
PLUMAS COUNTY
ZONING ADMINISTRATOR
Minutes of the Meeting of June 9, 2021

The Plumas County Zoning Administrator convened in a meeting on June 9, 2021, at 10:00 a.m. in the Permit Center Conference Room, Quincy. Zoning Administrator, Tracey Ferguson, presiding. Assistant Planning Director, Rebecca Herrin, is in attendance.

The agenda is approved as submitted.

I. PUBLIC COMMENT OPPORTUNITY

There is no public comment presented.

II. MODIFICATION OF RECORDED MAP BY CERTIFICATE OF CORRECTION: CARVER, RICHARD & DENISE; APN 028-030-042; T.23N/R.14E/S.16 MDM

Continued from April 14, 2021, the request for a Modification of Recorded Map by Certificate of Correction to remove a portion of the “relocated common driveway” on Lot 80 of Grizzly Ranch, Unit 1, located at 142 Clubhouse Drive, is presented. Zoning Administrator, Tracey Ferguson, states an email was received from the applicant’s representative, Steven Alfred, on June 7th, in which he states the owners have requested a formal withdrawal of their application for a Certificate of Correction.

III. EXTENSION OF TIME FOR PERMIT TO MINE AND RECLAMATION PLAN – ROBERTI RANCH WILDLIFE REFUGE: ROBERTI RANCH, INC.; APN 010-070-046; T.22N/R.15E/S.11 MDM

The request for an extension of time for the permit to mine and reclamation plan for the Roberti Ranch Wildlife Refuge 75 years to 12/10/2098, located at 7411 Dyson Lane, Vinton, is presented. Rebecca Herrin, Assistant Planning Director, gives a presentation as reflected in the staff report. Jane Roberti, applicant, questions why Condition No. 1 is in the Special Use Permit (the condition requires a public hearing be held every five years for the duration of the permit to review all aspects of the operation for conformance with the conditions of approval and any unanticipated issues that may arise which may adversely affect the environmental, social, and economic compatibility with the surrounding area). Herrin responds that there’s nothing in the file to indicate why the condition was established. Zoning Administrator, Tracey Ferguson, states it is her understanding that a public hearing has not occurred since the initial approval in 2003. Ferguson further explains that Special Use Permits look at the compatibility of a project to adjacent properties to ensure projects are socially, economically, and environmentally compatible with the surroundings. Holding a public hearing every five years on the social compatibility of the use would allow any issues or problems to be addressed within the Special Use Permit. Herrin adds that they could apply for an amendment of the Special Use Permit to remove the condition if it is not relevant. Ferguson suggests moving forward and establishing the five year hearing, which would make the next one due in late 2023. Tony Folchi, the applicant’s representative, states they were not aware of that condition and notes it’s a long way to the nearest property owner. Continuing, Ferguson states at this time we’re looking at a November 2023 Zoning Administrator meeting to schedule a public hearing, with the other option being applying for an amendment of the Special Use Permit to remove the condition. The public hearing is opened at 10:10 a.m. There being no comments, the hearing is closed at 10:10 a.m. Ferguson states for the record and asks the applicant to attest there will be no change to the operation, amount of quantities, or any other material aspect of the permit to mine and reclamation plan and that the Permit to Mine and Reclamation Plan and Special Use Permit amendment is solely an extension of time. The applicant confirms.

DECISION

Tracey Ferguson, Zoning Administrator, finds the project exempt from the California Environmental Quality Act because it is not a “project” (PRC 21065) and consists of a non-substantial administrative change; and approves the extension of time to the Roberti Ranch Wildlife Refuge Permit to Mine/Reclamation Plan with all existing conditions of approval to remain unchanged subject to the conditions of approval outlined in Exhibit 2 as follows:

CONDITIONS

1. The mining operation and reclamation plan shall be as described in Negative Declaration #554 or as otherwise modified by the following conditions.
2. The extraction and processing areas shall be marked in the field to facilitate annual inspections.
3. The revegetation success criteria shall be amended to include a “unit area” for the success criteria provided. The Planning Department and the Office of Mine Reclamation shall approve this “unit area”.
4. A monitoring program shall be submitted to and approved by the Planning Department and the Office of Mine Reclamation.
5. A detailed financial assurance cost estimate and corresponding financial assurances shall be provided to the Planning Department for review and approval. Upon approval of the financial assurances by the Planning Department, a financial assurance mechanism shall be provided to the Planning Department in a form acceptable to the Planning Department and the Department of Conservation.
6. **The Permit to Mine and Reclamation Plan shall expire on December 10, 2098.**
7. The Permit to Mine and Reclamation Plan shall be signed and returned within 40 days from the date of approval or the permits will be voided.

SPECIAL USE PERMIT

1. A public hearing shall be held every five years for the duration of the permit to review all aspects of the operation for conformance with the conditions of approval and any unanticipated issues that may arise which may adversely affect the environmental, social, and economic compatibility with the surrounding area.
2. **The Special Use Permit shall expire on December 10, 2098.**
3. The Special Use Permit shall be signed and returned within 40 days from the date of approval or the permits will be voided.

IV. AMENDMENT OF SPECIAL USE PERMIT: PLUMAS CHARTER SCHOOL; APNs 116-320-024 & -025; T.24N/R.10E/S.18,19 MDM

The request to extend the time to obtain building permits for a learning facility to December 30, 2021, located at 1425 and 1495 E. Main Street, East Quincy, is presented. Rebecca Herrin, Assistant Planning Director, gives a presentation as reflected in the staff report. Herrin clarifies that the extension was requested to December 30th because of the interpretation of when the permit was granted. Since the initial project was approved by the Zoning Administrator on December 11, 2019, staff is recommending that the Zoning Administrator extend the time for building permits to be obtained to December 11, 2021, rather than December 30, 2021. Taletha Washburn, applicant, states they’ve met all the other conditions in the permit so hopefully the building permit will be issued this month. The public hearing is opened at 10:14 a.m. There being no comments, the hearing is closed at 10:14 a.m. Zoning Administrator, Tracey Ferguson, points out that within the staff report there is a typographical error under Recommended

Actions, Item II. It should state “approved by the Zoning Administrator on December 11, 2019”, instead of January 17, 2020. Also, for clarity, the labeling of Exhibit 2 should be Exhibit 1. Ferguson notes that Condition No. 2 is the only condition being changed, where the original condition stated building permits must be obtained within 18 months, adding an additional six months to make it within 24 months of approval. Also changing the language of Condition No. 2 to “. . . within twenty-four (24) months of approval of the special use permit, **or no later than December 11, 2021.**”

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 through C; and approves the amendment of the Special Use Permit subject to the conditions of approval outlined in Exhibit 1, with the amendment of Condition No. 2, making Findings A through D as follows:

ENVIRONMENTAL DETERMINATION FINDINGS

- A. That the project consists of the amendment of a condition of approval to a previously approved special use permit; and
- B. There are no foreseeable impacts involved in the extension of time to obtain building permits; and
- C. That the location and custodian of the documents which constitute the record of these proceedings is the Plumas County Planning Department, 555 Main Street, Quincy, California.

CONDITIONS

- 1. The special use permit for the operation of a learning center is approved in conformance with the application submitted on May 30, 2019, and any of the site configurations shown in Site Plans 1 through 4 (Exhibits 3 through 6).
- 2. Applicant shall obtain all necessary building permits from the Plumas County Building Department within **twenty-four (24) months** of approval of the special use permit, **or no later than December 11, 2021.**
- 3. A Dust Control Plan shall be submitted to and approved by the Northern Sierra Air Quality Management District prior to surface disturbance of more than one acre.
- 4. Prior to issuance of a building permit, a Drainage Plan shall be submitted to and approved by the Department of Public Works.

Every project drainage design is unique, but a set of “Drainage Calculations” will typically include commentary on design parameters such as: statement of the design year, size of drainage area, commentary on intensity and duration of rainfall events, estimation of runoff, frequency the design maximum may be expected to occur, topography, soil characteristics and runoff coefficients, all as accompanied by copies of published data (charts, pages from manuals, sketch maps, etc.), as relied upon by the Design Engineer of Record.

The “Drainage Plan” is also unique to every project drainage design as the plan will typically depict the drainage flows (by use of arrows) and the proposed construction features (manholes, culverts, ditches, swales, and inlets, as applicable) will be shown as well as elevation detail suitable for constructability.

The “Drainage Calculations” and the “Drainage Plan” are to both be stamped by a professional engineer, licensed by the State of California.

5. Prior to issuance of a building permit, a Grading Plan shall be submitted to and approved by the Department of Public Works.

A complete grading plan should clearly illustrate existing and proposed site topography, and provide sufficient information to determine the limits of grading and disturbance. Grading plans should include the following information on a 24" x 36" blueprint:

- a. Name and address of property owner
 - b. Assessor's Parcel Number (APN)
 - c. Name and location of existing, adjacent streets
 - d. Vicinity map
 - e. North arrow and scale of drawing
 - f. Site plan including entire parcel (APN) with area of proposed grading indicated and enlarged for clarity, if necessary
 - g. Existing structures, utilities, trees, watercourses, or any other topographical features of interest
 - h. Details of proposed structures, including retaining walls
 - i. Property lines, setbacks, or building envelopes
 - j. Existing and proposed contours. Topographic information must be at a suitable scale to insure clarity
 - k. Clearly defined LIMITS OF GRADING activities (disturbed area)
 - l. Toe and top of cut and fill slopes
 - m. Signature and stamp of civil engineer
6. Prior to issuance of a building permit, an encroachment permit shall be obtained from the California Department of Transportation (Caltrans) for the change in use. Encroachment permit submittal shall address drainage with a drainage report and an ADA certification by the project engineer for the separated path.
 7. Prior to issuance of a building permit, an updated Program of Utilization and memorandum of understanding, license agreement, or permit for non-exclusive use of 1495 East Main Street, East Quincy, between the Central Plumas Recreation and Park District and Plumas Charter School shall be submitted to the National Park Service for review and concurrence. If the National Park Service does not concur with the updated Program of Utilization and/or memorandum of understanding, license agreement, or permit, 1495 East Main Street, East Quincy, shall not be used for school parking and the site configuration shall be such that all parking and maneuvering aisles are located on the same parcel as the school (1425 East Main Street, East Quincy), with a separate driveway access, as shown in Site Plans 3 and 4 (Exhibits 5 and 6).
 8. If a separate driveway access for the school is required, due to the updated Program of Utilization and memorandum of understanding, license agreement, or permit not being approved, the driveway crossing shall be ADA compliant. The plan for the driveway crossing shall be reviewed and approved by the Department of Public Works prior to the issuance of the building permit for construction of the school building.

9. If a separate driveway access is required, the driveway shall be a concrete curb cut driveway and one-way out.
10. Site configuration shall not entail any structure(s) or pathway(s) crossing any property line(s).
11. Due to the property being contiguous to the state highway, the school grounds shall be fenced.
12. If there are locations where students will cross, Plumas Charter School shall provide its own crossing guards, if there are crossing challenges for students.
13. Plans detailing how construction noise will be attenuated to a noise level of 90 decibels (dB) or less, as required by the 2035 General Plan, shall be submitted with the building permit for the learning facility.
14. An area equal to a minimum of ten (10%) of the required parking lot area shall be landscaped.
15. 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.
16. 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 is environmentally compatible with the surrounding area because the proposed project, as conditioned, conforms with applicable state and county codes that are designed to reduce potential impacts and protect public health and safety.
- B) This project is socially compatible because the conditions set forth 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 does not prevent or diminish any economic benefit to property owners, nor will the use impede 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 found to be consistent with the General Plan and zoning because a public service facility is a permitted use, subject to the issuance of a special use permit.

V. SPECIAL USE PERMIT: KAHN, JONATHAN; APN 115-031-042; T.24N/R.9E/S.14 MDM

The request to re-establish a lawful, nonconforming use to allow multiple dwelling units (apartments) in a commercially zoned area, and allow storage units associated with the apartment units, located at 211 Lawrence Street, Quincy, is presented. Rebecca Herrin, Assistant Planning Director, gives a presentation as reflected in the staff report. Ken Roper, applicant's representative, notes that one of Caltrans' recommendations is to reconstruct the curb cut road connection to conform to ADA requirements. Roper states he's not sure that it's not in conformance now, and Caltrans may not be sure that it's not either. So they just need to obtain clarification from Caltrans on that issue. Herrin states that they would need to get something in writing from Caltrans, which would satisfy the condition. The public hearing is opened at 10:21 a.m. A neighbor, Juliette, comments that there are a lot of noisy vehicles in the parking lot. Jonathan Kahn, property owner/applicant, states he would be happy to talk to Juliette after the meeting about the issue. Continuing, Roper comments that there was a suggestion that an analysis be prepared by a registered civil engineer regarding the potential drainage impacts due to paving around the storage units. Roper states that if paving is required around the mini storage area, they weren't going to do the project because paving

would cause unwanted water on adjacent property owners. Herrin responds that the issue will be addressed through the building permit process. Zoning Administrator, Tracey Ferguson, adds it was a Public Works Department project comment that recommended a drainage analysis be prepared. Planning staff discussed the comment with Public Works and agreed that drainage will be addressed within the building permit process and therefore a condition was not necessary. There being no further comments, the public hearing is closed at 10:26 a.m. Ferguson questions what will be done with the shipping container and trailer currently on site in the rear of the property where the storage units are planned. Kahn replies that the container and trailer will be removed. Ferguson ask the applicant to confirm the intent is that a building permit will be obtained for the interior remodel of just two of the apartment units, which will bring the total number of apartment units to ten or the number of units being reestablished as a lawful non-conforming use. The applicant concurs.

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 of approval outlined in Exhibit 7, 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. The location and custodian of the documents which constitute the record of these proceedings is the Plumas County Planning Department, 555 Main Street, Quincy, California.

CONDITIONS

- 1. The special use permit for American Valley Estates, LLC is approved as per the application submitted on March 30, 2021.
- 2. An encroachment permit shall be obtained from Caltrans prior to the issuance of any building permits for the site. As part of the encroachment permit, the owner/applicant shall reconstruct the curb cut road connection to conform to ADA requirements to the satisfaction of Caltrans.
- 3. The applicable building permits shall be obtained from Planning and Building Services within eighteen (18) months from the date of approval of the special use permit.
- 4. 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.
- 5. 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.

VI. VARIANCE: BAKER, BRAD & PEARSON, DEBRA; APN 106-081-007; T.28N/R.8E/S.21 MDM

The request for a variance of the front yard setback from 20 feet to 10 feet, and the rear yard setback from 5 feet per story to 5 feet total for construction of a dwelling, located at 7241 Highway 147, Lake Almanor, is presented. Assistant Planning Director, Rebecca Herrin, gives a presentation as reflected in the staff report. The applicant's representative, Jeff Morrish of NST Engineering, is present and states he has no questions or comments. The public hearing is opened at 10:31 a.m. There being no comments, the hearing is closed at 10:31 a.m. Zoning Administrator, Tracey Ferguson, states she has visited the site and notes Caltrans is requiring an encroachment permit be obtained prior to issuance of a building permit, in part, due to a Caltrans concern about the onsite turnaround area and the road connection to Highway 147. Morrish states a revised plot plan was submitted to Caltrans and the Planning Department in March 2021, which allows for vehicles to turn around on site. Continuing, Ferguson notes there is currently a mobile home or park model RV on site and Condition No. 5 addresses its removal. Herrin comments that since the RV is on wheels, it's not considered a dwelling. Ferguson suggests revising Condition No. 5 to state, "Prior to the issuance of the Certificate of Occupancy for the proposed dwelling and garage, the recreational vehicle on the property shall be removed."

DECISION

Tracey Ferguson, Zoning Administrator, finds the project exempt from the California Environmental Quality Act under CEQA Guidelines Section 15305, making Findings A through C; and approves the Special Use Permit subject to the conditions of approval outlined in Exhibit 14, with the amendment of Condition No. 5, making Findings A through F 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) This project is a variance from the front and rear yard setbacks for the construction of a dwelling that will be constructed to meet all building requirements; and
- C) That the location and custodian of the documents which constitute the record of these proceedings is the Plumas County Planning Department, 555 Main Street, Quincy, California.

CONDITIONS

1. The Variance for the proposed dwelling and garage is approved in conformance with the Variance application submitted on January 8, 2021, and the plot plan with a revision date of March 2021.
2. Applicant shall submit all necessary building permits to the Plumas County Building Department within eighteen (18) months of the approval of this variance.
3. All required building permits shall be obtained prior to construction of the proposed dwelling and garage.

4. Prior to the issuance of a building permit for the proposed dwelling and garage, an encroachment permit shall be obtained from the California Department of Transportation (Caltrans).
5. Prior to the issuance of **the Certificate of Occupancy** for the proposed dwelling and garage, **the recreational vehicle** on the property **shall be removed**.
6. The Variance is to be signed by the property owners and returned within forty (40) days of the date of approval or the permit will be voided.

FINDINGS

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

The special circumstances applicable to this property are due to the northern property boundary length being 76.02 feet and the southern property boundary length being 20.60 feet, which creates a narrow area for development of the parcel. Additionally, the developable area is further reduced by the steep transition along the front portion of the property adjacent to Highway 147. The narrow area for development deprives the property owners the full use of the property that other property owners in the vicinity enjoy.

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

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

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

The reduced setbacks would not substantially reduce visibility or the open space quality of homes located along Highway 147. In addition, traffic impacts due to driveway design have been mitigated and reviewed by the California Department of Transportation (Caltrans).

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

Many other parcels on the lake side on the East Shore of Lake Almanor and in the immediate vicinity have dwellings that have been constructed to the size of the proposed dwelling (1,460 square feet) and garage (660 square feet). Additionally, other parcels, under similar circumstances, would be given the same consideration. Therefore, the granting of this variance would not constitute a granting of a special privilege.

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

This project is not requesting an exception from codes which implement the SRA Fire Safe Regulations.

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

The variance will be consistent with the recreation uses permitted by the Rec-1 zoning as one dwelling, with accessory structure, is a permitted use.

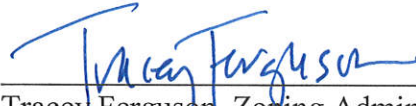
Zoning Administrator Notation: Any decision made as a result of this meeting may be appealed to the Board of Supervisors within ten (10) days of the decision. If the tenth day lands on the weekend, the end of the appeal period will be the next working day. The appeal will need to be based on relevant 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 10:43 a.m. The next regularly scheduled Zoning Administrator meeting is set for July 14, 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