
**PLUMAS COUNTY
ZONING ADMINISTRATOR**

Minutes of the Regular Meeting of January 11, 2023

The Plumas County Zoning Administrator convened in a meeting on January 11, 2023, at 10:02 a.m. in the Permit Center Conference Room, Quincy. Zoning Administrator, Tracey Ferguson, presiding. Senior Planner, Tim Evans, is in attendance.

I. PUBLIC COMMENT OPPORTUNITY

No public comment is presented.

II. MODIFICATION OF RECORDED MAP BY CERTIFICATE OF CORRECTION: SORENSEN, PAUL & LIN, LENA; APN 008-430-005; T.25N/R.16E/S.32 MDM

As continued from December 14, 2022, the request for a modification of recorded map by certificate of correction to relocate the building envelope on lot 4 as shown on recorded map 10M129 (Ramelli Creek Ranch), located at 10267 Frenchman Lake Road, Chilcoot, is presented. Tim Evans, Senior Planner, gives a presentation as reflected in the staff report. Paul Sorensen, applicant, is present and questions if the existing well and solar building is required to have engineered plans in order to obtain a building permit, and also questions if the well and solar building permit processing will hold him up in obtaining a building permit for the residential dwelling. Tracey Ferguson, Zoning Administrator, states the well and solar building permit will require engineered plans and will not hold up the residential dwelling building permit.

The public hearing is opened at 10:11 a.m. There being no comments, the hearing is closed at 10:11 a.m.

Ferguson notes the 1,600 sq. ft. proposed residential dwelling footprint within the 5,500 sq. ft. building envelope is not shown on the site plan and questions if that will be a problem. Evans confirms it doesn't need to be reflected on the Certificate of Correction as it will be shown on the plot plan submitted with the residential dwelling building permit application.

Conditions #2A and #2B are corrected to reference **Exhibit 2** rather than Exhibit 1.

Condition #6 regarding the Less Than 3-Acre Conversion Permit is discussed. Condition #6 is amended to read, “. . . such as a Less Than 3-Acre Conversion Permit, *as applicable*, shall be . . .”

DECISION

Tracey Ferguson, Zoning Administrator, finds the project exempt from the California Environmental Quality Act under CEQA Guidelines Section 15061(b)(3), making Findings A and B; and approves the Modification of Recorded Map by Certificate of Correction, subject to the conditions of approval outlined in Exhibit 4 of the staff report, as amended, making findings A through D as follows:

ENVIRONMENTAL FINDINGS

- A) There is no substantial evidence in the whole record supporting a fair argument that the proposed project, as conditioned, might have any significant adverse impact on the environment; and
- B) The custodian and location of the documents which constitute the record of these proceedings is Plumas County Planning and Building Services, 555 Main Street, Quincy, California.

CONDITIONS

Plumas County Planning Department

- 1. A Modification of the Recorded Map by Certificate of Correction shall be prepared in accordance with 66472.1 of the Government Code and Section 9-3.508 of the Plumas County Code.

2. The Modification of Recorded Map by Certificate of Correction shall:
 - A. Separate the 10,000 square foot (100' x 100') building envelope into two (2) building envelopes of 5,500 square feet and 4,500 square feet as shown on the revised draft Certificate of Correction received January 3, 2023 (Exhibit 2).
 - B. Relocate the building envelope from the center of the 9.28-acre parcel to 118.34 feet from the front property line for the 5,500 square foot building envelope and 116.72 feet from the front property line for the 4,500 square foot building envelope as shown on the revised draft Certificate of Correction received January 3, 2023 (Exhibit 2).

Plumas County Building Department

3. To address the addition to the well and solar building, complete one (1) of the following options within eighteen (18) months of approval of this Certificate of Correction:
 - A. Remove enough of the addition such that original well and solar building and addition do not exceed the 200 square feet and submit a revised site plan to the Building Department for the original no-fee building permit (Building Permit No. 21-739).
 - B. Apply for a building permit, submitting the required building permit documentation (e.g., building plans), to keep the well and solar building in the current configuration of 12'x 32' (384 square feet).

Plumas County Department of Public Works

4. The Certificate of Correction shall be reviewed and approved by the Plumas County Engineer prior to recordation.

California Department of Forestry and Fire Protection (Cal Fire)

5. Any structure(s) built on the property are subject to all applicable sections of State Responsibility Area/Very High Fire Hazard Severity Zone (SRA/VHFHSZ) Regulations.
6. Prior to the issuance of Building Permit 22-372, a timberland conversion permit, such as a Less Than 3-Acre Conversion Permit, as applicable, shall be submitted to Cal Fire's review team in Redding, California.

FINDINGS

- A) There are changes in circumstances which make the condition of the map no longer appropriate or necessary as the relocated building envelope will be compliant with Mitigation Measures 4A and 4D from Mitigated Negative Declaration Number 656 by being more than 150 feet from the meadow's edge, defined as the midpoint where moist soil species (sedges, grasses, and forbs) mix with upland dry species (sage, bitterbrush, and mule ear), and any banks or edge of any perennial streams or wetland habitats.
- B) The modification proposed does not impose any additional burden on the present fee owners and therefore are not considered a burden.
- C) The modification proposed does not alter any right, title, or interest in the real property reflected on the recorded map.
- D) The map, as modified, conforms with the provisions of Section 66474 of the Government Code of the State.

III. VARIANCE: O'MEARA, KELLY; APN 003-270-006; T.22N/R.9E/S.32 MDM

The request for a variance of the front yard setback from twenty (20) feet to six and one-half (6.5) feet in order to construct a guest house, located at 3582 Little Grass Valley Road, Little Grass Valley, is presented. Tim Evans, Senior Planner, gives a presentation as reflected in the staff report. Nathan Robison, P.E. of Robison Engineering, representing the applicant, clarifies that the proposed 650 sq. ft. residential structure is a conceptual building footprint and wants to make clear they are not waiving the zoning limitation of 1,200 sq. ft. maximum for an accessory dwelling unit (ADU). Zoning Administrator, Tracey Ferguson, clarifies that the parcel's S-3 zoning allows a 1,200 sq. ft. or less detached structure as a guest house. Additionally, the proposed structure is not an ADU. ADU state law is very prescribed. ADUs are permitted in single-family residential zones (2-R, 3-R, and 7-R) in Plumas County. Further, the applicant is wanting to build the guest house before a primary dwelling is constructed, which is permitted for a guest house; however, an ADU, by definition, is required to have a primary dwelling constructed concurrently or before the ADU can be built.

Robison goes on to comment that he is unclear on Cal Fire's recommendation that there be hardscaping with inflammable material between the road and the house as required by the State Responsibility Area/Very High Fire Hazard Severity Zone (SRA/VHFHSZ) Regulations. Evans responds that Cal Fire recommended it, but the directive did not make it into the actual staff recommended conditions of approval. Evans explains that the way the Regulations are written, the 30-foot setback can be measured from the centerline of the road, which would make the setback of the guest house, as proposed, compliant with State requirements because from the road centerline, the setback is 36.5 feet, with the requested 6.5-foot front setback; therefore, the 30-foot front setback requirement is met. As a result, Evans states the applicant does not need to show any "same practical effect", which is the mitigation that would otherwise be required on the side of the structure that cannot meet the 30-foot setback.

Following discussion, Condition #1 is amended to read, ". . . site plan *received* on August 1, 2022, *with revision to the site plan (Exhibit 2) on January 11, 2023, to illustrate the 6.5-foot front yard setback.*"

DECISION

Tracey Ferguson, Zoning Administrator, finds the project exempt from the California Environmental Quality Act under CEQA Guidelines Section 15305, making Findings A through C; and approves the variance subject to the conditions of approval outlined in Exhibit 14 of the staff report, as amended, making Findings A through F as follows:

ENVIRONMENTAL FINDINGS

- A) There is no substantial evidence in the record supporting a fair argument that the proposed project, as conditioned, might have any significant adverse impact on the environment; and
- B) The project is a variance from the front yard setback for the construction of a guest house that will be constructed to meet all building requirements; and
- C) The location and custodian of the documents which constitute the record of these proceedings is the Plumas County Planning Department, 555 Main Street, Quincy, California.

CONDITIONS

Plumas County Planning Department

1. The Variance for the proposed guest house is approved in conformance with the Variance application and site plan received on August 1, 2022, with revision to the site plan (Exhibit 2) on January 11, 2023, to illustrate the 6.5-foot front yard setback.

2. The proposed guest house and deck shall not encroach into the 50' Public Pedestrian Access Easement as shown in Book 8 of Parcel Maps, Page 106 (Exhibit 6).
3. The Variance is to be signed by the property owners and returned within forty (40) days of the date of approval or the permit will be voided.

Plumas County Building Department

4. Applicant shall submit all necessary building permits for the guest house to the Plumas County Building Department within eighteen (18) months of the approval of this variance.

Plumas County Environmental Health

5. The proposed guest house and deck shall not impact any existing and/or identified area for the placement of an on-site sewage disposal system to serve this property and neighboring properties.

California Department of Forestry and Fire Protection (Cal Fire)

6. Any structure(s) built on the property are subject to all applicable sections of State Responsibility Area/Very High Fire Hazard Severity Zone (SRA/VHFHSZ) Regulations.
7. Prior to the issuance of the building permit for the guest house and deck, a timberland conversion permit, such as a Less Than 3-Acre Conversion Permit, shall be submitted to Cal Fire's review team in Redding, California.

FINDINGS

- A) There are special circumstances applicable to the property under which strict application of the provisions of this chapter would deprive the property owner of privileges enjoyed by other property owners in the vicinity.

The special circumstances applicable to this property are due to the steep topography throughout most of the property ranging from 50%-70% slopes (Exhibit 2), which creates a narrow area for development of the parcel. Additionally, the developable area is further reduced by the 50' Public Pedestrian Access Easement (Exhibits 2 and 6) and Little Grass Valley Road (County Road 514) traversing through the parcel. The narrow area for development deprives the property owners the full use of the property that other property owners in the vicinity enjoy.

- B) That the variance is necessary for the preservation and enjoyment of the substantial property rights of the applicant.

The granting of the variance is necessary to accommodate the permitted uses (guest house) of the property as it would allow reasonable development of the parcel.

- C) That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety, or general welfare.

The reduced setbacks would not substantially reduce visibility or the open space quality of homes located along Little Grass Valley Road as the guest house adjacent to the street is a single story.

The proposed guest house will be required to meet all the necessary building codes and will be in compliance with all zoning requirements. Therefore, the granting of the variance would not be detrimental to the public health, safety, or general welfare.

- D) That the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the same vicinity or zone.

Other parcels in Little Grass Valley and the immediate vicinity have dwellings that have been constructed to the size of the proposed guest house (650 square feet) and deck (300 square feet).

Additionally, other parcels, under similar circumstances, would be given the same consideration. Therefore, the granting of this variance would not constitute a granting of a special privilege.

- E) If any exceptions from the provisions of this code which implement the SRA Fire Safe Regulations are requested, that the requirements of Section 9-9.202 - *Exceptions* of Article 2 of Chapter 9 of this title are met.

Although the application requests an exception from the Plumas County Code Sec. 9-2.419 – Yards, which implements the setbacks of the SRA Fire Safe Regulations, the proposed guest house is compliant with the SRA front yard setback as the structure will be over thirty (30) feet from the centerline of Little Grass Valley Road.

Therefore, this project is not requesting an exception from codes which implement the SRA Fire Safe Regulations.

- F) That the variance will not permit uses not permitted by the zone.

The variance is consistent with the residential uses permitted by the S-3 (Secondary Suburban) zoning.

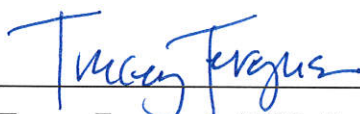
Zoning Administrator Notation: Any decision made as a result of this meeting may be appealed to the Board of Supervisors within ten (10) calendar days of the decision. If the tenth day lands on a Saturday, Sunday, or County holiday, the end of the appeal period will be the next working day. The appeal shall be based on relevant information stated or submitted at or prior to this meeting by (a) the applicant; (b) any owner of real property within 300 feet of the exterior boundaries of the property involved who was present at the hearing or who presented written testimony before the Zoning Administrator, or who may be adversely affected by the decision of the Zoning Administrator; (c) such other person whom the Board determines to have been adversely affected by the decision; or (d) any County department head whose department has an interest in the decision (Plumas County Code, Title 9, Chapter 2, Article 10, Section 9-2.1001). Appeals shall be filed with the Clerk of the Board of Supervisors, paying the fee according to the Planning & Building Services Fee Schedule.

ADJOURN

There being no further business, the meeting adjourns at 11:01 a.m. The next regularly scheduled Zoning Administrator meeting is set for February 8, 2023, at 10:00 a.m. at the Planning & Building Services Conference Room located at 555 Main Street in Quincy.



Heidi Wightman, Dept. Fiscal Officer II



Tracey Ferguson, AICP, Zoning Administrator