
PLUMAS COUNTY
ZONING ADMINISTRATOR
Minutes of the Meeting of February 13, 2013

The Plumas County Zoning Administrator convened in a meeting on February 13, 2013, at 10:02 a.m. in the Permit Center Conference Room, Quincy. Zoning Administrator, Randy Wilson, presiding. Senior Planner, Rebecca Herrin, is in attendance.

I. AGENDA

The agenda is approved as submitted.

II. PUBLIC COMMENT OPPORTUNITY

No public comment presented.

III. VARIANCE: McNEILL, RICHARD; APN 104-051-015; T.28N/R.8E/S.19 MDM (Lake Almanor)
Planner: Rebecca Herrin

The request for a variance of the front yard setback from the road (easement) from 20 feet to 0 feet and the rear yard setback from the property line from 10 feet to 5 feet in order to accommodate an S1 occupancy group storage facility, located at 457 Firehouse Road, Lake Almanor Peninsula, is presented.

Rebecca Herrin, Senior Planner, explains that in order to approve a variance certain Findings need to be made and it's a very difficult process. There needs to be special circumstances, applicable to the property, that make it so that an ordinary building can't be built because of special physical circumstances of the property. In reviewing the application, not enough evidence of the physical circumstances of the property were submitted in order to approve the variance, so a denial of the variance is recommended for the reasons stated in the Staff Report. In addition, in 2005 there was a previous application for a storage facility showing that the building could be built meeting the current setbacks. That application was approved on October 12, 2005, but the building was never constructed. Furthermore, although the road does not take up the full width of the easement, the purpose for having a 60-foot-wide easement is for future division of the property behind it, not for the present use of the property.

Chris Luna with Cornerstone DEC, representative for the applicant, states that they are requesting a 20 foot setback from the property line. Randy Wilson, Zoning Administrator, questions if the request for a variance is to maximize the development of the property, or is there a special circumstance that constrains this property. Luna responds that the property's value is limited and in order to make it an economically viable piece of property, the owner needs to have a certain number of storage units. Wilson responds that that isn't a legal argument under California law for a variance. The findings that need to be made for a variance are set out in California law, they apply Statewide. Furthermore, the property is zoned Recreation-Commercial and other uses are permitted, so the owner has other options for economic development besides a storage facility.

Regarding the rear yard setback, Luna states that the property in the rear, although residentially zoned, is being used in a commercial capacity as an RV park by the adjacent property owners. Wilson responds

that just because it's being used that way now may not mean it's legal to be used that way, and certainly does not create any certainty that it will be used that way in the future.

The public hearing is closed at 10:23.

DECISION

Wilson explains that a variance is a discretionary action and must meet the Findings of law. Of the five Findings that must be made, the first cannot be made: "There are special circumstances applicable to the property under which the strict application of the provisions of the Zoning Code would deprive the property owner of the privileges enjoyed by other property owners in the vicinity and that such circumstances do not apply generally to other properties in the same zone." Wilson states he will take the actions recommended by Staff, and 1) determine that the project is exempt from the California Environmental Quality Act (CEQA) Guidelines due to the denial of the project; and 2) Deny the variance because required Findings cannot be made, and allow the applicant to make application under the Special Use Permit (U 9-12/13-03) and to submit revised plans that will meet the required setbacks. The decision is based on the project analysis 1 through 5 in the Staff Report.

IV. SPECIAL USE PERMIT: McNEILL, RICHARD; APN 104-051-015; T.28N/R.8E/S.19 MDM (Lake Almanor) Planner: Rebecca Herrin

The proposal to establish a single occupancy group S division 1 moderate hazard storage facility in a Recreation Commercial (R-C) zone, which will be used for the storage of boats and trailers as well as other materials falling under the S1 occupancy group, located at 457 Firehouse Road, Lake Almanor Peninsula, is presented.

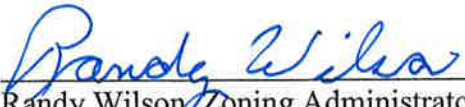
Rebecca Herrin, Senior Planner, explains that in order for a Special Use Permit to be approved, it must be found to be environmentally, socially, and economically compatible with the neighbors, which is why a public hearing is held. It's assumed to be economically and environmentally compatible unless issues are raised at the public hearing. The purpose of the public hearing is to take public input and make a determination of social compatibility. Staff is recommending approval if the hearing shows it's socially compatible. Randy Wilson, Zoning Administrator, asks the applicant's representative, Chris Luna, if he's reviewed the conditions of approval. Luna states he has and questions the requirement that "All internal roadways and parking areas shall be paved prior to the final building inspection." After discussion, Wilson states he is uncomfortable with the vagueness of the exhibit showing where the paving is going to be and the explanation given not being clear. Further discussion follows in regard to the requirement for paving. The public hearing is opened at 10:34.

Wilson states the Planning Director is allowed to modify parking standards, but is unaware if he can modify the requirements for internal roadways. Wilson states further clarification and research on paving requirements is needed. This item is continued two months to the April 10, 2013, Zoning Administrator meeting with the hearing remaining open.

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 10:52 a.m. The next regularly scheduled Zoning Administrator meeting is set for March 13, 2013, 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