
PLUMAS COUNTY
ZONING ADMINISTRATOR
Minutes of the Regular Meeting of April 14, 2022

The Plumas County Zoning Administrator convened in a meeting on April 14, 2022, at 10:00 a.m. in the Permit Center Conference Room, Quincy. Zoning Administrator, Tracey Ferguson, presiding. Senior Planner, Tim Evans, is in attendance. The agenda is approved as submitted.

I. PUBLIC COMMENT OPPORTUNITY

No public comment is presented.

II. VARIANCE: LINCOLN, DAVID & KELLY; APN 102-352-001; T.28N/R.7E/S.25 MDM

The request for a variance of the side yard setback from 15 feet to 13 feet, 5 inches and 10 feet, 11 inches and to increase the height limit from 35 feet to 40 feet for a portion of the proposed single-family dwelling, located at 600 Pine Canyon Road, Lake Almanor Country Club, is presented. Tim Evans, Senior Planner, gives a presentation as reflected in the Staff Report. Evans clarifies that because the proposed garage is only one-story, which requires a five-foot setback, the request for a variance from a 15-foot setback is not necessary as the garage meets all setbacks as shown on the site plan (Exhibit 2 in the Staff Report). Therefore, the variance for the proposed dwelling consists of increasing the height limit to 40 feet and a setback reduction for the dwelling to 10 feet, 11 inches. Evans notes that the Peninsula Fire Protection District commented that they did not see any major issues other than their ability to ladder the back half of the building, especially in the winter. However, after further review of the building permit plans, Evans explains that the actual height of the windows on the rear half of the dwelling is 34 feet, which is 1 foot below the maximum height of the Peninsula Fire Protection District's ladders. Therefore, there will not be an issue with ingress/egress in the event of an emergency.

Dan Wilson, contractor, and David Lincoln, applicant/owner are present. Wilson states that he and Tim Evans spoke about the CAL FIRE requirements, and doesn't have any issues. Regarding the grading and erosion requirements, Wilson states they will get with the Building Department and submit whatever is required. Wilson clarifies that the 40-foot height variance is only for the back 12 feet of the building. The front of the building is well below the height limit of 35 feet.

The public hearing is opened at 10:11 a.m. There being no comments, the hearing is closed at 10:11 a.m.

Tracey Ferguson, Zoning Administrator, points out that the Staff Report states that the side yard variance is 10 feet, 11 inches, but the site plan shows it at 10 feet, 11-1/2 inches. Proposed Condition #1 states the variance is approved in conformance with the variance application and site plan submitted on January 5, 2022. Continuing, Ferguson makes the observation that the parcel to the north is partially zoned 3-R and Rec-OS, and the area directly north and adjacent to this parcel is particularly zoned Rec-OS, which does not permit dwelling units. Ferguson also notes that the neighbor to the south has no objection with the variance and there are some trees along the southern parcel boundary that provide a buffer. To the rear of the property there is 147-1/2 feet between the proposed dwelling and the property line. Ferguson explains that when there is a request for an exception to CAL FIRE for the required Fire Safe Regulations 30-foot setback, the applicant must otherwise demonstrate the "same practical effect" mitigation to the structure on the side(s) that do(es) not meet the 30-foot setback requirement. Finding E substantiates the same practical effect requirement.

Ferguson deletes Condition #2 in its entirety because it is not necessary, as there is an active building permit for the dwelling and garage.

Condition #3 is amended by adding the clause *“reviewed by applicable County departments, and approved by the Building Department”* to the end of the condition.

Condition #4 amended to, “Prior to the issuance of Building Permit 21-925 for the proposed dwelling and garage *within the State Responsibility Area*, an exception request form shall be submitted to Cal Fire for a reduction of the *minimum 30-foot setback requirement using the same practical effect mitigation stated in Finding E.*”

DECISION

Tracey Ferguson, Zoning Administrator, finds the project exempt from the requirements of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303 because it consists of a setback and height variance not resulting in an increase in intensity, making Findings A through C; and approves the variance subject to the conditions of approval outlined in Exhibit 16, as amended, making Findings A through F as follows:

ENVIRONMENTAL FINDINGS

- A. There is no substantial evidence in the record supporting a fair argument that the proposed project, as conditioned, might have any significant adverse impact on the environment; and
- B. The project is a variance from the side yard setback and height limit for the construction of a dwelling that will be constructed to meet all building requirements; and
- C. The custodian and location of the documents which constitute the record of these proceedings is Plumas County Planning and Building Services, 555 Main Street, Quincy, California.

CONDITIONS

- 1. The Variance for the proposed dwelling and garage is approved in conformance with the Variance application and site plan submitted on January 5, 2022.
- 2. Prior to the issuance of Building Permit 21-925 for the proposed dwelling and garage, a complete grading and drainage plan, including erosion mitigation measure for both during and after construction, shall be submitted to the Building Department, reviewed by applicable County departments, and approved by the Building Department.
- 3. Prior to the issuance of Building Permit 21-925 for the proposed dwelling and garage within the State Responsibility Area, an exception request form shall be submitted to Cal Fire for a reduction of the minimum 30-foot setback requirement using the same practical effect mitigation stated in Finding E.
- 4. The Variance is to be signed by the property owners and returned within forty (40) days of the date of approval or the permit will be voided.

FINDINGS

- A) There are special circumstances applicable to the property under which strict application of the provisions of this chapter would deprive the property owner of privileges enjoyed by other property owners in the vicinity.

The special circumstances applicable to this parcel are due to the steep grade and a 40' road easement traversing the front portion of the parcel creating a narrow area for development. The narrow area for development deprives the property owners the full use of the property that other property owners in the vicinity enjoy.

- B) That the variance is necessary for the preservation and enjoyment of the substantial property rights of the applicant.

The granting of the variance is necessary to accommodate the permitted uses (dwelling and garage) of the property as it would allow reasonable development of the parcel.

- C) That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety, or general welfare.

The reduced setback and increased height would not substantially reduce visibility or the open space quality of homes located along Pine Canyon Road as the front elevation of the dwelling adjacent to the street is a single story.

Due to the siting of the proposed dwelling, a large grove of trees will remain to maintain privacy between the neighboring parcels.

Emergency response impacts due to the increased structure height have been reviewed by the Peninsula Fire Protection District (PFPD) and no issues were found other than a difficulty to ladder the back of the dwelling during a rescue through a third-story window due to the maximum reach of the ladder being thirty-five (35) feet.

Only the rear five (5) feet of the dwelling exceeds the thirty-five (35) foot zoning height limit by a maximum of five (5) feet for a total height of forty (40) feet. More importantly, the maximum height of any window/door on the third story, per the building plans, is thirty-four (34) feet and is within the reach of PFPD's 35-foot ladder. Therefore, the minor increase in height limit would not be detrimental to the public health, safety, or general welfare.

- D) That the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the same vicinity or zone.

Many other parcels on the Lake Almanor Peninsula and in the immediate vicinity have dwellings that have been constructed to the size of the proposed dwelling (3,967 square feet) and garage (671 square feet). Additionally, other parcels, under similar circumstances, would be given the same consideration. Therefore, the granting of this variance would not constitute a granting of a special privilege.

- E) If any exceptions from the provisions of this code which implement the SRA Fire Safe Regulations are requested, that the requirements of Section 9-9.202 - *Exceptions* of Article 2 of Chapter 9 of this title are met.

The proposed driveway to serve the dwelling and garage has a 5% grade and the property meets the requirements of Plumas County Code Sec. 9-2.419(b)(i) which implements a "same practical effect" option as opposed to the 30-foot setback required by the State Responsibility Area (SRA) Fire Safe Regulations and states:

"The building is proposed to be built on a property located within a district that provides structural fire protection and that has an ISO class of 9 or better and the property meets all applicable conditions of that district for provision of structural fire protection by the district."

The property is within the Peninsula Fire Protection District.

An exception from Plumas County Code which implements the SRA Fire Safe Regulations is not being requested as a result of this project, but an exception request must be submitted to Cal Fire for a setback exception to the SRA Fire Safe Regulations.


- F) That the variance will not permit uses not permitted by the zone.

The variance is consistent with the residential uses permitted by the 3-R zoning.


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. Fee information is available from Planning and Building Services. The end of the appeal period is April 25, 2022, at 5:00 p.m.

ADJOURN

There being no further business, the meeting adjourns at 10:25 a.m. The next regularly scheduled Zoning Administrator meeting is set for May 11, 2022, at 10:00 a.m. at the Planning & Building Services Conference Room located at 555 Main Street in Quincy.



Heidi Wightman, Dept. Fiscal Officer II



Tracey Ferguson, AICP, Zoning Administrator