The Sierra County Planning Commission welcomes you to its meetings which are regularly scheduled for the second Thursday following the first Tuesday of each month. Special meetings may be called from time to time and the meeting location, time, and date will be announced at the appropriate time as required by law.

This meeting will be open to the public for in-person viewing/participation, as well as available via video/teleconference using the link or phone number below.

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Supporting documentation for meeting agenda matters are available for public review on-line at: www.sierracounty.ca.gov/agendacenter or at the Office of the Sierra County Planning Department located in the annex building directly across from the Sierra County Courthouse, Downieville, California, 95936, during regular business hours (M – F, 8:00am – 5:00pm).

1. CALL TO ORDER/ROLLCALL

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES
   - June 16, 2022 meeting minutes
4. **CORRESPONDENCE**

5. **PUBLIC COMMENT OPPORTUNITY**

   At this time, the public has the opportunity to address the Commission concerning any item of interest not listed on the agenda. The Commission may not discuss or take any action on any item presented during the public comment period that is not on the agenda. The Commission may briefly respond to statements made or questions posed by members of the public. Upon recognition by the Chair, please state your name, county of residence, and subject matter. Discussion of any non-agenda items will be limited to three (3) minutes, or such reasonable time as is granted by the Chair of the Commission.

6. **PUBLIC HEARINGS**

   6.1 **Goddard Zone Variance**: Dan Goddard, Applicant and Landowner. Consideration of a Zone Variance for a reduction in the side yard setback from 60 feet to 10 feet (a 50-foot reduction) in the General Forest District (GF). The proposed project is to construct an addition onto an existing ±25x30 foot residence that includes 10-foot addition on the north and south elevations for a deck, and a 20-foot extension to the west for a master bedroom addition. The project site, identified as APN 013-110-081-000, is a 2.03-acre parcel at 424 West Willow Street in Sierraville. Planning staff’s preliminary environmental assessment: Exempt under CEQA Guidelines California Code of Regulations, Title 14, Section 15303 (Class 3 Categorical Exemption) and Section 15305 (Class 5 Categorical Exemption).

   6.2 **Constellation Creek Conditional Use Permit/Zone Amendment**: Constellation Creek, Applicant and Landowner. Consideration of a Conditional Use Permit on an existing legal non-conforming resort to allow conversion of an existing storage structure into a guest cabin and conversion of an existing storage structure into a small store. The proposed project is located on two adjacent parcels, identified at APN 018-060-009 & 018-060-021, at 622 Old Truckee Road in Sierraville. No new structures are proposed. In addition, the applicant is requesting to rezone the property consistent with the General Plan from General Forest to Commercial Residential District. Planning staff’s preliminary environmental assessment: Exempt under CEQA Guidelines California Code of Regulations, Title 14, Sections 15301 (Class 1 Categorical Exemption), 15303 (Class 3 Categorical Exemption), and PRC Section 21083.3(e) [re zoning consistent with GP for which an EIR was already certified].

7. **BUSINESS REQUIRING ACTION OR DISCUSSION**

   None.

8. **PLANNING DIRECTOR’S STAFF REPORTS**
Brief announcements or brief reports by the Sierra County Planning Director on upcoming projects, county staff activities, upcoming workshop or training opportunities, or other items of interest to the Planning Commission.

9. **PLANNING COMMISSIONERS’ REPORTS**

Brief announcements or brief reports by Planning Commission members on their activities or items of interest to Sierra County.

10. **WORKSHOPS**

The Planning Commission will recess and conduct a field trip, visiting several sites in the Little Truckee Summit—Webber Lake vicinity of the county. Following the conclusion of the meeting at the former Sierraville School the Commissioners and Planning Department staff will reconvene at the Little Truckee Summit parking area, with plans to visit the following sites (time-permitting): Perazzo Meadows overlook; Webber Lake; Dancing Pines wedding venue; Little Truckee River diversion dam; Mitchells’ Mountain Meadow wedding venue; and possibly Independence Lake. No business will be conducted, or actions taken by the Planning Commission during this field trip.

11. **ADJOURNMENT**

The next regularly-scheduled Planning Commission meeting is: Thursday, August 11, 2022.
1. **CALL TO ORDER/ROLL CALL**

   The meeting was called to order at 10:08 am.

   Commissioners Present: Chairman Mike Filippini, Liz Fisher, James Kelley, Janet Baldridge. Irv Christensen was absent.

   Staff Present: Commission Secretary/Planning Director Tim Beals and Planner Corri Jimenez. Assistant Director Brandon Pangman was absent.

2. **APPROVAL OF AGENDA**

   Thursday, May 12, 2022 regular meeting agenda, approved without changes

   Motion: Kelley/Fisher  **Approved** without changes. Vote: 4/0; Commissioner Christensen absent

3. **APPROVAL OF MINUTES**

   March 10, 2022 minutes and April 20, 2022 minutes approved as presented.

   Motion: Baldridge/Kelley  **Approved** without changes. Vote: 4/0; Commissioner Christensen absent

4. **CORRESPONDENCE**

   None.

5. **PUBLIC COMMENT OPPORTUNITY**

   None.

6. **WORKSHOPS**

   None.

7. **PUBLIC HEARINGS**

   7.1 **Woodruff ZV**— Director Beals commented that this was a continued public hearing meeting from the April 20th meeting. He introduced the proposed project as a pair of zone variances in Sattley at the corner of Highway 89 and Route A23/Westside Road. The proposed project is for a zone variance for a workshop and a second zone variance for a pre-constructed, 120sf woodshed that is in the road setbacks adjacent to Highway 89. The Director outlined staff is recommending approval of the workshop variance but cannot support the variance for the as-built woodshed. He commended the owner, Mr. Andrew Woodruff, for what he has done with the small odd-shaped parcel. Director Beals stated that the
Environmental Health Department requested a secondary replacement septic field be shown as a constraint; and that planning staff supports the recommended conditions of approval in the staff report.

Chairman Filippini thanked the Director for the update and asked if there was anyone wanting to respond. Mr. Woodruff testified he received a challenging parcel from the previous property owner (Mr. Horton) as a triangular lot with several sheds and cows as neighbors. It has taken him 6 years to clear the property and he wishes to remove the last existing shed. He admitted he made a couple poor choices and thought his woodshed would be in a suitable place when he built it in October 2021, positioned so it is not over the designated replacement leach field. Moving the shed would be a “hardship” and he has limited space because of fruit trees in the vicinity. In addition, he said, the county puts snow on the corner. His request is to approve both the woodshed and the workshop variances.

Commissioner Baldridge asked Director Beals about Appendix B and the proposed space where the shed could be moved. The Director responded the concept is up to the applicant and he suggested that Mr. Woodruff move the shed out of the setback, possibly 5-6 feet. He was unsure on how it would be moved but it was built by the applicant within the setbacks, so it needs to move. He also responded that it did not equal a “hardship” and staff was looking to protect the setbacks of the Highway 89 and Mr. Woodruff could have built it elsewhere outside of his setbacks.

Commissioner Kelley responded that CalFire requires 10 feet from woodsheds to buildings and Director Beals responded that CalFire would have to grant the variance, however, that is an excellent point.

Commissioner Baldridge asked the Director if building in the setbacks sets a precedence in the county for other people. The Director explained that we went through this on the previous penetration into the setbacks for an awning on Mr. Woodruff’s residence, which received an administrative variance; therefore, he was aware of the setbacks on his parcel. Commissioner Fisher asked about the larger shed and its prior zoning by the previous owner. Director Beals said he supported the variance for the proposed new workshop.

Commissioner Baldridge asked about the effects of snow and the Director responded that there is a right-of-way for snow removal on the west side since Westside Road is a county right-of-way. He continued that damage to private property can ensue and he can put in a claim with the Public Works Department. “Snow, to be honest, is just conditions we live with here,” he said, and “Caltrans has concerns over a busy intersection and the safety and approach.” Mr. Woodruff responded that it does pile up and stacks up in his driveway.

Director Beals concluded there are other locations for the woodshed as an option; however, it is in the setbacks and staff cannot support it. He informed Mr. Woodruff that he can appeal the Planning Commission’s decision to the Board of Supervisors, and it would be considered de novo, which would include the commission’s findings.

**Motion:** Fisher/Kelley Approved, as recommended **Vote:** 4/0; Commissioner Christensen absent

### 7.2 Short-Term Rental Ordinance

Director Beals commented that this was a continued public hearing meeting from April 20th and there were consensus points heard. For one, planning staff heard the commission’s wishes to expand into other zoning districts, such as Agricultural and General Forest. On page 2-3 of the draft ordinance, commercial properties can now have a Short-Term Rental (STR) with the condition of where it is appropriate only as a permitted accessory Group R-3 mixed occupancy. To do that, a building permit for a change of occupancy would be needed. In addition, the Director said the STR cannot comprise the use of the property. One example is the owner of the Yuba Gallery building who put in a written comment noting that the building they occupy has a residence upstairs and there is a valid commercial use. They can use it as a STR. A second example is the Old Forks Building/Bike Shop/Sabrina’s: there is a residential use upstairs and if it has a Group R-3 occupancy, they too could use it as a STR.

Chairman Filippini opened the hearing to public comments. Ingrid Larson spoke about her property that is zoned Commercial Residential (CR) at 117 Main Street, Downieville. Her residence is in the front as a 400sf cabin that was connected to the Downieville Motor Inn, which burned. Her objection was that CR should not be added to the ordinance since “hotels” are listed as an exception. Second, Ms. Larson
expressed concern that if she builds a two-story commercial building, the first floor will need to be commercial, and she would not be able to use her ADU as a STR. She stated that she feels STRs are a component of residential zoning districts. Additionally, if she sells and doesn’t develop it, the next owners will have to wait 2 years to use it as a STR under the current draft ordinance. Director Beals addressed Ms. Larson’s concerns as follows: one, State law prohibits ADUs as STRs, and she cannot have more than one ADU on a parcel. He clarified, if you have multiple units on the property, only one STR is permitted, and hotels/lodges/motels are transient R-1 occupancy, which would be exempt. The Director continued that the Planning Commission gave staff direction to add commercial to the ordinance. Her options to build a hotel would not hinder her and she would need a permit for a residence as a STR; however, commercial use would need to be the primary use on the property.

The next speaker, Ms. “Clancy,” was concerned about the Yuba Gallery and the Group R-3 occupancy. Director Beals responded that under this amended ordinance, the second floor may have already been converted to this occupancy and “we just need to look at the building permit file.”

Chairman Filippini asked what zones can and cannot have a STR. The Director said the Agricultural zone, which is Long and Sierra Valleys, and General Forest was added. It is currently not allowed in the Industrial District, Scenic Corridor, Forest Recreation, Timber Production Zone Business Park, Planned Development, Open Space Residential Districts, and Rural Residential Districts. “All of Calpine is permitted,” he said, “except those to the west of town, the Sierraville community, except the Amodei Ranch. Most of Verdi would not be able to have a STR whereas most of the communities in Sierra City and Downieville would be possible.” Commissioner Filippini asked, “Why exclude Rural Residential?” and the Director said, “Sierra Brooks was a master plan community with 400 lots on public water, and there could be a problem with that.” Planner Jimenez commented that there were only two STRs in Sierra Brooks compared to the dozen in Downieville and Sierra City.

Ms. Larson asked why this would not be permitted where there are duplexes or in Residential 2 District (R-2). The Director said, “we are trying to keep that available for affordable employee housing.” The Chairman also reiterated what the Director originally said and anyone in Sierra Brooks would be in violation of the law to do a STR and it is not allowed outside of those districts listed in the ordinance.

Mary Davey testified by reading Gary Grutkowski’s letter (see PC Exhibit K), which she said voiced her opinion. Ms. Davey was concerned about the fees applied to STRs. Chairman Filippini interrupted her since he was outlining the current draft ordinance and wished to hold off on her question. He asked Director Beals if there was anything to add as changes since the last revision. The Director said septic system verifications were streamlined and added the existing system needed to support the proposed STR occupancy. He supplemented, “when staff receives the application, it will go to the Environmental Health Department for review and any limitations on the system—such as septic, ground water, bodies of water—can’t be ignored.”

Director Beals said open building permits cannot proceed on the STR and if there is an existing violation on the property because of life and safety, the property cannot be a STR. Chairman Filippini had no concerns with this condition. In answer to Ms. Davey’s original fee question, according to the Director, nothing has been added. Application fees will be set by the Board of Supervisors. Director Beals continued that planning staff removed the maximum occupancy language and set it as two-people per bedroom as well as a grace period of two-years before the property can be permitted as a STR. Chairman Filippini said that he was comfortable with 2-year grace period and had seen this in other counties. Commissioner Baldridge concurred with this provision. Director Beals continued with another change to the draft ordinance that is if the property is sold or there is a change of ownership, “the administrative use permit would be voided;” and staff also removed the pet vaccination requirements.

Chairman Filippini asked about incidental camping at a STR, cited in a PC Exhibit (PC Exhibit E). Director Beals clarified that the ordinance is only in place and enforced while it is being used or in operation as a STR. Staff will craft some language in the ordinance that will only affect it as a STR when it is rented out and not under private use by the property owner. The Director also addressed the BBQ setback and said that 25 feet to the property line might not work with some properties and wished to have the first sentence stand on its own under 15.10.060(H)(12). Commissioner Fisher said there will be a
period of “no open flame” coming soon plus there were two propane BBQs fires last year in the county. Ms. Davey commented that her deck was 10 feet wide, and it would be hard to comply. Ms. Davey asked about fire/home insurance and if it would comply with inspections, possibly putting the county at ease regarding the permit process. Commissioner Baldridge commented that there are people in her community who don’t carry fire insurance and moving the BBQ to a designated space is a good suggestion to the Director’s statement. Chairman Filippini liked having a designated spot for a BBQ since it would be easier to enforce. Ms. Davey said not all homeowners are required to have insurance, which was countered by Commissioner Baldridge who said Ms. Davey was “running a business.” Commissioner Fisher chimed in that the difference between Ms. Davey and someone coming into the community from the Bay Area is she was aware of the fire danger. The Director recommended simplifying the section on BBQs and striking the last sentence.

Director Beals mentioned that staff advised County Counsel that a violation of the ordinance would be an infraction other than a misdemeanor. Planner Jimenez read into the record the new exhibit items since the April 20, 2022 meeting with PC Exhibit 14 as the current draft ordinance, and PC Exhibit 15 from County Counsel on enforcement. She also identified the new public comment exhibits staff received (PC Exhibits H-K). Commissioner Kelley concluded he liked the 2-year waiting period because this is becoming a national issue from predatory investors renting them out and felt this is one way of controlling it.

At 12:01 pm, the public hearing was closed, and Chairman Filippini recommended that staff bring back a final ordinance for approval that included County Counsel comments. Commissioner Fisher asked at its close if there could be a number added to STRs and Director Beals responded if the Planning Commission wishes, the ordinance can always be amended.

8. BUSINESS REQUIRING ACTION OR DISCUSSION
None.

9. PLANNING DIRECTOR’S/STAFF REPORT
None.

10. PLANNING COMMISSIONERS’ REPORTS
Chairman Filippini mentioned that TimberFest was occurring in Loyalton on the weekend, May 14, and encouraged everyone to attend. He said the new owners of the Loyalton Mill has organized it as a “logging rodeo” and invited the commissioners and staff to “come down for a hamburger.”

11. ADJOURNMENT
Motion to adjourn: Kelley/Baldridge  Vote: 4/0; Commissioner Christensen absent

The meeting was adjourned at 12:10 pm with the next regular Planning Commission Meeting scheduled “at the convenience of the Planning Department.” No official meeting was announced.

Respectfully submitted,

Corri Jimenez
Corri Jimenez
Planner II

Approved as Witnessed

Tim H. Beals
Commission Secretary
1. Staff Recommendation
Staff recommends that the Planning Commission approve the application, subject to the findings and conditions of approval contained in this report.

2. Project Description
The Applicant is requesting a:
- Zone Variance—to reduce the side yard setbacks from 60 feet to 10 feet.

The applicant is requesting a zoning variance to construct a remodel and addition to his existing, legal non-conforming single family residence, which would necessitate a reduction in the side yard setback in the General Forest (GF) zoning district—from 60 feet to 10 feet (ref. Appendix D).

3. Background & Analysis
3.1 Project Setting & Background
The existing single family residence is, according to Assessor’s records, an 1,188 sq.ft., 2-story, 2-bedroom, 1-bath house. The applicant (and owner) is proposing to construct an addition for a new master bedroom/bath on the main floor and office above; plus “a covered front porch and back porch to help get snow away from house, and cooling in summer.”

The proposed project is located on a 2.03 acre legal non-conforming parcel at 424 West Willow Street within the community core of Sierraville. The property, at the edge of the valley floor and...
at the base of Randolph Hill, is gently sloped and just inside the treeline, with similarly-developed low-density residential parcels in the vicinity (mostly 1 – 5 acres in size).

Figure 1. Location of proposed project in Sierraville. See also Appendices A – D for additional location maps.

3.2 General Plan & Zoning

The General Plan land use designation (adopted in 1996) placed the property in a Rural 2-5 land use designation (see map, Appendix A), which ordinarily would have a corresponding or implementing zoning designation of Rural Residential (typically with 30 ft. side yard setbacks). However, the zoning on this parcel has remained unchanged since 1973 as General Forest (GF) District (Appendix B). The GF District requires 60 ft. side yard setbacks, but the existing residence was constructed in 1971 (according to Assessor’s records; no permit records exist) within this setback by approximately 28 ft., which classifies the building as “legal non-conforming” (cf. Sierra County Code Section 15.40.010).

The 2-acre parcel is approximately 180 feet wide, so the “building envelope” created by the GF setbacks is quite limited (see applicant’s site plan in Appendix D).

(Note: Planning staff found a discrepancy in the parcel dimensions shown on the applicant’s site plan [Appendix D] and the legal description contained in the most recent Grant Deed [Appendix E]. It appears that the property is actually 30 feet wider than what was depicted on the project site plan—so although a variance is still necessary to obtain a permit to construct the proposed addition, the only question remains: ‘how much of a variance?’ But this discrepancy in the site plan dimensions only seems to work in the applicant’s favor, and the actual variance needed is likely significantly less than what was previously believed. It should be noted, however, that the
property boundaries have not been located by a licensed surveyor (to staff’s knowledge); and the site plan was not prepared or verified by a licensed surveyor.)

According to the applicant, the existing house is further constrained by the septic system to the southeast side; and “a steep uphill” to the southwest. (See applicant-provided pictures in Appendix D).

While it may be fairly argued that the proposed covered porch is an “unnecessary” feature for a zone variance, staff supports the variance and recommends approval of the proposed design in this case, since the size of the parcel (and neighboring parcels) is sufficiently large to provide enough buffer and yard area to be safe for fire protection; still be aesthetically acceptable within a community core setting; and not create a potential nuisance to the neighbors. It should be noted, too, that the most-affected neighbor (to the west), Michael Blide (APN 013-110-076), has provided a letter in support of the proposed project (ref., PC Exhibit 2). Also, as indicated by the pictures provided by the applicant (in Appendix D), the property clearly receives significant snow—so a covered porch seems a reasonable accommodation and typical for houses in this region.

3.3 California Environmental Quality Act (CEQA)

The proposed project would disturb an area estimated to be only 500 sq.ft. in size, at the site of an existing residence and associated utilities and improvements. The area is not identified as a Special Treatment Area or area of potential biological or archaeological concern.

The proposed project is eligible for a Categorical Exemption under the California Environmental Quality Act (CEQA) under Section 15303 (Class 3) and Section 15305 (Class 5) of CEQA Guidelines, which provides as follows:

15303. NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES
Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:
(a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption....

15305. MINOR ALTERATIONS IN LAND USE LIMITATIONS
Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:
(a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel; ...

Furthermore, this proposed project is not subject to any of the listed ‘exceptions’ to the use of these categorical exemptions, listed in CEQA Guidelines Section 15300.2.

The Planning Department routed the proposed project to twenty-two (22) commenting agencies and utilities for review (ref. Appendix G), between June 7 and June 21, 2022. No comments of concern were received. Notice of the proposed project and public hearing was mailed to all neighboring property owners within 300-ft radius of the proposed project; as well as published in The Mountain Messenger; and posted in local post offices, at county offices, the Sierraville Community Center (former School), and on the official Sierra County website. Only one comment has been received as of the writing of this staff report: a letter of support from the adjacent neighbor (PC Exhibit 2).
4. Findings

4.1 General Plan [ref. SCC §12.04.020, 15.04.010(a),(b)]

Finding: The project is consistent with the goals and policies of the Sierra County General Plan.

Evidence: The project site is designated in the General Plan as Rural 2-5, within the community core of Sierraville, which allows single-family residences and accessory structures as a permitted use, with an average density of one (1) primary dwelling unit per 2 to 5 acres. The proposed project will not increase density and the existing density of development and proposed use of the property is consistent with the land use designation. The proposed project does not lie within a Special Treatment Area or other constraint identified in the maps or policies of the General Plan.

4.2 Zone Variance [ref. SCC §15.24.030]

Finding (a): There are special circumstances or conditions applying to the subject property, which make compliance with this ordinance difficult and are a cause of hardship to and abridgement of a property right of the owner of said property.

Evidence: [per applicant]: “The house was built in the setbacks; so to add onto the home requires building within the setbacks. There is also a steep hillside [and septic system] behind the home, so it is very difficult to [expand] that way.”

Finding (b): Such circumstances or conditions do not apply generally to other properties in the same land use district.

Evidence: [per applicant]: “This lot seems very narrow to have such large setbacks. There is also a septic [system] on the [east] side and a steep hill behind the house.”

Finding (c): The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.

Evidence: [per applicant]: “As I become older the use of stairs will become harder. Having a bedroom, bathroom, and living room on one floor would be helpful, if not necessary, for future living in my home.”

Finding (d): The granting of the variance will not result in the material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety and general welfare.

Evidence: [per applicant]: “This addition will not negatively affect neighbors. The closest neighbor (Mike Blide) has no concerns or problems with this. The addition does not encroach on public roads or paths, nor does it affect safety or general welfare.”

4.3 California Environmental Quality Act (CEQA) [ref. SCC §38.05 et.seq.]

Finding: The proposal will not have a significant adverse impact on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA).

Evidence: This project is eligible for a Categorical Exemption under Section 15303 (Class 3) and Section 15305 (Class 5) of CEQA, in that the project merely consists of construction of a modest addition (bedroom, bathroom, and office space) to an existing 1,188 sq.ft. home on a 2.03 acre parcel. The proposal involves a variance to reduce the side yard setback for a legal nonconforming residence in an area that arguably should be rezoned anyway, from General Forest District (with a 640 ac. development standard) to Rural Residential-2. The proposed reduced setback and the proposed house addition will have no adverse environmental effects or change the existing land use. Based on the exemption, comments
received, and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

5. Staff Recommendations

Staff recommends that the Planning Commission take the following actions:

A. Adopt the Analyses and Findings contained in this staff report.
B. Find that a Categorical Exemption is appropriate under CEQA for this project.
C. Approve the zoning variance subject to the following Conditions of Approval:

1. The development approved by this action is for a Zone Variance to reduce the side yard setback in the General Forest District from 60 feet to 10 feet on a parcel located at 424 W. Willow Street in Sierraville (APN 013-110-081-000), in order to construct an addition onto the existing residence, as illustrated in Planning Staff Report No.1228, dated July 14, 2022, and the site plans contained in Appendix D attached thereto. Deviations from the approved plans shall be reviewed by the County for substantial compliance and may require amendment by the appropriate hearing body. If there are any discrepancies between the approved site plan and the conditions of approval, the conditions of approval shall supersede the approved site plan.

2. This action does not relieve the applicant of the obligation to comply with all local ordinances, or state or federal statutes, regulations, and procedures. The project is conditioned upon conformance with all permit requirements of all federal, state or local agencies with jurisdiction over any aspect of the project. The project shall comply with the provisions of the California Building Standards Codes and Sierra County Code.

3. Applicant shall pay all appropriate processing and development fees charged by the County and other Special Districts providing services to the project, including application processing fees and expenses.

4. If any potential prehistoric, protohistoric, and/or historic cultural resources are encountered during any phase of project operations, all work shall cease in the area of the find pending an examination of the site and materials by a professional archaeologist and the site subsequently cleared by the Planning Department for work to continue.

5. Actual construction shall proceed under an approved building permit within nine (9) months and be completed within eighteen (18) months. Following the mandatory ten (10) day appeal period, the effective date of the Planning Commission’s entitlement shall be: July 25, 2022.

6. Summary

Planning staff has reviewed the applicant’s request for a zone variance. The project has been analyzed for compliance with the policies and goals of the Sierra County General Plan, the Zoning Code, and the California Environmental Quality Act. The project design, together with the recommended conditions of approval, ensure that the project will be compatible with the surrounding land uses and will not have a significant effect on the environment. Staff
recommends approval as proposed, subject to the above conditions of approval. A draft Resolution for your consideration is provided in Appendix H.

7. Recommended Motion
Should the Planning Commission agree with staff’s recommendation, the following motion is suggested:

“I move that the Planning Commission adopt the findings provided by staff and approve the Goddard zone variance subject to the conditions of approval contained in Staff Rec. no. 1228.”

8. Attachments

Appendices:

Appendix A. Sierra County General Plan Map (Community of Sierraville)
Appendix B. Zoning Plan
Appendix C. Location Map: Sierra County GIS screen shot
Appendix D. Applicant’s Site Plans & Pictures (annotated by staff)
Appendix E. Goddard Grant Deed, with legal description of parcel
Appendix F. Preliminary Environmental Questionnaire
Appendix G. Early Consultation / Commenting Agencies Routing Sheet (with ‘no comment’ response by County Surveyor)
Appendix H. Sierra County Planning Commission Draft Resolution
Location Map
(source: Sierra Co. GIS; parcel boundaries approximate only)

Legend
- Parcels
- Possessory Interest Parcels
- Sierra County Boundary

Project Site

Appendix C
RESIDENTIAL REMODEL
FOR DAN GODDARD

ZONE VARIANCE
APPLICATION

PROPERTY OWNER:
DAN GODDARD
424 WEST WILLOW
SEIARRAVILLE, CA
APN:013-110-081-000

Appendix D
A.P.N.: 013-110-081-000
Property Address: 424 W Willow Street, sierra, CA 96126

File No.: 2902-6449864 (TL)

Grant Deed
Title of Document

The undersigned declares that the document to which this page is affixed and made a part of is exempt from the fee imposed by the Affordable Housing & Job Act (SB2) (GC 27388.1)

(X ) Recorded [concurrently] in connection with a transfer of real property subject to the imposition of Documentary Transfer Tax per GC 27388.1 (a) (2).

( ) Recorded [concurrently] in connection with a transfer of real property that is residential dwelling to an owner-occupier per GC 27388.1 (a) (2).

( ) Maximum fee of $225 has been reached per GC 27388.1 (a) (1).

( ) Not related to real property GC 27388.1 (a) (1).

( ) Transfer of real property subject to the imposition of Documentary Transfer Tax - GC 27388.1 (a)(2)

( ) Transfer of real property that is a residential dwelling to an owner-occupier - GC 27388.1 (a)(2)

[Signature]
Date 1/20/2021

THIS PAGE ADDED TO PROVIDE EXEMPTION INFORMATION FOR THE BUILDING HOMES AND JOBS ACT FEE (SB-2; AFFORDABLE HOUSING FEE) ($3.00 Additional recording fee applies)
RECORDING REQUESTED BY:
First American Title Company

MAIL TAX STATEMENT
AND WHEN RECORDED MAIL DOCUMENT TO:
Daniel Goddard
PO Box 1742
Truckee, CA 96160

A.P.N.: 013-110-081-000

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX $511.50; CITY TRANSFER TAX $0;
SURVEY MONUMENT FEE $0
[ ] computed on the consideration or full value of property conveyed, OR
[ X ] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
[ ] unincorporated area; [ ] City of, and
EXEMPT FROM BUILDING HOMES AND JOBS ACTS FEE PER GOVERNMENT CODE 27388.1(a)(2)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Carolyn L. Serrahn, WHO
OBTAINED TITLE AS CAROLYN GUIMOND AS HER SOLE AND SEPARATE and Carolyn Lee Serrahn,
Trustee of The Living Trust of Carolyn Lee Serrahn, dated December 01, 2015

hereby GRANTS to DANIEL GODDARD, UNMARRIED MAN

the following described property in the Unincorporated Area of , County of Sierra, State of California:

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 20 NORTH,
RANGE 14 EAST, M. D. M., SIERRA COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTH LINE OF HENRY DOTTA ROAD, DISTANT THEREON SOUTH 75°
32' 02" EAST 116.39 FEET FROM THE WEST LINE OF THE PARCEL OF LAND DESCRIBED IN
THE DEED TO ROBERT J. ESPINOSA, ET AL, RECORDED MARCH 26, 1968, BOOK 48, OFFICIAL
RECORDS, PAGE 530; THENCE ALONG THE EXTERIOR BOUNDARIES OF SAID PARCEL SOUTH
75° 32' 02" EAST 180.00 FEET; THENCE SOUTH 1° 05' 57" EAST 485.00 FEET; THENCE SOUTH
88° 41' 31" WEST 173.39 FEET; THENCE NORTH 1° 05' 57" WEST 538.30 FEET TO THE POINT
OF BEGINNING.
A.P.N.: 013-110-081-000

Dated: January 15, 2021
Carolyn L. Serrahn

Carolyn Lee Serrahn, Trustee of The Living Trust of Carolyn Lee Serrahn, dated December 01, 2015

Carolyn Lee Serrahn, Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California )SS
COUNTY OF Sierra

On 1/17/2021 before me, Michaele Tanguay, Notary Public, personally appeared Carolyn L. Serrahn who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Signature

Notary Public - California
Plumas County
Commission # 2245193
My Comm. Expires Nov 18, 2022

Appendix E
ENVIRONMENTAL QUESTIONNAIRE

Answer all questions that are applicable.

I. GENERAL

1. Project name __________________________ Address: 424 W Est Willow Road

Project site area ________________ acres, or ________________ square feet

Land use description General Plan/Community Plan __________________________ Zoning __________________________

2. Any other public agencies whose approved is required? __________________________

3. Project description in detail, including the number of units or gross floor area proposed, site area in acres/square feet (PLN)

   addition of first floor bed/bath with office above __________________________

4. Describe existing uses and facilities onsite (buildings, wells, septic systems, parking, etc.) __________________________

5. Is adjacent property in common ownership? □ yes □ no

   If yes, indicate acreage ________________ and Assessor's Parcel Number(s) __________________________

6. Indicate all historic uses of the property to its first known use and show areas of such use on site plan (i.e. animal enclosures, livestock dipping areas, family cemetery plots, chemical mixing structures, clandestine drug labs or dumpsites, fuel tanks, crop areas, mining shafts, buildings, processing areas, storage, hazardous waste, spoil piles, etc.):

   a. Residential uses? □ yes □ no

      If yes, describe uses: __________________________

   b. Commercial agriculture uses? □ yes □ no

      If yes, what types of uses have occurred? □ animal husbandry □ crops □ other

      Describe use, era/decade, associated pesticides, herbicides, or other hazardous materials storage or use: __________________________

   c. Mining uses? □ yes □ no

      If yes, describe types, features, and any related uses: __________________________

Appendix F
d. Physical hazards (i.e. mine adit, air shaft, etc)? □ yes ☒ no
If yes, describe hazards:

________________________________________________________________________

e. Commercial uses? □ yes ☒ no
If yes, describe types, any related uses and is there sufficient parking?:

________________________________________________________________________

7. Is any portion of the site under a Williamson Act contract? □ yes ☒ no
If yes, indicate contract name and number: ____________________________
________________________________________________________________________

II. GEOLOGY & SOILS

1. Have you observed any building or soil settlement, landslides, slumps, faults, steep areas, rock falls, mud flows, avalanches or other natural hazards on this property or in the nearby surrounding area? □ yes ☒ no
If yes, describe ___________________________________________________________________

2. How many cubic yards of material will be moved onsite? __________
   How many cubic yards of material will be imported? __________
   How many cubic yards of material will be exported? __________
Describe material sources or disposal sites, transport methods and haul routes:
________________________________________________________________________

3. What is the maximum proposed height and slope of any excavation/cut? ______
   What is the maximum proposed height and slope of any fill? ______
________________________________________________________________________

4. Are retaining walls proposed? □ yes ☒ no
   If yes, identify location, type, height, etc.
________________________________________________________________________

5. Is there a potential for any blasting during construction? □ yes ☒ no
   If yes, explain __________________________________________________________________
________________________________________________________________________

6. How much of the area is to be disturbed by grading activities? ______ sq. ft
________________________________________________________________________

7. Would the project result in the direct or indirect discharge of sediment into any lakes or streams? □ yes ☒ no
   If yes, explain __________________________________________________________________
________________________________________________________________________

8. Are there any known natural economic resources such as sand, gravel, building stone, road base rock, or mineral deposits on the property? □ yes ☒ no
   If yes, describe __________________________________________________________________
________________________________________________________________________

9. Are any frontage or offsite road and/or drainage improvements proposed or required? □ yes ☒ no
   If yes, explain and show on site plan _____________________________________________
________________________________________________________________________

10. What are the current California Department of Conservation Farmland categories for the property? (Access the CA Important
    Farmland Finder application on the web at http://www.conservation.ca.gov/dfrp/fmmp/Pages/Index.aspx or call 916-324-0859
    for assistance)
    How many acres of each category? _____________________________________________
________________________________________________________________________

III. DRAINAGE, HYDROLOGY & WATER QUALITY

1. Is there a body of water (lake, pond, stream, canal, etc.) within or on the boundaries of the property? □ yes ☒ no
   If yes, name the body of water here and show location on site plan:
________________________________________________________________________

2. If answer to the above is yes, would water be diverted from or into this water body? □ yes ☒ no
   If yes, does applicant have an appropriative or riparian water right? □ yes ☒ no
________________________________________________________________________

Appendix F
3. Where is the nearest off-site body of water such as a waterway, river, stream, pond, lake, canal, irrigation ditch, or year-round drainage-way? Include name, if applicable. 

4. What percentage of the project site is presently covered by impervious surfaces? 
What percentage of the project site will be covered by impervious surfaces after development?

5. Would any run-off of water from the project enter any offsite canal/stream or watershed drainage?  ☐ yes ☒ no
   If yes, describe__________________________

6. Is stormwater run-off currently being intercepted by an upstream and/or onsite canal?  ☐ yes ☒ no
   If yes, describe__________________________

7. Will there be discharge to surface water of wastewaters other than storm water run-off?  ☐ yes ☒ no
   If yes, a) what materials will be present in the discharge?__________________________
   b) what contaminants will be contained in storm water run-off?______________________

8. Would the project result in the physical alteration of a body of water?  ☐ yes ☒ no
   If yes, how? ____________________________

9. Will drainage from this project cause or exacerbate any downstream flooding condition?  ☐ yes ☒ no
   If yes, explain:__________________________

10. Are any improvements (streets, building sites, earthwork, etc) proposed within the limits of the 100-year floodplain?  ☐ yes ☒ no
    If yes, accurately identify the location of the future, fully developed, unmitigated 100-year floodplain on the site plan.

11. Are any areas of the property subject to flooding or inundation?  ☐ yes ☒ no
    If yes, accurately identify the location on the site plan.

12. Would the project alter any on or off site drainage channels or patterns?  ☐ yes ☒ no
    If yes, explain:
    a. How will drainage be discharged to offsite project boundaries?_____________________
    b. Are downstream improvements required to upgrade, replace, or mitigate existing facilities?  ☐ yes ☒ no
       If yes, explain________________________
    c. Will grading be required for drainage conveyance, either in right of way or on private property?  ☐ yes ☒ no
       If yes, describe________________________

13. What specific temporary and permanent Best Management Practice (BMP) measures will be provided?________________________

IV. VEGETATION AND WILDLIFE
All projects disturbing wetlands, streams, vernal pools, or marshes are required to notify the U.S. Army Corps of Engineers and federal permits may be required prior to land disturbance activities. In addition, consultation with the California Department of Fish and Game, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and/or the Central Valley Regional Water Quality Control Board may be required depending on the types of vegetation and wildlife resources affected by project-related activities.

1. Identify the vegetation communities occurring on the project site
   ________% alpine
   ________% coniferous forest
   ________% freshwater wetland/marsh
   ________% grassland (dry pasture)
   ________% orchard/vineyard
   ________% perennial stream
   ________% pond-stock pond
   ________% rice

Appendix F
2. Estimate how many individual trees of 6-inches diameter or larger would be removed by the ultimate development of this project as proposed: __________ tree(s)
   If oak trees (Quercus sp.) are present, estimate how many individual oak trees 5 inches diameter or larger would be removed by ultimate development of this project as proposed: __________

3. Estimate the percentage of all existing trees that would be removed by the project as proposed:
   __________

4. Have any biological surveys been conducted on the property? □ yes □ no
   If yes, give date of the survey(s) and attach a copy of the survey(s): __________

5. List any known endangered species of plants or animals (as defined in Section 15380 a-d of the California Environmental Quality Act Guidelines) found in the project area: __________

6. What changes to the existing vegetative communities will the project cause as proposed: __________

V. FIRE PROTECTION

1. How distant are the nearest fire protection facilities? __________ Fire hydrant __________ mile away

2. What is the nearest emergency source of water for fire protection purposes? Describe the source and location: __________

3. What additional fire hazard and fire protection service needs would the project create: __________

   What facilities are proposed with this project: __________

4. For single access projects, what is the distance from the project to the nearest through road? __________
   Does the fire district require an emergency vehicle access road? □ yes □ no
   If yes, show on the project grading plans and site plan: __________

5. Are there offsite access limitations that might limit fire truck accessibility (i.e. steep grades, poor road alignment or surfacing, substandard bridges, etc.)? □ yes □ no
   If yes, describe: __________

VI. NOISE
   Project sites near a major source of noise, and projects which will result in increased noise, may require a detailed noise study prior to environmental determination.

1. Is the project near a major source of noise? □ yes □ no
   If yes, name the source(s): __________

2. What noise would result from this project, both during and after construction: __________

3. If noise attenuation measures (e.g., berms, walls, special construction) are proposed, please attach noise study, describe measures and include on the site plan and in cross-sectional details.
VII. AIR QUALITY
Specific air quality studies may be required by the Northern Sierra Air Quality Management District (NSAQMD). It is suggested that applicants with residential projects containing 20 or more units, industrial, or commercial projects contact the NSAQMD before proceeding.

1. Are there any sources of air pollution within the vicinity of the project? [ ] yes  [x] no
If yes, name the source(s):

2. At full buildout of the project, what are the quantities of air pollutants in terms of vehicle and stationary sources (i.e. woodstove emissions, etc.)? Include short-term (construction) impacts:

3. Are there any sensitive receptors of air pollution located within one quarter mile of the project (i.e. schools, hospitals, etc.)? [ ] yes  [x] no
If yes, describe:

Will the project generate any toxic/hazardous emissions? [ ] yes  [x] no
If yes, describe:

4. What specific mobile/stationary source mitigation measures, if any are proposed to reduce the air quality impact(s) of the project? Quantify any emission reductions and corresponding beneficial air quality impacts on a local/regional scale:

5. Will there be any land clearing of vegetation for this project? [ ] yes  [x] no
If yes, how will vegetation be disposed:

VIII. WATER SUPPLY

1. Define purpose of water currently used on-site (well, water) __________ well water __________ water 100' from street in center

2. Define existing water source and its location on-site ________ well __________ water ________ 100'

3. List water sources (provider or system) proposed and their projected peak water usage in gallons per day:
   Domestic ___________________________ peak ___________________________ gallons/day 100
   Irrigation ___________________________ peak ___________________________ gallons/day 100
   Fire Protection ___________________________ peak ___________________________ gallons/day

4. Is the project site located within a public domestic water district? [ ] yes  [x] no

5. Will there be public water supply for domestic use? [ ] yes  [x] no
   If yes, provide district name here.
   If no, and the water main is in close proximity, please discuss why not:
   If no, give the distance to the closest public water main ________ feet

6. Will there be groundwater for domestic or other uses? [ ] yes  [x] no
   If yes, what is the projected daily peak groundwater usage?

7. Are there any wells, drilled or hand-dug, on the site? [x] yes  [ ] no
   If yes, describe approximate year well was constructed, depth, annular seal, yield, contaminants, etc. 80' 1972

   Show existing and proposed well sites and label type of well on the site plan.

8. Will the project potentially impact the surrounding area's use of agricultural water? [ ] yes  [x] no
   If yes, describe:

IX. AESTHETICS

1. Describe adjacent land use and explain how the proposed project is consistent/compatible with these uses and densities
   Grazing and horse pastures near by, design similar to near by homes

2. Is the proposed project consistent/compatible with adjacent architectural styles? [x] yes  [ ] no
   If no, explain:

Appendix F
3. Would aesthetic features of the project (such as architecture, height, color, etc.) be subject to review? □ yes 🆑 no
   If yes, by whom (i.e. HOA, ARC)?

4. Describe signs and lighting associated with the project: N/A

5. Is landscaping proposed? □ yes 🆑 no
   If yes, provide a conceptual landscape plan to describe and indicate types and location of plants.

X. ARCHAEOLOGY/HISTORY

1. What is the nearest historic site, state historic monument, national register district, or archaeological site?
   Nicholls Mill 5 miles away

2. How far away is it?

3. Are there any historical, archaeological or culturally significant features on the site (i.e. old foundations, structures, Native American habitation sites, etc.)? □ yes □ no
   If yes, explain

4. Are there any Tribal lands, sites or artifacts known or believed to be on the site?

XI. SEWAGE

1. How much wastewater is presently produced daily? 20 gallons

2. How is sewage presently disposed of at the site? Septic

3. How much wastewater will be produced daily after the project? Same

4. What is the proposed method of sewage disposal? Septic

5. Is there a plan to protect groundwater from wastewater discharges? □ yes 🆑 no
   If yes, attach a draft of this plan.

6. List all unusual wastewater characteristics of the project N/A
   What special treatment processes are proposed for these unusual wastes?

   Will pre-treatment of wastewater be available? □ yes 🆑 no
   If yes, attach a description of pre-treatment processes and monitoring system.

7. During the wettest time of the year, is the groundwater level less than 8 feet below the surface of the ground onsite? 🆑 yes □ no
   If no, explain

8. Is this project located within a sewer district? □ yes 🆑 no
   If yes, provide the district name here:

9. Is there sewer in the area? □ yes 🆑 no
   If yes, what is the distance to the nearest sewer line?

10. Will the project be trenching onsite to connect to sewer? □ yes 🆑 no
    If yes, describe distance and impacts to roadways, adjacent properties, etc.

XII. HAZARDOUS MATERIALS

"Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, or any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment (i.e. oils, lubricants, and fuels).
1. a. Has the site ever stored or used hazardous materials, including pesticides and herbicides? □ yes □ no
   If yes, describe__________________________

   b. Are these materials stored in underground tanks? □ yes □ no
   If yes, contact the Department of Environmental Health at 530-993-6702 for additional requirements.

2. Will the proposed project involve the handling, storage or transportation of hazardous materials? □ yes □ no
   If yes, will it involve the handling, storage, or transportation at any one time of more than 55 gallons, 500 pounds, or 200 cubic feet (at standard temperature and pressure) of a product or formulation containing hazardous materials?
   □ yes □ no
   If yes, describe__________________________

XIII. SOLID WASTE

1. What types of solid waste will be produced?__________________________
   How much?__________________________ How will it be disposed of?__________________________

XIV. PUBLIC AND EMERGENCY SERVICES

1. Identify those entities which serve the project with gas, electricity, telephone and water
   Propane tank, Plumas Sierra Electric, well water

XV. PARKS & RECREATION

1. How close is the project to the nearest public park or recreation area?__________________________
   Name the area__________________________

2. Describe any onsite recreational facilities proposed as part of the project__________________________

3. How does this project propose to provide park and recreation facilities to the community?__________________________

XVI. SOCIAL IMPACT

1. How many new residents will the project generate? 0

2. Will the project displace or require relocation of any residential units? □ yes □ no
   If yes, explain__________________________

3. What changes in character of the neighborhood (surrounding uses such as pastures, farmland, residential) would the project cause?

4. Would the project create job opportunities? □ yes □ no
   If yes, explain__________________________

5. Would the project destroy job opportunities? □ yes □ no
   If yes, explain__________________________

6. Will the proposed development displace any currently productive use, including agricultural livestock grazing?
   □ yes □ no
   If yes, describe__________________________

7. Are there any Federal funds helping to finance your project? □ yes □ no
If yes, you may have to comply with NEPA, the National Environmental Policy Act

XVII. TRANSPORTATION/CIRCULATION

1. Does the proposed project front on a County road or State Highway? [ ] yes [ ] no
   If yes, what is the name of the road? ____________________________

   If no, what is the name of the private access road and nearest cross street? Webber Lake Road

2. Would any non-auto traffic, not related to construction activities, result from the project (trucks, trains, etc.)? [ ] yes [ ] no
   If yes, describe type and volume ____________________________

3. Will new roadway/driveway access onto County roads be constructed with the project? [ ] yes [ ] no
   If yes, are the access points proposed in a location in which would provide sufficient sight distance along the roadway for safe
   entering and exiting vehicles? ____________________________

4. Describe any proposed improvements to County roads and/or State Highways (i.e. frontage improvements, bike lanes, curb, sidewalk): ____________________________

5. Would any form of transit be used for traffic to/from the project site? [ ] yes [ ] no
   If yes, show proposed transit stop locations on site plan. ____________________________

6. How much additional traffic is the project expected to generate? What are the expected peak hours of traffic to be caused
   by the development (i.e. Churches on Sundays, 8:00am-1:00pm; Offices on Mondays through Fridays, 8:00-9:00am, and
   4:00-6:00pm)? ____________________________

7. What bikeway, pedestrian, equestrian, or transit facilities are proposed with the project? ____________________________

XVIII. CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this
initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of
my knowledge and belief.

First Name Daniel Last Name Goddard

Signature ____________________________ Date: 4-18-22

Work Phone (530) 448-9879 Cell Phone (530) 448-9879

Email Address truckeebuilt@gmail.com

Appendix F
Date: June 7, 2021
To: Commenting Agencies

Early Consultation / Project Review Routing Sheet

Project Description
The following application has been submitted to the Sierra County Planning Department. The project is being sent to your agency for early review and comment. The purpose of this “early consultation/routing” is to identify any unforeseen issues or reasons why the project should not be “exempt” from CEQA, and/or to solicit review comments and recommended conditions of approval.

Application Number: 1706
Application Title: Goddard-Zone Variance
Assessor’s Parcel Number(s): 013-110-081
Property Address/Location: 424 West Willow Street, Sierraville

Project Description: Zone variance application to reduce the side yard setback from 60 feet to 10 feet (a 50-foot reduction) in the General Forest District (GF). The proposed project is to construct an addition on to an existing ±25x30 residence that includes 10 feet extensions on the north and south for a deck, and a 20 feet extension to the west for a master bedroom.

Planning staff’s preliminary environmental assessment: exempt under CEQA Guidelines Sections 14-CCR 15303 (Class 3) and 15305 (Class 5) Categorical Exemptions.

Comments and Conditions

- If you have any questions regarding this project or require additional information to evaluate and prepare comments or recommended conditions for the project, please send us a list of these requests within two weeks.

- Please send your comments and conditions to us no later than June 21, 2022. If we do not receive a response by this date, we will presume that your agency has “no comment.” If you require additional time for review, please contact me at: (530) 289-3251 or c jimenez@sierracounty.ca.gov.

Sincerely,
Corri Jimenez Planner

Comments are: □ Attached  □ No comment

Signature, date
Daniel B. Bastian
Print Name and Title
County Engineer
Print Agency

Appendix G
PLANNING COMMISSION
COUNTY OF SIERRA
STATE OF CALIFORNIA

RESOLUTION NO. 2022-___

GODDARD ZONING VARIANCE

JULY 14, 2022

WHEREAS, the Planning Department received an application from Daniel Goddard requesting a Zone Variance (Planning Department File #1706) to reduce the side yard setback on his parcel from 60 feet to approximately 10 feet in the General Forest District; and,

WHEREAS, the proposed project is located on real property in the unincorporated portion of the County of Sierra at 424 West Willow Street, Sierraville; more particularly described as: APN 013-110-081-000; and,

WHEREAS, the Planning Commission held a duly noticed public hearing as required by law to consider all of the information presented by staff, information presented by the project proponent, and public testimony presented in writing and at the meeting; and,

WHEREAS, the Planning Commission considered the project request pursuant to the Sierra County General Plan, the Sierra County Zoning Code, California Environmental Quality Act, and all other applicable state and local regulations; and,

WHEREAS, the Planning Commission of the County of Sierra hereby adopts the analysis and findings contained in Planning Department staff report and recommendation no. 1238, including finding that the project is categorically exempt under the California Environmental Quality Act (CEQA), as more specifically supported in the aforementioned staff report.

NOW THEREFORE BE IT RESOLVED, that the Sierra County Planning Commission approves the proposed Zone Variance as illustrated in Staff Report and Recommendation no. 1229, and subject to the conditions of approval contained therein.

The foregoing Resolution of the Sierra County Planning Commission was passed and adopted on the 14th day of July, 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

__________________________________  ______________________________
Tim H. Beals, Secretary    Mike Filippini, Chairman
Planning Commission     Planning Commission
Mike Blide  
428 West Willow, PO 327  
Sierraville, CA  96126

TO:  Brandon Pangman and/or Corri Jimenez  
Sierra County Planning Department  
PO Box 530  
Downieville, CA  95936

July 8, 2022

Dear Brandon and Corri,

I am writing in response to your letter of June 30 regarding the upcoming July 14th Planning Commission meeting. I am unable to attend, but wanted to provide a letter of support for my neighbor Dan Goddard who is seeking a zone variance for his project at 424 West Willow (APN 013-110-081-000). My wife and I own the property immediately adjacent to Dan at 428 West Willow (APN 013-110-076-000). We have been fully appraised of the extent of Dan’s project and have absolutely no issues with the side yard setback he is proposing.

Secondly, I want to express my support of the Conditional Use Permit and rezoning of the Constellation Creek project on Old Truckee Road. While that project does not impact me directly, I have been impressed with the amount of clean up and upgrading the owners have done to that property, especially their efforts at wildfire mitigation and defensible space work. As a founding board member of the Sierraville Firewise Community, I applaud Georgie and Sebastian in that effort.

Feel free to call me at (530) 320-5711 if you have any questions.

Sincerely,

[Signature]

Mike Blide
Planning Commission Staff Report

July 14, 2022
PC Exhibit 1

Project: Constellation Creek CUP/ZA
File: 1711
Staff Rec: 1239
Request: Conditional Use Permit and Zone Amendment
Address: 622 Old Truckee Road, Sierraville
APNs: 018-060-009 & 018-060-021
Planner: Corri Jimenez

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Property Owners</th>
</tr>
</thead>
</table>
| The Outpost Group, Inc. 
Georgie and Sebastian Bisval 
P.O. Box 34, Sierraville CA 96126 | The Outpost Group, Inc. 
Georgie and Sebastian Bisval 
P.O. Box 34, Sierraville CA 96126 |

1. Staff Recommendation
Staff recommends that the Planning Commission approve the conditional use permit and forward the zone amendment to the Board of Supervisors for approval.

2. Project Description
The proposed project is:
- Conditional Use Permit to modify an existing storage structure into a guest cabin and a second storage structure into a small store for sundry items.
- Zone Amendment (aka, “zone change” or “rezone”) consistent with the General Plan (see PC Exhibit 2-3 for draft Planning Commission resolution and Board of Supervisors Ordinance).

The project site, known as Constellation Creek Resort or historically as Canyon Ranch Resort, is located at 622 Old Truckee Road on an existing, legal non-conforming resort (APNs 018-060-009 and 018-060-021). The applicant, The Outpost Group Inc., is requesting a conditional use permit for the following: (a) legalize an existing 7th cabin (Cabin #11); (b) make an ADA-accessible guest cabin; and (c) turn a storage building into a small store (see Appendix A). In addition, the applicant is requesting to re-zone APN 018-060-021, a 4.96 acre lot, consistent with the Sierra County General Plan from Visitor Commercial into the Commercial Residential District whereas APN 018-060-009 will remain in the General Forest District; therefore, the lot will be split-zoned, which is an amendment to their request. The property is in the Sierraville Community Core in unincorporated Sierra County.

3. Background
The project area, Constellation Creek Resort was historically known as Canyon Ranch Resort in 1970s. Per staff’s research, the resort pre-dates the 1973 zoning districts and the earliest planning project found was a special use permit (SUP) from February 27, 1973, filed by Archie Monico who proposed to expand the existing Canyon Ranch Resort by adding 20-25 campsites (see Figure 1).
In the application, Monico described the existing resort as having “8 cabins, fishing pond & swimming pool on about 4 ac. We have approx. 16 ac. the campground will app. 4 to 5 ac. on far end of prop” (see Figure 1).

Figure 1. Monico SUP proposal map (Planning #26). Note, red is current Constellation Creek Resort.

The Planning Commission approved the campground development on April 10, 1973; however, there was no approval of the existing, non-conforming resort sadly the approved special use permit did not apply to the existing Canyon Ranch Resort. On June 5, 1973, the countywide zoning map was officially adopted by the Board of Supervisors.

Figure 2. Monico approved parcel map (Planning File #453). Note, red is current Constellation Creek Resort.
In 1980, Archie Monico applied for a second entitlement that was a lot line adjustment to subdivide his property into two (2) parcels (Parcel 1 and Parcel 2) (see Planning #453). In the staff report for this project, the findings record the following:

- “Parcel 1 would contain the existing Canyon Ranch Resort which includes seven house cabins. It would also incorporate Assessor Parcel Number 16-060-09, approximately a one-half acre parcel. APN 16-060-09 lies entirely within the building setback zone of Cold Stream, therefore is not a suitable building site and property should be part of an adjacent parcel within a building site;” and
- “Canyon Ranch Resort may continue to operate as an existing non-conforming use under the GF-CE [General Forest-Community Expansion] zone. Only these uses and structures allowed under the GF-CE zone would be allowed on Parcel No. 2. This proposal, therefore, does not allow an intensification of use, but reapports more land to the residential lot from the resort.”

Therefore, the current Constellation Creek Resort is one legal parcel (aka Parcel 1) and was assigned two (2) assessor parcel numbers, APNs 018-060-009 and 018-060-021, per this 1980 lot line adjustment (see Figure 2). Sadly, the existing non-conformance use of the parcel unchanged.

In 1990, a second special use permit application (Planning #874) was filed on the project area from Conner & Conner Inc., looking to expand the “upside-down, Utah-shaped” resort (see Figure 3). Staff at the time recommended the applicant do a general plan amendment and zone amendment in addition to the special use permit. The zoning for the property was “Forest,” which was inconsistent with the General Plan that was “Agriculture.” However, because of the extension of the General Plan, the application could not be processed. In the applicant’s project description, it cites that there are “ten existing cabins, swimming pool, fishing lake, game room and approximately 200 acres of undeveloped property,” which the applicant was proposing 118 small cabins in 8-9 units in addition to amenities all on undeveloped land.
By December 1990, a scoping session was underway with planning staff, the applicant, local agencies, and adjacent property owners to address issues and concerns. The project, however, appeared to stall and was reopened by the applicant on August 29, 1991. The applicant reopened the file, wanting to change the zoning to accommodate not only 118 additional cabins, and recreational amenities but also 80 full RV hookups on the 200 acres (see Figure 3).

By January 7, 1992, staff contacted the applicant and let him know that they needed an updated project description and map as his amended application was incomplete. Later in the year, the Board of Supervisors created a moratorium on project developments (County Ordinances 790, 797, and 804). Sometime in 1995-96, the ranch went through U.S. bankruptcy court and eventually changed hands, therefore, their applications were never approved.

In 1996, Sierra County update the General Plan that included countywide and community-level land use designations (see Figure 4). The newly adopted General Plan recorded the Canyon Ranch Resort as a “Special Treatment Area-Visitor Center;” however, the 1973 General Forest zoning was unaffected (see Figures 4-5). In the General Plan, there was even a section designated to “Canyon Ranch,” recognizing it as a Special Treatment Area with the description “to ensure that future development does not negatively impact the surrounding residential area” (General Plan, 1-57). While most of the existing zoning districts and designations remained consistent, and compatible with the existing General Plan maps, there were notable changes that included the need to create some completely new zones, delete or amend other zones, and in some cases, significantly change the designations to reflect new planning priorities, such as the creation or recognition of whole unincorporated communities which were not previously recognized or addressed in the 1973 zoning map.

![Figure 4](image-url). General Plan, Sierraville Map detail (1996). Note the General Plan map set aside the resort proper as Visitor Commercial, however, the zoning (see below Figure 4) never was changed to reflect it.
Since 1996, the Planning Department has been updating the zoning code concurrently with updating the General Plan. In the interim, several parcel-to-parcel zone changes have been undertaken that were either applicant-initiated or county-initiated directed by the Board of Supervisors.

In January 1997, a flood severely damaged the vehicle bridge across Coldstream Creek, owned by Robert and Carla Merica who had purchased the Canyon Ranch Resort from the Conners. The Mericas submitted a special use permit application (Planning #1093) to repair four damaged cabins and move a storage shed that was in the 100-foot stream setback. In addition, the Mericas applied for a zone variance application (Planning #1094) to replace the flood-damaged bridge that was in the floodplain (see Figure 6). The staff report at the time recognized that the “recreational use is a non-conforming use which was in existence prior to the adoption of the Sierra County Zoning Ordinance.”

Four (4) building permit applications were filed by the Mericas and include:

- In 1997, foundation repairs were completed on by the Mericas (Permit #1997-47) but were not finalized. A bridge was constructed (Permit # 1997-127) and was finalized on October 11, 2019.
- In 1998, foundation and a septic system was installed by the Mericas (Permit 1998-148). The foundation and septic were closed but not finalized.
- In 1999, an electrical panel was installed by the Mericas (Permit #1999-035). The electrical panel was closed but not finalized.

In the conditions of approval, the repair work on the buildings could not be done without a certificate of occupancy and overall ran continuously the legal non-conforming resort.
Georgie and Sebastian Abate Bisval, the current owners of Constellation Creek Resort, contacted the Planning Department on August 7, 2019, as part of their due diligence prior to purchasing the property. Assistant Director Brandon Pangman wrote an extensive letter to them on its history as a legal non-conforming resort (see Appendix B). In his letter, he outlined the property was in the General Forest District and allows a single-family residence and its accessory structures. However, a commercial resort requires a Planning Commission-approved conditional use permit. From his research, the Planning Director determined that the buildings, improvements, and commercial use of the property were “legal non-conforming uses,” and any future uses would only be allowed if they can bring them up to legal conformance per Sierra County Section 15.40.010. Therefore, it is arrested in 1997 and “cannot be changed, expanded, or extended unless to bring it up to current codes” in the eyes of the county. Other proposed uses or expansions, such as reusing a storage shed into a store, would require a conditional use permit. In addition, he recommended a zone change to the Bisvals to address the conundrum that the General Plan and zoning were inconsistent.

On October 1, 2020, the Bisvals contacted the Planning Department, asking for guidance on how to get two existing buildings for public use on the resort. Mr. Pangman directed them that they would (a) need a conditional use permit and (b) need to change of use/occupancy would be needed per the California Building Code requirements for life & safety. He also re-sent a conditional use permit application to them in September 2021. He explained that the 7th cabin (aka Flying Fish Cabin) was not permitted as a residence but as a “U” storage building whereas the Supply Store needed to be changed to a “A” Assembly building. The applicant hired an engineer, Nevada City Engineers, Inc., for their two projects (see Figure 7 and Appendix A).
As an overview, Constellation Creek Resort is one-legal parcel with two separate assessor parcel numbers (APN), assigned in 1980. The proposed conditional use permit will apply to both APNs. Additionally, the resort still retains its original 1973 zoning and is inconsistent with the General Plan designation (see Table 1).

### Table 1 – Parcel to be rezoned.

<table>
<thead>
<tr>
<th>Parcel (Asessor Parcel No.)</th>
<th>Community (Ownership &amp; Use)</th>
<th>General Plan</th>
<th>Zoning* Current → Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) 018-060-021</td>
<td>Sierraville (The Outpost Group; existing legal non-conforming resort)</td>
<td>STA-VC</td>
<td>GF → CR</td>
</tr>
<tr>
<td>2) 018-060-009</td>
<td>Sierraville (The Outpost Group; vacant lot)</td>
<td>RR 5-10</td>
<td>GF → GF</td>
</tr>
</tbody>
</table>

Both APNs have different General Plan designations, and the proposed zone amendment is only rezoning APN 018-060-021; therefore, the parcel is proposed to be split-zoned between Commercial Residential and General Forest (see Table 1, Figure 4). Existing General Plan land use and Zoning districts for the site and surrounding vicinity follow:

### Table 2—Adjacent parcels zoning and General Plan designation.

<table>
<thead>
<tr>
<th>Subject Site</th>
<th>Existing Use</th>
<th>General Plan</th>
<th>Zoning*</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Legal non-conforming resort, 4.96-ac.</td>
<td>RR 5-10, STA-VC/Community Core</td>
<td>RR-5/GF</td>
</tr>
<tr>
<td>South</td>
<td>Single-Family Residence</td>
<td>Forest</td>
<td>GF</td>
</tr>
<tr>
<td>East</td>
<td>Forested land</td>
<td>Forest</td>
<td>GF/TPZ</td>
</tr>
<tr>
<td>West</td>
<td>91 Ac. undeveloped timberland</td>
<td>Forest</td>
<td>TPZ</td>
</tr>
<tr>
<td></td>
<td>USFS timberland</td>
<td>Forest</td>
<td>GF</td>
</tr>
</tbody>
</table>

*Key: General Plan Land Use Designations: STA = “Special Treatment Area-Visitor Commercial”; GF = “General Forest District;” VC = “Visitor Commercial;” CR = “Commercial Residential;” and RR 5-10 = Rural Residential 5-10; TPZ = Timber Production Zone.*
4. Setting

Constellation Creek Resort is located at 622 Old Truckee Road within the Sierraville Community Core and represents a legal non-conforming resort. The resort represents buildings that straddle a bridge over Coldstream Creek—there are three cabins on the north side (Wolf, River, and Hunter) and four cabins on the south side (Eagle, Little Bear, Arrow, and Flying Fish).

All existing buildings are set on a 4.96 acre lot, APN 018-060-021, and there are no structures or buildings on APN 018-060-009. The buildings in red are proposed for a change of occupancy (see Figures 8-9).

![Figure 8. Constellation Creek, Sierraville](Source, [www.constellationcreek.com](http://www.constellationcreek.com)). Buildings in red are looking to receive a Change of Occupancy, per the CUP application. Building #12 not shown (see Figure 7).

![Figure 9. Constellation Creek, Sierraville.](Left, proposed supply sundry store (Photo by Bisvals), Right ADA cabin by pond (Photo by staff).)
5. Findings

5.1 General Plan Consistency

Finding: The proposed rezones are consistent with the land use designations, goals, and policies of the Sierra County General Plan.

Evidence:
1. The applicants are requesting to rezone consistent with the underlying General Plan land use designation.
2. The zone amendment will effectively change APN 018-060-021 to Commercial Residential District whereas APN 018-060-009 will remain in the General Forest District.
3. The proposed project as a conditional use permit is compatible with the General Forest District and the Commercial Residential (CR) District.
4. Continued and proposed uses of the properties is anticipated to remain consistent with the respective proposed zoning and current General Plan land use designations, and associated policies and ordinances.

5.2 California Environmental Quality Act (CEQA)

Finding: The proposal will not have a significant adverse effect on the environment and is statutorily exempt from CEQA.

Evidence:
1. The proposed project is to change the use of two existing buildings to bring it in compliance with Sierra County Code, Section 15.40.010, and rezone compatible with the General Plan (1996).
2. The proposed project is categorical exempt under CEQA Guidelines California Code of Regulations, Title 14, Sections 15301 (Class 1 Categorical Exemption) and 15303 (Class 3 Categorical Exemption). The proposed project consists of minor alterations of existing structures and the new construction is limited to existing facilities. The current use as a resort will not be affected nor will the use be expanded resulting in an environmental impact. The new construction scoped to be installed will be bringing it to compliance as a public site. In addition, no new structures or buildings are being proposed.
3. In addition, this project is eligible for a Statutory Exemption from the California Environmental Quality Act (CEQA), under Public Resources Code §21083.3: re-zoning consistent with a General Plan for which an EIR has already been certified and adopted. The proposed project is a re-zone to bring the legal non-conforming resort, aka one (1) parcel, consistent with the Sierra County General Plan (1996) and its land use designation. The General Plan EIR anticipated the kinds of uses already occurring and/or proposed on each property at the time it was written and adopted in 1996.
4. The proposed project consists merely of zone changes consistent with existing and historical uses and General Plan designations that have been in place for over twenty (20) years and represents a “clean up” of inconsistent zoning designations, as required by State law.
5. The EIR adopted in conjunction with the General Plan policies regulating uses, development and allowable accessory uses in Community Commercial as a land use designation will be relied upon. Those provisions, policies, and mitigation measures implemented in the Zoning Code, as amended, shall be enforced at the time of development permit application or other proposed uses.
6. The project was routed to 29 commenting agencies between May 31, 2022 and June 14, 2022. Staff received no comments back from the Public Works Department, Sierra County Fish & Game, and the Treasurer & Tax Collector. Comments and conditions were received from the following agencies and interested parties:

a. County Surveyor commented that building permits will be required for Building #7 and #11 and grading will be required for the ADA compliance, which has been added as condition of approval. He mentioned grading will be required for compliance with ADA regulations, but outside ramps, no new grading will be added. Third, he addresses the Zone A FEMA floodplain and that base flood elevations; and per SCC 32.05.200, new construction and substantial improvements will require elevation certificates. Next, he commented Building #12 straddles the property line and questioned its non-compliant use. Building #12 is “not a part of the resort,” according to the applicant (see Appendix A), and a lot line adjustment will be needed if this building will be added to the resort. Fifth, he addresses an offer of dedication for the road that traverses the property. This road across the property and bridge is privately owned driveway and at this time, an offer of dedication is not required. Last, a title report is not required for either of these entitlements and was not provided the county surveyor (see Appendix C).

b. CalFire commented that the current and proposed buildings need to meet current fuel reduction requirements that includes access roads. Since the parcel is not served by a municipal water company, stored water for fire suppression, a minimum of 2500 gallons will be required along with additional fire department apparatii. Buildings that are habitable will need to have battery style smoke detectors and fire extinguishers. Last, campfires will only be allowed in dedicated campfire rings and not allowed on “red flag days” (see Appendix D).

c. County Environmental Health Department commented on sewage disposal, water supply and added conditions of approval for on the resort (see Appendix E). According to their office, there is no record of sewage disposal approval for the proposed cabin and had concerns about posting of “non-potable” water to notify guests or asking them to bring their own drinking water. The Environmental Health Department had concerns over non-hazardous, prepackaged food items being sold in the small store or the rezoning of the property consistent with the General Plan.

7. In addition, the applicant provided six letters of support from the adjacent neighbors that included Rami Hass of 620 Old Truckee Road, Brian Hess & Heather River of 218 Old Truckee Road, Carolyn and Jeff Hamilton of 402 Old Truckee Road, Sean Walsh of 723 Old Truckee Road, Zdenko and Ileana Vokel of 712 Old Truckee Road, and Mike Blide of 428 West Willow Street (see Appendix F). All the letters were supportive of the applicant and their project to the neighborhood.

8. Based on the exemption, comments received, and the whole record, there is no substantial evidence that the project may have a significant detrimental effect on the environment.

5.3 Conditional Use Permit Mandatory Findings [ref., SCC 20.05.150(A)]

Finding (1): The proposed use is consistent with all applicable provisions of the Sierra County Code, including the Sierra County Zoning Code.

Evidence: The current proposed use would require a conditional use permit for a change of use in the General Forest District. The zone amendment will change the zoning from
General Forest to Commercial Residential for APN 018-060-021. APN 018-060-009 will be unchanged and remain in General Forest.

Finding (2): The proposed use is consistent with applicable policies and requirements of the Sierra County General Plan, and any applicable community plan or specific plan and any specific findings required by any of these plans are made.

Evidence: The project site is in the Special Treatment Area—Visitor Commercial within the Sierraville Community Core. The zone amendment on APN 018-060-021 where the legal non-conforming resort is located will amend the zoning and its discrepancies, matching the Sierra County General Plan (1996). APN 018-060-009 will be unchanged and remain in General Forest.

Finding (3): The establishment, maintenance or operation of the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the county; except that a proposed use may be approved contrary to this approval and enable the making of specific overriding findings.

Evidence: With an approved conditional use permit, Constellation Creek Resort will be a legitimate resort. The applicant submitted letters of support from the neighborhood that endorse the resort and its current use (see Appendix F). The applicant will submit building permit applications to bring the buildings up to conformance as a commercial resort.

Finding (4): The proposed project or use will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.

Evidence: 622 Old Truckee Road is a rural neighborhood in the Sierraville Community Core. The applicants submitted six letters of support from their neighbors (see Appendix F). In the submittal, Mr. Hass commented that the owners are “considerate and kind neighbors and thankfully their business has never caused any disturbances at all under their ownership.” Other letters of support like this were submitted by the applicant.

Finding (5): In a TPZ zone district, the establishment, maintenance and operation of the proposed use or building will not significantly detract from the use of the property for, or inhibit the growing and harvesting of timber.

Evidence: Not applicable. This project site is zoned General Forest, not TPZ.

Findings (6): Any specific findings as required by the applicable Zoning Ordinance are also satisfied.

Evidence: The applicant is concurrently rezoning a part of their property (APN 018-060-021) to be consistent with the General Plan as Commercial Residential.

Finding (7): The project has complied with the requirements of the California Environmental Quality Act (CEQA).

Evidence: The project is categorically exempt under CEQA Guidelines, and no further environmental studies or analysis and disclosure are required. See more detailed explanation in sub-section 5.1, above.

Finding (8): The proposed use is consistent with, replaces or appropriately modifies any prior established relevant conditions of a previous entitlement, if applicable.

Evidence: Not applicable. There are no entitlements and no prior established relevant conditions attached to this property or proposed use.

6. Staff Recommendations

Staff recommends that the Planning Commission adopt a resolution, taking the following actions:

A. Adopt the Analysis and Findings contained in this staff report.
B. Find that Categorical Exempt (Class 1, 2) and Statutory Exempt from the California Environmental Quality Act (CEQA), under Public Resources Code §21083.3, re-zoning consistent with the General Plan APN 018-060-021. (Note: attached is both a draft Resolution, see PC Exhibit 2, and draft Board of Supervisor’s ordinance, see PC Exhibit 3).

C. Approve the Conditional Use Permit as presented in the application, subject to the following conditions of approval:

1. The entitlement approved by this action is for a Conditional Use Permit to allow a commercial resort at 622 Old Truckee Road, Sierraville (APN 018-060-021) in the Commercial Residential zone that is contained in Planning Staff Report 1711 (Staff Rec. 1239). APN 018-060-009 will stay in the General Forest District and will be a part of this entitlement. Deviations from the approved project description shall be reviewed by the County for substantial compliance and may require amendment by the Planning Commission. If there are any discrepancies between the approved project description and the conditions of approval, the conditions of approval shall supersede.

2. This entitlement does not relieve the applicant of the obligation to comply with all other local ordinances, or State or federal statutes, regulations, and procedures. The project is conditioned upon conformance with all permit requirements of all federal, State, or local agencies with jurisdiction over any aspect of the project. The project shall comply with the provisions of the California Building Standards Codes and Sierra County Code, including the submittal of a complete Building Permit application and construction plans and structural calculations.

3. Applicant shall pay all appropriate processing and development fees charged by the County and other Special Districts providing services to the project, including application processing fees and expenses.

4. Per this entitlement, the applicant will apply for a building permit to bring the 7th cabin (Cabin #11) and the storage building as a store into conformance. Both buildings will require a certificate of occupancy for the change of use and be consistent with the California Building Standards Code, Title 24. One (1) cabin on the property will be made ADA-accessible for visiting guests.

5. Per CalFire response, dated June 5, 2022, all current and/or proposed buildings shall need to meet current fuel reduction requirements for vertical heights clearances of 15 feet and have an all-weather surface with an aggregate base weight requirement for a 40,000 pound vehicle. As fire protection, a minimum 2,500 gallon stored water supply with be on the premises. A fire department connection (FDC) will be located at either Building #1 or Building #11 and will not be blocked.

6. Per CalFire response, dated June 5, 2022, the permittee shall provide a copy of an engineer’s report certifying the calculated load rating of the bridge, and post the max. load rating on the bridge; and provide written evidence via email or letter to the Sierra County Planning Department in satisfying CalFire.

7. Per CalFire response, dated June 5, 2022, “All buildings that are habitable or are worked within will have a traditional battery style smoke detector and a fire extinguisher mounted on the wall near the main entrance interior. This includes all cabins, store, residence, and maintenance buildings. A minimum of a 2-A:10-B:C rated extinguisher - no more than 40 feet apart. Include all locations where a fire may start.”

8. Per CalFire response, dated June 5, 2022, “Any campfires will be only be allowed in dedicated campfire rings. All fires will be extinguished upon end of the need/use. Recommend not allowing campfires on “Red Flag Days” in which risk of fire danger is elevated. As this parcel is within the Sierraville ranger district of the Tahoe National Forest, the USFS has the ability to terminate allowing all fires.”
9. Per Environmental Health Department response, dated June 10, 2022 and Sierra County Code Section 12.04.070, a permit may not be issued by the County Building Official unless and until the following has been provided:
   a. Approval by the County Health Officer of any private sewage disposal system or connection to any public sewage disposal system; and
   b. Any expansion of wasteflow into this system (i.e., plumbing from more than the 3 cabins and restroom that the permit was approved for) will require evaluation by a qualified professional to determine if the sizing of the system is adequate for the proposed usage.

10. Per Environmental Health Department response, dated June 10, 2022, “approval of this domestic water supply will require an inspection of the source and storage tank along with analysis of the drinking water by the Sierra County Environmental Health Department. If the water system is not protected from potential surface contamination and/or does not meet bacteriological water quality requirements, then a treatment system including disinfection will be required.”

11. Per Environmental Health Department response, dated June 10, 2022, “water systems that serve resorts are typically regulated as “transient non-community” water systems by the Division of Drinking Water - SWRCB. This water system is already included on the State Inventory List as Water System # 46-00065 but is currently “inactive” (based on the declaration completed by the owners). To be an active regulated water system, the water system would need to serve 25 or more people at least 60 days of the year. If the resort reaches this regulatory threshold, they will be required to apply for a permit from the State Water Resources Control Board (SWRCB) - Division of Drinking Water.”

12. Per Environmental Health Department response, dated June 10, 2022, the small store would not be permitted as a food facility, unless only limited to non-hazardous prepackaged food items (i.e., water bottles and candy bars).

13. The entitlement shall be valid for ten (10) years, expiring on July 24, 2032, with provisions it can be renewed or extended. If the permittee desires to extend the entitlement, a written request to amend these conditions, together with statements and evidence of good faith compliance with all terms and conditions of the use permit, must be timely filed with the Sierra County Planning Department prior to the expiration date noted above.

7. Summary

Planning staff has processed the requested zone amendment of 622 Old Truckee Road (APN 018-060-021) to Commercial Residential District—the property will be split-zoned, leaving a second parcel (APN 018-060-009) in the General Forest District. The entitlement as a conditional use permit will umbrella both assessor parcels. The project has been analyzed for compliance with the policies and goals of the Sierra County General Plan, the Zoning Code, the California Environmental Quality Act, and relevant state statutes and local ordinances. The project as proposed will be compatible with the surrounding land uses and will not have a significant effect on the environment.

Staff recommends that the Planning Commission recommend approval as proposed and transmit the recommendation in writing to the Board of Supervisors no later than October 14, 2022 (90 days from the publication of the notice of this hearing; ref. GC §65857, SCC §15.32.040).
8. Recommended Motion

Should the Planning Commission agree with staff’s recommendation, the following motion is suggested:

“I move that the Planning Commission find that the project is exempt under CEQA; and approve the conditional use permit for the legal non-conforming resort. Additionally, I adopt the resolution recommending to the Board of Supervisors that they approve the proposed zoning amendment and adopt the findings as contained in Staff Recommendation no. 1239.”

8. Attachments

PC Exhibit 1 – Staff Report
PC Exhibit 2 – Draft Planning Commission Resolution to the Board of Supervisors
PC Exhibit 3 – Draft Board of Supervisor’s Ordinance
  Appendix A – Constellation Creek project description, per the applicant and maps submitted by Nevada City Engineers, Inc.
  Appendix B – Assistant Director Brandon Pangman letter to applicant, August 19, 2019.
  Appendix C – County Surveyor comments, submitted on June 1, 2022.
  Appendix D – CalFire comments, submitted on June 5, 2022.
  Appendix E – Environmental Health Department comments, submitted on June 10, 2022.
  Appendix F – Letters of Support submitted by the applicant, Constellation Creek
PLANNING COMMISSION  
COUNTY OF SIERRA  
STATE OF CALIFORNIA  

RESOLUTION NO. _____

IN THE MATTER OF  
CONSTELLATION CREEK CUP  
AND RECOMMENDING APPROVAL  
TO THE BOARD OF SUPERVISORS  
FOR A ZONE AMENDMENT FROM GF TO CR DISTRICT

WHEREAS, pursuant to Sierra County Code Section 15.32.020(A), the owners of Constellation Creek Resort, formerly known as Canyon Ranch Resort, submitted applications to the Sierra County Planning Department to: (1) rezone a portion of one (1) legal parcel of land in unincorporated Sierra County to bring it into conformance with the Sierra County General Plan; and (2) approve a Conditional Use Permit to expand or change the uses of existing buildings at a legal non-conforming commercial resort, and to bring the resort into full zoning conformance; and,

WHEREAS, the portion of the legal parcel identified as Parcel 1 on Maps & Surveys, Book 6, Page 78, to be considered for a zone amendment was identified separately as APN 018-060-021, located at 622 Old Truckee Rd in the community core of Sierraville, and is identified in the Sierra County General Plan as Visitor Commercial; whereas the commercial resort was heretofore a legal non-conforming use in the General Forest (GF) zoning district; and,

WHEREAS, the Sierra County Planning Commission conducted a duly-noted public hearing and considered the proposed rezone and Conditional Use Permit applications pursuant to the Sierra County General Plan, the Sierra County Zoning Code, California Environmental Quality Act, and all other applicable State and local laws and regulations; and,

WHEREAS, the Sierra County Planning Commission hereby adopts the following findings and evidence as presented in Staff Recommendation No. 1239:

**General Plan Consistency**

*Finding:* The proposed rezone and Conditional Use Permit are consistent with the land use designations, goals, and policies of the Sierra County General Plan.

*Evidence:*

1. The current General Plan land use designation for the subject property is “Visitor Commercial;” and General Plan policy no. 1-8 identifies the Commercial Residential (CR) District as being the “closest match” to implement the Visitor Commercial land use designation.

2. Since 1973 the property has been zoned General Forest (GF) District; and the commercial resort, according to Planning Department records, pre-exists this zoning designation rendering the resort a “legal non-conforming use” under Sierra County Code Section 15.40.010—which provides that the lawful use of such land or buildings may continue…“but shall not be expanded or extended in any way, and shall not be changed except to bring said use of land or building into conformity with” the Zoning Code.

3. The proposed zoning amendment from GF District to CR District is consistent with the respective underlying General Plan land use designation of Visitor Commercial; and the
existing 6-cabin commercial resort, as well as the proposed expansion to add a seventh (7th) guest cabin and convert an existing storage structure to a store for guests, is consistent with the General Plan policies for Visitor Commercial and the Commercial Residential zoning ordinance only with an approved Conditional Use Permit.

4. Continued and proposed uses of the property are anticipated to conform and remain consistent with the respective proposed zoning and current General Plan land use designations, and associated policies and ordinances.

Conditional Use Permit (Sierra County Code Section 20.05.150[A])

Finding (1): The proposed use is consistent with all applicable provisions of the Sierra County Code, including the Sierra County Zoning Code.

Evidence: The current proposed use would require a conditional use permit for a change of use in the General Forest District. The zone amendment will change the zoning from General Forest to Commercial Residential for APN 018-060-021. APN 018-060-009 will be unchanged and remain in General Forest.

Finding (2): The proposed use is consistent with applicable policies and requirements of the Sierra County General Plan, and any applicable community plan or specific plan and any specific findings required by any of these plans are made.

Evidence: The project site is in the Special Treatment Area—Visitor Commercial within the Sierraville Community Core. The zone amendment on APN 018-060-021 where the legal non-conforming resort is located will amend the zoning and its discrepancies, matching the Sierra County General Plan (1996). APN 018-060-009 will be unchanged and remain in General Forest.

Finding (3): The establishment, maintenance or operation of the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the county; except that a proposed use may be approved contrary to this approval and enable the making of specific overriding findings.

Evidence: With an approved conditional use permit, Constellation Creek Resort will be a legitimate resort. The applicant submitted letters of support from the neighborhood that endorse the resort and its current use (see Appendix F). The applicant will submit building permit applications to bring the buildings up to conformance as a commercial resort.

Finding (4): The proposed project or use will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.

Evidence: 622 Old Truckee Road is a rural neighborhood in the Sierraville Community Core. The applicants submitted six letters of support from their neighbors (see Appendix F). In the submittal, Mr. Hass commented that the owners are “considerate and kind neighbors and thankfully their business has never caused any disturbances at all under their ownership.” Other letters of support like this were submitted by the applicant.

Finding (5): In a TPZ zone district, the establishment, maintenance and operation of the proposed use or building will not significantly detract from the use of the property for, or inhibit the growing and harvesting of timber.

Evidence: Not applicable. This project site is zoned General Forest, not TPZ.

Findings (6): Any specific findings as required by the applicable Zoning Ordinance are also satisfied.

Evidence: The applicant is concurrently rezoning a part of their property (APN 018-060-021) to be consistent with the General Plan as Commercial Residential.

Finding (7): The project has complied with the requirements of the California Environmental Quality Act (CEQA).
Evidence: The project is categorically exempt under CEQA Guidelines, and no further environmental studies or analysis and disclosure are required.

Finding (8): The proposed use is consistent with, replaces or appropriately modifies any prior established relevant conditions of a previous entitlement, if applicable.

Evidence: Not applicable. There are no entitlements and no prior established relevant conditions attached to this property or proposed use.

California Environmental Quality Act (CEQA)

Finding: The proposed project will not have a significant adverse effect on the environment and is exempt from the California Environmental Quality Act (CEQA).

Evidence:
1. The proposed zoning amendment is eligible for a Statutory Exemption from the California Environmental Quality Act (CEQA), under Public Resources Code Section 21083.3: re-zoning consistent with a General Plan for which an EIR has already been certified and adopted.
2. The proposed project involves a Conditional Use Permit and re-zone to bring the zoning of a portion of one (1) parcel into consistency with the County General Plan land use designation; and bring an existing, legal non-conforming use into full conformance with the Zoning Code and the policies of the underlying General Plan land use designation of Visitor Commercial. The 2012 General Plan EIR anticipated the kinds of uses already occurring and/or proposed on the property at the time it was written and adopted in 1996.
3. The proposed project consists merely of a zone change consistent with existing and historical uses and General Plan designations that have been in place for over twenty (20) years and represents a “clean up” of inconsistent zoning designations, as required by State law.
4. No existing or proposed uses of the property are inconsistent with the policies of the General Plan, or represent peculiar effects on the environment which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report.
5. The proposed Conditional Use Permit to bring the existing legal non-conforming resort into conformance with the Zoning Code and General Plan and allow for the minor change of use of two (2) existing buildings, is eligible for a categorical exemption under CEQA Guidelines, California Code of Regulations, Title 14, Sections 15301 (Class 1 categorical exemption; minor alteration of existing structures) and 15303 (Class 3 categorical exemption; conversion of existing small structures where from one use to another where only minor modifications are made).
6. The project and the proposed categorical exemptions are not subject to any of the exceptions listed in CEQA Guidelines Section 15300.2.
7. The project was routed to commenting agencies between May 31, 2022 and June 14, 2022. There were no responses received containing comments of environmental concern warranting further investigation, or excepting the project from the statutory or categorical exemptions, or requiring the preparation of an Initial Study.
8. On the basis of the exemptions, comments received, and the whole record, there is no substantial evidence that the project may have a significant detrimental effect on the environment.
WHEREAS, the Sierra County Planning Commission, pursuant to Sierra County Code Section 15.32.040, must report its findings and make recommendation with respect to the proposed zoning amendment to the Board of Supervisors for final determination.

NOW, THEREFORE BE IT RESOLVED that the Sierra County Planning Commission hereby adopts the analysis and findings contained in Staff Recommendation No. 1239, including determination that the project is statutorily exempt from CEQA; and upon the record of proceedings from the July 14, 2022 public hearing the Planning Commission hereby recommends approval of the proposed zoning amendments to the Board of Supervisors.

Adopted by the Planning Commission of the County of Sierra, State of California, on the 14 day of July, 2022 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Tim H. Beals
Secretary, Planning Commission

Mike Filippini
Chair, Planning Commission
ORDINANCE No.__________

ORDINANCE AMENDING SIERRA COUNTY CODE
TITLE 15 CHAPTER 13 TO RE-ZONE A PORTION OF A PARCEL
IN UNINCORPORATED SIERRA COUNTY
TO BRING THE ZONING INTO CONFORMANCE WITH THE GENERAL PLAN

Ordinance Section 1:
Section 15.13.010 of the Sierra County Code is hereby amended to add Subsection D to read as follows:

D. The following County Assessor parcel is added to the properties zoned Commercial Residential (CR) District:

018-060-021

Ordinance Section 2:
This ordinance shall take effect thirty (30) days after its passage. Before expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the Mountain Messenger, a newspaper of general circulation published in the County of Sierra, State of California.

Introduced at a regular meeting of the Board of Supervisors, and passed and adopted by the Board of Supervisors of the County of Sierra, State of California, on ________ by the following roll call vote, to wit:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  

COUNTY OF SIERRA

__________________________________
PAUL ROEN, CHAIRPERSON
BOARD OF SUPERVISORS

ATTEST:  
APPROVED AS TO FORM:

______________________________  ______________________________
HEATHER FOSTER  DAVID PRENTICE
CLERK OF THE BOARD  COUNTY COUNSEL
APPENDIX A

PROJECT DESCRIPTION
CONSTELLATION CREEK RESORT
USE PERMIT APPLICATION
May 2022

CONSTELLATION CREEK RESORT is a long existing resort located at 622 Old Truckee Road, Sierraville, California, on Sierra County Assessor’s Parcel Numbers 018-060-009 and 021.

Please see the accompanying aerial photo site plan for additional information on the existing improvements and the overall layout of the resort. The resort is viewed as a legal non-conforming use as outlined in the attached letter from the County.

No new construction is proposed with this use permit, with the exception of minor alterations to one of the cabins to bring it into compliance with the requirements of the Americans with Disabilities Act (ADA) for disabled access. This could include a minor floor area addition to support an ADA bathroom, construction of a hard surfaced van parking space with ramp landing area, and path-of-travel ramping as needed between the parking space and the cabin meeting ADA standards.

It is anticipated that this work will occur to Cabin 11, as shown on the accompanying site plan, but ADA modifications might prove to be more efficient at an alternative existing cabin. The details of the ADA modifications will be shown in a building permit application after County approval of the Use Permit.

Cabin 11 was apparently built without a permit and therefore the applicant has been unable to use it as a rental. A part of this use permit application is to legalize the addition of this cabin. The structural permitting will be handled through a building permit application after the County approves the Use Permit. Cabin 11 does seem to have been accounted for in the latest septic system upgrade, as was Building 10, the outdoor restrooms.

This use permit also seeks approval of the use of existing Building 5 as a small store with souvenirs and sundries, for on-site guests and internet sales only. There is no plumbing in this building, nor is any proposed.

Finally, at the request of the County, this application proposes to rezone the subject property from the existing GF-General Forest to CR-Commercial Residential. The rezoning is to bring the zoning into consistency with the General Plan designation of STA-VC-Stream Zone Visitor Commercial. State law requires that the County zone property in a manner that is consistent with the General Plan.
ZONING:
EXISTING: GF - GENERAL FOREST
PROPOSED: CR - COMMERCIAL RESIDENTIAL
August 8, 2019

Via e-mail to:
Georgina Bisval & Sebastian Bisval Abate, prospective buyers
george@elanotelier.com

Jenna Belden, buyers’ agent Jenna.belden@engelvoelkers.com
Paula Erle, seller’s agent paula@paula-erle.com

RE: Canyon Ranch Resort – 622 Old Truckee rd., Sierraville (APN 018-060-021)

Dear Ladies and Gentleman:

This letter serves to memorialize our discussion in Downieville on August 7, 2019 about the land use and building permit status of the “Canyon Ranch Resort” property. The history and current uses of the property are a bit “cloudy” from a permitting standpoint, and you asked if the County would summarize its determinations about the property in writing.

The property since at least 1973 has been (and currently is) zoned “GF”—General Forest District. A copy of the current GF zoning ordinance (found in Sierra County Code [SCC] Section 15.12.170) is enclosed. This zone permits a single family residence and accessory uses and structures (including sheds and barns, etc.); but any proposed commercial uses either require a Conditional Use Permit approved by the Planning Commission, or are not permitted without a rezone to some commercial zoning designation. We could not find evidence of a CUP or other entitlement for this property that allows a commercial resort with cabins open to the public (only an entitlement approved in the early 1970s that would have permitted a 25-unit campground; but that use was never commenced and the entitlement has since expired). However, there is a file (Sierra County Planning Dept. file no. 1094) in which entitlements were approved by the Planning Commission to repair five (5) guest cabins which were damaged in the 1997 flood. This file recognized the existence at that time (1997) of the following land uses and improvements (ref. enclosed Site Plan):

- A main residence, with attached “maid’s quarters” (i.e., attached second dwelling unit)
- Six (6) guest cabins—three on the same side of the river as the main house, and three cabins on the other (north) side of Cold Stream
- A 32’x16’ storage shed or barn on the north side of Cold Stream (which ‘may’ have been built partially on the neighbor’s property, and almost certainly within the required stream and yard setbacks)
- A “flat car” bridge which was damaged in the flood [con’t.]
• A trout pond with an 8’x12’ out-building and pier
• Associated utilities (onsite septic disposal system, water system, LPG tank(s), etc.)
• Two (2) off-site signs advertising the resort (one in Sierra Valley between Sierraville and Sattley, and one near the SR 49/89 intersection in Sattley)

There is no history of building permits for the original construction of any of this; however there are three (3) building permits (#97-047, #98-148, and #99-035) issued to repair the various flood-damaged cabins (and relocate the “Lazy Bones Den Cabin” to the east) in reliance on the Zone Variance application (#1094) approved by the Planning Commission in 1997. Based on these records the Planning Director has determined that the buildings, improvements and commercial uses of the property as they were documented in 1997 are recognized by Sierra County as “legal non-conforming uses” and the various buildings and their respective uses shown on the accompanying 1997 Plot Plan constitute “baseline” conditions for any future determination of what may be considered legal existing buildings/occupancies on the property.

Sierra County’s policies on “legal non-conforming uses” is codified in SCC 15.40.010 (enclosed) and provides in relevant part as follows:

(a) The lawful use of land or buildings existing at the effective date of the original Sierra County Zoning Ordinances 370, 371, 378, 401, this part, or any amendments hereto, although such does not conform with the provisions hereof may be continued, unless otherwise restricted but if the non-conforming use is discontinued for a period of one year, any future use shall be in conformity with the provisions of this part, unless and until a special use permit shall first have been secured.

(b) The non-conforming use of any land or building shall not be expanded or extended in any way, and shall not be changed except to bring said use of land or building into conformity with this part or other County ordinances. ...

What this means is that the property may continue to be used as a commercial resort (and private residence for the owners or their tenants) so long as the continued use substantially conforms to the historical uses listed above in the “baseline” conditions. It should be noted that ANY proposed expansion of the resort or commercial uses open to the public; or new buildings or other improvements; or any change in the baseline conditions and uses will first require a Conditional Use Permit and/or rezone of the property, approved by the Sierra County Planning Commission and/or Board of Supervisors as appropriate. Again: there is not currently a CUP or other entitlement on that property, and ALL structures, uses, and improvements as they existed in 1997 are there without permits and are considered “legal non-conforming.”

Please note, too, that the County’s recognition of certain unpermitted but “pre-existing” buildings and uses open to the public does not imply that such buildings or uses meet minimum legal requirements pertaining to life & safety, accessibility, flood & fire protection, or other regulatory concerns—except to the extent of those limited repairs done to certain structures following the 1997 flood event, that were inspected by the County under approved permits. Structures and improvements not exempt from a building permit that were constructed after 1997 (except limited work as authorized specifically under the 3 building permits listed above), if any, are not legal improvements and may constitute a life & safety hazard, as well as a violation of State and local laws. As we discussed, it appears (via Google Earth aerial images) that further construction and other improvements to the property may have occurred since 1997 without benefit of permits. We are happy to inspect the property at the owner’s invitation to ascertain whether each structure or improvement is legal under the “non-conforming” status; or exempt from a building permit; or requires a permit or other form of remediation/abatement to resolve.
Furthermore, we discussed the fact that the bridge that was damaged in the 1997 flood was replaced without permits or evidence of proper engineered design (for both min. load rating under Cal Fire’s PRC 4290 regulations and FEMA and Sierra County’s Floodplain Management regulations)—despite the fact that the owner at that time was informed in writing that a permit based on engineered plans and supporting documentation was required (ref., letter dated 7/22/1997, enclosed).

We discussed the fact that most of the property lies within the FEMA-mapped “100-year” floodplain (Zone A), including most if not all of the existing structures. While Sierra County’s Floodplain Management ordinance (Title 32 of the Sierra County Code) and other policies do currently permit buildings and other improvements in the floodplain, obviously this situation is less than ideal—as evidenced by the extensive damage sustained to the property and buildings during a major flood event in 1997. We informed you that any new construction or substantial improvement of existing structures would require compliance with the Floodplain Management regulations, including proper elevation and flood-proofing design by a qualified engineer.

Lastly, we discussed the fact that there is currently a discrepancy between the zoning and General Plan land use designations on the property. Although the property is zoned GF (as it has been at least since the early 1970s), the Sierra County General Plan was updated more recently in 1996 and placed this property in a new land use designation known as “Visitor Commercial.” (The General Plan land use map for the community of Sierraville (as amended) and relevant VC policies are enclosed for your reference.) We advised you—if the property will continue to be used for commercial resort purposes—to petition the County to rezone the property from GF to a zone that is more consistent with the General Plan’s “VC” designation—presumably “CR—Commercial Residential” would be the best fit (ref. SCC 15.12.110, enclosed). This is a fairly easy process that, by itself, is exempt from further environmental review or other complications; and it can be accomplished in either of two ways: (A) write a letter to the Board of Supervisors requesting a “County-initiated rezone, from GF to CR, consistent with the General Plan”; or (B) the property owner may submit an application for a zone change to the Planning Department. The latter approach (application) typically costs about $2000 and takes 2 – 4 months; the former approach (County-initiated) costs you nothing, but generally takes a little longer. To be clear: this rezone consistent with the General Plan is entirely optional; but it would certainly simplify any proposed plans to change or expand the resort amenities or facilities in the future.

If you have any questions or concerns, or if you feel we have mischaracterized anything from our meeting or the history or current situation on this property, we are more than happy to discuss further.

Best of luck to you in your endeavors.

Sincerely,

SIERRA COUNTY PLANNING DEPARTMENT

/s/ Brandon W. Pangman
Brandon W. Pangman
Assistant Director

BWP:08-09, ends.
APPENDIX B

SIERRA COUNTY ZONING CODE

CHAPTER 15.40 NON-CONFORMANCE

15.40.010 Non-Conforming Uses

(a) The lawful use of land or buildings existing at the effective date of the original Sierra County Zoning Ordinances 370, 371, 378, 401, this part, or any amendments hereto, although such does not conform with the provisions hereof may be continued, unless otherwise restricted but if the non-conforming use is discontinued for a period of one year, any future use shall be in conformity with the provisions of this part, unless and until a special use permit shall first have been secured.

(b) The non-conforming use of any land or building shall not be expanded or extended in any way, and shall not be changed except to bring said use of land or building into conformity with this part or other County ordinances.

(c) Where automobile parking space in connection with a non-conforming building or use does not meet the requirements of this part, said building or use may be altered to provide such additional required automobile parking space.

(d) No building in existence at the effective date of this part which is not conforming with the regulations herein and which is damaged or partially destroyed by fire, explosion or similar cause to an extent greater than fifty (50%) percent of its value shall be repaired, reconstructed, moved or altered except in conformity with the provisions of this part; provided, however, that the building may be rebuilt to a total floor area not exceeding the building destroyed, provided a special use permit shall first have been secured.

(e) The non-conforming use of a portion of a parcel of land or a group of buildings for rent may be extended to cover the entire parcel, provided a special use permit shall first have been secured.

(f) The provisions of this section shall apply to uses of property or to buildings which may become non-conforming by reason of amendment or supplement to this part or the land use plan maps.

(Ord. 409, eff. 7/5/73, prior Section 86215)
SIERRA COUNTY ZONING CODE

15.12.110 CR Commercial Residential District

(a) Purpose and Intent: To provide for transient residential and retail commercial and amusement uses which are appropriate to highway location and dependent on highway travel.

(b) Permitted Uses: Motels, hotels, lodges, campgrounds, restaurants, refreshment stands, cocktail lounges. Automobile service stations, auto laundries and garages for minor repair only. Commercial recreation facilities such as swimming pools, bowling alleys, skating rinks, dance halls. Retail shops for the sale of souvenirs, curios, and other products primarily to meet the needs of the traveling public. Public or quasi-public uses intended primarily to meet the needs of the traveling public.

(c) Accessory uses: Accessory uses and buildings customarily appurtenant to a permitted use.

(d) Conditional Uses: All uses subject to the issuance of a use permit. Animal hospitals and veterinarians, clinics, drive-in theatres, mobilehome parks with a maximum density of twelve (12) units per gross acre and subject to other requirements to be set forth. Signs appurtenant to any permitted use not to exceed forty (40) square feet in aggregate area, or one (1) square foot of aggregate area for each two (2) linear feet of frontage, whichever is greater.

(e) Height Limitation: No main building shall exceed forty (40') feet in height, and no accessory building shall exceed twenty-five (25') feet in height.

(f) Minimum Area, Width and Open Space; 12,000 square feet when connected to an approved public water system and sewerage system; 24,000 square feet when connected to an approved public water system and individual sewage disposal system; one acre when an individual private well and an individual sewage disposal system is used.

(g) Minimum Yards: Front Yard, 15 feet; Side yards, 15 feet when abutting a residential zone; Rear yard, 20 feet when abutting a residential zone.

(h) Parking and Loading: In accordance with residential zones, plus any additional as per a schedule to be developed pertinent to other uses. Parking and loading facilities shall not be located in the required front yard area.

(Ord. 409, eff. 7/5/73, prior Section 86136-86144)
MEMO
June 1, 2022

TO: Sierra County Planning Department
    P.O. Box 530
    Downieville, CA 95936

    Attn: Corri Jimenez

FROM: Daniel B. Bastian, Sierra County Engineer

RE: Constellation Creek CUP ZA (1711)

I have reviewed the materials that were sent to me, dated May 31, 2022. The following are my questions/comments:

Per the applicant Project Description, building permits will be required for Building 7 and Building 11. Grading will be required for ADA compliance (although “no new grading” is indicated by the applicant in the Environmental Questionnaire, see II Geology & Soils, #3 and #4.)

Most of the property is overlaid with a Zone A high flood hazard, although the Environmental Questionnaire indicates that there is no 100-year flood plain. Item #11 of Section III indicates areas of the property are subject to flooding, but nothing is shown on the application plan. I believe that the County Code requires base flood elevations be determined for issuance of any development permit (i.e., building permit in this case).

Building 12 appears to straddle a property line. Is this a non-compliant use?

The County should consider requiring an offer of dedication for the Old Truckee Road that traverses this property. I don’t have a title report to see if the road is already public, but if not, it would be wise to deal with making prescriptive use more formal by actual dedication.

Please let me know if you have any questions.

Review1.doc
Corri Jimenez  
Sierra County Planning Department  
101 Courthouse Square  
Downieville, CA 95936

Application Number: 1711  
Application Title: Constellation Creek—Conditional Use Permit/Zone Amendment  
Assessor’s Parcel Number(s): 018-060-009 & 018-060-021  
Property Address/Location: 622 Old Truckee Road, Sierraville  

Project Description: The proposed project is to change the zoning from General Forest to Commercial Residential, consistent with Visitor Commercial in the General Plan. In addition, the project involves a conditional use permit on an existing legal non-conforming resort to allow an existing storage structure into a guest cabin and an existing storage structure into a small store. No new structures are proposed.

Corri,

As with new projects and projects with existing infrastructure changing use, conformance with current Fire Safe Regulations as set forth in Public Resources Code: 4290 and 4291. Also items within Title 14 of the California Code of Regulations will be required:

1. All current and proposed buildings will need to meet current fuel reduction requirements. Additional details are available at: https://www.fire.ca.gov/programs/communications/defensiblespace-prc-4291/

2. All access roads on the parcel will meet fuel reduction requirements, vertical height clearance of 15FT, and have either: an all-weather surface or aggregate base weight requirement of 40K LBS. The bridge can stay at 36K as labeled. Also provide the engineering report including date of the last weight verification of the bridge.

3. As this parcel is not served by municipal water supply, Fire Department stored water compliant with NFPA 1142 will be required to the cubic foot volume of the largest structure. Minimum of 2500 Gallons. Recommend the FDC be in the area of Buildings #1 or #11. FDC location when in use will not block additional FD apparatus access.

4. All buildings that are habitable or are worked within will have a traditional battery style smoke detector and a fire extinguisher mounted on the wall near the main entrance interior. This includes all cabins, store, residence, and maintenance buildings. A minimum of a 2-A:10-B:C rated extinguisher - no more than 40 feet apart. Include all locations where a fire may start.

5. Any campfires will be only be allowed in dedicated campfire rings. All fires will be extinguished upon end of the need/use. Recommend not allowing campfires on “Red Flag Days” in which risk of fire danger is elevated. As this parcel is within the Sierraville ranger district of the Tahoe National Forest, the USFS has the ability to terminate allowing all fires.

Additional review and conditions may occur with additional information and/or changes in the scope of this project.
Thank you for the opportunity to review this project.

Scott Eckman
Fire Captain / Prevention
CAL FIRE
Nevada-Yuba-Placer Unit
Cell: 530-277-2324
# APPENDIX E

## SIERRA COUNTY

Department of Planning and Building Inspection

Post Office Box 530

Downieville, California 95936

Tel (530) 289-3251

Fax (530) 289-2828

## Early Consultation / Project Review Routing Sheet

<table>
<thead>
<tr>
<th>Date:</th>
<th>May 31, 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>To:</td>
<td>Commenting Agencies</td>
</tr>
</tbody>
</table>

### County Departments
- County Assessor
- County Treasurer-Tax Collector
- County Counsel
- County Sheriff
- County Environmental Health Department
- County Surveyor-Engineer
- County Supervisor
- County Public Works Department
- County Fire Safe & Watershed Council
- County Fish and Game Commission
- County Historical Society

### State Departments
- Dept. of Fish & Wildlife—Regional Office
- Dept. of Fish & Wildlife—Local Warden
- Dept. of Fish & Wildlife—Area Biologist
- State Reg, Water Quality Control Board—Lahontan Region
- State Reg, Water Quality Control Board—Central Valley Region
- California Public Utility Commission
- State Department of Forestry & Fire Protection (CalFire)
- California Air Resources Board
- Department of Health Services
- Housing & Community Development
- Department of Conservation
- Energy Commission
- Department of Water Resources
- CalTrans-District Office-Planning & Project Review
- CalTrans-District 3—Sierraville Yard
- Native American Heritage Commission
- State Office of Planning and Research
- State Water Board-Division of Drinking Water
- DWR - Sierra Valley Watermaster
- Other: ____________________________

### Other Agencies
- Sierra-Plumas Joint Unified School District
- City of Loyalton
- Sierra Brooks Homeowners Association
- Northern Sierra Air Quality Management District
- Sierra Valley Resource Conservation
- Nevada County Resource Conservation
- Sierra Economic Development District
- Public Utility/Water/Waterworks District: SVPUD
- Sierra Brooks Water
- Fire Protection District: SCFPD #1
- Hospital or Health Care District: Eastern Plumas
- Sierra Valley Groundwater Management
- Long Valley Groundwater Management
- Contiguous County Planning Department: Plumas County
- Liberty Utilities
- Pacific Gas & Electric Company
- Pierron Sierra Rural Electric Cooperative
- SBC/AT&T-Serving Phone Communications
- Private or Public Water Company: ____________________________
- California Historical Resources Information System, Northeast Information Center, Chico
- Other: ____________________________

### Project Description

The following application has been submitted to the Sierra County Planning Department. The project is being sent to your agency for early review and comment. The purpose of this “early consultation/routing” is to identify any unforeseen issues or reasons why the project should not be “exempt” from CEQA, and/or to solicit review comments and recommended conditions of approval.

**Application Number:** 1711

**Application Title:** Constellation Creek—Conditional Use Permit/Zone Amendment

**Assessor’s Parcel Number(s):** 018-060-009 & 018-060-021

**Property Address/Location:** 622 Old Truckee Road, Sierraville

**Project Description:**

The proposed project is to change the zoning from General Forest to Commercial Residential, consistent with Visitor Commercial in the General Plan. In addition, the project involves a conditional use permit on an existing legal non-conforming resort to allow an existing storage structure into a guest cabin and an existing storage structure into a small store. No new structures are proposed.

Planning staff’s preliminary environmental assessment: exempt under CEQA Guidelines Sections CCR 15301 (Class 1), 15303 (Class 3), and 15304 (Class 4 Categorical Exemption), and PRC Section 21083.3(e) (rezone consistent with GP for which an EIR was already certified).

### Comments and Conditions

- If you have any questions regarding this project or require additional information to evaluate and prepare comments or recommended conditions for the project, please send us a list of these requests within two weeks.

- Please send your comments and conditions to us no later than June 14, 2022. If we do not receive a response by this date, we will presume that your agency has “no comment.” If you require additional time for review, please contact me at: (530) 289-3251 or cjimenez@sierracounty.ca.gov.

Sincerely,

Corri Jimenez
Planner

Comments are: [ ] Attached  [ ] No comment

Signature, date

Print Name and Title

Print Agency
MEMORANDUM

Date:       June 10, 2022
To:         Sierra County Planning Department
From:       Elizabeth Morgan, MPH, REHS
            Sierra County Environmental Health

SUBJECT:    File 1711: Constellation Creek – Conditional Use Permit/Zone Amendment
            APN: 018-060-009 & 018-060-021 – 622 Old Truckee Road, Sierraville, CA

Sierra County Environmental Health reviewed the application for a conditional use permit to
allow an existing storage structure into a guest cabin and an existing storage structure into a
small store. The proposed project also includes a change in the zoning from General Forest to
Commercial Residential, consistent with Visitor commercial in the General Plan.

GUEST CABIN:

- **Sewage Disposal:** Environmental Health issued approval for a sewage disposal permit on
  9/24/1998 for a replacement septic for 3 cabins and a restroom by the pond (Building
  Permit # 98148 was issued on 11/9/1009 for this project). This permit approval was for 3
cabins (not 4 cabins). Section XI (Sewage) in the application states that sewage disposal
will be by a septic system, but Environmental Health has no record of sewage disposal
approval for the proposed cabin.

  **Conditions of Approval:**

  - County Code Section12.04.070 states “A permit may not be issued by the County
    Building Official unless and until the following has been provided:
    A. Approval by the County Health Officer of any private sewage disposal
    system or connection to any public sewage disposal system”;

  - Any expansion of wastewater into this system (i.e., plumbing from more than the 3
    cabins and restroom that the permit was approved for) will require evaluation by a
    qualified professional to determine if the sizing of the system is adequate for the
    proposed usage.

- **Water Supply:** Section VIII in the application states that the water supply source is an “off-
site spring”, and the water is “non-potable spring water for toilet and bathing.”
APPENDIX E

- County Code Section 12.04.070 states that "A permit may not be issued by the County Building Official unless and until the following has been provided:
  B. Approval by the County Health Officer of any domestic water supply";
- A "non-potable" water supply is not an approved domestic water supply. Simply posting a notification for guests that they should not drink the water and will need to bring drinking water with them is not acceptable.

Environmental Health Conditions of Approval:
- Approval of this domestic water supply will require an inspection of the source and storage tank along with analysis of the drinking water. If the water system is not protected from potential surface contamination and/or does not meet bacteriological water quality requirements, then a treatment system including disinfection will be required.
- Water system regulation: Water systems that serve resorts are typically regulated as “transient non-community” water systems by the Division of Drinking Water – SWRCB. This water system is already included on the State Inventory List as Water System # 46-00065 but is currently “inactive” (based on the declaration completed by the owners). To be an active regulated water system, the water system would need to serve 25 or more people at least 60 days of the year. If the resort reaches this regulatory threshold, they will be required to apply for a permit from the State Water Resources Control Board (SWRCB) – Division of Drinking Water.

SMALL STORE
- The application includes the usage of an existing storage structure as a small store “selling sundries from existing building to guests and internet only”. While the application did not specify what items would be sold, this structure would not be approved as a “food facility” to sell any food items unless it meets all the structural requirements for a food facility, unless only limited to non-hazardous prepackaged food items (i.e. water bottles and candy bars) with prior approval from the Health Department. Environmental Health has no objection to approval of the usage of this structure for retail sales of non-food items.

ZONING CHANGE
- Environmental Health has no objection to changing the zoning from General Forest to Commercial Residential, consistent with Visitor Commercial in the General Plan.

In conclusion, Environmental Health has no objection to approval of the small store of non-food items and no objection to approval of the zoning change. However, the Environmental Health Conditions of Approval listed above must be met prior to obtaining Environmental Health approval of the conditional use permit to allow an existing storage structure into a guest cabin.

Please feel free to contact Sierra County Environmental Health at (530) 993-6716 if you have any questions.
Good Morning Corri,

I am attaching some letters of support for our CUP application that some neighbors have been kind enough to write for us. We are likely to have more soon, but I wanted to at least get some of them over to you ASAP.
I will also mail the hard copies of these out to you.

Hope you had a lovely weekend.

Thanks,
Georgie
June 2nd 2022

Dear Sir/Madam,

Today I am writing in support of the Conditional Use Permit application by Constellation Creek.

My name is Rami A Hass and I live directly next door to Constellation Creek on Old Truckee Road in Sierraville.

Since The Bisval's purchased the property in October 2019, I can confirm we have had no issues at all with the operations of this business.

The owners are considerate and kind neighbors and thankfully their business has never caused us any disturbances at all under their ownership.

Guests are so quiet we never know they are there and it is often hard to believe there is a commercial business operating next door to us, such is the tranquil nature of their business. Our own home directly looks onto their land, so if anyone might be impacted, it would be us.

Both Sebastian and Georgina are a true asset to our neighborhood. They often help me with maintenance at my own home and I in turn am happy to lend a hand when they need neighborly assistance too.

I do not foresee a provisions store for their guests or an additional cabin would change the current happy status quo at all, so we 100% give our backing to this project.

Please do not hesitate to let me know if I can be of any further help with this matter.

Kind Regards,

Rami A Hass
June 5th, 2022

To whom it may concern,

My name is Heather River and along with my husband Brian and children live at 218 Old Truckee Rd.

I am writing today to support the Conditional Use Permit application of our neighbors Sebastian and Georgina Bisval, pertaining to their business Constellation Creek at 622 Old Truckee Road, Sierraville.

We strongly support this application, we would like to take this opportunity to commend the Bisval’s for the numerous positives that their business and way of operating do to enhance our community.

Prior to Sebastian and Georgina taking over the property, the land the business resides on was in short needing a lot of love. Little had been done to maintain the grounds, dead trees were everywhere and the buildings were in a state of ill repair.

Since the Bisvall’s purchased the property in 2019 however, as neighbors we have been delighted to witness the property come back to life, in nothing but a positive way.

Not only are the grounds looking beautiful, but I know the owners have gone to great lengths to ensure the buildings and operations of the cabins are looked after in a highly professional way. It gives me great peace of mind that their land is now less of a fire hazard and we truly are grateful to have such a wonderful business of this nature on our doorstep.

Sebastian and Georgina have created a magical place, one we love enough to use for our own friends and family to vacation in.

It is my understanding they wish to permit an on-site store for guests and make an already existing cabin conforming. As a close neighbor I see nothing in this application that would cause me any concern. In the years since they started the business we have never encountered any issues pertaining to their business residing in our neighborhood.

We wish them all the luck,

Regards,

Brian Hess

Heather River
June 6, 2022

To whom it may concern,

We are writing today to support the Conditional Use Permit application of our neighbors Sebastian and Georgina Bisval, pertaining to their business Constellation Creek at 622 Old Truckee Road, Sierraville.

Not only do Jeff and I strongly support this application, we would like to take this opportunity to commend the Bisval’s for the numerous positives that their business and way of operating do to enhance our community.

Prior to Sebastian and Georgina taking over the property, the land the business resides on was, in short, needing a lot of love. Little had been done to maintain the grounds, dead trees were everywhere and the buildings were in a state of ill repair. We know what kind of commitment it takes to make a place look and feel loved.

Since the Bivall’s purchased the property in 2019 however, as neighbors we have been delighted to witness the property come back to life, in nothing but a positive way.

Not only are the grounds looking beautiful, but we know the owners have gone to great lengths to ensure the buildings and operations of the cabins are looked after in a highly professional way. It gives us great peace of mind that their land is now less of a fire hazard and we truly are grateful to have such a wonderful business of this nature on our doorstep.

Sebastian and Georgina have created a magical place, one we love enough to use for our own friends and family to vacation in.

It is my understanding they wish to permit an on-site store for guests and make an already existing cabin conforming. As a close neighbor I see nothing in this application that would cause me any concern. In the years since they started the business we have never encountered any issues pertaining to their business residing in our neighborhood.

We hope many people will enjoy the beauty, serenity and community at Constellation Creek.

Thank you very much,

Carolyn Hamilton
402 Old Truckee Road

Jeff Hamilton
402 Old Truckee Road
8th June 2022

To whom it may concern,

My name is Sean Walsh and I live at 723 Old Truckee Road in Sierraville.

I am writing today to offer support to Constellation Creek and their application to permit an on-site store and extra cabin on their property.

The owners Georgina and Sebastian Bisval have explained their project and I have nothing but support for what they would like to do.

The Bisval are wonderful neighbors and I love everything that their business offers to our neighborhood.

They have worked incredibly hard to make beautiful improvements to the property and land and as a neighbor, it is greatly appreciated.

I live a short walk from Constellation Creek and not once have I had any trouble with disturbances from their guests. They run an extremely tight ship and are extremely respectful of all those live around them.

Please let me know if you need any further information.

Kind Regards,

SEAN WALSH
June 12th 2022

To whom it may concern,

My name is Zdenko Vokel Jr. and along with my wife Ileana Vokel and 2 children we live at 712 Old Truckee Road, Sierraville, CA 96126.

We understand that the owners of Constellation Creek have applied for a conditional use permit pertaining to a provision store for guests and an additional cabin. Today we are writing to give our support to their application.

Back story; I have lived at 712 Old Truckee Road since 1989 and enjoyed the presence of the resort next store. It brought people from all over the country to this day we still have friendships with. Growing up it was the highlight of our weekends playing with kids and meeting families. After the flood of 97 the resort has never been what is was. Since Sebastian and Georgina purchased the property they have worked nonstop to get it back to more of a family resort.

They are good people and we try and help them the best we can for their success and the success of the community.

Please do not hesitate to contact me at (530) 412-0354 for any further information.

Thanks,

Zdenko Vokel Jr. & Ileana Vokel

[Signature]
To whom it may concern,

I am writing in regards to the conditional use permit Constellation Creek is applying for, for their barn and cabin.

As a resident of Sierraville, I have watched them do wonders with the property, formerly known as Canyon Ranch. It is evident that they have poured so much love and attention into the property, and I believe it is something that the residents of Sierraville can be proud of.

I am writing to let you know that they have my full support, as a neighbor and as a resident of Sierra County.

Please contact me if you have any further questions.

Thanks so much for taking the time to read my letter!

Sincerely,
Jill Makoutz
540 S. Lincoln Street,
Sierraville, CA 96126
Mike Blide
428 West Willow, PO 327
Sierraville, CA  96126

TO:   Brandon Pangman and/or Corri Jimenez  
Sierra County Planning Department  
PO Box 530  
Downieville, CA  95936

July 8, 2022

Dear Brandon and Corri,

I am writing in response to your letter of June 30 regarding the upcoming July 14th Planning Commission meeting. I am unable to attend, but wanted to provide a letter of support for my neighbor Dan Goddard who is seeking a zone variance for his project at 424 West Willow (APN 013-110-081-000). My wife and I own the property immediately adjacent to Dan at 428 West Willow (APN 013-110-076-000). We have been fully appraised of the extent of Dan’s project and have absolutely no issues with the side yard setback he is proposing.

Secondly, I want to express my support of the Conditional Use Permit and rezoning of the Constellation Creek project on Old Truckee Road. While that project does not impact me directly, I have been impressed with the amount of clean up and upgrading the owners have done to that property, especially their efforts at wildfire mitigation and defensible space work. As a founding board member of the Sierraville Firewise Community, I applaud Georgie and Sebastian in that effort.

Feel free to call me at (530) 320-5711 if you have any questions.

Sincerely,

Mike Blide