SIERRA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
8/11/2022

Chair: Mike Filippini          Vice Chair: Janet Baldrige
Liz Fisher                   Irv Christensen       James Kelley

Location: Sierraville School | Library Room | 305 S. Lincoln Street | Sierraville, CA 96126

This meeting was open to the public for in-person viewing/participation, as well as available via video/teleconference.

1. CALL TO ORDER/ROLL CALL

Meeting was called to order at 10:05am.

Commissioners Present: Chairman Mike Filippini, Liz Fisher, James Kelley, and Janet Baldrige. Irv Christensen was absent.

Staff Present: Commission Secretary & Planning Director Tim Beals; Assistant Director Brandon Pangman; Planner II Corri Jimenez, and Administrative Secretary III Monica Beachell. David Prentice, County Counsel, attended the meeting virtually.

No members of the public were present.

2. APPROVAL OF AGENDA

Thursday, August 11, 2022 regular meeting agenda, approved without changed.

Motion: Kelley/Fisher. Approved without changes. Vote: 4/0; Commissioner Christensen absent.

3. APPROVAL OF MINUTES

July 14, 2022 minutes approved as presented.

Motion: Baldridge/Kelley. Approved without changes. Vote: 4/0; Commissioner Christensen absent.

4. CORRESPONDENCE

None.

5. PUBLIC COMMENT OPPORTUNITY
None.

6. WORKSHOPS

Moved to commence workshops after the public hearing.

7. PUBLIC HEARINGS

Director Tim Beals provided the following background:

The Board of Supervisors (BOS) conducted a public hearing appeal of an as-built shed that penetrates the setback on Andrew Woodruff’s property, which lies along Highway 49 and Highway 89. The BOS conducted a one-hour meeting, closed the public hearing, and during their deliberations the following question arose:

“What is the net square footage difference between the sheds being demolished and the new as-built shed and workshop in the setback areas? Is there a net loss in square footage that penetrates the setbacks? And if so, would this cause a compromise or change in the Planning Commissions’ findings?”

The Board of Supervisors suspended taking action on the appeal until September 20th, 2022 and remanded the aforementioned question back to the Planning Commission for a report and recommendation.

Director Beals again clarified that the Planning Commission was not being asked to open the entire application and appeal again. They were being asked to consider the net square footage difference within the setbacks and to determine if the findings would change their decision.

Andrew Woodruff provided a written correspondence to the Commission that addressed the net square footage within the setbacks, which would be admitted into the hearing.

The Public Hearing was called to order at 10:14am by Chair Filippini.

Assistant Director Brandon Pangman provided the following summary of application and appeal:

“As you may recall, the project in Sattley was for a 251 square foot workshop for which the Planning Commission approved a zoning variance. The second variance request is for a 111 square foot woodshed. The woodshed was red tagged because it was built within the setbacks of the property. We conducted a public hearing on May 21st and adopted a resolution [Res. No. 2022-01] to approve the workshop but denied the woodshed. Applicant Woodruff submitted an appeal, and the matter was heard de novo by the BOS. I was present at the de novo hearing, and the Board asked if the Planning Commission considered the net square footage encroaching in the setback. I informed the Board of Supervisors that no, the square footage had not been considered because the data hadn’t been calculated nor provided to the Planning Commission.”

Chair Filippini asked for a clarification: “Is the old, existing building that is being torn down supposed to support the addition of a new shed – is this what the Board of Supervisors is asking the Planning Commission to consider?”
Assistant Director Pangman: “Yes, that is the narrow scope question being remanded back to the Planning Commission. There are three exhibits not part of the previous record that I am circulating to identify in this hearing today. The first exhibit (Exhibit 1) is a copy of the public hearing notice for August 11, 2022. The second exhibit (Exhibit 2) is a revision to the site plan. The plan itself is the same as before, but it has been modified to illustrate the existing house, existing sheds, the approved workshop, sheds to be demolished, and the encroachment. The third exhibit (Exhibit 3) is a series of emails from Mr. Woodruff that details the cumulative difference in square footage. While measurements provided by Mr. Woodruff were not submitted by a licensed surveyor, the property itself [and its setbacks were] was surveyed by a professional.

- The shed to be demolished encroaches 218 square feet into the setback
- The approved shed encroaches 226 square feet into the setback
- The as-built shed encroaches 78 square feet into the setback

The difference in square footage is a net increase of 82 square feet within the required setbacks.

We also have obtained an audio recording from the BOS asking the questions for consideration for you to all listen, which I will play now.” Audio recording is played. Recording is 6 minutes and 44 seconds long. Chair Filippini asks the Commissioners if they have any comments.

Commissioner Fisher: “The square footage issue doesn’t affect my decision. It’s a setback that affects Highway 49 and 89. We should not approve this request. It would set a dangerous precedent. The square footage does not have any relationship to the violation of the woodshed.”

Commissioner Kelley: “Did the older sheds exist before permits?”

Director Beals: “Yes, the older sheds pre-date 1973. The setbacks didn’t exist before 1973.”

Commissioner Kelley: “Trading one violation for another is [a] strange basis for evaluation. Just move the shed. There are setbacks on each side of the highway for a reason. I agree with Commissioner Fisher.”

Commissioner Baldrige: “I agree with Commissioners Fisher and Kelley. In the taped recording, the Board of Supervisors said Mr. Woodruff didn’t about know the setbacks, and that just isn’t true. This case has been all about setbacks. The change in square footage doesn’t change my decision. Mr. Woodruff knew about setbacks involving an unpermitted shed-roof when his house was being built and he then proceeded to do it again with this small shed. It is on a State highway and I agree with Liz.”

Chair Filippini: “I will add my own input. Going back to our meeting in May, Director Beals didn’t see this woodshed as a hardship. This shed could be built elsewhere or moved. There were previous penetrations of the setback on this property, including an administrative variance due to a roof-covered awning. At that time, Mr. Woodruff had an awareness of setbacks. It was a year or so after this that he built the woodshed. The Planning Department staff is looking to protect the setbacks along a State-maintained highway, and their decision is sound. Setting a precedence can be difficult, and as to the question posed by the Board of Supervisors, the Planning Commission did not weigh in on trading off square footage, and to do so trades one violation for another.”
Commissioner Kelley: “It’s inappropriate to consider approving this [net square footage difference] because it’s a violation.”

Chair Filippini: “Are there other comments? Does County Counsel have any comments?”

Dave Prentice of County Counsel: “The Planning Commission has addressed the issue. Thank you.”

The Public Hearing was closed at 10:41am.

Commissioner Fisher made a motion to continue to support the denial of the appeal request.

Director Beals: “As a point of order, before the Commission votes, the question posed by the Board of Supervisors was if the Commission weighed square footage and does it make a difference in the Commission’s recommended action.”

Commissioner Fisher proposed to amend her motion to clarify that the square footage issue is irrelevant and does not have any bearing on the original decision.

Commissioner Kelley seconded the motion as amended.

Motion: Fisher/Kelley. Approved without changes. Vote: 4/0; Commissioner Christensen absent.

8. BUSINESS REQUIRING ACTION OR DISCUSSION

None.

9. FURTHER BUSINESS

Director Beals provided an overview of the workshop: a presentation by Ranger Rachel Hutchinson of the snow mobile staging area, Webber Lake, Perazzo Meadow, Dancing Pines, and Mitchell Meadows. Independence Lake will be visited, time permitting.

10. PLANNING COMMISSIONERS’ REPORTS

None.

11. ADJOURNMENT

Motion to adjourn: Fisher/Kelley. Vote: 4/0; Commissioner Christensen absent.

Meeting was adjourned at 10:53am. The next Planning Commission meeting will take place on September 15, 2022.

Respectfully submitted,
Monica Beachell
Monica Beachell
Administrative Secretary III

Approved as Witnessed

Tim H. Beals
Commission Secretary