Describe any known archaeological, paleontological, or historical resources on the subject property. Provide Archaeological Sensitivity designation from the General Plan Map V-13. Check appropriate level. (High) ☐ (Medium/Moderate) ☐ (Low) ☐. If sensitivity is shown as high or medium/moderate an archaeological assessment study will be required prior to completing the environmental review. If an assessment has been completed on a prior project that included the project area, provide the information where the study can be found.

Describe the existing natural features of the subject property, including terrain or topography, vegetation, bodies of water, wetland habitat (marsh, riparian, vernal pools), etc.:

gently sloping grass land

Describe the existing land uses within 500 feet of the subject property. (Example: Five single family residences to the north, a duplex and pine forest to the west, a state highway and a gas station to the east, and grazing land to the south.) Be specific:

North: grazing land
South: grazing land
East: single family residence
West: grazing land and air port

Project No. 23-018

ANSWER THE FOLLOWING QUESTIONS APPLICABLE TO YOUR APPLICATION

GPA Proposed General Plan Designation: _____

ZA Proposed Zoning: _____

TSTM Proposed Land Division: _____

& TPM Total Acres: _____ Number of Lots: _____

Minimum Lot Size: _____ Average Lot Size: _____

TSTM Type of proposed land uses for land divisions:

& TPM Natural Resource: Ag/Timber/Mineral _____ lots _____ total acres

Single Family Residential _____ lots _____ total acres

Multi-Family Residential _____ lots _____ total acres

Commercial _____ lots _____ total acres

Industrial _____ lots _____ total acres

Public Service _____ lots _____ total acres

Recreation/Open Space _____ lots _____ total acres

CUP/PD Is the proposed use an expansion of an existing use? ☐ Yes ☒ No
If yes, when was it established? _____

CUP/PD Is the proposed use part of an intended larger future project? ☐ Yes ☒ No
If yes, describe: _____

CUP/PD Will all proposed uses be confined within a building? ☒ Yes ☐ No
If no, describe what activities will not be (including storage that will occur outdoors): _____

CUP/PD Expected total number of people to be employed at the proposed uses:

Full Time N/A Part Time _____

CUP/PD For commercial uses, the number of parking spaces to be provided: N/A

CUP/PD Estimated number of vehicles to use the facilities daily: N/A

CUP/PD How many trees with a breast-height diameter of 12" or greater will be removed as a result of the site development? 0

Project No.

23-018

ACKNOWLEDGMENT / AUTHORIZATION / VERIFICATION PAGE¹

Calaveras County Agriculture Disclosure Statement

Real property within or adjacent to areas zoned for agricultural operations or areas in zones which permit agricultural operations may be subject to inconveniences or discomfort arising from such operations. Calaveras County has determined that the use of real property for agricultural operations, as defined by County Code, is a high priority and a proper and necessary use, and will not consider the inconveniences or discomforts arising from agricultural operations to be a nuisance if such operations are consistent with accepted agricultural practices and standards.

By our signatures below, I (We), as applicant(s) and property owner(s), hereby acknowledge having read and understood this disclosure.

Right of Entry

By our signatures below, I (We), as applicant(s) and property owner(s), hereby acknowledge that by making this application, and under the authority of Government Code Section 65105, County agency personnel, in the performance of their functions, may enter upon the subject property and make examinations and surveys, provided that the entries, examinations and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof.

Verification of Application / Declaration Under Penalty of Perjury

NOTE: If someone other than an individual applicant or landowner signs below (e.g. business entity representatives, agents) satisfactory documentation of signature authority must be provided [see application instructions]. Each record title property owner must sign the application.

APPLICANT(S):

By my signature(s) below, I (we) provide the acknowledgment and consent described above and furthermore declare under penalty of perjury that I am (we are) the applicant(s) for the project described in this application, and I (we) have completed and verified the truthfulness and accuracy of this application and all other documents required for its submittal.

Printed Name(s) of Applicant(s): Titus D. Byler

Authorized Signature: *Titus D. Byler* Date: 3/23/23

Authorized Signature: _____ Date: _____

LANDOWNER(S):

By my signature(s) below, I (we) provide the acknowledgment and consent described above and furthermore declare under penalty of perjury that I am (we are) the record title owner(s) of the property on which the project described in this application will be located and I (we) consent to the applicant's(applicants') preparation and submission of this application.

Printed Name(s) of Property Owner(s): Titus D. Byler and Beverly J Byler

Authorized Signature: *Titus D. Byler* Date: 3/23/23

Authorized Signature: *Beverly J. Byler* Date: 3/23/23

FOR OFFICIAL USE ONLY

Receipt Number PLNG1377

Application Number 23-018

Method of Payment [] Cash ☒ Check # 3861

Amount \$2,432.00

RECEIVED Date Stamp

MAR 27 2023

Calaveras County (Revised August 11, 2022)
Planning Department

¹ May be signed in counterparts.



County of Calaveras Department of Planning

Gabriel Elliott, Director of Planning
Phone (209) 754-6394 Fax (209) 754-6540
Website: www.co.calaveras.ca.us

PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

LEAD AGENCY: Calaveras County Planning Department
891 Mountain Ranch Rd.
San Andreas, CA 95249

2023-018 Conditional Use Permit for A Single-Family Residence in the General Commercial Zone The applicant is requesting approval of a Conditional Use Permit (CUP) to allow a legal, nonconforming Single-family dwelling that was constructed in the General Commercial zone with Planned Development and Airport Overflight and Noise Impact Combining Zones (C2-PD-AO) located at 3526 Carol Kennedy Drive, in San Andreas California. The subject property is a 7.95-acre parcel located at 3526 Carol Kennedy Drive, in San Andreas California. APN: 052-002-027 is a portion of Section 3, T03N, R12E.

Pursuant to CEQA guidelines, a Notice of Exemption has been prepared for this project.

NOTICE IS HEREBY GIVEN that the Calaveras County Planning Commission will conduct a public hearing on **July 13, 2023 at 9:00 a. m.** or soon thereafter to consider the above referenced project. The public hearing will be held in the Calaveras County Board of Supervisors Chambers, Government Center, 891 Mountain Ranch Road, San Andreas, California.

Pursuant to Government Code 65009, if anyone challenges the above listed issues in a court of law, the challenge may be limited to raising only those issues you or someone else raise at the public hearing described in this notice, or in written correspondence delivered to the Commission, at or prior to, the public hearing. You are welcome to review the application at the Calaveras County Planning Department during normal working hours, 8:00 a. m. to 4:00 p. m., Monday through Friday except county holidays. John Franklin is the project planner and can be reached at (209) 754-6394. Planning Commission staff reports are made available for public viewing online at <https://calaverasgov.us/Meeting-Calendar> on the Friday prior to the scheduled meeting. The project file and staff report can be viewed or purchased at the Planning Department for the cost of making the copies.

Date of Notice – **June 30, 2023**