
PLUMAS COUNTY
ZONING ADMINISTRATOR
Minutes of the Meeting of March 16, 2011

The Plumas County Zoning Administrator convened in a meeting on March 16, 2011, at 10:07 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

There is no public comment presented.

III. TENTATIVE SUBDIVISION MAP & PLANNED DEVELOPMENT PERMIT: RAMELLI CREEK – RAMELLI CREEK RANCH, LLC; APNs 008-280-020 & 008-280-021; T.25N/R.16E/S.29 & 32 MDM

The proposal to divide 241.2 acres into six lots for rural residential and agricultural use in conjunction with a planned development permit to modify the minimum parcel size through a density transfer to allow for clustering of the residential parcels in order to avoid environmental impacts, and to provide for the use of “T” turnarounds in lieu of circular turnarounds, located approximately 3 miles north of Frenchman Lake in Eastern Plumas County, is presented. James Graham, Senior Planner, gives a Power Point presentation elaborating on the details of the project as reflected in the staff report. Graham points out that a letter received from the Forest Service raised issues related to dust abatement, fire protection, visual quality, road design, roadway maintenance, and issues related to seasonal use and levels of service. Graham notes the letter came in late and staff has not had an opportunity to discuss these issues with the Forest Service. They are attempting to meet with the Forest Service to work out additional mitigation measures, if any are needed, to address their concerns. There is also discussion regarding access easements.

The public hearing is opened at 10:17 a.m. A member of the public questions if the project will impact any of the streams and cause runoff in the Chilcoot and Vinton area, and if the property can be used for agricultural purposes. Ken Krater, applicant, responds that there will be no impact on either Last Chance or Ramelli Creeks because they designed the project with pure avoidance in mind. Additionally, no grading can occur outside the building envelope because it would be in violation of the CC&R’s. Zoning Administrator, Randy Wilson, notes that CAL FIRE has requested their letters be made part of the record for the environmental document. Graham suggests attaching the letters from CAL FIRE as Exhibit 9. Wilson questions the applicant if he is OK with the project being continued in order to address the letter from the U.S. Forest Service. Krater responds that he is. Wilson continues this item to the April 13, 2011, Zoning Administrator meeting at 10:00 a.m.

IV. REVERSION TO ACREAGE: CREEKSIDE AT WHITEHAWK RANCH, UNIT 2 – MOORING, DAVID & LISA; (DANIEL S. CORNELL, Agent); APNs 133-360-001 through 133-060-007; T.21N/R.13E/S.5 MDM

The request to merge five existing lots and a remainder parcel into one original parcel through the recordation of a final map that will also serve to remove various easements, located at 79 Silver Pine Trail, Whitehawk Ranch, Clio, is presented. Rebecca Herrin, Senior Planner, states the details of the project as reflected in the staff report. Zoning Administrator, Randy Wilson, questions the subdivision bond. Robert Perreault, Public Works Director, responds that the property was bonded and some infrastructure improvements were constructed on the property. There was a natural disaster event that damaged certain infrastructure and present field conditions do have some infrastructure still in place. With the County holding a bond in a certain amount, if the application were approved it would give authority to the County Engineer to reduce the bond amount to an amount necessary to formally abandon the existing infrastructure. Wilson notes that according to the Subdivision Map Act the bond would have to be entirely returned. Perreault replies that if the owner does the work quickly to abandon the facilities, the entire bond could be released. That work could be timed with the recording of the new final map. Wilson questions specifically what work needs to be completed. Perreault states the water pipes need to be capped and one hydrant needs to be removed. Linda Carr, the applicant's representative, states she feels the owner would be amenable to completing the required work. Perreault adds that he has discussed this issue with the owner's agent, attorney Daniel Cornell, and he is in agreement. Wilson points out that Condition #3 states that no retention of any portion of required improvement security or deposits is necessary to accomplish the purposes of County ordinance adopted pursuant thereto. Perreault suggests continuing this item for one month to give the owner the opportunity to perform the construction work, and then there would be no need to reduce the bond amount. There is further discussion regarding the bond. The public hearing is opened at 10:52 a.m. There being no comments the hearing is closed at 10:52 a.m.

DECISION

Wilson states he will take the actions recommended by staff, and 1) Find the project exempt from the requirements of the California Environmental Quality Act under Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment because it consists of a reversion to acreage of previously subdivided lands. Future development of the property will be required to meet standards in place at the time of development; and 2) Approve the Reversion to Acreage subject to the conditions of approval which are limited to those listed in Government Code Section 66499.17 and outlined in Exhibit 4 of the staff report, with Findings A through E. Condition #3 is amended as follows: "Prior to recordation of the final map, the water lines and hydrant identified by the County Engineer shall be properly capped to the satisfaction of the County Engineer. In the event the owner wants to proceed with recording the final map prior to this work being accomplished, the bond shall be reduced to the amount necessary to complete this work and be released when the work is completed to the County Engineer's satisfaction." Condition #5 is amended as follows: "The final map shall be submitted to and approved by the Board of Supervisors prior to recordation."

FINDINGS

- A) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes.
- B) All owners of an interest in the real property within the subdivision have consented to the reversion.

- C) It is found that this project is consistent with the general plan and zoning because the general plan calls for Moderate Opportunity area, Suburban uses on the site and the zoning designations are S-1 (Suburban), which are compatible with existing and proposed uses. Any future development will be required to meet the standards in place at the time of development.
- D) There is no proposed development with this project. There is a reasonable probability that the project will be consistent with the future adopted general plan because any future development will be required to meet the standards in place at the time of development.
- E) There is little or no probability that the project will be detrimental to or interfere with the future adopted general plan because there is no proposed development with this project.

V. **HEARING – TENTATIVE SUBDIVISION MAP & PLANNED DEVELOPMENT PERMIT: THE RIDGE AT CHILCOOT – LAPKIN, LAWRENCE & DEBORAH; APN 010-130-001 (CHILCOOT); T.23N/R.16E/S.36 MDM; Planner: James Graham**

The proposal to divide 33.82 acres into 9 parcels ranging in size from 2.57 acres to 6.53 acres for secondary suburban residential use in conjunction with a planned development permit to allow modification of the minimum parcel size through a density transfer, located at 93899 Highway 70, Chilcoot, is presented. Randy Wilson, Zoning Administrator, makes note that the meeting date on the Staff Report incorrectly states December 10, 2008, and that it should state March 16, 2011. James Graham, Senior Planner, gives a Power Point presentation elaborating on the details of the project as reflected in the staff report. Graham explains that this project was previously continued due to concerns raised by the neighbors with regard to drainage and whether or not the project would add to a drainage problem that currently exists. At the last continuance it was suggested that the County meet with representatives from Caltrans and Union Pacific Railroad to look at the bigger picture of the drainage situation in that area. In short, the issue is how water is moved through drainage facilities that are located between the highway and the railroad. It is primarily an issue of maintenance of the drainage facilities that exist through that region. Because the applicant has no control as to whether or not those drainage facilities are maintained in a way that allows adequate drainage, the Public Works department has suggested additional conditions, which are reflected on page 26 of the Mitigated Negative Declaration prepared for the project. These mitigation measures are reflected as conditions of project approval. Wilson questions Condition #4, which states, “A CMP culvert with a minimum diameter of 27 inches shall be installed in the existing highway drainage ditch at the new road encroachment.” Graham explains that was the initial design of the sizing of the pipe so that water conveyed adequately on each side of the proposed roadway. Robert Perreault, Public Works Director, adds that it was determined that it was a Highway 70–related drainage problem and they saw the necessity of some Caltrans culverts being better maintained. Public Works also met with a representative from the railroad and they were able to review the issues pertaining to culverts under the railway. It was Public Works conclusion that there needs to be a drainage-type of plan for the Highway 70 corridor. They intend to write a letter to Caltrans offering to do a joint drainage study that would address the entire region of Chilcoot at Highway 70 and they would expect Caltrans to agree to that. This drainage study would be independent of this subdivision proposal and should be done whether the subdivision is being proposed or not. The findings and the design recommendation coming out of the study would identify the constraints that caused the drainage problems, because there are flat areas that are presently not maintained so it causes a backup. The whole area could have better maintenance attention in order to properly flow. Furthermore, the problem only exists during high storm flows.

The public hearing is opened at 11:14 a.m. Larry Lapkin, applicant, questions the requirement for the retention pond and what it entails. Wilson explains that one of the lots is going to need a pond on it to catch the increased flows from the overall development. Wilson notes that Caltrans is requesting a drainage report and development plans as part of the encroachment permit. Graham explains that if a culvert is installed within their right-of-way then it needs to be part of their encroachment permit process. Lapkin points out that the flood study prepared in 2007 indicated that even with a 100-year storm, this subdivision wouldn't be the cause of flooding across the highway. Graham notes that the flood study speaks to the size of the retention basin; if that is the case, it wouldn't need to be very large. Neighbor, Toni Strausberg, states she has no problem with the subdivision as a whole. Strausberg questions if the retention pond will be designed to catch all runoff from the subdivision, or just any increase, and where the new 27-inch culvert will be located in relation to the pond. Graham indicates on the map where it will be located and clarifies that there will be no new culverts under the highway. Strausberg explains the current flooding situation and states she is requesting a guarantee from the County and Caltrans that the drainage situation will be made better. Perreault replies that the only guarantee they can give is that the subdivision retention basin be constructed and function properly so additional flow will not enter the area. Preparing the joint study would result in specific direction for maintenance. Wilson clarifies that with the retention basin, no additional runoff will occur. The maintenance of the Caltrans culvert and the issue under the railroad are not part of what this project is about. We're just making sure that an existing condition is not exacerbated by this project. Perreault adds that he will get the letter to Caltrans by the end of the month and go from there.

Jay Neuman with CAL FIRE comments that the Mitigated Negative Declaration states the site would receive redundant fire protection from CAL FIRE, but he doesn't see a letter from CAL FIRE or any information about fire protection included in the environmental document. The Mitigated Negative Declaration goes on to state that CAL FIRE is responsible for SRA lands, which are lands in private ownership not owned by the Federal government. Graham replies that was based on the SRA map they had at the time the environmental document was prepared. The main point is that under the environmental setting they identified the Sierra Valley Fire Protection District (SVFPD) as the district responsible for fire protection in that area. Neuman questions if there are letters from CAL FIRE and the SVFPD in the file. Graham replies that there is a letter from CAL FIRE, but not the SVFPD. Wilson adds that it is apparent that this is a district that has passed a resolution that there is a per lot fee that needs to be paid. Wilson suggests adding a condition that states, "*Prior to recordation of the final map, a fee for development shall be deposited with the County for the Sierra Valley Fire Protection District in the amount specified by the fire protection district per its current resolution.*"

Graham reads the two new proposed conditions. Condition No. 21 would state, "All improvements within the State right-of-way including, but not limited to, the installation of culverts shall be incorporated as part of the required encroachment permit to be reviewed and approved by the California Department of Transportation. The required encroachment permit shall incorporate a drainage report and development plan to the satisfaction of the California Department of Transportation." Condition No. 22 would state, "Pursuant to P.C.C. Section 9-3.314, prior to recordation of the final map a fee for development shall be deposited with the County for the Sierra Valley Fire Protection District in the amount specified in the resolution by the Sierra Valley Fire Protection District."

Larry Lapkin states he understands and is in agreement with the conditions of approval. The public hearing is closed at 11:45 a.m.

DECISION

Wilson states he will take the actions recommended by staff and, 1) After review and consideration of Mitigated Declaration #618, adopt Mitigated Negative Declaration #618 pursuant to Section 15074 of the State CEQA Guidelines, subject to Findings A through C, and 2) Approve the Tentative Subdivision Map and Planned Development Permit subject to the conditions of approval outlined in Exhibit 5 of the Staff Report, with the addition of Conditions 21 and 22, with Findings A through G.

ENVIRONMENTAL DETERMINATION FINDING

- A) It is found, on the basis of the Initial Study and the comments received, that there is substantial evidence, in light of the whole record, that the project will have potentially significant effect on the environment, but mitigations incorporated into the project plans will avoid the effects or mitigate the effects to a point where clearly no significant effects will occur.
- B) The proposed Mitigated Negative Declaration reflects the independent judgment of the Zoning Administrator and that the mitigation measures, agreed to by the applicant, will reduce potentially significant impacts to less than significant levels.
- C) 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

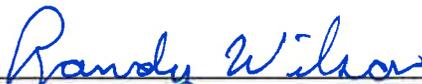
- A) This project, as conditioned, will satisfy the required development standards for the Moderate Opportunity Secondary Suburban area because the development will be served by a road which meets the required County Class 9 road standard.
- B) This project, as conditioned, will be consistent with the S-3 zoning designation because:
 - i) The average minimum lot size of 3 acres is maintained.
 - ii) The minimum width of 150 feet will be maintained.
- C) It is found, for reasons set forth in Negative Declaration #618, this project is consistent with the general plan and zoning.
- D) The site is physically suitable for the type of development and the proposed density of development; the design of the subdivision, as mitigated, 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.
- E) The applicant intends to complete the development within a reasonable time.

- F) There is a reasonable probability that the Tentative Subdivision Map and associated Planned Development Permit will be consistent with the future adopted General Plan because:
1. The project is located in a Moderate Opportunity Area and is within the boundaries of the Sierra Valley Fire Protection, and is located within the core development area of the community of Chilcoot.
 2. The planned development permit achieves an integrated plan which reduces adverse environmental impacts by limiting grading to the more gentle slopes adjacent to the meadow, thereby eliminating excessive grading and preserving the aesthetic qualities of the property, and
- G) There is little or no probability that the project will be detrimental to or interfere with the future adopted General Plan because the project is well defined and designed to limit all identified environmental impacts identified by the Plumas County General Plan and initial study.

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 11:46 a.m. The next regularly scheduled Zoning Administrator meeting is set for April 13, 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