
PLUMAS COUNTY
ZONING ADMINISTRATOR
Minutes of the Meeting of December 8, 2010

The Plumas County Zoning Administrator convened in a meeting on December 8, 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 is presented.

III. AMENDMENT OF SPECIAL USE PERMIT: BALBEN, MILDRED & DOUGLASS, ROGER; APN 123-120-006

The request for an amendment of an existing special use permit to extend the expiration date for an animal breeding and boarding facility known as Red's Meadow Ranch, located at 1850 C Road, Clio, is presented. James Graham, Senior Planner, gives a Power Point presentation elaborating on the details of the project as outlined in the Staff Report. Graham states staff is recommending the project be approved with the same conditions of approval, with exception of the removal of the requirement for a subsequent review, which would essentially permit the use indefinitely. Applicant, Roger Douglass, states they want to be a benefit to the local community. Jerry Sipe, Director of Environmental Health, states he concurs with the Staff Report. Randy Wilson, Zoning Administrator, states he agrees that five horses on the property works well, and the use has demonstrated a history of no issues in the neighborhood or with any kind of regulations. The public hearing is opened at 10:06. There being no comments, the hearing is closed at 10:06. Wilson states he will remove the requirement for renewal, explaining that if they follow the conditions of approval, they won't need to renew the permit. Douglass states his facility will board horses in cases of emergency.

DECISION

Wilson states he will take the actions recommend by Staff, and 1) Determine the project exempt from CEQA under Section 15061(b)(3) of the California Environmental Quality Act Guidelines making the finding stated in the Staff Report, and 2) Approve the amendment of the Special Use Permit subject to the conditions of approval outlined in Exhibit 5 of the Staff Report, with findings A through C, making note that the applicants will not need to come back for an amendment of the permit.

ENVIRONMENTAL DETERMINATION FINDING

It is found that it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment because of the absence of General Plan constraints or policies needing mitigation, the above conditions, and because the applicable development standards will be met, the impacts of development are reduced to a level of insignificance (EIR #39, page 78); therefore, this project is not subject to CEQA under Section 15061(b)(3) of the Plumas County Environmental Review Guidelines.

FINDINGS

- A) The subject property is in full compliance with the Moderate Opportunity – Rural development standards set forth in the Plumas County General Plan as the property is served by a private roadway (C-Road). Though not required, the property is within the service boundaries of the C-Road CSD, which provides structural fire protection.
- B) This project is consistent with the Rural (R-10) 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. All structures are located above the meadow habitat and are in full compliance with Environmental Health regulations with regard to the proper disposal of animal waste and the protection of water quality.
 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.
- C) The proposed development is consistent with the existing General Plan because the Moderate 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 no expansion of the existing use.

CONDITIONS

1. The pens for the boarding of the horses shall be located as shown on the plot plan submitted; outside of the Meadow Area and Building Setback Line as shown on 2PM 53.
2. Animal enclosures must not be located within 100 feet of a water well.
3. Any additional boarding facilities shall require an amendment of this permit.
4. A maximum of five (5) horses at any one time shall be permitted to board.
5. One on-premise sign shall be permitted, not to exceed six square feet in size nor exceed the height of any on-site building roof line.

6. The operation shall be in compliance with Plumas County Code Section 6-10.102.1. Animal Waste., which states:
 - a. No person who owns or controls land shall allow any animal waste, including manure, urine, and defecations, to accumulate on the land and cause a public or private nuisance or a danger to public health, such as fly-breeding and offensive odors.
 - b. Any person owning or controlling land upon which animals are confined in pens, kennels, stalls, fenced residential back yards, or other small areas shall remove animal waste and dispose of it in an approved manner at least three (3) times each week, or more frequently if so ordered by the Health Official.
7. The Special Use Permit is to be signed and returned within forty (40) days of the date of approval or the permit will be voided.

IV. TENTATIVE PARCEL MAP: KINNE, GREGORY & KATHERINE; APNs 005-310-026 & 005-310-027; T.21N/R.9E/S.13 MDM

The proposal to divide 1.75 acres into three parcels of 12,634, 15,078, and 48,732 sq. ft. for Industrial use, located at 880 & 818 Quincy Junction Road, Quincy, is presented. James Graham, Senior Planner, gives a Power Point presentation elaborating on the details of the project as outlined in the Staff Report. Graham notes that the Airport Land Use Commission (ALUC) has found the project compatible with the Airport Land Use Compatibility Plan and added an informational condition. Graham distributes a new set of map conditions that eliminates former Condition #6 and modifies Condition #4, which will be added as a disclosure on the additional information map. The new Condition #6 has also been modified for clarification. Randy Wilson, Zoning Administrator, states he would prefer to not have Condition #6 because the legal ramifications are not clear. Following discussion, Graham suggests different wording, such as "All proposed uses shall be reviewed, *as appropriate*, for potential adverse effects . . ." Condition #17 has also been added for ALUC's purposes. Graham states that although the applicant or his agent is not present, he concurs with the Staff Recommendation. Wilson states he is not comfortable approving a project without representation by the applicant or agent. Graham notes that he suggested the applicant or their agent be present. The public hearing is opened at 10:23. Jerry Sipe, Director of Environmental Health, states he is in agreement with the conditions of approval. Wilson states he will change Condition #6, as discussed, by adding "as appropriate". There being no further comments, the hearing is closed at 10:25.

DECISION

Wilson states he will take the actions recommended by staff, and 1) Determine the project exempt from CEQA under Section 15061(b)(3) of the California Environmental Quality Act Guidelines making the finding stated in the Staff Report, and 2) Approve the Tentative Parcel Map subject to the conditions of approval in Exhibit 5 of the Staff Report, with the change to Condition #6, making findings A through E.

ENVIRONMENTAL DETERMINATION FINDINGS

The proposed project is division of 1.75 acres into three parcels for industrial use. Two of the proposed parcels are improved. Parcel 1 is improved with a building used as an art studio and Parcel 2 is

improved with a dwelling unit. Parcel 3 is unimproved. The impacts of the land division are negligible and all proposed uses are permitted through a discretionary site development review procedure.

The proposed project will not adversely impact aesthetic resources as the property is not located within a county designated scenic area and will not alter any aesthetic resources identified by the Plumas County General Plan.

The proposed project will not have any adverse impacts on agricultural, forestry, or mineral resources as the subject property is not forested, zoned for agricultural use, or contain any important mineral resources.

The existing uses on the property consist of a dwelling unit and an art studio. These existing uses have no identified adverse environmental impacts. New uses permitted within the industrial zone are evaluated through a site development review procedure set forth in the Plumas County Code. Impacts to air quality, geology/soils, greenhouse gas emissions, hazards & hazardous materials, hydrology, water quality, noise, transportation, and utilities/service systems will be evaluated prior to approval of any new uses.

No impacts are anticipated to biological or cultural as the site is heavily altered with structures and driveway and access features.

No impacts are anticipated to housing or recreational resources as the property is zoned for industrial and has no impact on nearby residential or recreation zoned property.

Transportation impacts have been identified and mitigated to the satisfaction of the Public Works Department as set forth in the conditions of project approval.

Utilities are provided to all parcels along the frontage of Quincy Junction Road.

It can be seen with certainty that there is no possibility that the project may have a significant effect on the environment as all potential adverse environmental affects have been addressed with the project description. Therefore, this project is not subject to CEQA under Section 15061(b)(3) of the California Environmental Quality Act Guidelines.

FINDINGS

- A) This project is consistent with the Plumas County General Plan Development Standards, policies and constraints, as all proposed parcels will be served by Quincy Junction Road, a paved maintained County road. In addition, the project is within the Quincy Fire Protection District and is within reasonable service distance from their facilities.

- B) This project is consistent with the Plumas County Zoning Code as all parcels satisfy the minimum parcel size of 10,000 square feet, and all parcels satisfy the average minimum width of 60 feet. In addition, the residential unit on Parcel 2 is associated with outdoor storage of tools and materials satisfying the residential use requirement set forth by Plumas County Code Section 9-2.2602 (a)(4).

- C) 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; the design of the parcels will not conflict with easements, acquired by the public at large, for access through or use of property of 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 – Suburban 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 eliminate potential adverse environmental effects. 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.

CONDITIONS

1. The final parcel map shall be in substantial conformance with the tentative parcel map received on July 20, 2010, except as modified by the following conditions.
2. The final parcel map shall be recorded by December 8, 2012, or an extension of time filed prior to that date or the map approval shall be voided.
3. Prior to recordation of the final map, any necessary utility easements shall be granted to the satisfaction of the appropriate utility agencies.
4. Resulting Parcels 1 and 2 currently have sewage disposal through a shared connection to East Quincy Services District (EQSD). A sewer line easement and maintenance and use agreement shall be provided for this shared sewer line prior to recordation of the final map. The maintenance and use agreement shall be between the owners of Parcel 1 and 2. The EQSD shall not be party to this agreement.

In addition, a separate sewer lateral for Parcel 3 may be required if determined necessary by the EQSD consistent with East Quincy Services District Sewer Ordinance No. 5 “III. USE OF SEWERS .C. MULTI- UNIT CONNECTIONS” which allows the district to reserve the right to limit the number of residences, buildings and plumbing fixture units which may be served by one sewer connection.

5. Resulting Parcel 3 is not suitable for on-site sewage disposal. Connection to East Quincy Services District is available but not guaranteed and is dependent on the number of dwelling unit equivalents available upon submission of building plans. A note shall be added to an additional information map which states the above disclosure.

6. A note shall be added to an additional information map which notes the following: All proposed uses shall be reviewed, as appropriate, for potential adverse effects as part of the County's Site Development Review procedure. Necessary mitigation measures, determined through environmental review of all new uses, shall be required prior to, or concurrent with, parcel development to ensure that adverse effects to the groundwater are eliminated.
7. The water well located on Parcel 3 shall serve all three parcels. Prior to recordation of the final map, the existing well easement shall be extended to include Parcel 1. In addition, a maintenance and use agreement for this shared water well shall be provided to the satisfaction of the Plumas County Environmental Health Department.
8. Sewer improvements on Parcel 3 must comply with minimum setback requirements for protection of the water well per Plumas County Code Title 6, Chapter 8-Water Wells. This requirement shall be reflected on an additional information map.
9. The Additional Information Map and any Additional Information Document that may be needed as a part of this project shall be reviewed and approved by Environmental Health prior to recording.
10. In order to satisfy Cal-Trans and AASHTO standards, the existing driveway for Parcel One must be removed prior to recordation of the final map.
11. Prior to recordation of the final map, Parcels 1 and 2 shall each be provided two parking spaces in conformance with Plumas County Code Section 9-2.414 et seq., to the satisfaction of the Plumas County Planning Department.
12. Prior to recordation of the final map, access cross-easement rights shall be created between Parcels 1, 2, and 3, subject to approval by the County Engineer.
13. Adequate site distance shall be maintained from the edge of the stairs on Parcel 1 and the driveway easement on Parcel 2. This site distance shall be demonstrated and verified in the field to the satisfaction of the County Engineer.
14. The site is not mapped as having ultramafic rock or asbestos, but if such is discovered on site then the Northern Sierra Air Quality Management District must be notified no later than the following business day and the statewide Asbestos ATCM's will apply. This disclosure shall be added to all required improvement plans.
15. The following note shall be added to an additional information map: If eventual development includes any source of air contaminants, such as a generator, spray booth, etcetera, the Northern Sierra Air Quality Management District should be consulted regarding the possible need for an authority to construct/permit to operate.
16. To avoid potential impacts to cultural resources resulting from the proposed project a note shall be placed on a additional information 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.”

17. A note shall be added to an additional information map which notes the following: “New industrial and residential uses are subject to review and a finding of compatibility by the Plumas County Airport Land Use Commission.”

There is discussion regarding the necessity of having the applicant or representative present during public hearings.

V. TENTATIVE SUBDIVISION MAP: AGUILERA ET. AL (DAVE NORTON, Agent); APNs 003-260-002 AND 003-320-003 (LaPorte); T.21N/R.9E/S.4 & 5 MBM

The proposal to divide approximately 87 acres into five parcels of 1.95, 2.16, 2.20, 3.71, and 76.05 acres for single-family residential use, located at 2166 Little Grass Valley Road, LaPorte, is presented. Randy Wilson, Zoning Administrator, states the applicant’s representative has requested this item be continued. The hearing is opened at 10:30 a.m. Kathy Zancanella, representative from South Feather Water & Power, owner of Little Grass Valley Reservoir, states that their primary interest in the project is that it not impede public access to the shoreline. Zancanella states Condition #11 is fine with them, and Condition #12, which requires a public access easement from Little Grass Valley Road to the shoreline, isn’t something they need because they already have an easement along the shoreline. They just need to make sure no fences or structures are built down to the high water mark. They want to maintain a public access easement above the high water line. They currently have 50-foot easements on the adjacent properties, but would settle for less, such as 10 feet.

Jim Webster, representative for the applicant, questions Condition # 7, which requires structural fire protection service be provided by the LaPorte Fire Protection District. Webster states there is no mechanism in place right now for that to occur, so they have no idea if they agree with that condition or not. They need to work with the Fire Chief and the County to determine what that really means. No one has talked to the LaPorte Fire District to see whether they would annex the parcels or do a contract. Randy Wilson clarifies that none of the structures around Little Grass Valley Reservoir have structural fire protection.

Jerry Sipe of Environmental Health states the septic system issues can simply be handled through an additional information map.

Wilson states that the property doesn’t need to provide public access to the water, but it is a requirement of the Subdivision Map Act. If South Feather Water & Power does not want the easement, he may consider not requiring it. Zancanella states she will talk to the General Manager and their attorney to find out if they want the easement or not. Continuing, Wilson states they still need to work out the width of the easement along the shoreline, work with Environmental Health to make sure their conditions are correct, and work on the structural fire protection issue.

Wilson continues this item to the January 12, 2011, 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 10:47 a.m. The next regularly scheduled Zoning Administrator meeting is set for January 12, 2011, 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