

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

RESOLUTION NO. 2019-009

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

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 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 Planning Commission 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

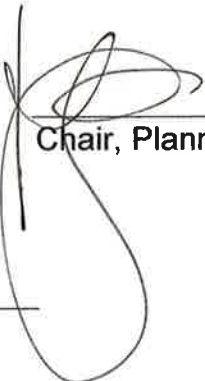
target and shooting range since at least 1947. The County first adopted zoning regulations in 1961 as Ordinance No. 250. The zoning code was amended in 2000 to expressly require a conditional use permit for a target and shooting range in the REC, Recreation zone. It is prohibited in all other zones by 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.

PASSED AND ADOPTED by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on March 28, 2019 on a motion by Commissioner Laddish and seconded by Commissioner Henderson.

AYES: Laddish, Henderson, Plotnik
NOES: Bechelli
ABSTAIN: Wooster
ABSENT:


5.29.19
Chair, Planning Commission

ATTEST:

Peter N. Maurer, Planning Director