



**CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL**

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| <b>Short Name/Subject</b><br>Tryon Gun Club Appeal  | <b>Board Meeting Date</b><br>June 25, 2019       | <b>Agenda Number</b><br><b>39</b>     |
| <b>Dept:</b> Planning<br><b>Contact:</b> Peter Maurer<br><b>Phone:</b> (209) 754-6394   | <b>Supervisory District Number</b><br>District 4 | Regular Agenda                        |
| <b>Published Notice Required?</b> Yes<br><b>Public Hearing Required?</b> Yes  |  | <b>Estimated Time:</b><br>2 Hours Max |
| <b>Type of Document?</b> Resolution<br><b>PowerPoint Presentation Included?</b> Yes<br><b>Budget Transfer Included (Must be signed by Auditor)?</b> No<br><b>Complete Agreement Required?</b> No<br><b>Position Allocation Change?</b> No |  |                                       |

**RECOMMENDATION:**

Conduct a public hearing and adopt a Resolution denying the appeal by Thomas Tryon of the Planning Commission's denial of an appeal of the Planning Director's determination that the Angels Gun Club is a legal, non-conforming use.

**DISCUSSION/SUMMARY:**

On December 19, 2018 the Planning Director issued a determination that the Angels Gun Club, which has been the subject of numerous complaints by an adjacent property owner, was a legal, non-conforming use. The rationale for that determination is contained within the written determination, provided as Attachment 1. The finding states that the use was established prior to the enactment of the zoning ordinance requirements for a conditional use permit (CUP) for a shooting range and it had not substantially expanded since then.

On January 3, 2019 Thomas Tryon filed a timely appeal of that determination. The Staff Report to the Planning Commission (Attachment 3) and Addendum to the Staff Report (Attachment 4) provide a complete discussion of the points raised by the appellant and staff's reasoning for its determination. Briefs were provided to the Planning Commission prior to the hearing by attorneys representing the appellant and the Gun Club, as well as a letter from the appellant (Attachments 5-7).

On March 28, 2019 the Planning Commission conducted an appeal hearing on the matter. On a 3-1 vote with one absence, the Commission denied the appeal, upholding the Planning Director's determination that the Angels Gun Club is a legal non-conforming use. The Commission found that there has been a history of use of the property as a shooting range prior to the requirement that a conditional use permit be obtained for one, that the use of the property has not expanded beyond the use that existed before the ordinance change, and that any structural changes on the property were made to maintain the pre-existing use of the property, not to expand it. The Planning Commission resolution denying the appeal is provided as Attachment 8.

On April 10, 2019 Mr. Tryon filed an appeal of the Planning Commission's decision. No new issues were raised in the appeal letter.

**FINANCING:**

The appellant has paid the \$500 appeal fee.

**ALTERNATIVES:**

The Board of Supervisors may grant or deny the appeal based on the information provided and public testimony provided at the appeal hearing.

**APPROVED BY:**

  
Peter Maurer, Director 6/5/2019

  
Diane Severud, Deputy Clerk of the Board of Supervisors 6/10/2019

  
Julie Moss-Lewis, Deputy County Counsel 6/12/2019

  
Albert Alt, County Administrative Officer 6/14/2019

BOARD OF SUPERVISORS, COUNTY OF CALAVERAS  
STATE OF CALIFORNIA  
June 25, 2019

Resolution  
No. (ID # 4603)

**A RESOLUTION DENYING AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF AN APPEAL OF THE PLANNING DIRECTOR'S DETERMINATION THAT THE ANGELS GUN CLUB'S SHOOTING RANGE IS A LEGAL NONCONFORMING USE**

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**WHEREAS**, , the Calaveras County Code contains provisions under Title 17, Zoning, that permit the continued use of buildings and property that were established prior to the enactment of zoning requirements that would otherwise prohibit said use, provided that the use is not expanded; and

**WHEREAS**, the Angels Gun Club is operating on land zoned REC, Recreation, C2-MH-PD, General Commercial with the Mobile Home and Planned Development Combining Zones, and U, Unclassified; and

**WHEREAS**, target and shooting ranges are only permitted in the REC zone with a conditional use permit, and is not a permitted use in the C2 and U zones; and

**WHEREAS**, the Planning Director, in a written determination made on December 19, 2018, found that the use of a target and shooting range by the Angels Gun Club on APNs 64-005-031, 64-006-007, and 64-006-008 pre-dated the zoning code requirement for a conditional use permit in the REC zone and prohibits its use in the C2 and U zones; and

**WHEREAS**, an action by the Planning Director may be appealed to the Planning Commission pursuant to Section 17.98.020; and

**WHEREAS**, an appeal of that determination was filed by Thomas Tryon on January 3, 2019; and

**WHEREAS**, the appellant agreed to waive the 45-day time period to hold the hearing; and

**WHEREAS**, the Planning Commission conducted a public hearing on March 28, 2019 and denied the appeal; and

**WHEREAS**, an appeal of that decision was filed by Thomas Tryon on April 10, 2019; and

**WHEREAS**, the appellant agreed to waive the 45-day time period to hold the hearing; and

**WHEREAS**, the Board of Supervisors considered all of the information presented to it, including its Staff Report and public testimony presented in writing and at the meeting.

**BE IT THEREFORE RESOLVED** that the Board of Supervisors denies the appeal, based upon the following findings:

1. The Angels Gun Club shooting range pre-dated the zoning code requirements that a conditional use permit be secured in the REC, Recreation zone and is a prohibited use in the C2, General Commercial and U, Unclassified zones.

EVIDENCE: Based on sworn testimony by the President of the Angels Gun Club, Dave Verhalen, the Angels Gun Club has been using the subject property continuously as a target and shooting range since at least 1947. The County first adopted zoning regulations in 1961 as Ordinance No. 250. The zoning code was amended in 2000 to expressly require a conditional use permit for a target and shooting range in the REC, Recreation zone. It is prohibited in all other zones by reason that it is not listed as either a permitted or conditional use in any other zone.

2. The structures and use have not expanded since 2000.

EVIDENCE: Aerial imagery shows that the shooting range has not expanded since 2000. Improvements have been made and maintenance has occurred but that has not expanded the use of the facility from that which was established prior to 2000. Five trap shooting stations, a rifle range, and a pistol range, along with a clubhouse, parking, and other accessory structures existed in 1998. The improvements made and ongoing maintenance for this site is not an expansion. Improvements to structures were made for the purpose of safety, regulation and repair. Since 2000 there has been a decrease in use and club membership.

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Chair

**ATTEST**

Rebecca Turner, Ex-Officio Clerk  
of the Board of Supervisors, County of Calaveras

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Deputy Clerk