
PLUMAS COUNTY
AIRPORT LAND USE COMMISSION
Minutes - January 21, 2009

The Plumas County Airport Land Use Commission convenes in their regular meeting on January 21, 2009, at 2:03 p.m. in the Planning & Building Services Conference Room; Chair Carl Felts presiding. Members appointed are as follows:

1. Carl Felts, Chair;
2. George Terhune, Vice Chair;
3. Herb Bishop, Commissioner;
4. William Weaver, Commissioner;
5. B.J. Pearson, Commissioner;
6. Alan Holloway Commissioner,
7. Cal Westra, Commissioner.

I. CALL TO ORDER AND ROLL CALL

Present: Carl Felts, George Terhune, Herb Bishop, William Weaver, B.J. Pearson, and Alan Holloway.

Absent: Cal Westra.

II. REVIEW AND APPROVAL OF AGENDA

Chair Felts calls for a motion to approve the agenda. Motion is made by Commissioner Weaver. Commissioner Bishop seconds the motion with a unanimous affirmative voice vote recorded.

III. REVIEW AND APPROVAL OF MINUTES

Chair Felts calls for a motion to approve the minutes of December 17, 2008. Motion is made by Commissioner Pearson. Commissioner Weaver seconds the motion and a unanimous affirmative voice vote is recorded.

IV. INTRODUCTIONS

Ken Roper introduces himself and states he is here for Item X.B.1.a. (Fareed, Ghulam & Naseem – Union 76 Foodmart).

Becky Herrin introduces herself as the Senior Planner on staff who will be giving the presentation on Item X.B.1.c. (High Sierra Propane)

Lori Simpson introduces herself as the Supervisor from District 4.

V. **PUBLIC COMMENT PERIOD**

Chair Felts opens the Public Comment Period. There are no comments.

VI. **BOARD OF SUPERVISOR'S CORNER** - Opportunity for County Supervisors to address issues related to the ALUC

No comments are made.

VII. **REPORT BY JOE WILSON – FACILITY SERVICES**

Wilson presents the final draft copies of the *Airport Layout Plan* for both Beckwourth and Quincy airports for ALUC review and comments. Wilson adds that they will be submitted to the Department of Transportation.

VIII. **STAFF REPORT**

No report is given.

IX. **COMMISSION COMMENT PERIOD**

A. **Chair Report.**

Felts gives a report on his presentation yesterday, January 20th, to the Board of Supervisors about the ALUC and what they have been doing.

B. **Commissioners' Comment** - No Comments are made

C. **Subcommittee Reports** - No report is given.

XI. **OTHER BUSINESS**

A. **Old Business.**

1. **Establishing Proxies.**

Felts reports he has not been able to find a proxy. Weaver is asked if he has been able to get a hold of Mike Clements; he reports he has not. Felts suggests finding several people who are willing to serve as proxies for the whole Commission. Felts suggests putting out another notice for a proxy in the paper. It is agreed that Felts will put out another notice in the paper.

2. **Fees.**

Felts reports he has done some checking and the Commission can levy a fee; however, the Board of Supervisors needs to put it on the Master Fee

Schedule. Wilson informs the Commission that Jack Ingstad, CAO, will be soliciting updates to fees in the near future and at that point we can look into establishing fees for the ALUC. Graham adds that there is a set methodology for calculating fees, taking into consideration overhead and other items that may be needed in order to serve the needs of the Commission as well as staff time. Pearson adds that it is important for the fees to be reimbursements for actual costs. There should be no revenue-generating fees. Wilson states he can submit a proposal for fees for the Commissioners to review at the next meeting.

B. New Business.

1. Applications for Land Use Action Review.

a. *Fareed, Ghulam & Naseem (Union 76 Foodmart).*

James Graham, Senior Planner, gives a brief overview of the project, which is located on the corner of Crescent Street and Lawrence. It is a 287 sq. ft. addition and a 461 sq. ft. remodel to the Union 76 Foodmart. The addition will be no higher than the existing structure, and will be used primarily for storage and some remodeling of the interior to reconfigure the area of retail space. It falls well beneath the FAA Part 77 airport surface area and does not exceed the density or intensity of use established by Zone 6. It is staff's recommendation that the ALUC finds it compatible with the Airport Land Use Compatibility Plan. George Terhune feels that in the Staff Analysis under "Actions for Consideration", Finding B should state ". . . as set forth in the Airport Land Use Compatibility Plan." rather than reference the *California Airport Land Use Planning Handbook*.

Chair Felts calls for a motion to accept the staff's recommendation concerning this project as follows: The Commission determines that the proposed addition and remodel for the Union 76 Foodmart (Building Permit #08-0900-B) is compatible with the Airport Land Use Compatibility Plan for Gansner Airport at Quincy subject to the following findings:

- A) The project does not encroach into any airport surface areas established by Federal Aviation Regulations Part 77.
- B) The use is consistent with the non-residential uses and densities allowed by Safety Compatibility Zone 6 as set forth in the California Land Use Compatibility Plan.

Motion is made by Commissioner Pearson. Commissioner Weaver seconds the motion and a unanimous affirmative voice vote is recorded.

b. *Benoit, Terry & Linda.*

Graham states that this project consists of a 114 sq. ft. kitchen addition to an existing single-family residential structure. Graham questions whether the ALUC wants to address this issue prior to discussion of *Item B-4* because it relates to an addition to a single-

family structure that is located partially in Zone 2 and partially in Zone 6. Graham states that staff has taken the liberty of making a determination based on logical assumptions. There is discussion regarding the square footage of the existing structure and the addition. Per the Airport Land Use Compatibility Plan, Item F - Limitations on ALUC authority – (summarized) “if the square footage of the addition is less than 10% of the square footage of the existing structure, it is exempt from ALUC review.”

Felts calls for a motion stating that the application for land use review by Terry and Linda Benoit located at 895 Valley View Drive, Quincy, be declared exempt from review because it does not exceed 10% of the total structure as required by the Airport Land Use Compatibility Plan. Motion is made by Commissioner Pearson. Commissioner Weaver seconds the motion and a unanimous affirmative voice vote is recorded.

c. *High Sierra Propane – Muckraker, LLC*

Becky Herrin, Senior Planner, presents the project as the installation of two 30,000 gallon propane tanks on an industrially zoned property in Beckwourth in Zone 3. The building permit was issued by the Building Department missing some of the requirements for this zone and the fact that it is in Zone 3. The permit was issued without review by the ALUC and the other requirements of the General Plan & Planning Department. The permit was issued, the facilities are installed; however, the final inspection has not been made and the Certificate of Occupancy has not been issued by the Building Department. At the 9/17/08 ALUC meeting, other propane tanks were discussed that were proposed in another area in the compatibility zone, but was not on the agenda as an action item. Staff is recommending that the ALUC determine that the building permit is for a use compatible with the Airport Lane Use Compatibility Plan because it does not encroach into any airport surface areas and is compatible with the basic compatibility criteria for Zone 3 because there is no other feasible location for these propane facilities. The property owned by this company is zoned industrially and they don't have any other property to locate the facilities.

Terhune states that it may be that a finding of “no practical alternative” is justified, but it isn't adequately justified to say that the company owns no other property that would qualify. If that's the standard, anybody could qualify for anything by buying a piece of property and saying they don't own anything else. The fact that that company doesn't happen to own any other piece of property is too loose a standard by far. Pearson states that the real problem with this is that the previous owner had actual knowledge that propane tanks were not desirable for that area, and that the fire department had gone on record numerous times that they would not annex the property. Pearson adds that they did not want even the first propane tank there, but somehow it got

installed in Zone 3, and that the buyer should have been given adequate notice before he purchased the property. Terhune questions when the application was made. Herrin replies that the application was submitted on July 14, 2008, and that the permit was issued on August 1, 2008. Terhune continues by stating there may be perfectly legitimate objections raised; but unless they are directly connected to the ALUCP, then it isn't up to the ALUC to disapprove or go back and require they do something else. Felts adds that according to law, this Commission will make a judgment based on whether it's compatible with the ALUCP or not, and that the ALUC has to turn a deaf ear to any other kind of information that isn't in its jurisdiction. Director Wilson states that staff is suggesting the "no practical alternative" finding, however, it may be too broad. Wilson continues that this is a situation where a permit was issued, signed off by Planning, but it is missing both the ALUC review and site development review. Wilson suggests they modify the finding. Felts states they need to make a decision or continue it pending further information. Wilson replies that if they don't make a determination then in order to proceed they would have to do an override meaning that it would be taken to the BOS to override the decision.

Felts states that the Building Department did not understand there was a requirement to bring this project to the Airport Land Use Commission for review and they inadvertently approved the permit. Felts calls for a motion to uphold the findings of the Building Department provided that within a 90-day period the applicant completes all the other necessary requirements of the Beckwourth Fire Department and the State of California for this type of installation. Motion is made by Commissioner Pearson. Vice Chair Terhune seconds the motion and a unanimous affirmative voice vote is recorded.

2. Correction to ALUCPs.

Terhune states that as it is written now, the ALUCP permits the single family residence to go forward on any existing lot zoned compatible for single family residences in Zones 2 through 6. Terhune continues that the handbook prohibits residential use in Zone 2 except a residence on a large agricultural parcel. Terhune states that he doesn't think the Commission took adequate notice of the fact that it said "prohibit unless" rather than "avoid" or "limit" in Zone 2 and went ahead and put Zones 2 through 6 as permitting development of single-family residences on existing lots. Terhune continues that in practice it has no real affect except for about 6 lots each to the west of Quincy and to the west of Nervino. Terhune adds that there are no existing residential lots in Zone 2 that would be affected and very little traffic, arriving or departing, goes over those 6 lots that could be affected in Zone 2. Terhune clarifies the following: The Handbook states "prohibit unless" which means it doesn't absolutely prohibit; The Commission is not obligated to follow the Handbook entirely; and, The Commission is entitled to take into account local circumstances. Terhune says his current inclination is to leave it

the way it is, but that he brought it up because it is an ambiguity that might involve something the Commission didn't intend. Graham states that the question is whether the language "prohibit unless" is interpreted as being the same thing as "limited." Graham adds that it could be interpreted as a form of limitation instead of a prohibition. Graham suggests that it is noted in the minutes that in Zone 2 residential use is interpreted as being limited and not prohibited. Terhune suggests taking away the quotations around "limited" in the paragraph "where residential uses would be limited by." Terhune adds that prohibition is a limit (unquoted, not capitalized); whereas, the other one says "limit, avoided, or prohibited" in quotation marks because that's a reference to a table in the handbook. Terhune stresses his hope to avoid changing the language significantly because then the Commission loses its option of further amendments.

3. ***Amendment to Policies, Rules, and Regulations – Issue permits for single family residences in Zones 3 through 6 without requiring ALUC review.***

Terhune states it was pointed out to him that until the General Plan is consistent with the ALUCP, the Public Utilities Code does not require the Commission to review everything. Terhune adds that he believes the appropriate division of review would be as follows: *ALUC* – Commercial uses and non-residential uses (i.e., unusual circumstances, lot splits, zoning changes); *Planning Department* - single-family residences. Felts states that he is Ok with this applied to Zones 4 and 6, but not Zones 3 and 5. General discussion continues and is followed by Felts calling for a motion that Planning & Building Services is required to bring all proposed projects and plans to the ALUC for review except single family residential uses in Zones 4 and 6. Motion is made by Commissioner Weaver. Commissioner Bishop seconds the motion with a unanimous affirmative voice vote recorded.

4. ***Amendment to Policies, Rules, and Regulations – Clarification of the process for determining which zone a parcel is in where a parcel is partly in one Safety Compatibility Zone and Partly in another.***

Terhune poses the question, "When a parcel is partly in one zone and partly in another, where is it?" Terhune suggests that the Commission amends Section X (Process for Reviews) by adding a new paragraph (#3, and renumber subsequent paragraphs) to read as follows: "Where a proposed project or other land use is on a parcel that is partly in one Safety Compatibility Zone and partly in another, the location of the project or use is normally considered to be at the center of a residence, or at the center of average human use for non-residential public uses, or at the center of a use considered to be hazardous. Where that location is not readily identifiable, additional factors may be taken account of in determining the location of the residence or other use."

Felts calls for the motion to accept the additional paragraph X.3., page 5 as stated above. Motion is made by Commissioner Weaver.

Commissioner Bishop seconds the motion with a unanimous affirmative voice vote recorded.

XII. FUTURE AGENDA ITEMS

A. Unfinished business.

XIII. ADJOURN

Director Wilson states that there currently is not much in the way of building permit activity; therefore, there may not be business for the February ALUC meeting. Wilson adds that he can work with Chair Felts to determine whether there should be a February meeting. Felts makes the suggestion and calls for the motion to suspend monthly meetings and instead hold ALUC meetings on an *as needed* basis as determined by the Chair. Motion is made by Commissioner Weaver. Commissioner Pearson seconds the motion with a unanimous affirmative voice vote recorded.

There being no further business, Chair Felts calls for a motion to adjourn. Commissioner Bishop makes a motion to adjourn the meeting of January 21, 2009. Commissioner Weaver seconds the motion with a unanimous affirmative voice vote recorded. The meeting adjourns at 3:15 p.m.

The next meeting will be scheduled as needed.



Carl Felts, Chairman
Plumas County
Airport Land Use Commission



Nancy Fluke, Recording Secretary