



PLANNING COMMISSION
COUNTY OF ALPINE, STATE OF CALIFORNIA
Administration Building, Board Chambers
99 Water Street, Markleeville, CA 96120

MINUTES
THURSDAY, MARCH 31st, 2022

1. CALL TO ORDER

Chair Bob Broyer called the meeting to order at 5:00 p.m. with all commissioners' present: Nick Hartzell, Jeanne Mortimer, Jim Haen and Tom Sweeney. Chair Broyer, and Jeanne Mortimer attended the meeting via Zoom.

A quorum was established.

2. ORAL COMMUNICATION – GENERAL PUBLIC COMMENT

None.

3. MINUTES

3.1. Request approval of special meeting minutes of February 17th, 2022.

MOTION: Haen / SECOND: Mortimer approving the Special meeting minutes of February 17th, 2022 as presented.

AYES: Broyer, Mortimer, Haen, Sweeney, Hartzell

ABSTAIN: NONE

MOTION CARRIED

4. UNFINISHED BUSINESS

4.1 Planning Commission Rules of Procedure

Candace Stowell shared the latest draft of the proposed Rules of Procedure with edits aligned with the February 17th Planning Commission recommendations to retain five-minute public comment period and remove requirement for public-speaker self-identification. All proposed edits are shown in the Rules of Procedure agenda packet in track changes.

MOTION: Hartzell / SECOND: Sweeney approving the Planning Commission Rules of Procedure as presented.

AYES: Broyer, Hartzell, Mortimer, Haen, Sweeney.

ABSTAIN: NONE

MOTION CARRIED

4.2 Camping Discussion

Staff, Larry Shoemaker reported this is a continued presentation, discussion, and direction to staff item regarding existing county regulations pertaining to property-owner camping on their undeveloped lots. Section 18.68.130 permits temporary camping on a private parcel for up to 16 days per year. There is a requirement for Planning Commission approval for those who wish to exceed sixteen days or longer in a calendar year. A commission issued “occupancy permit” may extend said period. Staff has not found any records of the permit being requested or issued at this time.

Chair Broyer questioned the use of the term “occupancy permit” in the code language, as its typically something given upon completion of a construction of a dwelling and requested clarification.

Deputy Director Candace Stowell reported that the occupancy permit terminology used in the code language is confusing, however it only shares the name of the Building Department issued occupancy permit, and is not related or required for its issuance.

Staff, Larry Shoemaker, outlined three possible options of discussion pertaining to the ordinance at the commission’s discretion:

Option 1) Taking No Action on the existing ordinance language, and the need to further develop application requirements for an issuance of an “Occupancy Permit” should an applicant request one.

Option 2) Create Camping Specific Regulations, to explicitly update or further define the ordinance with usage type restrictions or time-limits; ultimately requiring adoption by the County Board of Supervisors. Teller County, Colorado was brought as an example with its undeveloped/developed lot camping ordinance. The example ordinance explicitly set a two-camping unit, sixty-day limit within twelve-month period for undeveloped lots (no sewage or water service). Time limits were reduced to two-weeks for lots with on-site sewage/water systems in attempt to dissuade utilization of RV’s as long-term residences. Additional permitting requirements included requirement of approved trash and sanitary-waste disposal receipts.

Option 3) Creation of Temporary Use Permit Process- creation of new permit class within Community Development that allow for ministerial approval of temporary land uses that are not specifically mentioned in existing codes or zoning ordinances. A temporary use permit would allow for staff review of proposed temporary land use and its compatibility with various laws, and ensure it does not adversely affect the environment or nearby properties.

Chair Broyer suggested interested property-owner Chad Martinson present his comments on the subject. Mr. Martinson expressed his intent to understand the history of the ordinance, the circumstances leading to its creation and its intent, and if any recent owner-camping related violations that are relevant to the discussion. Martinson discussed his desire for more freedom to use his undeveloped property for extended camping beyond the sixteen days and that it can be done in accountable and responsible way. It was noted that campers on adjacent BLM and Forest service lands were allowed for cumulatively longer camping visits provided they move locations periodically. Martinson expressed the need for land-use flexibility in the post-fire recovery and remains committed to finding a compromise solution.

Commissioner Haen asked if under current code, Mr. Martinson could apply for an occupancy permit. Staff, Larry Shoemaker stated that yes under current code, Chad could choose to officially apply for an occupancy permit to extend the camping duration time.

Mr. Martinson stated his willingness to apply for said permit, and that the Commission should think of predictable requests that would likely come up with frequency, and consider amending the ordinance to allow for ministerial approval to reduce administrative burden.

Chair Broyer asked how many similar inquires have come in to the county. Deputy Director, Candace Stowell noted that this may be the first such application. Chair Broyer inquired how many unimproved, vacant, and privately-owned parcels are in the county that this would apply to. Candace Stowell noted that figure was not available currently. Additionally, Stowell stated the need for a consistent, fair application for the Occupancy permit process, and that guidance from the ordinance language is currently minimal.

Commissioner Hartzell, stated there have been no official applications, however extended camping has occurred on undeveloped lots without issue in the past. Commissioner Hartzell stated that Inyo, Mono, and Calaveras counties don't have similar regulations to existing Alpine regulations, and that we are a private property rights-based nation. Hartzell stated that the existing regulations were written in response to the Posse Comitatus group attempted take-over of county-government by way of primitive-camping en-masse on purchased property and establishing county residency, subsequent voting rights in the 1970s/1980s. Hartzell noted the basis of the ordinance is outdated in this historical context of one private property owner camping. Commissioner Hartzell stated that the people can and do responsibly use their private property, and that the existing restriction of sixteen days is unjustified and burdensome, that existing health, safety codes and ordinances are sufficient.

Commissioner Haen questioned the difference between the undeveloped occupancy permit and the county's special use permit, and if both came before the Commission for approval. Candace Stowell noted that both require Planning Commission approval and that the occupancy permit doesn't require findings section or even an application fee. Stowell recommended further research into the county resolution.

Chad Martinson inquired whether an occupancy permit could be issued on a semi-permanent or permanent basis. Commissioner Sweeney stated that an on-going, non-expiring permit for extended camping may discourage permanent long-term residents and have unintended effects.

Chair Broyer suggested that Mr. Martinson utilize the existing occupancy permit process and staff develop an application for future requests to be brought forth to the commission. Mr Martinson indicated he would submit a request in the near future.

Commissioner Mortimer stated she shared the concerns of all council members in striking a balance to allow for residents and land owners use of their land while balancing other relevant considerations.

Chair Broyer closed discussion on Item 4.2 at 6:02pm.

4.3 Floodplain Management Ordinance

Staff, Larry Shoemaker reported this is a continued presentation, discussion, and direction to staff item regarding development of a new floodplain management ordinance and the pending release of the Federal Emergency Management Agency (FEMA) preliminary Flood Insurance Risk Maps (FIRMS). FIRMS indicate flood-hazard zones within select portions of the county.

The floodplain management ordinance is being drafted based off a model-template ordinance created by California Department of Water Resources (CA-DWR) and FEMA in 2020. An updated ordinance is required for participation in the National Flood Insurance Program upon official adoption of the FIRMS. Currently, none of Alpine County has been FIRM mapped. Three higher standards in addition to the model ordinance are proposed: additional waterway setbacks; additional freeboard building elevation requirements, and non-conversion agreements as shown in the included Staff Report. The inclusion of higher standards, also drafted by CADWR, were based off the recommendations of the County Engineer and discussions with Community Development staff. Additional higher standards can potentially reduce flood-risks and insurance premiums.

Larry Shoemaker also noted, the preliminary FIRM maps are on schedule to be released by end of April 2021 for sections of the West Fork Carson River, and Bloods Creek area in Bear Valley. Public workshops are tentatively planned to be held in May and June.

Chair Broyer, requested that prior staff presentations on floodplain development be distributed to new commissioners and that notices of any upcoming workshops be sent to all affected property owners.

Commissioner Hartzell questioned the idea of adopting any ordinance before release of the FIRM maps. Commissioner noted that the cost of Flood insurance is increasingly becoming too expensive, or completely unavailable in areas, and is concerned additional standards for additional freeboard elevation will be prohibitively costly.

Commissioner Haen is concerned with higher standards relating to waterway setback requirements, would like further clarification on its impact to existing or future owners, and to see the ordinance language in its entirety.

Chair Broyer requested clarification as to the overall strategy of adopting a new ordinance before the FIRM release. Candace Stowell noted that the new ordinance, if adopted before FEMA's FIRM official adoption, which would occur roughly a year from now, would allow for automatic adoption of FIRM maps as they are released for the county. Stowell also described property-owners as well as the county can lodge protests or questions about the maps in the upcoming review period.

Chair Broyer questioned which water courses of Bear Valley are covered under the preliminary FIRM maps. Candace Stowell stated they cover the Bloods Creek and Bear Creek drainages. For the West Fork of the Carson River, they cover from the California-Nevada state line to just short of the State Route 89 bridge. The county will pursue opportunities for additional mapping, including Markleeville Creek if feasible.

Commissioner Haen questioned the necessity for more FIRM mapping outside the existing scope of work. Candace Stowell noted that addressing and mitigating flood hazards is

mentioned as an explicit goal in the adopted Safety Element and Hazard Mitigation Plan for the county.

5. NEW BUSINESS

5.1 Downtown Markleeville Transportation Needs Assessment Survey

Larry Shoemaker, Planner, announced that the Downtown Markleeville Transportation Needs assessment survey was available for members of the public to give input on walking, biking, parking, and other transportation needs in the core Markleeville area.

Candace Stowell noted that the survey will be utilized in the submittal of a Caltrans Active Transportation Grant to help fund to-be-determined active transportation projects in Downtown Markleeville. The initial project proposals and grant application, coordinated by county transportation manager Jeff Schwein of Green Dot Transportation Solutions, will be announced tentatively in May at Board of Supervisors meeting for further public discussion and board direction. Grant application would be subject to Board approval.

6. PUBLIC HEARINGS

None

7. OTHER BUSINESS

7.1. Deputy Director's Report – Candace Stowell

Candace Stowell reported that the Community General Plan annual report was submitted and accepted by the county Board of Supervisors. Additionally, the General Plan annual report was submitted to the California Department of Housing and Community Development (HCD) and to the Governor's Office of Planning and Research (OPR) on March 25th.

Candace Stowell reported the 6th cycle Housing Element update will be before the Board of Supervisors on April 19th. Staff has prepared a detailed table-matrix showing the recommendations and changes from the Planning Commission Feb 24th meeting. Additionally, staff is preparing another matrix showing the public's comments received since the Draft Release on January 7th 2022.. Staff hopes the upcoming Board of Supervisors meeting will provide final comments and direction so it can be submitted to HCD for their mandatory 90 day review.

Candace Stowell wanted to correct that at previous meetings it was mentioned, when the Housing Element draft document is first submitted to Housing and Community development (HCD), the document would need to have "tracked changes" enabled showing draft revisions from Planning Commission and Board of Supervisors. That is not the case, a tracked-change version of the document needs to happen after HCD responds to the initial draft submission.

7.2 Items Initiated by the Planning Commission

Commissioner Haen noted his receipt of education workforce housing development information and supported the idea to develop workforce housing on school-owned parcels.

Commissioner Hartzell inquired to the opening-date of the Grover Hot Springs campground or pools. Staff had no information regarding its public opening at this time.

Commissioner Sweeney noted the board room teleconferencing camera system was not functioning properly and requested that members turn on their cameras whenever possible.

Commissioner Mortimer noted that her camera was turned off due to low-bandwidth capacity at her location. Staff Larry Shoemaker noted that the Board Room was not focusing or zooming in on active participants, so those video-conferencing in could only see them from afar, and will attempt to fix the technical issues presented by hybrid-meetings going forward.

8. ADJOURNMENT

The Planning Commission adjourned at 6:37 p.m. to the next regular meeting of April 28, 2022.



Bob Broyer, Chair

Attest:



Larry Shoemaker, Planner II
Alpine County Community Development