
PLUMAS COUNTY
ZONING ADMINISTRATOR
Minutes of the Meeting of July 14, 2010

The Plumas County Zoning Administrator convened in a meeting on July 14, 2010, at 10:00 a.m. in the Permit Center Conference Room, Quincy. Zoning Administrator, Randy Wilson, presiding. Senior Planners, James Graham and Rebecca Herrin, are in attendance.

I. AGENDA

The agenda is approved as submitted.

II. PUBLIC COMMENT OPPORTUNITY

No public comment presented.

III. SPECIAL USE PERMIT: PENINSULA FIRE DISTRICT; APN 102-412-009 (LAKE ALMANOR) Planner: James Graham

The request for a Special Use Permit to establish a public service facility consisting of a business office within an existing residential structure, located at 801 Golf Club Road, Lake Almanor, is presented. Jim Graham, Senior Planner, gives a Power Point presentation elaborating on the details of the proposal as reflected in the Staff Report. Randy Wilson, Zoning Administrator, questions if anyone representing this project is present. Graham replies that no one is present, but notes that the applicants are familiar with the conditions of approval and have voiced no concerns with the Staff Report. Wilson opens the public hearing at 10:05 a.m. There being no comments, the hearing is closed at 10:05 a.m. Wilson questions if potable water service required by Condition #4 already exists. Graham replies that it does and the Environmental Health Department has verified that water will not be a problem. Wilson requests Graham contact the applicants after the hearing and inform them that there is a 10-day appeal period.

DECISION

Wilson states he will take the actions recommended by staff, and 1) Determine this project exempt from CEQA under Section 15301 of the California Environmental Quality Act Guidelines, finding that this project consists of the minor alteration of an existing private structure involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination, and 2) Approve the Special Use Permit subject to the conditions outlined in Exhibit 5 of the Staff Report with Findings A through C, noting that Finding C addresses the requirement that it will not interfere with the future adopted general Plan.

FINDINGS

A) The subject property is in full compliance with the Prime Opportunity development standards set forth in the Plumas County General Plan as the property is served by a paved road, community water, and sewage disposal, is within the service boundaries of a structural fire protection entity, and is provided electrical service.

- B) This project is consistent with the Single Family (3-R) 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 a special use permit:
1. This project is not environmentally incompatible with the surrounding area because the proposed project, as conditioned, does not result in potentially significant environmental impacts. No concerns were raised by other agencies during the preliminary review period.
 2. This project is socially compatible with the surrounding area because as conditioned it will not create any nuisances or interfere with the social atmosphere of the surrounding community.
 3. This project is not economically incompatible with the surrounding area because it does not prevent or diminish the ability of the surrounding property owners from deriving economic benefit, nor will the use interfere with the economic use of properties in the vicinity. The structure is existing and will not increase the intensity of use as the office will be for administrative purposes only.
- C) The proposed development is consistent with the existing General Plan because the Prime Opportunity development standards are satisfied as are 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 is consistent with the range of uses in existence on the parcel. There is little or no probability that the project will be detrimental to or interfere with the future adopted general plan because the proposed use involves little or no expansion of the existing use.

CONDITIONS

1. The proposed use shall be as described in the special use permit application and related materials or as otherwise conditioned below.
2. The proposed ADA parking and access ramps along with any other construction shall not be located where a negative impact to the existing on-site sewage disposal system may occur. Therefore, prior to the issuance of the building permit, the location of the on-site sewage disposal system shall be located to the satisfaction of the Plumas County Department of Environmental Health.
3. All proposed construction shall not negatively impact the future replacement area for the existing on-site sewage disposal system.
4. The potable water service to the proposed facility shall be supplied by the existing Lake Almanor Country Club, State regulated community water system.

IV. PLANNED DEVELOPMENT PERMIT: GRAEAGLE LAND & WATER COMPANY (West, Dan); 130-050-013 (GRAEAGLE); T.22N/R.12E/S.23 MDM Planner: Rebecca Herrin

The request for a Planned Development Permit to expand the area available for commercial services along highway frontage as part of the overall Graeagle Master Plan, located at 5379 Highway 89, Graeagle, is presented. Rebecca Herrin, Senior Planner, gives a Power Point presentation elaborating on the details of the project as reflected in the Staff Report. Herrin notes that Negative Declaration #652 has determined that there are no significant adverse impacts that can't be mitigated. There are two mitigations proposed. One is the standard mitigation for archaeological finds, and the second one is that at the time that commercial uses are established that a traffic analysis will be submitted to the County

and Caltrans to determine if there's any impact from those uses. Randy Wilson, Zoning Administrator, states that he noticed on the Mitigation Measure for the traffic analysis that it contains the wording ". . . unless the requirement is waived by both parties." So it is not an absolute, it will happen in the future. Wilson questions if the applicant or applicant's representative have any comments or questions on any condition. Dan West, applicant, responds that they have no comments and they agree with the recommendation. Wilson opens the hearing at 10:14. Craig Mulder, resident of C-Road, requests justification why this proposal is needed. He's having a hard time understanding that with all the existing commercial zoning in and around Graeagle that is not being utilized, why this expansion is required. Further, he doesn't agree with some of the issues considered "low impact" in the Negative Declaration such as noise, light pollution, and aesthetics. The Negative Declaration mentions the people who live to the north, on the other side of Frazier Creek, but no consideration was given to those who live on the other side of the Feather River on the ridge that will be overlooking this development. Mulder is concerned about the type of commercial uses such as gas stations, heavy equipment operation, farm supply, taverns, and restaurants that could be put in that area. Some have the potential for aesthetic impacts and light pollution. He doesn't see a win for residents looking down on the property. Herrin replies that there is a County ordinance that requires all lighting be shielded downward so it's not aimed on adjacent property; however, that's not to say it won't create a source of light. Any construction creates a source of light. As far as aesthetics, there are currently no site development standards. The assumption can be made that the construction will be similar to what's in Graeagle now. This is considered in-fill development and the property is already designed for Prime Opportunity Area development. It was planned for that use in the 1981 General Plan and zoned for Convenience Commercial. The existing area was zoned in 1985. Additionally, there's a 99-lot subdivision approved for the property that has also gone through an environmental review process. Certainly there will be light from that subdivision as well. Regarding the noise issue, the General Plan has noise standards that all new uses established cannot exceed. The decibel level is measured at the property line. Wilson questions what the speed zone is along Highway 89. West replies it is 45 MPH.

Richard Lundy, project engineer, states that in the 1980s when this property was zoned Commercial, there were a number of subdivisions that did not exist. When they're fully built, they feel they will need more commercial area to serve those subdivisions and eliminate the need for people to cross the two-lane bridge into Graeagle. Wilson adds that will be one of the things he will be looking at, the spatial relationship to what's been constructed in terms of residential structures and the availability and location of commercial services to service those, thereby reducing gas usage, air pollution, and greenhouse gas emissions. Further, there's no other commercial area between there and the County line. West comments that once the new subdivision was approved, it left some property between the highway and the subdivision, so it made sense to increase the commercial area and take in that strip. Also, Caltrans doesn't allow them to put in driveways like they used to. They built the intersection for the subdivision, and it will serve both the commercial area and subdivision. The property was extended to the east so that one intersection could be put in to serve that area as well as the future development. Herrin adds that Caltrans raised concerns about internal circulation and definitely said they don't want any new driveways.

Mulder requests that approval of this project be done in light of the new General Plan. His concern is dealing with something in Mohawk similar to what's been done in the Sierra Valley, namely between Vinton & Chilcoot, where you get significant degradation because of the types of buildings and structures going in. Essentially what's happening, from his perspective, is because there are no plans for what will be built, they're being given a blank check to build whatever they want. There being no further comments, the hearing is closed at 10:25.

Wilson states the location of the commercial area will provide commercial opportunity for those in Mohawk Valley and surrounding areas. Light will be directed downward per County Code. This is an expansion of the commercial area that already exists, it will just increase the use of it. Light and noise exist today. The noise issues from the highway are probably more dramatic than noise generated from commercial uses. From an aesthetics standpoint, what's happening in Graeagle is a positive. It's a thought-out, aesthetically pleasing community when you approach it. Other landowners have done well without guidelines to tell them to do it a certain way. Graeagle is a pleasant community and he doesn't see this as disruptive in terms of what they may do aesthetically. If the commercial area were not developed well, it would detract from the value and appeal of the 99-lot subdivision immediately adjacent. The community of Graeagle has done a good job in the setting they have. It's an expansion that will increase the intensity but not substantially.

DECISION

Wilson states he will take the actions recommended by staff, and 1) After review and consideration of the proposed Mitigated Negative Declaration, adopt Mitigated Negative Declaration #652 pursuant to Section 15074 of the California Environmental Quality Act Guidelines making Findings A through C as stated in the Staff Report, and 2) Approve the Planned Development subject to the conditions outlined in Exhibit 1 of the Staff Report with Findings A through G, making note that Findings C through G address this project as meeting the standards of the future adopted General Plan.

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.

FINDINGS

- A. The modifications and exceptions from zoning and subdivision requirements, including the expansion of the existing convenience commercial area, are justified to achieve an integrated plan which reduces adverse environmental impacts, as set forth in Mitigated Negative Declaration 652.
- B. The Planned Development Permit, as conditioned, is consistent with the existing General Plan. The Plumas County General Plan indicates that "Convenience commercial areas will generally be located within moderate or limited opportunity areas and include limited 'spot' business areas serving small population centers, highway oriented business, and commercial-recreation developments." The Land Use Management policy states, "The precise location of convenience commercial areas may be subject to development design."

Although this area is designated as a Prime Opportunity area, it is designed with the long term commercial needs of the community of Graeagle and the Mohawk Valley area in mind. The precise location of the convenience commercial area within the residentially designated area can be adjusted through the Planned Development Permit process while meeting the policy of the General Plan.

- C. There is a reasonable probability that the Planned Development Permit will be consistent with the future adopted General Plan. This area is located within a core development area and will provide the services necessary to ensure that compact development policies are met, while further limiting sprawl along highway corridors. Nothing in the Planned Development Permit will limit the future adopted General Plan.
- D. There is little or no probability that the project will be detrimental to or interfere with the future adopted General Plan because the Graeagle Master Plan efforts will act in conjunction with the future county planning efforts. The implementation by Planned Development Permit establishes a clear project area and does not limit future county planning efforts.
- E. The Mitigated Negative Declaration was prepared to address the environmental effects and mitigation measures associated with the project. The Mitigated Negative Declaration was prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) and the Guidelines for Implementation of the California Environmental Quality Act (State CEQA Guidelines).
- F. Prior to approval of the Planned Development Permit, the Zoning Administrator has reviewed and considered the Mitigated Negative Declaration and hereby adopts the Mitigated Negative Declaration for Planned Development Permit PD 2-08/09-01 for the Graeagle Land and Water Company Convenience Commercial area project as complete and adequate in that the Mitigated Negative Declaration addresses environmental impacts of the proposed project and fully complies with the requirements of CEQA and the State CEQA Guidelines. The Mitigated Negative Declaration is on file with the Plumas County Planning Department, 555 Main Street, Quincy, CA 95971.

CONDITIONS

General

1. This project is approved as proposed as an expansion of the existing convenience commercial area. All other Planning and Zoning code requirements, other than those for which an exception is granted, shall be applicable to the project.
2. This project encompasses approximately 24 acres of the ownership (APN 130-050-013). The project is shown on Exhibit A map submitted with the Planned Development Permit application dated October 2008. A legal description of the project site adequate for recording as part of the Planned Development Permit shall be provided to the Planning Department within forty (40) days of approval or the permit will be voided.
3. The following language shall be included on all building and site development plans:

"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.”

4. A traffic analysis shall be performed when specific commercial uses are proposed. At the time of submittal of building permits for commercial uses, a traffic analysis and internal circulation plan shall be approved by the California Department of Transportation and the Plumas County Department of Public Works, unless that requirement is waived by both parties.
5. The Planned Development Permit must be signed and returned within forty (40) days of the date of approval or the permit will be voided.

V. **CONTINUED FROM JUNE 9, 2010 - TENTATIVE PARCEL MAP & PLANNED DEVELOPMENT PERMIT: HENTON, D., HENRICI, P, AND HENRICI, K.; APNs 005-130-015 & 005-400-010 (QUINCY); T.25N/R.9E/S.28 MDM Planner: James Graham**

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 for a waiver of off-site road improvements and to allow the use of a “T” turnaround, located at 2000 and 1770 Butterfly Valley Road and 2000 Rebecca Lane, Butterfly Valley, Quincy, is presented.

Randy Wilson, Zoning Administrator, states this item was continued from the June 9th Zoning Administrator meeting in order to address an appropriate finding as to why this project is unique and would not require roadway improvements. James Graham, Senior Planner, states that County Code Section 9-4.802 requires that all developments served by a private road be part of a road maintenance agreement. Graham notes that this applies to the entire portion of the roadway all the way out to where it connects to the county road. Wilson questions if there is a road maintenance agreement in effect. Graham replies that there is an informal agreement, and this could be an opportunity to formalize the process if the other property owners would like to take part in it since Mr. Henton will be required as part of his pro-rated share. Discussion follows regarding road maintenance agreements and if they only apply to roads within the boundaries of the parcel map or to the private roads off the county road that access the property. Wilson suggests adding a condition that reads, “Prior to recordation of the final map a road maintenance agreement shall be established which addresses maintenance of roads within the boundary of the parcel map and shall address a pro-rated portion of maintenance costs of private roads that the project accesses from public roads.” Wilson adds that Henton will need to come up with the cost of his pro-rated share to maintain the road from the boundary of his map to the county road.

Another issue brought up at the last meeting was whether or not the addition of bedrooms increases traffic. Wilson questions Mike Kroencke from the Engineering Department if he has information which addresses this issue. Kroencke provides a letter dated 7/14/10 from John Mannle to Bob Perreault of Public Works and points out the last two paragraphs which state, “Construction of additions or modifications of existing structures do not typically generate added trips unless they involve separate facilities (a second kitchen) that would indicate a rental unit.” and “Applications for future building permits will be reviewed for the potential of increased traffic impacts. At that time, consideration of requirements with regard to possible road improvements will also be addressed.” Graham adds that the last paragraph can be put as a note on the map. Graham also notes that adding a kitchen is essentially adding another dwelling, which is considered additional quarters within the dwelling, which would be prohibited anyway. So there is no need to add a condition restricting a kitchen.

Wilson states the final issue has to do with making a finding that this is a unique circumstance in order to preclude someone from building a house and then splitting the property to get out of any kind of road improvements. After speaking with County Counsel, Wilson adds the following finding, "The application for this tentative parcel map and planned development permit arises from unique circumstances. The existing residential structures have existed for more than two decades and were constructed under earlier standards and regulations. After considering all of the circumstances and conditions of this approval, including the addition of elements that will increase fire protection and public safety for existing structures and the preclusion of additional development, roadway improvements in excess of the T-turnaround are not warranted." Henton states that the impression he got from the previous meeting was that the driveway that currently exists is adequate. Wilson replies that that is correct, and at the request of Perreault Map Condition #4 will be removed. Graham questions if the entire condition will be eliminated, or just the section that requires improvement plans be approved by Engineering. Wilson replies that CalFire has already approved the existing T-turnaround, so they just need to sign off on it and Engineering will stay out of it.

Wilson re-states the proposed changes to the conditions: Planned Development Condition #2 shall read, "A note shall be added to the additional information map that notes that the grading and construction of new residential structures shall be prohibited. Repairs and replacement of structures is allowed. No structure that is not residential at the time of the approval of the tentative map may be converted to residential. New accessory structures are allowed pending archaeological clearance by an archaeologist. Existing residential structures shall be identified on the additional information sheet. The existing residential structures may be expanded. Application for future building permits will be reviewed for potential increased traffic impacts. At that time, consideration of requirements with regard to possible road improvements will be addressed." Regarding Map Condition # 4, Kroencke requests a statement be added that the need for improvement plans has been waived by the County Engineer. Wilson amends Map Condition #4 to read, "The "T" turnaround shall be improved to a County Class 9 road standard and approved by the County Engineering Department and Cal-Fire prior to recordation of the parcel map." A new Planned Development Condition #3 shall read, "Prior to recordation of the final map, a road maintenance agreement shall be established which addresses maintenance of roads within the boundaries of this parcel map and shall address the pro-rated portion of maintenance costs of private roads that the project accesses from public roads." The public hearing is closed at 11:07 a.m.

DECISION

Wilson states he will take the actions recommended by staff, and 1) Determine this project exempt from CEQA under Section 15061(b)(3) of the California Environmental Quality Act Guidelines with the Finding stated in the Staff Report, and 2) Approve the tentative parcel map and Planned Development Permit subject to the conditions outlined in Exhibit 4 of the Staff Report and condition changes made today including the condition for a road maintenance agreement with Findings A through G with an additional finding H that states, "The application for this tentative parcel map and planned development permit arises from unique circumstances. The existing residential structures have existed for more than two decades and were constructed under earlier standards and regulations. After considering all of the circumstances and conditions of this approval, including the addition of elements that will increase fire protection and public safety for existing structures and the preclusion of additional development, roadway improvements in excess of the T-turnaround are not warranted."

ENVIRONMENTAL DETERMINATION FINDINGS

Finding that it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment because the property is currently improved with a dwelling unit on each of the proposed parcels. In addition, as a condition of project approval, the property will be restricted from further division, building of new structures, and grading activities. Therefore, this project is not subject to CEQA under Section 15061(b)(3) of the California Environmental Quality Act Guidelines.

FINDINGS

- A) This project, as conditioned, will satisfy the required development standards for the Moderate Opportunity – Rural Areas and applicable General Plan constraints and policies as set forth in the Staff Recommendation.
- B) This project is consistent with the R-10 Rural designation because:
 - a) All lots meet the minimum lot size of 10 acres.
 - b) All lots meet the minimum width of 300 feet.
 - c) All parcels are served by a public or private road connecting to a paved County road or State Highway. (PCC 9-4.903 (f))
- C) The site is physically suitable for the type of development and the proposed density of development; the design of the subdivision, as conditioned, 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 in conformance with the Subdivision Map Act.
- E) The proposed development is consistent with the existing General Plan because the development standards of the Moderate Opportunity – Rural Area - 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 conditions designed to restrict further development of the property and the addition of emergency water for fire protection, and improved turnaround. 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.
- F) The proposed project achieves an integrated plan which reduces adverse environmental effects by providing emergency water for fire protection and a “T” turnaround in conformance with SRA Fire Safe Regulations for existing residential units. The tentative map and planned development, as a condition of map approval, will be precluded from further development including residential construction. This integrated plan will provide necessary water and access improvements with no further development resulting from the granting of these entitlements.

- G) The “T” turnaround, as conditioned, has been approved by Cal-Fire and is in full conformance with the SRA Fire Safe regulations.
- H) The application for this tentative parcel map and planned development permit arises from unique circumstances. The existing residential structures have existed for more than two decades and were constructed under earlier standards and regulations. After considering all of the circumstances and conditions of this approval, including the addition of elements that will increase fire protection and public safety for existing structures and the preclusion of additional development, roadway improvements in excess of the T-turnaround are not warranted.

CONDITIONS

MAP CONDITIONS

1. The final parcel map shall be in substantial conformance with the tentative parcel map dated April 2010, except as modified by the following conditions.
2. The final parcel map shall be recorded by July 14, 2012, or an extension of time filed prior to that date or the map approval shall be voided.
3. Any necessary utility easements shall be granted to the satisfaction of the appropriate utility agencies.
4. The “T” turnaround shall be improved to a County Class 9 road standard and approved by the County Engineering Department and Cal-Fire prior to recordation of the parcel map.
5. Rebecca Lane shall be shown on the final map as a private roadway.

PLANNED DEVELOPMENT CONDITIONS

1. Prior to recordation of the final map, emergency water for fire protection shall be provided to each dwelling unit as set forth in Article 10 of Chapter 4 of Title 9 of the Plumas County Code. Compliance shall be verified in writing by Cal-fire.
2. A note shall be added to the additional information map that notes, “Grading and construction of new residential structures shall be prohibited. Repair and replacement of structures is allowed. No structure that is not residential at the time of the approval of the tentative map may be converted to residential. Accessory structures are allowed pending archaeological clearance by an archaeologist. Existing residential structures shall be identified on the additional information sheet. The existing residential structures may be expanded. Application for future building permits will be reviewed for potential increased traffic impacts. At that time, consideration of requirements for possible road improvements will be addressed.”
3. Prior to recordation of the final map, a road maintenance agreement shall be established which addresses maintenance of roads within the boundaries of this parcel map and shall address the pro-rated portion of maintenance costs of private roads that the project accesses from public roads.

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 11:08 a.m. The next regularly scheduled Zoning Administrator meeting is set for August 11, 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