
**PLUMAS COUNTY
ZONING ADMINISTRATOR**
Minutes of the Meeting of June 9, 2010

The Plumas County Zoning Administrator convened in a meeting on June 9, 2010, at 10:00 a.m. in the Permit Center Conference Room, Quincy. Zoning Administrator, Randy Wilson, presiding. Senior Planner, James Graham, is in attendance.

I. AGENDA

The agenda is approved as submitted.

II. PUBLIC COMMENT OPPORTUNITY

No public comment presented.

III. VARIANCE – PLUMAS EUREKA COMMUNITY SERVICES DISTRICT; APN 129-104-001

The request for a variance of the front yard setbacks from 20 feet to 4 feet and side yard setbacks from 5 feet to 3 feet in order to expand the existing office space of the Plumas Eureka CSD, located at 120 Lundy Lane, Blairsden, is presented. James Graham, Senior Planner, gives a Power Point presentation elaborating on the details of the project as reflected in the Staff Report. Randy Wilson, Zoning Administrator, questions Condition #2 regarding County Code Section 8-17.301. Graham replies that that condition relates to construction within a floodplain. It has to meet the requirements of that section, and that section specifically outlines the manner in which building construction in any way may be allowed within a floodplain boundary. It could be permitted if a flood elevation is determined, and if it's determined that it's in a secondary flood hazard area it may be possible that they can build. That code section specifies the parameters under which that can be done. The applicant states he understands and is in agreement with the conditions of the Staff Recommendation. The public hearing is opened at 10:05. There being no comments, the hearing is closed at 10:05.

DECISION

Wilson states he will take the actions recommended by staff: 1) Determine this project is exempt from CEQA under Section 15301 of the California Environmental Quality Act Guidelines, and 2) Approve the variance subject to the conditions of approval as outlined in Exhibit 5, with Findings A through C.

ENVIRONMENTAL DETERMINATION FINDINGS

1. This project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

VARIANCE FINDINGS

- A) This project is in compliance with the Prime Opportunity development standards for Single Family Residential areas as the property is served by a paved road, community water, and sewage disposal within the service boundaries of a structural fire protection entity, and is provided electrical service.
- B) This project is consistent with the Periphery Commercial (C-2) zoning designation because the proposed use as described, and modified by the conditions of project approval, satisfies the following required findings necessary for approval of the variance as set forth below:
 1. That there are special circumstances applicable to the property under which the strict application of the provisions of this chapter would deprive the property of privileges enjoyed by other property in the vicinity and that such circumstances do not apply generally to other properties in the same zone. These circumstances are twofold. 1) The property has a limited area for development due to the drainage that encompasses the southerly portion of the property, and 2) The property has an unusually large distance between the proposed improvements and edge of the road travelled way. These circumstances deprive the property owners the full use of the property that other property owners in the vicinity enjoy.
 2. That the variance is necessary for the preservation and enjoyment of the substantial property rights of the applicant as the variance is necessary to accommodate the permitted use of the property as it would allow expansion in order to preserve reasonable functionality of the existing improvements as issues related to carbon monoxide and fumes emanating from the adjacent garage would be resolved.
 3. 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 because the reduced setbacks would not substantially reduce visibility or the open space quality of homes located along Lundy Lane or Cottonwood Drive. In addition, traffic impacts related to sight distance would not occur as the distance from the edge of the traveled way is approximately 25 feet.
 4. That the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the same vicinity and zone as other properties, under similar circumstances, would be given the same consideration. Therefore, the granting of this variance would not constitute a granting of a special privilege.
 5. This project is not requesting an exception from codes which implement the SRA Fire Safe Regulations.
 6. That the variance will not permit uses not permitted by the zone because the use of the property has been permitted through the issuance of a special use permit.
- C) The proposed development is consistent with the existing General Plan because the development standards of the Prime Opportunity Area are satisfied in addition to the applicable General Plan constraints and policies. There is a reasonable probability that the project will be consistent with the future adopted general plan because the project provides all required infrastructure improvements and is in conformance with required findings necessary for the issuance of a variance as set forth above.

CONDITIONS

1. The variance shall permit the office addition as described on the plot plan received March 22, 2010.
2. Building permits for construction of the storage room on the south side of the existing structure shall not be permitted until conformance with Plumas County Code Section 8-17.301.
3. Construction shall commence within nine (9) months and work shall be completed within eighteen (18) months of issuance of the variance.
4. All required building permits shall be obtained prior to construction.
5. The variance shall be signed and returned within forty (40) days of the date of approval or it will be voided.

IV. RECONSIDERATION OF APPROVED TENTATIVE PARCEL MAP – TAYLOR-PARTLOW, KAREN; APN 025-220-028; T.23N/R.14E/S.34,35 MDM

The request for a reconsideration of an approved tentative parcel map to reconfigure parcel boundaries and relocate the proposed roadway, located at 1198 Beckwourth-Calpine Road, Beckwourth, is presented. Randy Wilson, Zoning Administrator, notes that the existing Tentative Parcel Map is still active until action is taken on this Reconsideration, and in taking action the 10-day appeal period is opened. James Graham, Senior Planner, gives a Power Point presentation elaborating on the details of the project as reflected in the Staff Report. Graham notes that Negative Declaration No. 645 was previously adopted for this project and is proposed to be utilized for this Reconsideration. Wilson questions if the agricultural set-aside will allow any building permits. Graham replies that no residential construction will be allowed in the agricultural set-aside. Karen Taylor-Partlow questions the requirement that prior to signing off on the final map it must receive bank approval. Graham replies that that is a post-approval requirement. Bob Perreault, Public Works Director, states that it sounds like it's a post-approval requirement and is also a requirement in the Subdivision Map Act. After the action taken by the Zoning Administrator, it can be more clearly addressed. The public hearing is opened at 10:11. There being no comments, the hearing is closed at 10:11. Wilson states that this is a far superior project than the first one in terms of disturbance to the land and it also increases the agricultural use of the land.

DECISION

Wilson states that he will take the actions recommended by staff: 1) After review and consideration of Mitigated Negative Declaration #645, adopt Mitigated Negative Declaration #645 pursuant to Section 15074 of the State CEQA Guidelines, subject to Findings A through C; and 2) Approve the Tentative Parcel Map subject to the conditions of approval with Findings A through E.

ENVIRONMENTAL DETERMINATION FINDINGS

- A) It is found, on the basis of the Initial Study and the comments received, that there is substantial evidence, in light of the whole record, that the project will have potentially significant effect on the environment, but mitigations incorporated into the project plans will avoid the effects or mitigate the effects to a point where clearly no significant effects will occur.

- B) The proposed Mitigated Negative Declaration reflects the independent judgment of the Zoning Administrator and that the mitigation measures, agreed to by the applicant, will reduce potentially significant impacts to less than significant levels.
- 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.

TENTATIVE PARCEL MAP FINDINGS

- A) This project, as conditioned, will satisfy the required development standards for the Moderate Opportunity – Agricultural Buffer Areas and applicable General Plan constraints and policies as set forth in Negative Declaration #645.
- B) This project is consistent with the R-10 Rural designation because:
 - a) The minimum lot size of 10 acres is maintained.
 - b) The development will be served by a rocked roadway which satisfies the County's Class 9 road standard and which connects to a paved maintained County roadway.
- C) The site is physically suitable for the type of development and the proposed density of development; the design of the subdivision, as mitigated, will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; the design of the parcels is not likely to cause serious public health problems; the design of the parcels will not conflict with easements, acquired by the public at large, for access through or use of property with the proposed parcels; and the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965.
- D) The applicant intends to complete the development within a reasonable time.
- E) The proposed development is consistent with the existing General Plan because the development standards of the Moderate Opportunity – Agricultural Buffer - are met in addition to the applicable General Plan constraints and policies. There is a reasonable probability that the project will be consistent with the future adopted general plan because of the mitigation measures designed to protect the agricultural areas located on the property. There is little or no probability that the project will be detrimental to or interfere with the future adopted general plan because of the existing development on the property because development is limited to areas unsuitable for agricultural use.

TENTATIVE PARCEL MAP CONDITIONS:

Planning Department Conditions

1. The final map shall be in substantial conformance with the revised tentative subdivision map received February 11, 2010, except as modified by the following conditions.
2. The Final map shall be recorded prior to June 9, 2012, or an extension of time application shall be filed to extend the expiration date.

3. To avoid potential impacts to cultural resources resulting from the proposed project, the following mitigation measures shall be required:

Mitigation Measure 5A. Place a note on a separate informational map which is to be recorded concurrently with the Final Map and on all building and site development plans that states: "Should development activities reveal the presence of cultural resources (i.e., artifact concentrations, including arrowheads and other stone tools or chipping debris, cans, glass, etc.; structural remains; human skeletal remains), work within 50 feet of the find shall cease immediately until a qualified professional archaeologist can be consulted to evaluate the remains and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that such remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American participation in determining the disposition of such remains."

Plan Requirements: The required note shall be placed on an additional information map which is to be recorded concurrently with the Final Map and on all required improvement plans.

Timing: This measure shall be implemented during all site preparation and construction activities.

Monitoring: The Plumas County Department of Planning and Building Services shall ensure that the required note is placed on a separate informational map which is to be recorded concurrently with the Final Map. Should cultural resources be discovered, the Department of Planning and Building Services shall coordinate with the developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action.

Mitigation Measure 5B. Taylor Site I and the 2.87 acres added to the northeast corner of the property shall be shown on an additional information map as a grading and development exclusion area. This additional information map shall be recorded concurrently with the Final Map and reflected where applicable on all building and site development plans to ensure protection.

Plan Requirements: The required exclusion areas shall be placed on an additional information map which is to be recorded concurrently with the Final Map and on all required improvement plans.

Timing: This measure shall be implemented during final map recordation and by Planning Department review of all building permits issued for impacted areas.

Monitoring: The Plumas County Department of Planning and Building Services shall ensure that the required exclusion areas are shown on a separate informational map which is to be recorded concurrently with the Final Map.

4. A note shall be placed on an additional information map which states that emergency water for fire protection shall be provided before final inspection for building construction as set forth in Article 10 of Chapter 4 of Title 9 of the Plumas County Code.
5. A dust control plan, approved by the Northern Sierra Air Quality Management District shall be submitted to the Engineering Department when site disturbance exceeds one acre. All elements of the plan shall be adhered to during appropriate phases of project development.

6. To minimize erosion, water quality and stormwater related impacts to a less than significant level, the following mitigation measure is required:

Mitigation Measure 6A. Place notes on all required improvement plans and on an additional information map, which is to be recorded concurrently with the Final Map, that reflects, as appropriate, the design considerations set forth on the Runoff Evaluation and Erosion Control Plan, prepared by Gray & Associates, dated July 2, 2008. Any necessary erosion control or drainage modifications encountered during site development shall be evaluated and approved by the County Engineer.

Plan Requirements: The above-referenced notes shall be placed on all required improvement plans and on an additional information map which is to be recorded concurrently with the Final Map.

Timing: This measure shall be implemented during all site preparation and construction activities.

Monitoring: The Plumas County Department of Planning and Building Services shall ensure that the required notes are placed on required improvement plans and on an additional information map which is to be recorded concurrently with the Final Map. The Engineering Department will ensure that these measures are employed during the construction phase of the project and the Department of Planning and Building Services shall ensure that the above measures are employed during individual lot grading and building construction activities.

7. A General Construction Stormwater Permit shall be required prior to commencement of construction activities. This permit shall require the preparation of a Storm Water Pollution Prevention Plan. This plan shall identify potential pollutants (such as Sediment and earthen materials, practices that will be employed at the site to eliminate or reduce those pollutants from entering into surface waters).
8. An additional information map shall be recorded which identifies the approximately 30 acres of the property currently utilized for hay production and pasture as shown on Exhibit 4. The following note shall be added to the additional information map: "The identified agricultural area shall be reserved for agricultural use. No residential construction is permitted in this area."
9. A 10' wide public utility easement shall be granted along the frontage of the proposed roadway to the satisfaction of Plumas Sierra Rural Electric Cooperative.
10. Prior to recordation of the second phase, the entire property shall be annexed into the Beckwourth Fire Protection District

Engineering Department Conditions

11. All easements shown on the Preliminary Title Report shall be reflected on the final map to the satisfaction of the Plumas County Engineering Department.

Environmental Health Department Conditions

12. An additional information map shall be recorded to the satisfaction of the Environmental Health Department which reflects the sewage disposal areas and related easements shown on the tentative map. In addition, a note shall be placed on the additional information map which states the following:

“Designated sewage disposal areas may be relocated with approval of the Environmental Health Department.”

Public Works Department Conditions

13. Prior to construction of the proposed roadway, an encroachment permit shall be obtained from the Plumas County Public Works Department for the connection onto Beckwourth-Calpine Road (County Road A-23).

14. Improvement and drainage plans shall be submitted and approved by the Public Works Department. These plans shall reflect, as appropriate, the design considerations set forth in the Runoff Evaluation and Erosion Control Plan, prepared by Gray & Associates, dated July 2, 2008. Any necessary erosion control or drainage modifications encountered during site development shall be evaluated and approved by the County Engineer.

**V. SITE DEVELOPMENT PERMIT: PLUMAS SANITATION; APN 125-420-014;
T.22N/R.13E/S.3 MDM**

The request for a site development permit for the installation of septic dewatering equipment and a septic receiving station, located at 73762 Industrial Way, Delleker, is presented. James Graham, Senior Planner, gives a Power Point presentation elaborating on the details of the project as reflected in the Staff Report. Randy Wilson, Zoning Administrator, requests clarification that Condition #8 requires a will-serve letter from the Grizzly Lake Resort Improvement District for disposal of the resultant effluent from the facility. Graham replies that is correct, and the liquids will be piped to the Delleker treatment facility. Wilson questions the applicant if he is in agreement with the conditions of approval and mitigation measures. The applicant replies that he is. The public hearing is opened at 10:16. John Sheehan, Plumas Corporation Director, states that for the last three years the County has been bedeviled by not having septic treatment facilities since the Quincy CSD septic receiving facility closed down. This proposal makes use of current technologies and will result in savings to the people of the County and a method of taking care of septic that also improves the financial aspects of the District, so he is completely in favor of proceeding with this project. There being no further comments, the hearing is closed at 10:17. Wilson states he agrees with Sheehan that it is a needed facility and will be a benefit to the County.

DECISION

Wilson states he will take the actions recommended by staff: 1) After review and consideration, adopt Mitigated Negative Declaration #651 pursuant to Section 15074 of the State CEQA Guidelines with Findings A through C, and 2) Approve the Site Development Permit subject to the attached conditions of approval with Findings A through D.

ENVIRONMENTAL DETERMINATION FINDINGS

- A) It is found, on the basis of the Initial Study and the comments received, that there is substantial evidence, in light of the whole record, that the project will have potentially significant effect on the environment, but mitigations incorporated into the project plans will avoid the effects or mitigate the effects to a point where clearly no significant effects will occur.
- B) The proposed Mitigated Negative Declaration reflects the independent judgment of the Zoning Administrator and that the mitigation measures, agreed to by the applicant, will reduce potentially significant impacts to less than significant levels.
- 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.

SITE DEVELOPMENT PERMIT FINDINGS

- A) This project, as conditioned, will satisfy the required development standards for Prime Opportunity Areas and applicable General Plan constraints and policies as set forth in Negative Declaration #651.
- B) This project is consistent with the I-1 Heavy Industrial designation because the proposed use is permitted through the issuance of a Site Development Permit as set forth in Plumas County Code.
- C) The proposed development is consistent with the existing General Plan because the development standards of the Prime Opportunity Area are satisfied in addition to the applicable General Plan constraints and policies. There is a reasonable probability that the project will be consistent with the future adopted general plan because the project provides all required infrastructure improvements and is in conformance with required findings necessary for the issuance of a site development permit as set forth above.
- D) The applicant intends to complete the development within a reasonable time.

SITE DEVELOPMENT PERMIT CONDITIONS

1. The septic receiving facility shall be constructed as described on the site improvement plans dated May 7, 2010, and related correspondence on file with the Planning Department, unless modified by the following conditions of approval.
2. Facilities shall be maintained such that septic or effluent is prevented from overflowing onto any land surface or discharged to any surface waters as required by Plumas County Code (PCC) Section 6-6.05.
3. The curbed concrete areas and drains for the septic receiving station, wet trash dumpster station, solids handling floor and dewatering equipment area shall be designed to prevent overflow of septic or effluent. All effluent shall be drained to the sanitary sewer.
4. Solid waste containers shall be closed at all times and emptied at least once per week as required by PCC Sections 6-10.103 and 6-10.104.

5. For ease of disposal, the wet trash dumpster station shall be designed to drain excess liquids back to the septic receiving station and into the dewatering facility.
6. Underground holding tanks or pump tanks shall be water tight and comply with the minimum separation distances of Table No. 1 of PCC Section 6-6.09(a). Permits for the installation of underground holding tanks or pump tanks are required through Environmental Health.
7. All components of the septic receiving station and dewatering facility shall be located greater than 50 feet from any private well.
8. Prior to issuance of any building permits, the applicant shall provide a will serve letter that the Grizzly Lake Resort Improvement District is willing and able to provide disposal for the resultant effluent. This letter must address any daily, monthly, or seasonal flow limitations that the District will impose on the proposed facility as well as any chemical or biological thresholds, limitations or standards (if any).
9. Provide approved back flow prevention for the water connection to Grizzly Lake Resort Improvement District as required by the State Department of Health.
10. Storage, transportation, and disposal of the resultant biosolids shall comply with Chapter 10 of Plumas County Code, applicable requirements of the Regional Water Quality Control Board and be certified for disposal by the location accepting the biosolids.
11. The manual system of hosing down the facility shall be modified to use only an approved water supply for rinsing and cleaning. Alternatively, Environmental Health may consider a plan for automated rinsing using dewatered effluent without manual hosing. However, this plan must be comprehensive and adequately detailed to address the above and ensure adequate health and safety. This plan shall also include provisions for periodic monitoring of effluent quality.
12. To mitigate air quality impacts to a less than significant level, the following mitigation measure shall be required:

Mitigation Measure 3A:

Strategies a) through g) of the Odor Control Plan, on file with the Planning Department, are operational and shall be implemented as described in the plan. Strategy h) shall be incorporated into the project design and construction of the proposed facility.

- a) Practice good housekeeping at all times and train employees to operate the facility with cleanliness and odor control in mind. Wash down water and hoses will be provided through the work area; routine wash down will be a standard operating procedure. Wash down water drainage will return to holding tanks or be pumped to the GLRID treatment facility.
- b) Keep unprocessed incoming septic, wastewater and sludge in closed holding tanks. Incoming waste will be discharged into below ground concrete holding tanks and pumping wells; above ground storage will be in a closed steel or poly tank.

- c) Keep pumper truck connections to screen or tanks secure to minimize exposure to the atmosphere. Gray water or other incoming liquid that contains minimal solids and does not require processing through the dewatering boxes should be discharged directly into the gray water pumping station via a direct hose connection.
- d) Apply a masking agent or other odor neutralizers to incoming material that is susceptible to odor generation. Keep an on-site supply of masking agent and apply to material as needed during dewatering operation.
- e) Schedule dewatering operations in optimal weather conditions wherever possible.
- f) Promptly remove dewatered solids from the site for land fill disposal after dewatering operations have been conducted.
- g) Monitor odors and address any complaints. Prepare for future odor control measures to mitigate complaints that could include installation of ozone generation or carbon adsorption equipment and/or installation of an odor control bio filter.
- h) Minimize or avoid freefall of liquid into holding tanks by utilizing containment drop piping.

Plan Requirements: The above mitigation measures shall be incorporated as conditions of the Special Use Permit.

Timing: The mitigation measure shall be implemented during on-going operations. Strategy h) shall be depicted on development plans and constructed as proposed.

Monitoring: All operators of the facility shall be informed and trained in the strategies contained in the Odor Control Plan. Evidence that all operators have been informed and trained in the strategies of this plan shall be submitted to the Planning Department prior to facility operation. The Plumas County Planning Department shall perform periodic inspections to ensure that the facility is operated in a manner consistent with the Odor Control Plan.

13. To avoid potential impacts to cultural resources resulting from the proposed project, the following mitigation measures shall be required:

Mitigation Measure 5A. Place a note on all improvement and building plans that states: "Should development activities reveal the presence of cultural resources (i.e., artifact concentrations, including arrowheads and other stone tools or chipping debris, cans, glass, etc.; structural remains; human skeletal remains), work shall cease immediately until a qualified professional archaeologist can be consulted to evaluate the remains and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that such remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American participation in determining the disposition of such remains."

Plan Requirements: The required note shall be placed on all improvement and building plans.

Timing: This measure shall be implemented during all site preparation and construction activities.

Monitoring: The Plumas County Department of Planning and Building Services shall ensure that the required note is placed on all improvement and building plans. Should cultural resources be discovered, the Department of Planning and Building Services shall coordinate with the developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action.

14. To minimize erosion related impacts to a less than significant level, the following mitigation measure is required:

Mitigation Measure 6A. Place notes on all required improvement plans and on all applicable building permit plans, that reflects, as appropriate, erosion control and drainage design considerations and recommendations approved by the Plumas County Engineer. Any necessary erosion control or drainage modifications encountered during site development shall be evaluated and approved by the County Engineer prior to construction.

Plan Requirements: The above-referenced notes shall be placed on all required improvement plans and on all applicable building permit plans.

Timing: This measure shall be implemented during all site preparation and construction activities.

Monitoring: The Plumas County Department of Planning and Building Services shall ensure that the required notes are placed on required improvement plans and on all applicable building permit plans. The Engineering Department will ensure that these measures are employed during the construction phase of the project and the Department of Planning and Building Services shall ensure that the above measures are followed during building permit review and approval.

15. To minimize water quality impacts to a less than significant level, the following mitigation measure is required:

Mitigation Measure 8A. Place notes on all required improvement plans and on all applicable building permit plans, that reflects, as appropriate, erosion control and drainage design considerations and recommendations approved by the Plumas County Engineer. Any necessary erosion control or drainage modifications encountered during site development shall be evaluated and approved by the County Engineer prior to construction.

Plan Requirements: The above-referenced notes shall be placed on all required improvement plans and on all applicable building permit plans.

Timing: This measure shall be implemented during all site preparation and construction activities.

Monitoring: The Plumas County Department of Planning and Building Services shall ensure that the required notes are placed on required improvement plans and on all applicable building permit plans. The Engineering Department will ensure that these measures are employed during the construction phase of the project and the Department of Planning and Building Services shall ensure that the above measures are followed during building permit review and approval.

16. To minimize air quality impacts associated with construction related dust, any new construction is required by the NSAQMD to comply with Regulation II, Rule 226: Dust Control. Additionally, the disturbance of more than one acre requires the approval of a Dust Control Plan by the NSAQMD. The requirements of the NSAQMD shall be adhered to during all phases of project development.
17. Additional internal paving is necessary to access the facility from the existing paved access. This internal paving shall satisfy the paving requirements for maneuvering aisles set for in Plumas County Code Section 9-2.414. This paving plan shall be reviewed by the Planning Department and shall be constructed before issuance of final building permits.
18. Prior to issuance of a building permit, the applicant shall provide a current letter from the Eastern Plumas Rural Fire Protection District indicating that they have the capability of year-round service, and a response time short enough to realistically provide protection.
19. All required building permits shall be obtained prior to construction.

VI.

TENTATIVE PARCEL MAP & PLANNED DEVELOPMENT PERMIT: HENTON, D.; HENRICI, P. & HENRICI, K.; APNs 005-130-015 & 005-400-010; T.25N/R.9E/S.28 MDM

The proposal to divide 51.69 acres into three parcels of 19.38, 19.38, and 12.93 acres in conjunction with a planned development permit to waive off-site road improvements and allow the use of a "T" turnaround, located at 2000 & 1770 Butterfly Valley Road, and 2000 Rebecca Lane, Butterfly Valley, Quincy, is presented. James Graham, Senior Planner, gives a Power Point presentation elaborating on the details of the project as reflected in the Staff Report. Randy Wilson, Zoning Administrator, states this is a unique project in that there's no creation of parcels that would be undeveloped at this time. The map is basically separating out the already permitted residences on the property so they can be conveyed separately.

Greg Henton, applicant, states he understands that a number of the neighbors are not happy with this proposal; however, because the houses already exist, there won't be much change as far as traffic goes. His other option is renting, but does not feel that having long-term rentals is the best option for him or the residents of Butterfly Valley. Henton questions if they would be able to obtain a building permit for repair or replacement of the existing structures, and would they be allowed to build a barn. Rob Conover, neighbor, questions if guest houses, other types of structures, or additions to the existing structures would be allowed. Lori Davis, neighbor, questions if other property owners could do the same with their property, if a business would be allowed, and why it's exempt from CEQA.

Graham replies that the three existing primary residences are what the County is allowing, so they can't convert existing structures to residential; however, the structures can be replaced if they burned down. Additions to existing structures would also be allowed because they would be allowed if the property was not split. Likewise, a business would be allowed and it would be subject to the same regulations as any other property. A barn would be allowed, but a guest house would not. Additionally, Graham explains that the project is exempt from CEQA because there is no further development potential with regard to residential structures that would affect the environment. Wilson questions Condition #2 of the Planned Development Permit that states, "... grading and construction of new residential structures *and accessory buildings* shall be prohibited." Wilson suggests changing Condition #2 to read, "... *repairs and replacement of structures is allowed. No structure that is not in residential use at the time of approval may be converted to residential use.*" Graham clarifies that the area has an archaeological overlay, so any new construction would need to have that clearance. Wilson suggests amending Condition #2 further to allow new accessory buildings once they have received archaeological clearance.

Wilson questions Bob Perreault, Public Works Director, how much additional traffic is generated by the addition of a bedroom. Perreault replies that it varies depending on the standard used, but it's anywhere from 4 to 10 trips per day. Wilson suggests amending Condition #2 to read "*... the existing residential structures may be expanded, but no additional bedrooms are allowed to these structures.*" Wilson questions Henton if he agrees with this condition. Henton replies that he agrees in theory, but he needs to be able to sell the houses.

Jeff Ellermeyer, neighbor, states he is in favor of the project. He feels it would be better to have the parcels owned by individual people who would provide care and attention to the households rather than the alternative, which is renting them. Dennis Miller, neighbor, states he is also in favor of this project. Miller questions if the cabin located on the property that was formerly a residence and was converted to a business can be converted back to a residence. Miller also brings up the potential for this becoming precedence-setting. Graham suggests identifying the residential structures located on each parcel so it's clear what residential structures exist and that no further residential structures can be added. Wilson suggests modifying Condition #2 again to read that the residential structures shall be identified on the additional information sheet along with the other language that no structure that is not in residential use at the time of approval may be converted to residential use. In regard to this setting precedence, Graham states that a person cannot assume that they would be given the same entitlement, because a property owner building now would be familiar with the rules in effect today that weren't in effect back when these structures were built. They would be subject to today's rules, which are much stricter than they use to be.

Conover addresses the half-mile of private road. All the property owners participate in the Butterfly Valley Road Association, and he would like to have assurance that there would be full participation. In other words, three parcels contributing rather than one. Conover would also like to get some improvements to the road such as gravel and oil. Graham adds that County Code requires that all parcels created that are served by a private road have to participate in a road maintenance agreement. Perreault adds that splitting the property does not increase the impact to the road, so he's not certain the County would have the authority to impose road improvements. However, participation in a road maintenance agreement could be added as a condition of approval. Perreault suggests adding a note that participation in the road maintenance agreement is mandatory. Wilson requests Graham write a condition to that effect. Perreault also suggests adding a condition that the addition of any bedrooms would open up the need for road improvements.

Wilson states he is leaning toward continuing this item so he can speak with County Counsel about how to structure a Finding or Condition to address the issue of other property owners doing the same thing with their property. He would also like to explore the real impact of adding a bedroom to a structure because it may not be necessary to constrain it. Perreault adds that during staff review of this project they didn't focus on the scenario of adding bedrooms, but they can go back and prepare something that addresses additional traffic associated with additional bedrooms.

In regard to Condition #4, which requires the Engineering Department to review and approve improvement plans for the "T" turnaround, Perreault states that in looking at the terrain and the fact that it's an existing driveway, he feels that the need for Engineering Department review is not necessary because usually the "T" turnaround is located at a point that is appropriate for emergency vehicle use, and because everything is existing, he doesn't see the need to improve the roadway. The recommendation was submitted by CDF, and if CDF is acceptable with the present conditions, a letter to that effect would be sufficient to satisfy that condition. Perreault recommends the removal of that part of the condition that refers to the Plumas County Engineering Department.

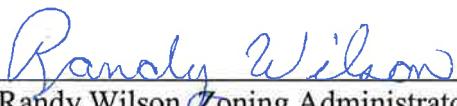
Continuing, Perreault states there is a need to clarify cross-easement rights so there's no dispute in the future. Perreault proposes adding Conditions #6 & #7 which state, respectively, "*The final map shall show the location of the existing driveways that serve the three existing residential structures.*", and "*The final parcel map shall contain a note that Parcel 1 shall have access rights across the existing driveway that is located on Parcel 2.*" Mike Kroencke, Engineering Department, adds that the Code states that any structure will need a firesafe driveway that meets the 4290 standard and questions if that can be conditioned. Wilson replies that it's a valid point that could be added at his discretion. The "T" turnaround will need to be located to the satisfaction of CalFire. Wilson wants CalFire to sign off on the "T" turnaround even if the Engineering Department is okay with the existing one.

This item is continued to the July 14, 2010, Zoning Administrator meeting at 10:00 a.m.

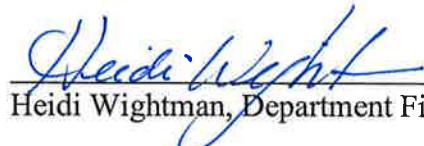
Zoning Administrator Notation: Any decision made as a result of this meeting may be appealed to the Board of Supervisors within ten (10) days of the decision. If the tenth day lands on the weekend, the end of the appeal period will be the next working day. The appeal will need to be based on relevant information stated or submitted at or prior to this meeting by a commenting public member or representative, or certain County department heads as stated by County Code. There is a filing fee for the appeal and the fee information is available from Planning and Building Services.

ADJOURN

There being no further business, the meeting adjourns at 11:23 a.m. The next regularly scheduled Zoning Administrator meeting is set for July 14, 2010, at 10:00 a.m. at the Planning & Building Services Conference Room located at 555 Main Street in Quincy.



Randy Wilson, Zoning Administrator



Heidi Wightman, Department Fiscal Officer II