
PLUMAS COUNTY
ZONING ADMINISTRATOR
Minutes of the Meeting of July 10, 2013

The Plumas County Zoning Administrator convened in a meeting on July 10, 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. SPECIAL USE PERMIT: LAMBACH, WINDI; APN 110-072-002 (Greenville); T.26N/R.9E/S.3

The request to allow the keeping of 4-H market lambs from April through August and temporary breeding ewes for sale, short term usage, and weed abatement from May 1st through May 30th in a residentially zoned neighborhood located at 605 Main Street, Greenville, is presented. Rebecca Herrin, Senior Planner, explains that 4-H projects are treated differently than most farm animal projects in that they are short-term projects that can be allowed in all residential zones, subject to a Special Use Permit. Project applicant, Windi Lambach, questions if instead of removing the animal waste she could use it for a compost pile since her property backs up to agricultural land. Herrin responds that County Code requires that animal waste be removed from the premises. Zoning Administrator, Randy Wilson, questions the number of lambs that will be kept on the property. Lambach replies that from May 1st through May 30th there would be a maximum of three, and from June 1st to August (when the Fair starts), there would be only one. The hearing is opened at 10:05.

George Potter, who lives next door to the applicant, questions if anyone from the Planning Department has looked at the property. Herrin replies that no one has, but we were provided with a plot plan showing where the animals are to be located. Mr. Potter's concerns are the number of lambs being kept there, the location of the lamb pen in relation to his house, odors, and flies. Additionally, the lamb cries all day, every day, until it loses its voice. The pen is located 30 feet from his bedroom window, and 15 feet from his back porch. He feels it is inconsiderate how close the lambs are being kept to his house and requests the permit not be granted. Wilson questions if the lamb pen could be relocated to another part of the property. Lambach replies it could be and also notes that the lamb cries out of loneliness, not because it is being neglected. Wilson states he will add a condition that the lamb pen be moved to another part of the property by next Friday, July 19th. The hearing is closed at 10:23. Wilson notes that the permit can be revoked if it is found they are not in compliance with the conditions of approval.

DECISION

Wilson states he will take the actions recommended by staff, and 1) find that the project is exempt from the requirements of the California Environmental Quality Act under Section 15061(b)(3), making findings A and B; and 2) approve the Special Use Permit subject to the conditions of approval, with the addition of Condition #6, with findings A through E:

ENVIRONMENTAL 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 effect on the environment; 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.

FINDINGS

- A) This project, as conditioned, is environmentally compatible with the surrounding area because the proposed project conforms to the general plan constraints and polices, and with applicable state and county codes that are designed to protect public health and safety.
- B) Prior to the public hearing, it can be presumed that this project is socially compatible with the surrounding area because the conditions are designed to ensure that the project will not create any nuisances or interfere with the surrounding community. The project will be in conformance with all other regulations pertaining to the use.

The lambs will be penned and walked on the property.

Waste removal and disposal shall be in an approved manner.

- C) 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 in conformance with zoning requirements adopted for the promotion of the public health, safety, and general welfare and to protect property owners' rights to develop consistent with the General Plan.
- D) This project is consistent with the general plan and zoning because a 4-H project is a permitted use, subject to Special Use Permit and it is temporary.
- E) There is a reasonable probability that the project will be consistent with the future adopted general plan because, although a residential area, rural uses are predominant. There is little or no probability that the project will be detrimental to or interfere with the future adopted general plan because of the temporary nature of the project.

CONDITIONS

1. The use, operation, and layout of the facility shall be as described in the application and as shown on the plot plan received May 21, 2013.
2. Removal and disposal of animal waste shall be in a trash container with a tightly fitted lid at least 3 times per week, or more frequently if so ordered by the Health Officer, to prevent a private or public nuisance or health threat, such as fly breeding conditions and offensive odors per Plumas County Code Section 6-10.102.1.
3. Animal waste must be removed from the premises at least once per week to an approved landfill or transfer site.

4. All grains or other loose feed must be stored in containers with tight fitting lids to prevent the entrance of vermin.
5. 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.
6. The lamb pen and shelter shall be relocated to a location along the rear property line approximately in the center of the property by July 19, 2013.

IV. EXTENSION OF TIME: WHITEHAWK RANCH PHASE XII – MONTEBIANCO, LLC; APN 133-130-109; T.21N/R.13E/S.5 & 32 MDM (Clio)

The request for an Extension of Time of three years to record the final map for Whitehawk Ranch Phase XII, located at 1137 Highway 89, Clio, is presented. Randy Wilson, Zoning Administrator, explains that the Map Act allows for an extension of time of three years and, in addition, this map has already received three legislative extensions of time. The current expiration date is April 30, 2015. There may be an additional legislative extension coming along, which would extend the map an additional two years. In some respects it's not necessary at this point to consider this extension of time; however, the applicant has requested it. Becky Herrin, Senior Planner, gives a presentation explaining the history of this phase of the project as outlined in the Staff Report. There is an issue about a parcel for a fire station for the Graeagle Fire Protection District that has not been resolved. The original map did not contain a condition requiring that a fire station be built. It contained a condition where there were certain areas of the project where no public facilities can be built. Those are the Open Space areas and nothing can be built in them. The Graeagle Fire Protection District is requesting a condition be added to the map requiring a dedication of one of the buildable parcels. They would like a 1-acre parcel that they can sell to recoup some of the costs incurred for the fire station. The applicant has stated in a letter that he intends to donate the open space to the Whitehawk CSD and they can do whatever they want with it, which means that if they choose they could donate a parcel to the Graeagle Fire Protection District. Wilson points out that that doesn't solve the problem because it's an unbuildable area.

Don Clark, a member of the Board of Directors of the Graeagle Fire Protection District, feels the long-standing commitment of the developer to provide a one-acre parcel for a fire station has not been satisfied. The piece of property offered to the District was not satisfactory to build a fire station on. They subsequently acquired a piece of property and are in the process of building a fire station. The District would like a piece of property that represents the original commitment, or reimbursement of the \$90,000 spent to purchase a piece of property. The District thinks the developer should accept responsibility and provide a lot that could be sold to recover some of the costs.

Wilson states he has a concern that an extension of time at this point is not necessary. The developer will have that opportunity in the future. The next legislative extension could extend it to 2017. Wilson also does not feel he has the legal authority to require a condition be added to the map. It appears communications and people's expectations about the fire station have not been fulfilled. The offer of open space gives nothing to anybody because it can't be built on. The extension of time is a premature request because of the legislative extensions. The applicant's representative, Dan Bastian, states the applicant would be agreeable to a continuance of the hearing.

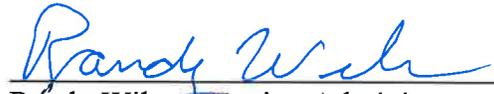
DECISION

Wilson continues this item for four months to the November 13, 2013, 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 11:18 a.m. The next regularly scheduled Zoning Administrator meeting is set for August 14, 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