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**PLUMAS COUNTY**  
**ZONING ADMINISTRATOR**  
Minutes of the Meeting of May 12, 2021

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The Plumas County Zoning Administrator convened in a meeting on May 12, 2021, at 10:00 a.m. in the Permit Center Conference Room, Quincy. Zoning Administrator, Tracey Ferguson, presiding. Assistant Planning Director, Rebecca Herrin, and Associate Planner, Tim Evans, are in attendance.

The agenda is approved as submitted.

**I. PUBLIC COMMENT OPPORTUNITY**

There is no public comment presented.

**II. CONDITIONAL CERTIFICATE OF COMPLIANCE: KIRBY, PATRICK & DENENA; APNs 025-430-014, 025-430-015, and 025-430-016; T.22N/R.14E/S.23,24 MDM**

The request for a Certificate of Compliance for the remainder parcel of the Quintana Parcel Map (Book 10 of Parcel Maps, Pages 118-119), located at 5237 Beckwourth Calpine Road, Beckwourth, is presented. Rebecca Herrin, Assistant Planning Director, gives a presentation as reflected in the staff report. Tracey Ferguson, Zoning Administrator, questions if the applicant is present. Herrin states she provided the applicants with the conference line phone number so they could call in to the meeting. Herrin leaves the meeting in order to email the applicant to relay they may call in at any time. This item is continued to later on the agenda until such time the applicant is present. Continuing at 10:20 a.m., Patrick Kirby and his realtor, Ryan Nelson, are present on the conference line. Upon questioning by Ferguson, Kirby states he has read through the staff report and questions why the issue of the subject parcel being a 'remainder' parcel didn't come up when he purchased the property. Herrin responds that the deed description calls it a "remainder parcel." It is unknown why the subject parcel being a 'remainder' parcel didn't come up at the time the property was for sale. Under state law, a remainder parcel is not a separate parcel for sale, lease, or finance. Kirby states he has no other questions. The public hearing is opened at 10:22 a.m. Pat Wormington, nearby property owner, questions how big the parcel is, how many buildings are allowed with the Agricultural Preserve (AP) Zone, and stresses her concern for wildlife in the area. Herrin responds that the parcel is 546 acres and the subdivision was approved in 1994, noting that this application isn't a new parcel, new division, or change in zoning; rather, the purpose is to make the existing remainder parcel zoned AP into a legal parcel. Continuing, Herrin states the AP zoning allows one dwelling unit, with no square footage limitation. The property is also under a Land Conservation (Williamson Act) Contract. Kirby responds that since he's owned the property it's been grazing land. There being no further comments, the hearing is closed at 10:28 a.m.

**DECISION**

Tracey Ferguson, Zoning Administrator, finds the project exempt from the California Environmental Quality Act under CEQA Guidelines Section 15268; and approves the Certificate of Compliance subject to the conditions of approval outlined in Exhibit 7, making Findings A through D as follows:

**CONDITIONS**

1. A Conditional Certificate of Compliance shall be prepared by staff and recorded by the Plumas County Zoning Administrator for the subject parcel.
2. Residential construction is prohibited until septic suitability is confirmed by the Department of Environmental Health.

3. Residential construction is prohibited until an archaeological survey is conducted by a County-approved archaeologist, which recommends that development activities be permitted.

## **FINDINGS**

- A) This real property complies with the applicable provisions of Title 7, Division 2, of the California Government Code (Subdivision Map Act) and local ordinances and resolutions created pursuant thereto; and
- B) The recordation of this Certificate of Compliance is pursuant to the authority vested in the Zoning Administrator by the Subdivision Ordinance of the County of Plumas (Resolution No. 84-3741); and
- C) The recordation of this Certificate of Compliance relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described within the Certificate of Compliance may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of this parcel may require issuance of permit or permits, or other grant or grants of approval. This certificate does not grant any entitlement for development of the parcel, nor imply or guarantee that any development permit will be issued for the subject parcel.
- D) This Certificate of Compliance is not a project under the definition of "project" (Public Resources Code, Division 13, Chapter 2.5, section 21065) as this action does not create any environmental impacts as it involves creation of a legal parcel and does not confer approval of any future entitlements.

## **III. CONDITIONAL CERTIFICATE OF COMPLIANCE: HICKMAN, ERIC & SHEILA (applicants) / ASPEN DEVELOPMENT GROUP, LLC (owner); APN 133-340-023; T.22N/R.13E/S.32 MDM**

The request for a Certificate of Compliance for a portion of remainder Parcel H of Whitehawk Ranch Phase VIII, Unit No 2 (Book 10 of Maps, Pages 66-72) located at 950 Miner's Passage, Whitehawk Ranch, Clio, is presented. Rebecca Herrin, Assistant Planning Director, gives a presentation as reflected in the staff report. Tracey Ferguson, Zoning Administrator, questions if the applicant is present and has any questions. Eric Hickman, applicant, questions Condition #3, which requires building plans to be reviewed and approved by the Whitehawk Ranch Homeowners Association. Herrin responds that that requirement is on the most recent map and questions if the parcel has been annexed into the Whitehawk Ranch Homeowners Association. Hickman replies that he does not know if it's been annexed and neither did Linda Carr of Whitehawk Ranch. Herrin proposes removing the condition, noting that if the property hasn't been annexed then the condition does not apply. The public hearing is opened at 10:33 a.m. There being no comments, the hearing is closed at 10:33 a.m.

## **DECISION**

Tracey Ferguson, Zoning Administrator, finds the project exempt from the California Environmental Quality Act under CEQA Guidelines Section 15268; and approves the Certificate of Compliance subject to the conditions of approval outlined in Exhibit 7, with the amendment of Condition #3, making Findings A through D as follows:

## **CONDITIONS**

1. A Conditional Certificate of Compliance shall be prepared by staff and recorded by the Plumas County Zoning Administrator for the subject parcel.
2. A 100-foot building and grading exclusion area shall be established as measured from the property line separating the remainder parcel from Lot 24 (Assessor's Parcel Number 133-340-040-000) and Lot 25 (Assessor's Parcel Number 133-340-039-000) for preservation and protection of the existing

drainage and designated wetland area as shown on the Additional Information Map recorded at Book 10 of Maps, at Page 72.

3. Applicants for building permits should be advised that building plans must be reviewed and approved by the Whitehawk Ranch Homeowners Association *if the subject parcel is within the Whitehawk Ranch Homeowners Association.*

#### **FINDINGS**

- A) This real property complies with the applicable provisions of Title 7, Division 2, of the California Government Code (Subdivision Map Act) and local ordinances and resolutions created pursuant thereto; and
- B) The recordation of this Certificate of Compliance is pursuant to the authority vested in the Zoning Administrator by the Subdivision Ordinance of the County of Plumas (Resolution No. 84-3741); and
- C) The recordation of this Certificate of Compliance relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described within the Certificate of Compliance may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of this parcel may require issuance of permit or permits, or other grant or grants of approval. This certificate does not grant any entitlement for development of the parcel, nor imply or guarantee that any development permit will be issued for the subject parcel.
- D) This Certificate of Compliance is not a project under the definition of "project" (Public Resources Code, Division 13, Chapter 2.5, section 21065) as this action does not create any environmental impacts as it involves creation of a legal parcel and does not confer approval of any future entitlements.

#### **IV. TENTATIVE PARCEL MAP AND MODIFICATION PERMIT: TAYLOR, DENNIS & CYNTHIA; APNs 004-260-001 and 004-260-007; T.27N/R.9E/S.35 MDM**

The proposal to divide 19.47 acres into two parcels of 12.44 and 7.03 acres for single-family residential use, in conjunction with a Modification Permit to modify the dead-end road length limit, located at 835 Williams Valley Road, Greenville, is presented. Tim Evans, Associate Planner, gives a presentation as reflected in the staff report. Dennis Taylor, applicant, is present and questions the comment by Chuck White, Building Services Director, that states, "Dead end road limit increase could affect future development approval by CAL FIRE." Becky Herrin, Assistant Planning Director, explains that CAL FIRE is undertaking a process to amend the State Fire Safe Regulations. Tracey Ferguson, Zoning Administrator, suggests Mr. Taylor speak with Chuck White for clarification. The public hearing is opened at 10:14 a.m. There being no comments, the hearing is closed at 10:14 a.m. Ferguson reads through each proposed condition of approval. Regarding Condition #1, Ferguson notes Sheet 1 needs to be submitted with the final parcel map as only Sheet 2 of 2 was submitted with the tentative parcel map application. Ferguson notes she is looking to modify Tentative Parcel Map Condition #2 to cite the applicable Plumas County Code Section 9-3.509. Modification Permit Condition #2 is amended to replace "upon" with "should" and add "occur" at the end of the sentence. Taylor questions how they go about getting an address for the newly created parcel. Herrin replies that Mr. Taylor should speak to Becky Osborn, GIS Coordinator, who assigns addresses. Once the final parcel map is recorded, the separate parcel will be created and at that time a new address will be assigned.

## DECISION

Tracey Ferguson, Zoning Administrator, finds the project exempt from the California Environmental Quality Act under CEQA Guidelines Section 15061(b)(3), making Findings A and B; and approves the Tentative Parcel Map and Modification Permit subject to the Conditions outlined in Exhibit 15, as amended, making Findings A through I as follows:

## ENVIRONMENTAL DETERMINATION FINDINGS

- A. That it can be seen with certainty, based upon review of the initial environmental assessment, that there is no possibility that the project may have a significant impact on the environment. An Initial Study checklist was completed for the project; and
- B. That the location and custodian of the documents which constitute the record of these proceedings is Plumas County Planning and Building Services, 555 Main Street, Quincy, California.

## CONDITIONS

### Tentative Parcel Map

1. The Final Parcel Map shall be in substantial conformance with the Tentative Parcel Map prepared by NST Engineering dated March 2021 and received March 18, 2021, except as modified by these conditions.
2. The Final Parcel Map shall be recorded prior to May 12, 2023, or an Extension of Time shall be filed *per Plumas County Code Section 9-3.509*.
3. A note shall be placed on the additional information map recorded concurrently with the Final Map that states:

Per the Northern Sierra Air Quality Management District Rule 226 (Dust Control), a Dust Control Plan is required for any project involving surface disturbance of more than one acre. If the disturbed area is less than one acre, a dust control plan is not required but reasonable precautions shall be taken to prevent dust crossing the property boundary and causing a nuisance. Examples of reasonable precautions include:

1. The site shall be watered as needed to prevent visible dust crossing the property boundary.
  2. Any tracked-out dirt shall be removed from public roadways as needed to prevent dust being entrained in the air by passing vehicles.
  3. Any rock or soil transported off-site shall be either sufficiently watered or securely covered to prevent it being entrained in the air, and there must be a minimum of six (6) inches of freeboard in the bed of the transport vehicle.
4. A note shall be placed on the additional information map recorded concurrently with the Final Map and on all building and site development plans that states:

Should development activities reveal the presence of cultural resources (i.e., artifact concentrations, including arrowheads and other stone tools or chipping debris, cans, glass, etc.; structural remains; human skeletal remains remains), work within 50 feet of the find shall cease immediately until a qualified professional archaeologist can be consulted to evaluate the remains and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that such remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American participation in determining the disposition of such remains.



### **Modification Permit**

1. The Modification Permit from the dead-end road length is approved in conformance with the modification permit application submitted on January 20, 2021.
2. The modification permit shall expire *should* expiration of the Tentative Parcel Map *occur*.
3. The modification permit shall be signed and returned within forty (40) days or the permit shall be voided.

### **FINDINGS**

#### **Tentative Parcel Map Findings**

- A) This project, as conditioned, will satisfy required development standards, as per Plumas County Code, for Secondary Suburban (S-3) zoning because the development will be served by roads which meet the required County Road Standard and all required utilities and services are available or can be made available. The project site is located within the service boundaries of the Indian Valley Community Services District which provides fire protection within reasonable service distance from existing fire protection facilities. Electrical power is provided to all parcels.
- B) This project, as conditioned, will be consistent with the Secondary Suburban (S-3) zoning because each parcel will meet the minimum standards for size, width, and use. In addition, both resulting parcels are developed, with a dwelling unit and accessory structures on one resulting parcel and an accessory structure on the other resulting parcel, with a dwelling unit proposed for the partially developed parcel. Therefore, land division does not result in any conflict with zoning and density standards.
- C) It is found that this project is consistent with the General Plan and zoning because the General Plan calls for Secondary Suburban uses on the site and the zoning designation is S-3 (Secondary Suburban), which is compatible with existing and proposed uses.
- D) The site is physically suitable for the type of development and the proposed density of development; the design of the parcels is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; the design of the parcels is not likely to cause serious public health problems; and the design of the parcels will not conflict with easements, acquired by the public at large, for access through or use of property with the proposed parcels.
- E) It is found that the design and location of each lot, and the project as a whole, are consistent with the applicable regulations adopted by the State Board of Forestry and Fire protection adopted pursuant to Sections 4290 and 4291 of the Public Resources Code.
- F) Structural fire protection and suppression services will be available for the subdivision through the Indian Valley Community Services District.
- G) It is found that ingress and egress for the subdivision would be provided via the paved, maintained county road, meeting the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code.

#### **Modification Permit Findings**

- H) The Modification Permit conforms to the General Plan.
- I) The exception from the provision of the Plumas County Codes which implement the SRA Fire Safe Regulations provides the same practical effect as the sections from which granted.

**V. SPECIAL USE PERMIT: PLUMAS COUNTY BEHAVIORAL HEALTH (applicant) / ENVIRONMENTAL ALTERNATIVES, DBA EA FAMILY SERVICES (owner); APN 115-023-019; T.24N/R.9E/S.14 MDM**

The proposal to establish a public service facility consisting of a Behavioral Health Wellness Center for clinical and administrative program activities, located at 455 Main Street, Quincy, is presented. Associate Planner, Tim Evans, gives a presentation as reflected in the staff report. Tony Hobson, representing Behavioral Health, is present and states he has no questions, but notes that onsite “emergency lodging” as stated in the project description and included in the services provided, was inadvertently included and will not be provided at the proposed Behavioral Health Wellness Center location. Hobson further clarifies, however, that Behavioral Health would provide emergency lodging placement and referrals. Tracey Ferguson, Zoning Administrator, states she will amend Condition #1 to make the intent and description of the services to be provided clear. The public hearing is opened at 10:43 a.m. Robert Zernich, the adjacent building property owner, states he wants to make sure there are some special conditions or agreements that would restrict people from loitering in front of the building. Zernich also heard they would be putting washing machines in the building. Hobson responds there will not be washing machines. Continuing, Zernich states smoking should occur in the back of the building and to be careful because it’s an old wooden building that could go up in flames quickly. Hobson responds that he respects Zernich’s comments. Ferguson states the County received a comment letter from the owners of Forest Stationers and reads the letter. The letter outlined concerns regarding the impact of employee and client parking along Main Street. There being no further comments, the hearing is closed at 10:47 a.m. Ferguson questions if the proposed Wellness Center will be providing dry and/or perishable foods under the “food assistance” aspect of the project description. Hobson replies it will be dry foods only, adding that food distribution is done through volunteer networks, which are operated out of their facilities. Ferguson notes, per the Building Department response to comments, that “interior work has already been started without [a building] permit” and states this work may be associated with building improvements not associated with the Behavioral Health Wellness Center. Continuing, Ferguson states parking is the biggest issue. As pointed out in the staff report, the C-1 zoning does not require off-street parking; however, discussion followed outlining vehicles parked for eight hours a day along Main Street would be problematic and the proposed Wellness Center should be a cooperative neighbor regarding parking with the understanding that to support the retail and restaurant businesses on Main Street, parking turnover is important. Condition #3 requires a public hearing in a year to review the compatibility of the project to ensure the project is not creating any nuisances with the surrounding community. Ferguson points out there are County-owned parking lots in the vicinity for County staff and client use, one behind the building and one at Dame Shirley Plaza. Hobson responds that in initial conversations with his Behavioral Health staff who will be working at this facility, they will be required to park in the lot behind the building. There is a rear entrance to the building that is secure and not public facing. The other proposed conditions of approval are reviewed and discussed without issue.

**DECISION**

Tracey Ferguson, Zoning Administrator, finds the project exempt from the California Environmental Quality Act under CEQA Guidelines Section 15301, making Findings A and B; and approves the Special Use Permit subject to the Conditions outlined in Exhibit 12, with the amendment of Condition #1, making Findings A through D as follows:

## ENVIRONMENTAL DETERMINATION FINDINGS

- A) That there is no substantial evidence in the record supporting a fair argument that the proposed project, as conditioned, might have any significant adverse impact on the environment; and
- B) That the location and custodian of the documents which constitute the record of these proceedings is Plumas County Planning and Building Services, 555 Main Street, Quincy, California.

## CONDITIONS

- 1. The Special Use Permit for the public service facility (Wellness Center) is approved in conformance with the Special Use Permit application submitted on February 22, 2021, *with the exception of the emergency lodging use being not permitted.*
- 2. Applicant shall obtain a sign permit from the Planning Department prior to the installation of any business signs.
- 3. Applicant shall submit all necessary building permits to the Plumas County Building Department within eighteen (18) months of the approval of this special use permit.
- 4. On or before May 11, 2022, a public hearing before the Zoning Administrator will be held to review the compatibility of the project to ensure the project is not creating any nuisances with the surrounding community.
- 5. The violation of any condition of a special use permit shall be a violation of the provisions of this chapter and shall be punishable as set forth in Article 12 of Chapter 2 of Title 9 of the Plumas County Code.
- 6. The Special Use Permit is to be signed by the property owners and applicants and returned within forty (40) days of the date of approval or the permit will be voided.

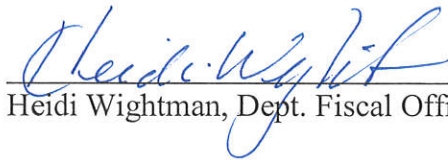
## FINDINGS


- A) This project, as conditioned, is environmentally compatible with the surrounding area because the proposed project conforms with applicable state and county codes that are designed to protect public health and safety and to reduce potential impacts.
- B) Prior to the public hearing, it can be presumed that this project is socially compatible with the surrounding area because the conditions are designed to ensure that the project will not create any nuisances or interfere with the surrounding community. The project will be in conformance with all other regulations pertaining to the use.
- C) This project is economically compatible with the surrounding area because the use will not interfere with the economic use of properties in the vicinity in conformance with zoning requirements adopted for the promotion of the public health, safety, and general welfare.
- D) This project is consistent with the General Plan and zoning subject to the conditions imposed by the issuance of a special use permit.

***Zoning Administrator Notation:*** Any decision made as a result of this meeting may be appealed to the Board of Supervisors within ten (10) days of the decision. If the tenth day lands on the weekend, the end of the appeal period will be the next working day. The appeal will need to be based on relevant information stated or submitted at or prior to this meeting by a commenting public member or representative, or certain County department heads as stated by County Code. There is a filing fee for the appeal. Fee information is available from Planning and Building Services.

**ADJOURN**

There being no further business, the meeting adjourns at 10:57 a.m. The next regularly scheduled Zoning Administrator meeting is set for June 9, 2021, at 10:00 a.m. at the Planning & Building Services Conference Room located at 555 Main Street in Quincy.

  
Heidi Wightman, Dept. Fiscal Officer II

  
Tracey Ferguson, Zoning Administrator