
PLUMAS COUNTY
ZONING ADMINISTRATOR
Minutes of the Meeting of March 18, 2020

The Plumas County Zoning Administrator convened in a meeting on March 18, 2020, at 10:00 a.m. in the Permit Center Conference Room, Quincy. Zoning Administrator, Tracey Ferguson, presiding. Assistant Planning Director, Rebecca Herrin, and Associate Planner, Tim Evans, are in attendance.

I. AGENDA

The agenda is approved as submitted.

II. PUBLIC COMMENT OPPORTUNITY

No public comment presented.

III. TENTATIVE PARCEL MAP: MOUSER DEVELOPMENT, LLC; APN 115-170-032; T.24N/R.9E/S.14 MDM

The proposal to divide 0.42 acres into two parcels of 0.16 and 0.26 acres for multiple family residential use, located at 349 Summerfield Lane, Quincy, is presented. Tim Evans, Associate Planner, gives a presentation as outlined in the Staff Report. Zoning Administrator, Tracey Ferguson, questions lot coverage and side yard setback requirements for the Multiple-Family Residential zoning. Evans responds that Lot 3A is 36%, Lot 3B is 22%, and setbacks are 5' per story. Ferguson questions the applicant's representative, Daniel Bastian, if he has read the staff report and conditions of approval and if he has any questions. Bastian states he has questions regarding Conditions #3 & #5. Condition #3 imposes a requirement that the improvements encroaching into County owned property be removed such that the encroachment no longer exists in order to file the final map. Bastian requests additional language that would allow for an encroachment permit to be obtained from the County in order to leave the fence (improvements) in place consistent with the comment letter from Bob Perreault, Director of Public Works, to the Planning Department. Zoning Administrator Ferguson states there were two items of mitigation for this purpose within Public Works' comment letter. The first being completely removing the encroachment, and the second being securing an encroachment permit. Jim Graham with the Public Works Department responds that in the past Director Perreault has allowed the use of an encroachment permit to allow encroachment into any county property whether or not it's considered a county highway or county roadway easement. In looking at the Code, Graham feels Perreault has been liberal in that approach, but it's been his practice in the past to issue encroachment permits into non-county right-of-way properties. Public Works' main concern is that the fence is encroaching into County property and needs to be rectified. If the encroachment permit approach doesn't meet the requirements of Planning and Zoning Code, then Public Works' recommendation would be that the fence be removed or some other mechanism be used such as a lot line adjustment with the County. Graham cautions, however, that the (latter) process involves more than just the lot line adjustment because it would be relinquishment of county-owned property, which has to be determined to be surplus and appraisals would have to be done. Assistant Planning Director, Rebecca Herrin, adds that there are several other properties (along Summerfield Lane) in the same boat (with possible fencing encroachments) and that option might need to be offered to everybody. Ferguson states zoning code requires fences to be located *on* the property, so going down the path of obtaining an encroachment permit does not meet that

requirement. Ferguson would be comfortable adding a clause to Condition #3 stating ...or the improvements (fencing) shall be moved and made to be located on the property to the satisfaction of the Planning Director. Furthermore, if the fence remains under 7 feet it would not need a building permit, because it would not be a structure, so rear yard setbacks would not apply to the fence.

Regarding Condition #5, which requests a civil engineer review the existing drainage plan, Bastian states he is not sure what that means. Graham replies that in researching the previous parent subdivision for this project, it was alluded to that a drainage plan was reviewed and approved by the County Engineer, but Public Works could find no documentation in the file as to exactly what that was or is. The drainage plan resulted in Drainage Easement "D" noted on the present tentative map, and that was necessary in order to direct drainage (from the subdivision) into the existing ditch located parallel to the bike bath located on County property. The concern from Public Works' perspective is Public Works routinely maintains ditches in that general area along the bike bath and (further to the east) adjacent to N. Lindan Avenue. Public Works is not sure that the plan for directing drainage via Easement "D" to drainage easements located on the County property is still functional and they want to make sure that drainage Easement "D" is functioning properly. Ferguson states that in reviewing the subdivision map Book 4 of Maps, Page 130, which shows all easements including Easement "D", a 10 foot drainage easement, she sees that it states "these easements to be for public use as indicated. Easements for public utilities, roads, and drainage facilities are hereby dedicated for public use." Ferguson questions if this is a public or private easement and whose responsibility it is to maintain it. Graham responds that public utility easements are granted for any public utility purpose. They are used for public use for utilities but it doesn't mean it was dedicated to and accepted by the County, and that the County has the responsibility for maintaining that drainage easement. Continuing, Graham states it's the primary easement that directs storm water from the subdivision offsite and Public Works wants to make sure it's functioning properly. Public Works is not asking the applicant to maintain it. Ferguson adds that she's trying to figure out (per Condition #5) if it's the burden of the applicant to assess this and pay for these actions versus the County. Bastian adds that the subdivision was approved, an evaluation was made, and the drainage was established and put in place. It seems like overkill to continue to peck at it. Bastian states he understands that Public Works doesn't want the applicant to pay for any improvements, he's just not sure of what to do with this (condition). The public hearing is opened at 10:30 a.m. There being no public comments, the hearing is closed at 10:30 a.m. Regarding Condition #6, Ferguson questions if the applicant recognizes that a new separate water service shall be provided to Lot 3B prior to the recordation of the final map, and that proof will need to be shown to the County. Bastian replies that he understands.

DECISION

Tracey Ferguson, Zoning Administrator, determines this project exempt from the California Environmental Quality Act under CEQA Guidelines Section 15061(b)(3), making findings A & B; and approves the Tentative Parcel Map subject to the conditions of approval outlined in Exhibit 11, with the amendment of Condition #3, deletion of Condition #5 and renumbering of Condition #6 to #5, and making Findings A through H as follows:

ENVIRONMENTAL DETERMINATION FINDINGS

- A. That it can be seen with certainty, based upon review of the initial environmental assessment, that there is no possibility that the project may have a significant impact on the environment. An Initial Study checklist was completed for the project; and
- B. That 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

- 1. The Final Parcel Map shall be in substantial conformance with the Tentative Parcel Map prepared by Bastian Engineering received December 10, 2019, except as modified by these conditions.
- 2. The Final Parcel Map shall be recorded prior to March 18, 2022, or an Extension of Time shall be filed.
- 3. The tentative map is superimposed over an aerial image that depicts encroachment of the fenced backyards of Lots 3A and 3B into the County owned property to the north. Prior to recordation of the final map, the improvements (fencing) shall be removed such that the encroachment no longer exists, or the improvements (fencing) shall be moved and made to be located on the property, to the satisfaction of the Planning Director.
- 4. All easements shown on Book 4 of Maps, Page 130, shall be accurately reflected on the final parcel map to the satisfaction of the Engineering Department.
- 5. A new (separate) water service shall be provided to Lot 3B from the American Valley Community Services District prior to the recordation of the final map.

FINDINGS

- A) This project, as conditioned, will satisfy required development standards, as per Plumas County Code, for Multiple-Family Residential (M-R) zoning because the development will be served by roads which meet the required County Road Standard and all required utilities and services are available or can be made available. The project site is located within the service boundaries of the Quincy Fire Protection District which provides fire protection within reasonable service distance from existing fire protection facilities. Electrical power is provided to all parcels.
- B) This project, as conditioned, will be consistent with the Multiple-Family Residential (M-R) zoning because each parcel will meet the minimum standards for size, width, and use. In addition, both parcels are already developed with a residential duplex unit on each parcel. Therefore, land division does not result in any conflict with zoning and density standards.
- C) It is found that this project is consistent with the general plan and zoning because the general plan calls for multiple-family residential uses on the site and the zoning designation is M-R (Multiple-Family Residential), which is compatible with existing and proposed uses.

- D) The site is physically suitable for the type of development and the proposed density of development; the design of the parcels is not likely to 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; and 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.
- E) It is found that the design and location of each lot, and the project as a whole, are consistent with the applicable regulations adopted by the State Board of Forestry and Fire protection adopted pursuant to Sections 4290 and 4291 of the Public Resources Code.
- F) Structural fire protection and suppression services will be available for the subdivision through the Quincy Fire Protection District.
- G) It is found that ingress and egress for the subdivision would be provided via the paved, maintained county road, meeting the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code.
- H) It is found that the requirement by Plumas County Code for an engineered analysis to be approved by FEMA is satisfied by the base flood elevation data provided by the FEMA maps for the Zone AE Special Flood Hazard Area.

IV. TENTATIVE PARCEL MAP / MITIGATED NEGATIVE DECLARATION #675: BARLOW, RANDY; APNs 115-280-019 & 115-280-022; T.24N/R.9E/S.16 MDM

The proposal to divide 13.87 acres into three parcels of 3.3, 7.2, and 3.3 acres for rural residential use, located at 1953 Bucks Lake Road, Quincy, is presented. Assistant Planning Director, Rebecca Herrin, gives a presentation as outlined in the staff report. Herrin notes that 15 CDs containing Negative Declaration #675 were submitted to the State Clearinghouse. The Planning Department received a letter from the Clearinghouse stating the 30-day review period closed on March 6, 2020, and no state agencies submitted comments. Zoning Administrator, Tracey Ferguson, questions the applicant, Randy Barlow, if he has read the Staff Report and the Cultural Resources Mitigation Measures 5A and 5B as a result of the Heritage Resource Survey, and the proposed conditions of approval. Barlow responds that he has. The public hearing is opened at 10:51 a.m. Evan Hasse with the County Engineering Department questions Finding G under Project Action in the Staff Report. Hasse requests the finding be re-worded because it alludes to access to the property being provided by a County Road, and at this time the County is not accepting any new roads to maintain. Assistant Planning Director Herrin replies that no roads are being proposed, only an encroachment onto Bucks Lake Road. Ferguson suggests striking “a paved, maintained county road meeting the regulations regarding road standards” and inserting “Bucks Lake Road” in its place upon suggestion by Steve Alfred, project surveyor. There being no further comments, the public hearing is closed at 10:53 a.m.

Zoning Administrator Ferguson confirms with the applicant that the date of the tentative map is October 2018 as stated in Condition #1. Continuing, Ferguson states a “no comment” was received from the Northern Sierra Air Quality Management District and the Quincy Fire Protection District made two comments. The first comment from the Fire District speaks to building code requirements. Due to the lack of hydrants and other reliable water sources, the Fire District wants assurance that all habitable structures will be equipped with the required automatic sprinkler systems. The second comment has to

do with the tax exchange. The Fire District is requesting that the tax rate exchange be applied to the newly created parcels. Ferguson also notes that the comment by Public Works regarding drainage talks about a portion of Parcel 2. The Planning Department is inferring it's the portion of Parcel 2 to the south of Bucks Lake Road because that's where the drainage and culvert exist. Planning is making that further clarification in Condition #4, but it's not expressly stated in Public Works' letter. And lastly, the botanical survey revealed noxious weeds found on the property and Ferguson wants the applicant to be aware Condition #9 speaks to those noxious weeds.

DECISION

Tracey Ferguson, Zoning Administrator, adopts Mitigated Negative Declaration #675 pursuant to Section 15074 of the California Environmental Quality Act Guidelines, making Findings A through C; and approves the Tentative Parcel Map subject to the conditions of approval, with the amendment of Conditions 6, 7, 9, and 10, and making Findings A through G with the amendment of Findings C and G as follows:

ENVIRONMENTAL DETERMINATION FINDINGS

- A. That there is no substantial evidence in the record supporting a fair argument that the proposed project, as mitigated and conditioned, might have any significant adverse impact on the environment; and
- B. That the proposed Mitigated Negative Declaration reflects the independent judgment of the Plumas County Zoning Administrator, and that the mitigation measures will reduce potentially significant impacts to less than significant levels; and
- C. That 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

Final Map:

- 1. The Final Map shall be prepared in conformance with the Tentative Map dated October 2018.
- 2. The Final Map shall be recorded prior to March 18, 2022, or an Extension of Time shall be filed.
- 3. The proposed shared driveway easement for Parcel 1 and the north portion of Parcel 2 shall be shown on the Final Map.

Additional Information Map:

- 4. A note shall be placed on the Additional Information Map, which shall be recorded concurrently with the Final Map that states the following:

“Prior to grading or development on the portion of Parcel 2 lying to the south of Bucks Lake Road, a grading and drainage report, reviewed and approved by Plumas County Department of Public Works, shall be required. Drainage infrastructure improvements, including a pro-rata share

improvement to the existing culvert on Bucks Lake Road that carries storm water from said lot, may be required.”

5. A designated building area on the portion of Parcel 2 lying to the south of Bucks Lake Road shall be shown on the Additional Information Map to the satisfaction of the Planning Director prior to recording. The designated building area shall be located at least 50 feet from the bank of White’s Creek and the irrigation line (portion of historic mining ditch CA-PLU-5692H).
6. In addition to the designated building area, a building and grading exclusion area, including the area shown as “Forested slopes 30% or greater” and the “irrigation line” (CA-PLU-5692H) as shown on the approved tentative map on the portion of Parcel 2 lying to the south of Bucks Lake Road shall be shown on the Additional Information Map to the satisfaction of the Planning Director prior to recording. The building and grading exclusion area shall include the portion of the parcel lying 50 feet on either side of the ditch.
7. A note shall be placed on the Additional Information Map, and included on all building and site development plans, that states the following:

“During all site preparation and construction activities, 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 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. 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.”

8. A note shall be placed on the Additional Information Map that states the following:

“The structure known as Feature 1 of CA-PLU-6457H (the red hay barn) shall be protected from demolition, destruction, adverse alteration, or re-location. Additionally, Feature 3 of CA-PLU-6457H (the stock barn with painted flag) shall be protected from demolition, destruction, adverse alteration, or re-location as well.”

9. A note shall be placed on the Additional Information Map that states the following:

“Three species of noxious weeds were found on the property during the “Botanical Field Reconnaissance Report” (May 15, 2019). Two of the species, Yellow Star-Thistle (*Centaurea solstitialis*) and Medusahead (*Elymus caput-medusae*), are common in the Quincy area are not recommended for eradication unless the land owners commit to a many-year effort utilizing herbicides. The third species of noxious weed, Hoary Cress (*Lepidium draba*) is just beginning to get a foothold in one pasture and should be treated with herbicide. The locations of these noxious weeds are available by consulting the “Botanical Field Reconnaissance Report with Rare Plant and Noxious Weed Summaries for the Barlow... Project” prepared by Jim Battagin. This document is on file in the office of Planning and Building Services.”

10. Prior to the recordation of the final map, an additional information map shall be submitted to the Engineering Department and reviewed and approved by the Environmental Health division that meets the requirements of Plumas County Code, Title 6, Chapters 6 and 11.

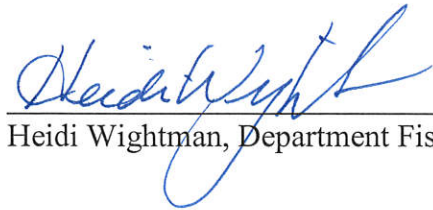
FINDINGS

- A) This project, as conditioned, will satisfy required development standards, as per Plumas County Code, for the Secondary Suburban (S-3) zoning because the development will be served by roads which meet the required County Road Standard and all required utilities and services are available or can be made available.
- B) This project, as conditioned, will be consistent with the S-3 (Secondary Suburban) zoning because each parcel will meet the minimum standards for size, width and use. The land division does not result in any conflict with zoning and density standards.
- C) This project is consistent with the general plan, including the standards for land development and land use protection measures of the American Valley Scenic Area, and zoning because the general plan calls for Secondary Suburban Residential uses on the site and the zoning designation is Secondary Suburban (S-3) which is compatible with existing and proposed uses.
- D) The site is physically suitable for the type of development and the proposed density of development; the design of the parcels is not likely to 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; and 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.
- E) The design and location of each lot, and the project as a whole, are consistent with the applicable regulations adopted by the State Board of Forestry and Fire Protection adopted pursuant to Sections 4290 and 4291 of the Public Resources Code and the Plumas County Code Sections adopted *in lieu*.
- F) Structural fire protection and suppression services will be available for the subdivision through the Quincy Fire Protection District.
- G) Ingress and egress for the parcels created by the map will be provided via Bucks Lake Road and driveways meeting driveway standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code and the Plumas County Code Sections adopted *in lieu*.

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. Fee information is available from Planning and Building Services.

ADJOURN

There being no further business, the meeting adjourns at 11:10 a.m. The next regularly scheduled Zoning Administrator meeting is set for April 8, 2020, at 10:00 a.m. at the Planning & Building Services Conference Room located at 555 Main Street in Quincy.



Heidi Wightman, Department Fiscal Officer II



Tracey Ferguson, Zoning Administrator