



**PLANNING COMMISSION
COUNTY OF ALPINE, STATE OF CALIFORNIA**

AGENDA

Thursday, August 27, 2020

5:00 P.M.

Nick Hartzell, Chair
Jim Holdridge, Vice-Chair
Tom Sweeney
Erin Kelly
Bob Broyer

Meeting Location:
VIRTUAL MEETING ONLY

VIRTUAL MEETING NOTICE

The Planning Commission meeting of July 30, 2020 will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). The meeting will be an internet based video and phone conference. Public participation is available at the following:

Website link: <https://zoom.us/j/99245030554>
Phone number: 669-900-9128
Zoom meeting ID: **992 4503 0554**

IMPORTANT NOTICE REGARDING COVID-19 AND PARTICIPATION IN THE PLANNING COMMISSION MEETING

To participate in this Alpine County Planning Commission meeting, the public are invited to observe and address the Commission telephonically or electronically. Instructions for public participation are below:

Public Participation Instructions: The meeting will be conducted via teleconference using the Microsoft Zoom program, and Commissioners will attend electronically or telephonically. The meeting will have no physical location to physically attend. The public may observe the Zoom meeting via computer by clicking on the following link: <https://zoom.us/j/99245030554> or the public may listen via phone by dialing 1-669-900-9128 and then when prompted, entering the Meeting ID Access Code **992 4503 0554**

You will be asked for a "Participant ID". You do not need a Participant ID to join the meeting, press the pound key (#) again and you will be automatically connected.

1. If a member of the public wishes to comment on a particular agenda item, the public is strongly encouraged to submit their comments in writing via email to the Community Development Department at cacuna@alpinecountyca.gov by 2:00 p.m. on the day of the Commission meeting.
2. Applicants and members of the public wishing to comment on a specific agenda item while the matter is being heard during the meeting may participate by any of the following means:
 - a. When the Chair calls for public comment on an agenda item, the Secretary of the Commission or his or her designee will first ascertain who wants to testify (among those who are in the meeting electronically or telephonically) and will then call on speakers and unmute their device one at a time. Public speakers including the applicant may be broadcast in audio form only.

b. If speakers or other members of the public have documents they wish to distribute to the Commission for an agenda item, they are encouraged to submit such documents by 2:00 p.m. the date of the meeting to: cacuna@alpinecountyca.gov. To assist staff in identifying the agenda item to which the comment relates, the public is requested to indicate the Planning Commission date and agenda number in the subject line.

c. While the matter is being heard, a member of the public may submit a comment via email, preferably limited to 250 words or less, to the Secretary of the Commission at cacuna@alpinecountyca.gov. To assist staff in identifying the agenda item to which the comment relates, the public is requested to indicate the Planning Commission date and agenda number in the subject line. If the comment is received prior to close of public comment on an agenda item, every effort will be made to read the comment into the record, but some comments may not be read out loud due to time limitations or length of the comment (if the comment exceeds 250 words). Comments received prior to the close of the public comment period on an agenda item will be made part of the record for that item.

3. Members of the public who wish to make a general public comment for items not on the day's agenda may submit their comment via email, preferably limited to 250 words or less, to cacuna@alpinecountyca.gov. The Planning Commission date and "general comment" should be indicated in the subject line. The comment will be placed in the record for the meeting, and every effort will be made to read the comment into the record at the appropriate time on the agenda.

4. Individuals with disabilities who desire to request a reasonable accommodation or modification to observe or participate in the meeting may make such request by sending an email to cacuna@alpinecountyca.gov. The request should be made no later than noon the day of the meeting in order to provide time for County to address the request.

4. The Chair may set reasonable rules as needed to conduct the meeting in an orderly manner.

The Planning Commission welcomes you to its meetings, which are regularly scheduled for the last Thursday of each month. Your participation and interest are encouraged and appreciated. All members of the public are encouraged to participate in the discussion on any items on the agenda at the time the items come up for Commission consideration. Speakers are requested to identify themselves before speaking. Whenever possible, lengthy testimony should be presented to the Commission in writing and only pertinent points presented.

All proceedings are conducted on English. The Commission is committed to making its proceedings accessible to all citizens. Individuals with special needs may call 530-694-2140. All inquiries must be made at least 48 hours prior to the meeting.

So far as practical, unless otherwise altered by the Chair of the Commission, the order of business for the Commission meeting is as follows. Please note that designated times are for that particular item only.

1. CALL TO ORDER

2. ORAL COMMUNICATION – GENERAL PUBLIC COMMENT

Any person may make comments during the Oral Communication – General Public Comment period on items of interest, within the subject matter jurisdiction of the Commission, that are not listed on the posted agenda. No action will be taken on any oral communication item. All oral communications must be directed to the Commission as a whole, not to individual Commission members and not to the audience.

3. MINUTES

3.1. Request approval of regular meeting minutes of July 30, 2020

4. UNFINISHED BUSINESS

None

5. NEW BUSINESS

None

6. PUBLIC HEARINGS

151 Toll Gate Rd Front Yard Setback Variance (5:15 pm) Review and possible action to approve a yard setback variance application to allow the construction of a 300 sq ft accessory use generator shed located at 151 Toll Gate Rd in Bear Valley, CA. The variance would allow the proposed shed to be located 10 feet from the north property boundary within the required 30 foot front yard setback of County Code 18.36.040 E 1. Applicant: Tim Schimke APN: 005 262 014

7. OTHER BUSINESS

7.1. **Planner's report**

7.2. **Items initiated by Commissioners**

8. ADJOURNMENT

The Commission will adjourn to the next regular meeting with the meeting date, time and location to be determined.



PLANNING COMMISSION
COUNTY OF ALPINE, STATE OF CALIFORNIA
Administration Building, Board Chambers
99 Water Street, Markleeville, CA 96120

MINUTES
Thursday July 30, 2020

1. CALL TO ORDER

Chair Nick Hartzell called the meeting to order at 5:04 p.m. with Commissioners Nick Hartzell, Jim Holdridge Bob Broyer, Tom Sweeney and Erin Kelly.

A quorum was established.

2. ORAL COMMUNICATION – GENERAL PUBLIC COMMENT

3. MINUTES

3.1. Request approval of regular meeting minutes of June 25, 2020

MOTION: Sweeney /Second: Broyer approving the regular meeting minutes of June 25, 2020 meeting minutes with corrections stating Bob Boyer was at the start of the meeting and spelling errors

Roll Call votes were as follows:

Commissioner Hartzell; AYE

Commissioner Holdridge; AYE

Commissioner Sweeney; AYE

Commissioner Broyer; AYE

Commissioner Kelly; ABSTAIN

4. UNFINISHED BUSINESS

4.1. Revision to the Safety Element of the Alpine County General – Review and possible recommendation to the Board of Supervisors of the Safety Element, a mandatory element of the Alpine County General Plan. It establishes goals, policies and implementation measures intended to avoid or minimize injury and protect property by reducing the exposure of the community to the following hazards: wildland fire; geologic hazards; floods; noise, and; hazardous materials. Applicant: Alpine County Community Development Department

MOTION: Kelly /Second: Holdridge that the Planning Commission recommend adoption the revised Safety Element Board of Supervisors with the following findings listed below. The Commission should clearly state its specific recommendation for Implementation Measure 20D-1.

Findings:

1. The proposed amendments are in conformance with the General Plan Requirements of State Code Section 65300 in that the General Plan will continue to contain all of the required elements and is internally consistent.
2. The proposed amendments are consistent with all other elements of the Alpine County General Plan and any applicable specific plans (master plans) adopted within the County.
3. The proposed amendments will be in harmony with the County Zoning Ordinance and all other applicable County ordinances.
4. The proposed amendments will promote the health, safety, peace, morals and general welfare of the County and its people.

Roll Call votes were as follows:

Commissioner Hartzell; NO
Commissioner Holdridge; AYE
Commissioner Sweeney; AYE
Commissioner Broyer; NO
Commissioner Kelly; AYE

Motion Carries

5. NEW BUSINESS

None

6. PUBLIC HEARINGS

- 6.1. **Revision of residential short term rental regulations of County Code 18.73**
(5:15pm) – Review and possible recommendation to the Board of Supervisors of a revision to the text of County Code 18.73, residential short term rental regulations. The proposed revision would create new limits on the number of uses allowed and update operational standards, and penalties for violations.
Applicant: Community Development Department

Zach Wood introduced the staff memo

Public hearing open 6:32 p.m.

Michael Barton commended the addition of the licensing, the enforcement and using an independent company to manage the host compliance. Barton mentions it important to look at the number of units in one neighborhood.

Barbara Barton applauded the requirement of licensing idea and asked if there are any fees associated with licensing and would there be an inspection required when license are provided?

Rich Harvey addressed the issues as we convert residential areas into short term rental we lose long term residents we lost volunteers in the community.

Bob Twiss stated he liked the licensing idea and an efficient way to shut down short term rentals that are not in compliance.

Mark Schwartz commented that the full time residents thoughts need to be considered, they are the people keeping the county running.

Public Hearing Closed at 6:49 p.m.

Planning Commission deliberation:

The Commission discussed but did not recommend limits for short term rental use. The consensus of the Commission was that limits on short term rental use were considered but not agreed upon and the Board of Supervisors may decide to implement limits.

MOTION: Kelly /Second: Holdridge to approve the short term rental ordinance revisions of Attachment 1 with the findings consistent with County Code 18.84.040 A:

- a. The proposed zoning revision conforms to the General Plan Land Use Element which allows for home occupations in Residential land use designations which do not create a hazard, public nuisance, or detract from single family residential neighborhoods. The recommended revision to the ordinance increases standards for operation and requires licensing of short term rental to increase enforcement capabilities and reduce the possible public nuisance of short term rental use.
- b. The proposed zoning revision is in harmony with the zoning Residential land uses and land uses which allow residential dwellings as use by right. The proposed revision is consistent with other ordinances including CC 18.68. 090, noise; CC 6.04, animal control; and CC 8.16, outdoor fires

c. The proposed zoning revision will not otherwise be detrimental to health, safety, peace, morals, and general welfare of the County or its people;

and

Adoption of the a Notice of Exemption (Attachment 6) for the zoning revision in conformance with the requirements of the California Environmental Quality Act (CEQA).

Roll Call votes were as follows:

Commissioner Hartzell; AYE

Commissioner Holdridge; AYE

Commissioner Sweeney; AYE

Commissioner Broyer; AYE

Commissioner Kelly; AYE

Motion Carries

MOTION: Holdridge /Second: to accept the new requirements for licensing short term rentals provided as Attachment 2

Roll Call votes were as follows:

Commissioner Hartzell; AYE

Commissioner Holdridge; AYE

Commissioner Sweeney; AYE

Commissioner Broyer; AYE

Commissioner Kelly; AYE

Motion Carries

7. OTHER BUSINESS

7.1. Director's Report

Zach Wood noted that Debbie Burkett, Community Development Director, would not be available to attend Planning Commission meetings but that Department information and updates can be provided during the traditional Item 7.1 as a different title.

7.2. Items initiated by Commissioners

8. ADJOURNMENT

The Commission will adjourn to the next regular meeting of August 27.

Nick Hartzell, Chair

Attest:

Carey Umbdenstock, Administrative Assistant II
Alpine County Community Development

STAFF REPORT

August 27, 2020

TO: Planning Commission

FROM: Zach Wood, Planner III

DATE: August 24, 2020

SUBJECT: **151 Toll Gate Rd Front Yard Setback Variance** – Review and possible action to approve a yard setback variance application to allow the construction of a 300 sq. ft. accessory use generator shed located at 151 Toll Gate Rd in Bear Valley, CA. The variance would allow the proposed shed to be located 10 feet from the north property boundary within the required 30 foot front yard setback of County Code 18.36.040 E 1. Applicant: Tim Schimke APN: 005 262 014

RECOMMENDATION

Approval

SITUATION

A. Applicant

Tim Schimke 151 Toll Gate Rd Bear Valley, CA 95223

B. Background

Location: 151 Toll Gate
Bear Valley, CA, 96120
General Plan Designation: Planned Development (PD)
Zoning: Residential Neighborhood (RN)
Environmental Processing: Categorical Exemption

C. Project description

The applicant is requesting a variance to the front yard setback requirements of County Code 18.36.040 for the construction of a new 300 sq. ft. accessory use generator shed. The requested variance would allow the shed to be located up to 10 feet from the

property frontage with Toll Gate Rd. The application and site plan are included as Attachment 1.

The subject lot is approximately 240 feet wide and 155 feet deep on the east boundary. Because the lot is triangle shaped approximately 90 feet of the western portion of the lots is within the setback. The property is improved with an existing residence on the northwest portion of the lot. The property is gently sloping to the south, mature tamarack pine forest, and exposed granite bedrock and boulders.

D. Criteria for Decision

The application requires variance for side and rear yard setbacks required by County Code 18.32.040 E & F. Section 18.80.015 of the County zoning ordinance establishes the following criteria for the approval of a variance:

- A. That because of special circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
- B. That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity.
- C. That granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is located.

E. Issues & Staff Analysis

Shape of the property and constraints: The property was created by the original Bear Valley subdivision map filed in 1955, predating the modern zoning ordinances. The subject lot is triangular shaped with a limited building area due to the required setbacks of CC 18.36. The proposed location of the shed avoids conflict with existing boulders, parking, and a green house. The proposed location meets the minimum rear property setback of 20 feet. The triangular shape of the property is a special circumstance which justifies the setback variance.

Storage shed use in residential zones: There are existing detached garage and storage uses within the Bear Valley Old Subdivision. The variance application is the minimum action to allow the same use which is enjoyed by other properties in the same neighborhood and zoning designation. Granting the variance does not constitute a grant of special privilege inconsistent with the property in the vicinity or in the RN zone where storage sheds are a popular accessory use.

Separation from property boundaries and adjacent structures: The purpose of the building setback requirements is to provide sufficient separation between structures for fire protection. The shed is approximately 80 feet from the existing residence on the subject property. The shed would be approximately 100 feet from the nearest dwelling unit located to the southwest at 31 Station House Rd and 200 feet from the nearest neighboring residence on Toll Gate Rd. The proposed location is the minimum intrusion into the setback which allows for the shed use and adequate separation between structures. The variance would result in development which is in harmony with the intent and purpose of the zoning and will not be materially detrimental to public health, safety, or welfare.

ENVIRONMENTAL REVIEW

The project is categorically exempt from CEQA pursuant to Section 15303(E) the CEQA Guidelines - Class 3, New Construction or Conversion of Small Structures. A notice of exemption is included as Attachment 2.

RECOMMENDED CONDITIONS

None

PUBLIC NOTIFICATION

Notice of the public hearing was mailed to the owners of adjacent property located within 300 feet. One comment letter was as of the date of this report (Attachment 3).

ALTERNATE ACTIONS

1. Deny the application with specific findings addressing the criteria for decision listed in this report.
2. Continue the public hearing pending consideration of additional information necessary to make a decision.

RECOMMENDATION

1. Approval of the rear and side yard setback variance with the following findings:
 - a. The triangular shape of the property is a special circumstance which justifies the setback variance. The location of existing improvements and natural features are constraints which limit the area available for structures which meet the setback requirement.
 - b. Granting the front yard setback variance will result in development and use of land which is in harmony with the general intent and purpose of

zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity. There is sufficient distance from the proposed project to adjacent properties and structures.

- c. Granting the front yard setback does not constitute a grant of special privilege inconsistent with property in the vicinity. The variance application is not a grant of special privilege for the Bear Valley Old Subdivision neighborhood where storage sheds and detached garages are a common accessory use.

2. Adopt a Notice of Exemption (Attachment 2) for the project in conformance with the requirements of the California Environmental Quality Act (CEQA).

Respectfully submitted,



Zach Wood
Planner III

Attachments:

1. Applicant's material
2. Notice of Exemption
3. Comment letter

Attachment 1

Application materials



**Planning Department
Application Packet**

VARIANCE

DESCRIPTION: A variance is a request to modify zoning standards applicable to construction of a building or structure on a lot. Variances may be granted for standards such as setback requirements, building heights and other lot development standards. Variances to allow a use not otherwise allowed within a particular zoning district (i.e. "use variance") cannot be considered. The Alpine County Planning Commission makes decisions on variances. The approval may include conditions that must be satisfied, usually prior to issuance of either a building permit or final occupancy permit for the building. A public hearing with the Planning Commission is required prior to a decision to approve, approve with conditions, or deny a variance request. Notice of the public hearing is published and sent to property owners in the vicinity. The Planning Commission's decision on a variance may be appealed to the Board of Supervisors in accordance with the appeal process in Section 18.88 of the Alpine County Code.

APPLICATION DEADLINE: A complete application must be submitted to the Alpine County Planning Department at least six (6) weeks prior to the public hearing with the Planning Commission. The Planning Department will check the application to determine if it is complete. If complete, processing will begin. If incomplete, the applicant will be informed in writing and all additional information required for a complete application must be submitted before processing will begin.

DEPOSIT: An initial development processing deposit of \$500 is required. If deposited funds are reduced to less than 25% of the initial deposit amount during project processing, additional funds will be required in order to continue with processing. Any balance remaining after processing is completed and all conditions of approval satisfied will be refunded. A separate and additional deposit will be required for environmental processing if applicable to the proposed variance.

PRE-APPLICATION MEETING AND APPLICATION CHECKLIST: Applicants are encouraged to meet with the Planning Director to discuss the proposal and County requirements prior to submitting an application. During this meeting, the applicant and the Planning Director can review the application checklist together and note the items that will be required. The Planning Director will determine if items are required or not required based on the nature and location of the proposal. Applicants should check with the Planning Director before assuming that any of the items listed in the application checklist are not applicable.

ENVIRONMENTAL REVIEW: Consideration of a variance may be subject to review under the California Environmental Quality Act (CEQA). As the "lead agency", Alpine County will determine if the proposal is exempt or excluded from CEQA review or if further environmental review is required. If required, the environmental review must be completed before a decision can be made on the zoning change. The applicability of CEQA to the proposal can be discussed during the pre application meeting. If environmental review is required, an additional development processing deposit of \$1000 will be required. If it is determined that an Environmental Impact Report (EIR) is required, the applicant is required to pay for the full cost of preparing and processing the EIR.

COMBINED SUBMITTALS: Combined submittals consisting of more than one type of application are possible if deemed acceptable by the Planning Director. A pre-application meeting is mandatory prior to making a combined submittal. Applicants should be advised that combined submittals may result in longer review times due to multiple requests being combined into one submittal. The Planning Department may also require that the applications included in a combined submittal be reviewed and considered in stages. Also, combined submittals require additional processing deposits.

NUMBER OF COPIES: One (1) complete set of all required application materials (see checklist), including one full size set (D size – 24"x36" and one 11" X 17" set) of all plans and one complete set of all written documents (8 ½" x 11") shall be submitted. In addition, the following duplicate sets shall be submitted:

Tri-County Technical Advisory Committee – Kirkwood Area

- 3 sets of 11" x 17" plans

California Environmental Quality Act – Environmental Review - State Clearinghouse

- 15 full size sets of plans if the project requires an environmental review through CEQA

Planning Commission

- 18 sets of 11" x 17" plans

Board of Supervisors

- 13 sets of 11" x 17" plans (if planning commission decision is appealed)

See pg.

Normally, the number of copies noted above will be sufficient to complete the project review. However, additional copies of application materials may be requested by the Planning Department if necessary to complete the review.

REVIEW SCHEDULE: Once a complete application is filed with the Planning Department, review of the project will begin. Review by the Tri-County Technical Advisory Committee is required for all variance requests within designated Highway 88/89 corridor prior to consideration of the application by the Alpine County Planning Commission. The application will be reviewed at the following public meetings:

- *not needed* Tri-County Technical Advisory Committee (applies to projects in Kirkwood and within the Highway 88 corridor between Picketts Junction and Kirkwood, and Highway 89 corridor between Picketts Junction and Luther Pass - regular meetings are the 1st Friday of each month at the Kirkwood Community Services Building in Kirkwood).
- Alpine County Planning Commission - a public hearing is required prior to a decision on a use permit application (regular meetings are the last Thursday of each month at the Turtle Rock Park building on Highway 89 between Markleeville and Woodfords)

CRITERIA FOR DECISION: In order to approve the variance, the Planning Commission must be able to make the following findings:

- Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of the privileges enjoyed by other property in the vicinity and under the same zoning classification.
- Granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare, or injurious to property or improvements in the vicinity.
- Granting the variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the zone in which the property is situated.

ADDITIONAL INFORMATION: Please contact the Alpine County Planning Department:

Address: 50 Diamond Valley Road
Markleeville, CA 96120
Phone: 530-694-2140
Fax: 530-694-2149
Email: zwood@alpinecountyca.gov

Required		VARIANCE APPLICATION CHECKLIST
Yes	No	
APPLICATION FORM, AUTHORIZATION AND WRITTEN DOCUMENTS		
<input checked="" type="checkbox"/>		1. Application form completed and signed by the applicant.
<input checked="" type="checkbox"/>		2. Property owner's written authorization to proceed with the project. This can be in the form of the owner's signature on the application form, or a separate letter of authorization.
VICINITY AND EXISTING CONDITIONS MAPS		
<input checked="" type="checkbox"/>		3. A vicinity map showing the proposed site and its relationship to the surrounding area including roads, public trails, utilities and improvements, drainage ways, creeks, rivers and other water bodies, adjoining subdivisions and other developed areas, and other geographic features in the general vicinity where the use is proposed to be located.
		4. A map or maps of the existing conditions on the site drawn to a scale of not less than 1" equals 40 feet, showing the following:
	<input checked="" type="checkbox"/>	a. Topography at a contour interval or either 2 feet if existing slopes are less than 10 percent, or up to 5 feet where existing slopes are 10 percent or greater;
	<input checked="" type="checkbox"/>	b. The approximate size, location and species of trees or groups of trees on the property and the identification of any trees proposed to be removed;
<input checked="" type="checkbox"/>		c. The approximate location and outline of existing structures within the site and identified by type, including identification of buildings to be removed;
	<input checked="" type="checkbox"/>	d. Location of all buildings and structures on the adjoining lot(s) which are adjacent to the area(s) where the variance is being requested
	<input checked="" type="checkbox"/>	e. Hydrologic features including all existing drainage control features and bodies of water, all areas which are subject to inundation or storm water overflow, and the location, width, and direction of flow of all watercourses;
	<input checked="" type="checkbox"/>	f. The location, pavement and right of way width, grade and name of existing streets or highways;
<input checked="" type="checkbox"/>		g. The widths, location and identity of all existing easements, including the identification of all utility installations;
<input checked="" type="checkbox"/>		h. Location of all existing wells, water systems and sewage disposal systems;
	<input checked="" type="checkbox"/>	i. The location and approximate boundaries of all wetland areas;
	<input checked="" type="checkbox"/>	j. Land cover and vegetation type;

E-Photos ↑

Required		VARIANCE APPLICATION CHECKLIST
Yes	No	
	✓	k. Location and boundaries of any known natural hazards such as flood plains, areas subject to storm water inundation, avalanche areas, unstable slopes or soils, rock fall areas, high or moderate wildfire hazard areas and seismic areas;
	✓	5. Location of any unique or potentially sensitive natural, historic or archeological features that might be affected by the proposed use;
SITE, GRADING AND BUILDING PLANS		
✓		6. A site plan for the proposed use legibly and accurately drawn to a scale of not less than one inch = 40 feet, showing the following:
	✓	a. Topography at a contour interval of either 2 feet if existing slopes are less than 10 percent, or up to 5 feet where existing slopes are 10 percent or greater, including the source and date of existing contour (topography) information;
✓		b. The location of property boundaries for the site;
✓		c. The location of all proposed uses on the site;
✓		d. The location of all proposed improvements including buildings, parking areas, roads, driveways, pedestrian trails and walkways, drainage structures, snow storage areas, and utilities;
	✓	e. The location, dimensions, and purpose of all proposed easements and rights of way located both within the site and outside of the site if necessary to serve the proposed uses;
	✓	7. A grading plan legibly and accurately drawn to a scale of not less than one inch = 40 feet showing how the site will be graded for development and identifying all cut and fill areas.
✓		8. Exterior building elevations and floor plans of all proposed buildings drawn to a typical architectural scale (1/4 scale or 1/8 scale). Exterior elevations need to show how the buildings will be located on the site. Information on the proposed exterior materials and colors for all proposed buildings shall also be provided.
UTILITY CERTIFICATIONS		
	✓	9. Certification from utility companies if the variance request will affect any existing utility easements on or immediately adjacent to the property.

not



APPLICATION FOR DEVELOPMENT

Alpine County Planning Department
 50 Diamond Valley Road Markleeville, CA 96120
 Tel: (530) 694-2140, Fax: (530) 694-2149

OFFICIAL USE ONLY:	Received by _____	Date _____
Deposit/Fees paid _____	Receipt # _____	Case # _____

PROJECT AND SITE INFORMATION

Project Name <i>Generator Shed, New Deck, Bottom Siding Remodel</i>	
Project Location/Address <i>151 Tollgate Road, Bear Valley, CA, 95223</i>	
Assessor Parcel Numbers <i>005-262-014</i>	
Parcel Size <i>.40</i>	Existing Uses: <i>Residential</i>

PROPERTY OWNER INFORMATION

Name <i>Timothy R. Clarey - Schimke</i>			
Address <i>P.O. Box 5006 Bear Valley</i>			
City <i>Bear Valley</i>	State <i>CA</i>	Zip <i>95223</i>	
Phone <i>(408) 605-2786</i>	Fax	Cell <i>(408) 605-2786</i>	Email <i>TimS@BearValleyCA</i>

APPLICANT/AGENT INFORMATION (If different from property owner)

Name			
Address			
City			
Phone	Fax	Cell	Email

TYPE OF APPLICATION

Code Amendment	Lot Line Adjustment	Tentative Tract Map
Conditional Use Permit	Preliminary Review	<u>Variance</u>
Envelope Modification	Surface Mining Permit	Zone Change
General Plan Amend.	Tentative Parcel Map	Other

AUTHORIZATION AND ACKNOWLEDGEMENTS

I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. In filing the application I am acting with the knowledge and consent of those persons who are owners of the subject property or are parties to this application. I understand that all materials required by Alpine county must be submitted prior to having this matter processed. I understand that I am consenting to allow the County staff involve in this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining any prior consent.

I understand that public hearings or meetings may be required. The property owner and/or applicant/agent or their representative shall be present at all official public meetings and public hearings relative to this application. Processing deposits and/or fees for reviewing the application shall be paid in accordance with the Alpine County Planning Department Schedule of Fees and Deposits (Board of Supervisors Resolution No. R2005-30 or as may be amended in the future). I understand that additional fees or materials may be required as a result of considerations which may arise in the processing of this application.

SIGNATURE OF PERSON SUBMITTING APPLICATION <i>[Signature]</i>	DATE <i>8-3-20</i>
PROPERTY OWNER SIGNATURE <i>[Signature]</i>	DATE <i>8-3-20</i>

To: Alpine County Planning Department

From: Tim Schimke-Owner

Re: Old sub lot-14 APN: 005-262-014 Setback variance request

Date: 7-28-2020

Dear Alpine county planning, I am seeking a setback variance for the construction of a storage / Generator shed to be constructed on my property in Bear Valley's old subdivision. The lot is lot 14, APN: 005-262-014. The current residence on the property was built inside of the current setbacks required by the county and is grand fathered in by my understanding. The new construction is a 20' x 15' 4" barn style shed that will house the standby generator for the property as well as a small greenhouse and storage area. The "shed" will also house the automatic transfer switch and PGE meters for the power service for the residence.

In reviewing the included plan's, the commission will see that the generator shed sits inside the 30' setbacks at the east end of the lot. The northern border of the lot is Toll Gate road, and the southern border is our neighboring property owner. Please note that the Generator shed is right on the 20' southern setback and is not encroaching. The only set back in question is the norther 30' set back that borders Toll gate Road and should not be an issue as the adjoining properties north of the road are far away from the proposed structure.

As the property owner I feel my request for this variance is justified on three different criteria:

1. Due to the odd shape of lot 14 (triangular), over 50% of the lot is unbuildable under the current strict application of the zoning guidelines. Many other properties surrounding lot 14 have similar outbuildings and the proposed structure would not be out of place. Additionally, the areas that appear to be clear in the site plan are either parking areas or are occupied by large boulders making it impossible to build this shed inside the "buildable portion" shown on the Site plan.
2. The Granting of this variance will be in harmony with the general intent and purpose of the zoning objectives and will not be detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity for the following reasons:
 - a. There many out buildings in the old sub with similar size and purpose of use. These may have been permitted or may not have been, but they exist and is only fair that I should be able to have the opportunity to build as well.
 - b. The proposed structure on encroaches on the setback to the main access road which borders the existing residence and the proposed structure. There would be no impact on any other property owners in the area as their residences and outbuildings are far away from the proposed structure.
 - c. Granting this variance will make my property safer for my family as we will have power all the time now especially when PGE turns power off during PSPS event. My newborn son will be able to bathe and we will be able to cook food with this property improvement.

3. Granting this Variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the zone in which the property is situated for the following reasons:
 - a. There are many out building in the old sub that encroach on the setbacks in all fashions. Whether they are permitted or not. These buildings exist and I should be able to build in similar fashion.
 - b. There are many homeowners in the area that when the power goes out run their loud generators outside for the extent of the power outage. The proposed building will house a T4 compliant quiet diesel generator that will allow me to provide for my family when the power is off for the weeks that PGE is Proposing to shut off during fire season. I will not be a burden on my neighbors with the proposed construction.
 - c. Since many other properties already have structures that are similar to what I am proposing there is no grounds for "special privileges". I Am simply building a structure that is similar to many other properties in the vicinity that will greatly improve the quality of life for my family and I, but it will not be detrimental to any other property owners cause any damaging effects to the environment or my neighbors.

In addition to the above there are several requirements to be provided as part of the check list in the application package. There will be no grading involved in the project other than to dig the foundation for the proposed structure. There will no trees removed to build this structure, there are no hydrologic paths of note on the property or bodies of water, no paved roads, wet lands, land cover or vegetation other than trees that are not in the area of construction. There are no wells on the property, but the sanitary sewer and potable water lines will be shown. There are no know boundaries of natural hazards other than the potential for wildfire which the property is constantly upkept to maintain a defensible space.

Additionally, there are no potentially sensitive natural, historic or archeologic features in the area of the existing residence or the proposed construction. No utility easements will be affected.

In closing,

I would like to thank the Alpine county Planning board for considering this request and I look forward to hearing form you on your decision at the earliest possible date as the weather will soon be turning to cooler, shorter days and my window to build the proposed structure is closing rapidly. If there is any other additional information I can provide outside what is required in the application or what is needed further after the review, please do not hesitate to contact me at the below.

TimS@Bearvalley.com

408-605-2788-Cell

Tim Schimke



8-3-2020

Tim Schimke

From: Zach Wood <zwood@alpinecountyca.gov>
Sent: Thursday, July 23, 2020 4:39 PM
To: Tim Schimke
Subject: RE: Old sub lot 14 -set back variance

Tim,

Here are some site plan comments:

- Provide dimensions of the proposed location from the property boundary. The PC action would be to reduce the setback from 20' to XX feet.
- If there are physical constraints within the allowed setback area (slopes, trees, boulders) describe them on the site plan as well.

I recommend that a project description plus a narrative accompany the application which address the three criteria to grant a variance. I also recommend photos of the site conditions.

Zach

Zach Wood

Planner III

530 694 1371
zwood@alpinecountyca.gov

From: Tim Schimke [mailto:tims@bearvalley.com]
Sent: Thursday, July 23, 2020 4:32 PM
To: Zach Wood
Subject: RE: Old sub lot 14 -set back variance

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Zach,

Thanks for this. Do you think the site plan is enough or should I add in the driveway as it currently is with some defining features of the lot. This really is the only place for the generator shed.



Tim Schimke

Director Of Mountain Operations | Skyline Bear
Valley Resort

C: 408-605-2788

P: 209-753-2301 X716

A: PO Box 5038 Bear Valley, CA 95223



From: Zach Wood <zwood@alpinecountyca.gov>
Sent: Thursday, July 23, 2020 4:23 PM
To: Tim Schimke <tims@bearvalley.com>
Subject: RE: Old sub lot 14 -set back variance

Tim,

The [variance application](#) and criteria for approval from [County Code 18.80.015](#) are initial background information. The application would need to show property characteristics like the shape, slope, of the lot which require the proposed shed to be within the required setback. The next Planning Commission meeting for a possible action to approve a variance would be August 27 and a complete application would need to be submitted by the week of August 3. The site plan looks good for a variance application.

Zach

Zach Wood

Planner III

530 694 1371
zwood@alpinecountyca.gov

From: Tim Schimke [<mailto:tims@bearvalley.com>]
Sent: Thursday, July 23, 2020 3:56 PM
To: Zach Wood
Cc: Tony Creter
Subject: RE: Old sub lot 14 -set back variance

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Zack,

Can you shed some light on my question to tony below? I have attached the Proposed site plan for you as well.



Tim Schimke

Director Of Mountain Operations | Skyline Bear Valley Resort

C: [408-605-2788](tel:408-605-2788)

P: [209-753-2301](tel:209-753-2301) X716

A: PO Box 5038 Bear Valley, CA 95223



From: Tony Creter <tcreter@alpinecountyca.gov>
Sent: Thursday, July 23, 2020 3:51 PM
To: Tim Schimke <tims@bearvalley.com>
Cc: Zach Wood <zwood@alpinecountyca.gov>
Subject: RE: Old sub lot 14 -set back variance

Tim,

I'm forwarding this message to Zach Wood zwood@alpinecountyca.gov he provide insight on the variance process.

Tony Creter

Building Official, County of Alpine
50 Diamond Valley Rd., Markleeville, CA 96120
530-694-2140 x428
tcreter@alpinecountyca.gov

From: Tim Schimke [<mailto:tims@bearvalley.com>]
Sent: Thursday, July 23, 2020 2:55 PM
To: Tony Creter
Subject: Old sub lot 14 -set back variance

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Tony,

Check out the attached. This is the site plan that I would like to submit with the rest of the plans and calcs. My concern here is that the property is odd and the setbacks are completely inconducive to building anything. Is there a variance possibility here?



Tim Schimke

Director Of Mountain Operations | Skyline Bear Valley Resort

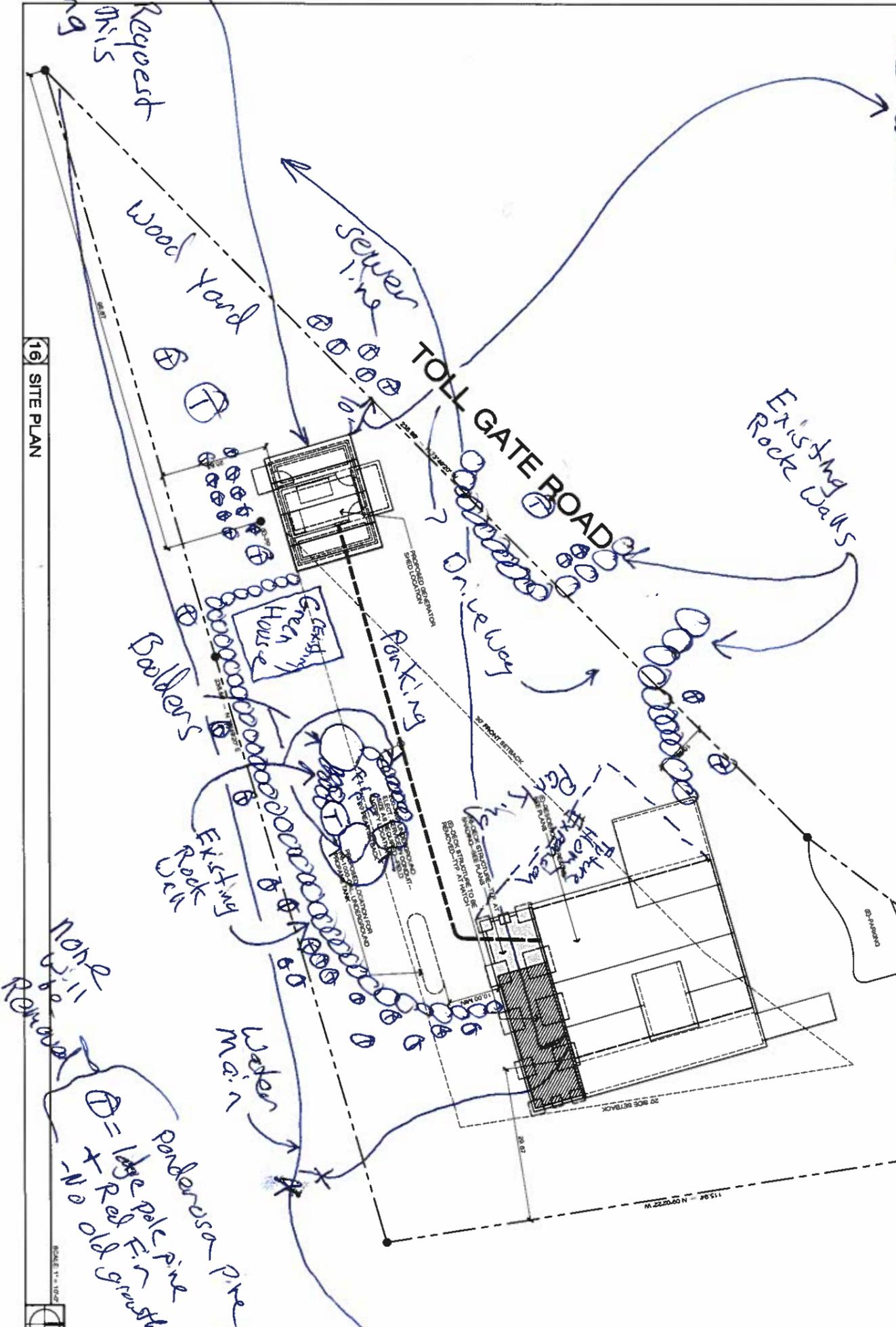
C: 408-605-2788

P: [209-753-2301](tel:209-753-2301) X716

A: PO Box 5038 Bear Valley, CA 95223



- No Drains on the property
- No wetlands on the property
- No endangered species on property
- less than 2% grade on the property, especially where the proposed Building is.
- propose that the E-graded setback be Reduced to 10'



Variance Request
Is for
Building

16 SITE PLAN

North Arrow
Pondosa Pine
No Old Growth
No Old Growth

1. THESE DRAWINGS ARE BASED ON INFORMATION PROVIDED BY THE OWNER. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER.
2. THE CONTRACTOR SHALL BRING THE HOME FOR APPROVAL BY THE DEPARTMENT AND OWNER PRIOR TO THE LAYOUT OF ANY CONCRETE.
3. PRIOR TO THE LAYOUT OF ANY CONCRETE, THE CONTRACTOR SHALL BRING THE HOME FOR APPROVAL BY THE DEPARTMENT AND OWNER.
4. THE CONTRACTOR SHALL MAINTAIN A BALANCED CUT/FILL TO MAINTAIN THE EXISTING GRADE TO A MINIMUM OF 1% TO AVOID EROSION.
5. ALL TALL SLOPES SHALL BE NO GREATER THAN 2:1 V:1 H, AND ALL CUT SLOPES SHALL BE NO GREATER THAN 1.5:1 V:1 H.
6. ALL TALL SLOPES SHALL BE PROTECTED WITH APPROPRIATE EROSION CONTROL MEASURES.
7. ALL TALL SLOPES SHALL BE PROTECTED WITH APPROPRIATE EROSION CONTROL MEASURES.
8. ALL TALL SLOPES SHALL BE PROTECTED WITH APPROPRIATE EROSION CONTROL MEASURES.

1 SITE NOTES

2

3

4 APPROVALS

THIS DRAWING IS NOT FINAL AND IS NOT TO BE USED FOR CONSTRUCTION UNTIL STAMPED AND SIGNED BY THE PROJECT ENGINEER. THE CONTRACTOR SHALL BRING THE HOME FOR APPROVAL BY THE DEPARTMENT AND OWNER PRIOR TO THE LAYOUT OF ANY CONCRETE. THE CONTRACTOR SHALL MAINTAIN A BALANCED CUT/FILL TO MAINTAIN THE EXISTING GRADE TO A MINIMUM OF 1% TO AVOID EROSION. ALL TALL SLOPES SHALL BE NO GREATER THAN 2:1 V:1 H, AND ALL CUT SLOPES SHALL BE NO GREATER THAN 1.5:1 V:1 H. ALL TALL SLOPES SHALL BE PROTECTED WITH APPROPRIATE EROSION CONTROL MEASURES.

PRELIMINARY

MARK	DATE	DESCRIPTION	BY

CLIENT: MAILING ADDRESS:
TIM SCHIMKE-AGENT
P.O. BOX 5006
BEAR VALLEY, CA 95223
(408)-805-2788

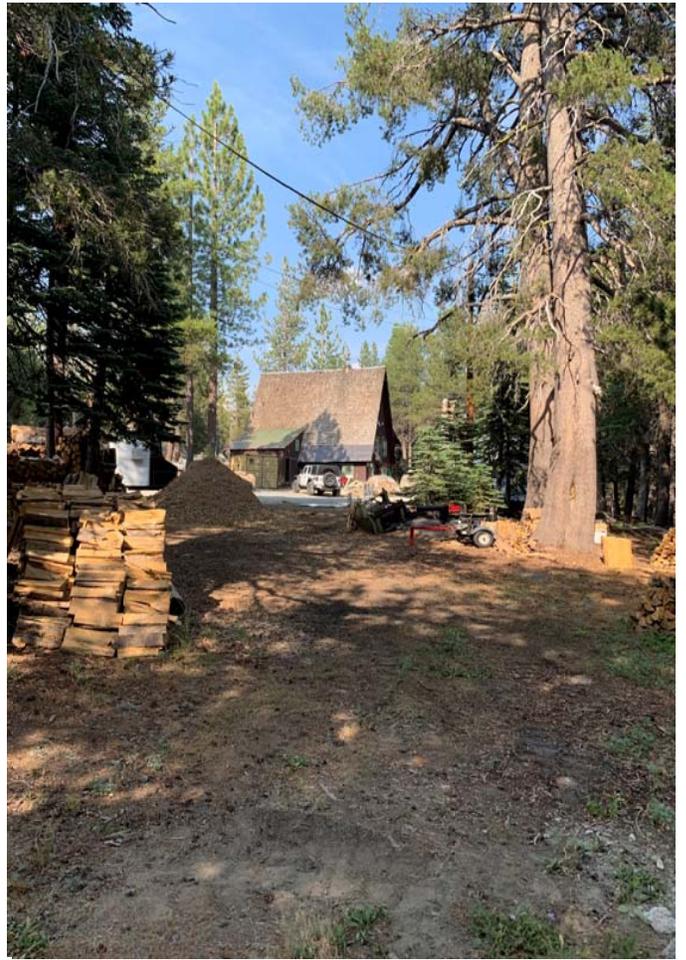
ADDITIONS & ALTERATIONS FOR:
THE SCHIMKE RESIDENCE
151 TOLL GATE ROAD
BEAR VALLEY-CALIFORNIA
A.P.N. 005-262-023-000

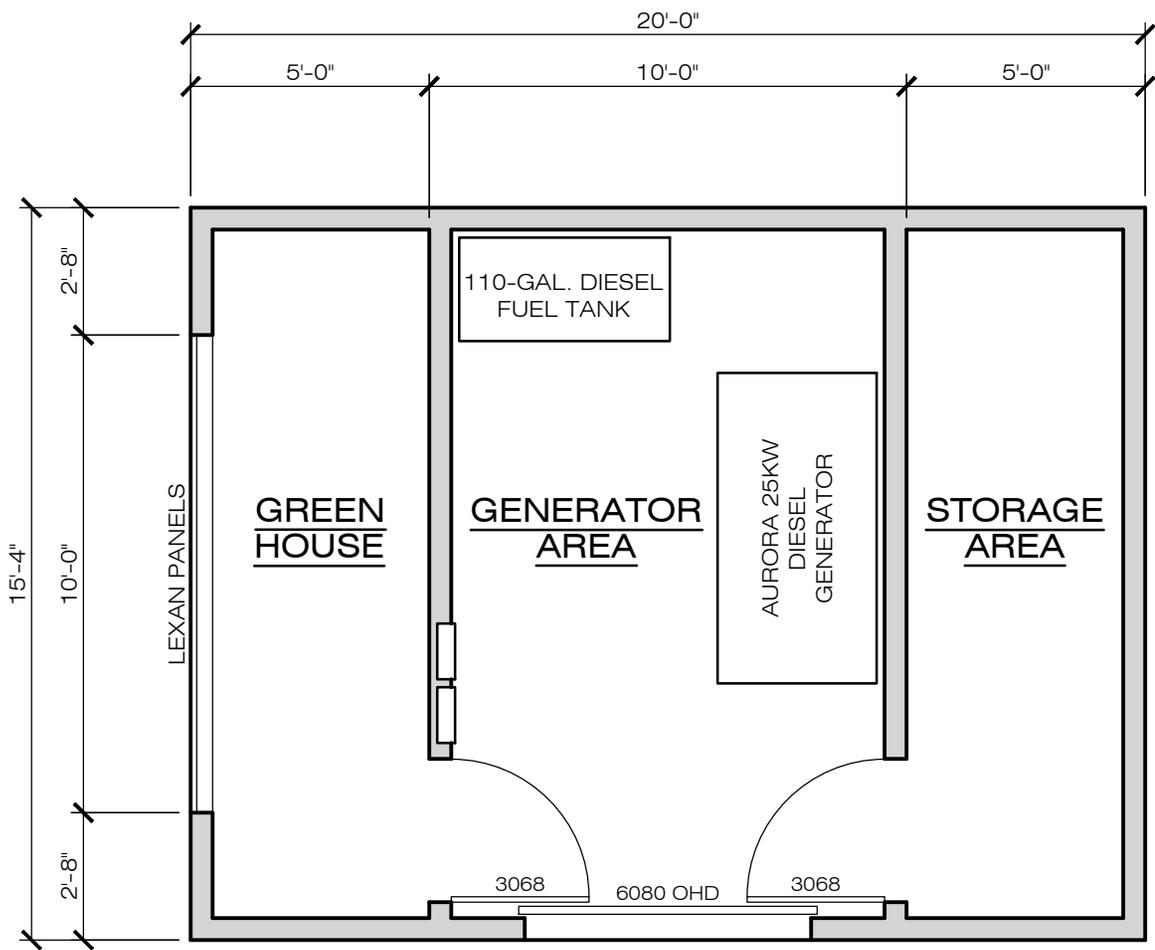
FILE NO. D-7791
DRAWN BY: SF
DATE: 06-20-20
SCALE: AS NOTED
SHEET: 1 OF 3 SHEETS

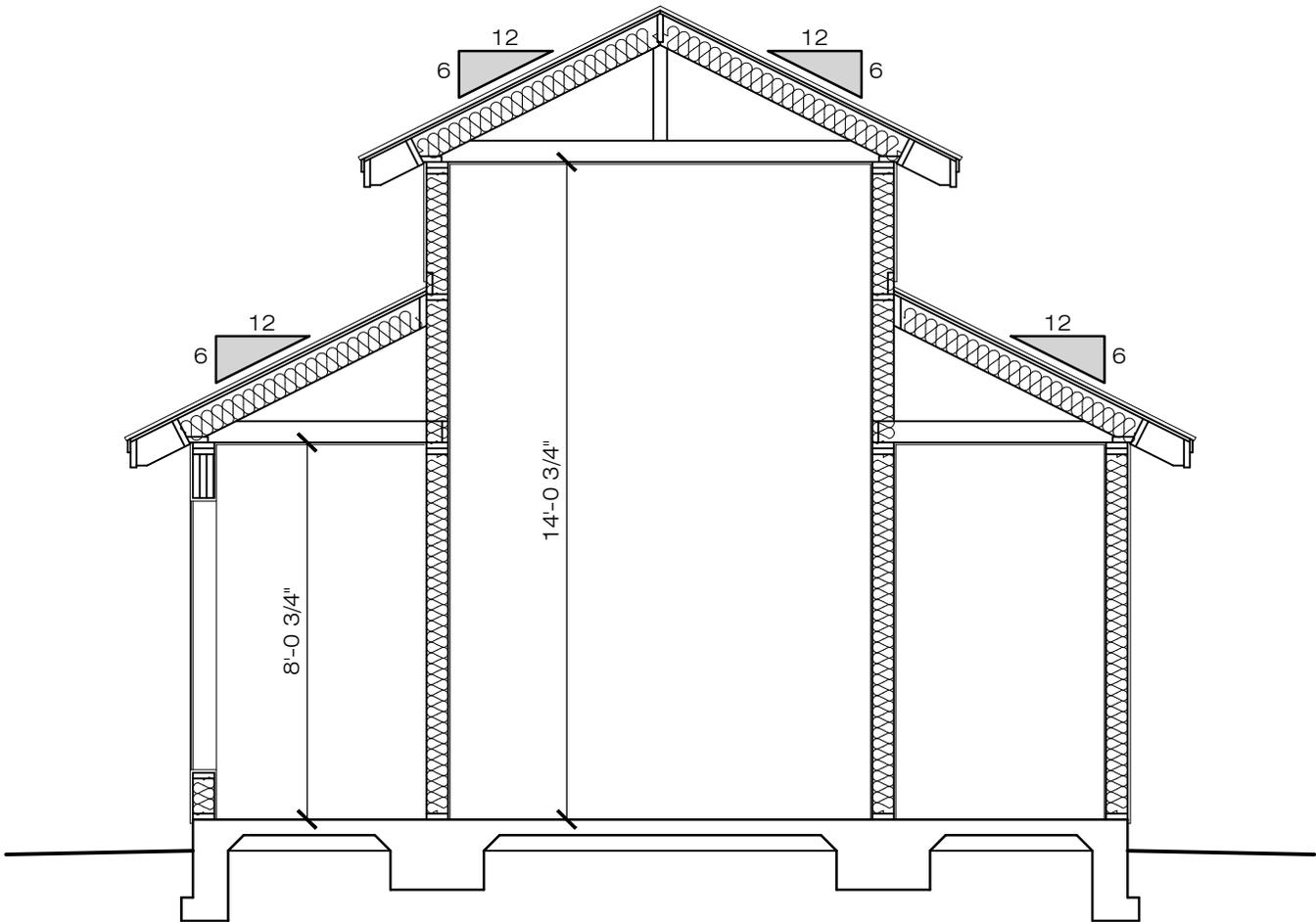
AO











Attachment 2

Notice of Categorical Exemption



Date Posted:
Date Removed:

ALPINE COUNTY
Community Development Department
50 Diamond Valley Rd, Markleeville, CA 96120
Tel 530-694-2140 Fax 530-694-2149

NOTICE OF EXEMPTION

- 1. APPLICANT: Tim Schimke 151 Toll Gate Rd Bear Valley, CA 95223
- 3. PHONE NUMBER: 530 694 2140
- 4. LEAD AGENCY: Alpine County, California
- 5. PROJECT TITLE: **151 Toll Gate Rd Front Yard Setback Variance**
- 6. DESCRIPTION: Review and possible action to approve a yard setback variance application to allow the construction of a 300 sq ft accessory use generator shed located at 151 Toll Gate Rd in Bear Valley, CA. The variance would allow the proposed shed to be located 10 feet from the north property boundary within the required 30 foot front yard setback of County Code 18.36.040 E 1. Applicant: Tim Schimke APN: 005 262 014

ADMINISTRATIVE DETERMINATION: The Planning Department has completed a preliminary review of this project in accordance with Alpine County adopted guidelines for implementing the California Environmental Quality Act (CEQA) of 1970. Based on that review, the Environmental Administrator finds that the proposed project constitutes a Categorical Exemption. Therefore, the Environmental Administrator has determined that further environmental evaluation is not required because:

[X] The project is categorically exempt as an accessory structure, Sections 15030 (E).

_____ Date: _____
Debbie Burkett, Community Development Director
Environmental Coordinator

Attachment 3

Comment letter

Zach Wood

From: Susi Lewis <Susi.Lewis@outlook.com>
Sent: Monday, August 24, 2020 1:00 PM
To: Zach Wood
Subject: 151 Toll Gate Rd Front Yard Setback Variance- Tim Schimke

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Zach,

I totally support the variance submitted by my nephew, Tim Schimke.
Just wanted to add another vote of support.

(Margaret) Susi Lewis
Co-owner of the cabin on Toll gate