



BOARD OF SUPERVISORS

Dwight Ceresola, Vice Chair 1st District

Kevin Goss, 2nd District

Sharon Thrall, 3rd District

Greg Hagwood, 4th District

Jeff Engel, Chair 5th District

MEETING MINUTES

ADJOUNDED REGULAR MEETING OF THE BOARD OF SUPERVISORS COUNTY OF PLUMAS, STATE OF CALIFORNIA QUINCY ON OCTOBER 19, 2021

STANDING ORDERS

Due to the Coronavirus disease (COVID-19) Public Health Emergency, dated March 16, 2020, the County of Plumas is making several changes related to Board of Supervisors meetings to protect the public's health and prevent the disease from spreading locally.

Plumas County Health Officer Recommendation Regarding Teleconferencing, issued on September 30, 2021, recommends local legislative bodies, such as commission, committees, boards, and council, hold public meetings with teleconferencing as authorized by Government Code section 54953 (e).

Pursuant to Government Code section 54953 (e) and to maintain the orderly conduct of the meeting, the County of Plumas members of the Board of Supervisors may attend the meeting via teleconference or phone conference and participate in the meeting to the same extent as if they were physically present. Due to Government Code section 54953(e), the Boardroom will be open to the public but subject to social distancing requirements, which limit the number of people that may enter to 25% of room capacity. Those that wish to attend the Board meeting, will be required to wear a face covering, as required by the local Public Health Officer order. The public may participate as follows:

Live Stream of Meeting

Members of the public who wish to watch the meeting, are encouraged to view it [LIVE ONLINE](#)

ZOOM Participation

The Plumas County Board of Supervisors meeting is accessible for public comment via live streaming at: <https://zoom.us/j/94875867850?pwd=SGISeGpLVG9wQWtRSnNUM25mczlvZz09> or by phone at: Phone Number 1-669-900-9128; Meeting ID: 948 7586 7850. Passcode: 261352

Public Comment Opportunity/Written Comment

Members of the public may submit written comments on any matter within the Board's subject matter jurisdiction, regardless of whether the matter is on the agenda for Board consideration or action. Comments will be entered into the administrative record of the meeting.

Members of the public are strongly encouraged to submit their comments on agenda and non-agenda items using e-mail address Public@countyofplumas.com

10:00 A.M.

CALL TO ORDER/ROLL CALL

Roll Call.

Present: Supervisor Hagwood, Supervisor Thrall, Supervisor Ceresola, Supervisor Goss, Supervisor Engel.

PLEDGE OF ALLEGIANCE

John Mannle lead the Pledge of Allegiance.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

Hearing None

PUBLIC COMMENT OPPORTUNITY

Pastor George lead the Board Room in prayer

Linda M. commented regarding reliability and accuracy of the PCR testing related to Covid-19

Sue Webber commented regarding concern for people effected by the wildfire and the help needed for the communities of Greenville and Taylorsville areas.

Rose Buzzetta commented regarding the participation of school children and staff participating in the walk out in protest of the mandated Covid-19 vaccine.

Tonya Watenburg commented praising Sheriff Tod Johns actions and work during and after the Dixie Fire disaster.

DEPARTMENT HEAD ANNOUNCEMENTS/REPORTS

John Mannle on behalf of the Public Works Department he extended thanks to Public Health and the Auditors Office regarding the assistance received during staffing challenges.

ACTION AGENDA

1. PUBLIC HEALTH AGENCY – Dr. Dana Loomis

Report and update regarding the new shelter being stood up in Greenville for disaster survivors and a report and update on COVID-19; receive report and discussion

2. DISASTER RECOVERY OPERATIONS - Dennis Schmidt

Report and update Dixie Fire Recovery efforts; receive report and discussion

October 25th is the deadline to sign up with FEMA 1- (800) 621-3362.

Limited request for direct housing has been approved by FEMA.

Submitting Right of Entry (ROE) application deadline is November 15, 2021.

3. USDA FOREST FIRE MANAGEMENT

Report and update regarding the Dixie Fire suppression repair (status/ containment)

Burn area emergency repair (BAER)

4. **CONSENT AGENDA**

These items are expected to be routine and non-controversial. The Board of Supervisors will act upon them at one time without discussion. Any Board members, staff member or interested party may request that an item be removed from the consent agenda for discussion. Additional budget appropriations and/or allocations from reserves will require a four/fifths roll call vote.

Motion: Approve the following consent matters, as submitted, **Action:** Approve, **Moved by** Supervisor Goss, **Seconded by** Supervisor Hagwood.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Supervisor Ceresola, Supervisor Engel, Supervisor Goss, Supervisor Hagwood, Supervisor Thrall.

A. **SHERIFF**

Approve and authorize the Sheriff to sign post event memorandum of Agreements for the Dixie Fire Law Enforcement Mutual Aid (LEMA) and Emergency Management Mutual Aid Emma; approved as to form by County Counsel

SPECIAL DISTRICTS GOVERNED BY THE BOARD OF SUPERVISORS

The Board of Supervisors sits as the Governing Board for Various special districts and county service areas in Plumas County including Dixie Valley Community Service District; Walker Ranch Community Services District; Beckwourth Community Service Area; Plumas County Flood Control and Walker Conservation District; Quincy Lighting District; Crescent Mills Lighting District; County Service Area #12.

Convene as the Beckwourth Community Service Area Governing Board

5. **BECKWOURTH COMMUNITY SERVICE AREA** – John Mannle

Approve and authorize no contract payment to Jet Plumbing and Easy Rooter Plumbing, and ratify all approved emergency repair work performed to date for completed Emergency repair services of BCSA Sewer pump; not to exceed \$2,096.00 for Jet Plumbing, and \$2,100.00 for Easy Rooter; discussion and possible action

Motion: Approve and authorize no contract payment to Jet Plumbing and Easy Rooter Plumbing, and ratify all approved emergency repair work performed to date for completed Emergency repair services of BCSA Sewer pump; not to exceed \$2,096.00 for Jet Plumbing, and \$2,100.00 for Easy Rooter, **Action:** Approve, **Moved by** Supervisor Goss, **Seconded by** Supervisor Ceresola.

Motion passed unanimously.

Adjourn as the Beckwourth Community Service Area Governing Board and reconvene as the Board of Supervisors

6. **DEPARTMENTAL MATTERS**

A. **DISASTER RECOVERY OPERATIONS** – Nancy Selvage, Logistics Chief

- 1) Adopt RESOLUTION appointing Cindy Dunsmore, Retired Annuitant, as the Disaster Recovery Operations Center (DROC) Technical Advisor for coordination of the disaster recovery related efforts from the Dixies Fire; discussion and possible action **Roll call vote**
- 2) Adopt RESOLUTION approving the Dixie Fire Disaster Recovery Operations Center (DROC) Technical Advisor Scope of Work; wage range \$40.00 per hour; discussion and possible action **Roll call vote**

Motion: Adopt both items 1 and 2 - **RESOLUTION No. 21-8632** appointing Cindy Dunsmore, Retired Annuitant, as the Disaster Recovery Operations Center (DROC) Technical Advisor for coordination of the disaster recovery related efforts from the Dixies Fire; and adopt **RESOLUTION No. 21-8633** approving the Dixie Fire Disaster Recovery Operations Center (DROC) Technical Advisor Scope of Work; wage range \$40.00 per hour, **Action:** Approve, **Moved by** Supervisor Thrall, **Seconded by** Supervisor Goss.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Supervisor Ceresola, Supervisor Engel, Supervisor Goss, Supervisor Hagwood, Supervisor Thrall.

3)  Approve and authorize no contract payment for lodging for responders to Dixie Fire as Mutual Aid and Recovery Operations Staff; Bucks Lake Marina Invoice \$40,900.00; discussion and possible action **Roll call vote**

Motion: Approve and authorize no contract payment for lodging for responders to Dixie Fire as Mutual Aid and Recovery Operations Staff; Bucks Lake Marina Invoice \$40,900.00, **Action:** Approve, **Moved by** Supervisor Ceresola, **Seconded by** Supervisor Goss.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Supervisor Ceresola, Supervisor Engel, Supervisor Goss, Supervisor Hagwood, Supervisor Thrall.

B.  **HUMAN RESOURCES** – Nancy Selvage

Request direction be provided to the Human Resource Director regarding job classification for Sheriff Special Operations Sergeant; discussion, direction or possible action

Following brief discussion; there was no change to the job classification for Special Operations Sergeant

C.  **PUBLIC HEALTH** – Dr. Dana Loomis

Authorize the Director of Public Health to recruit and fill, two (2), funded Extra-help Contact Tracers/ Case Investigator positions; up to 29 hours/ week; vacancies are due to resignations; discussion and possible action

Motion: Authorize the Director of Public Health to recruit and fill, two (2), funded Extra-Help Contact Tracers/ Case Investigator positions; up to 29 hours/ week; **Action:** Approve, **Moved by** Supervisor Goss, **Seconded by** Supervisor Hagwood.

Motion passed unanimously.

D.  **PLANNING** – Tracy Ferguson

11:00 - Conduct a Public Hearing: Adopt Resolution adopting the 2035 General Plan Public Health and Safety Element Amendment to address compliance with Assembly Bill 2140; approved as to form by County Counsel **Roll call vote**

Motion: Adopt **RESOLUTION No. 21-8634** adopting the 2035 General Plan Public Health and Safety Element Amendment to address compliance with Assembly Bill 2140, **Action:** Approve, **Moved by** Supervisor Thrall, **Seconded by** Supervisor Goss.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Supervisor Ceresola, Supervisor Engel, Supervisor Goss, Supervisor Hagwood, Supervisor Thrall.

7.  **BOARD OF SUPERVISORS**

A.  **Appointments**

- 1) Appoint Kristy Tucker to serve on the Plumas County Behavioral Health Commission Board; discussion and possible action
- 2) Appoint Steve Janovick to serve as the Director on the Plumas Eureka Community Service District Board; discussion and possible action
- 3) Appoint Ken Wilson and Jim Pope to the Prattville Almanor Fire Protection District Board; discussion and possible action

Motion: Approve the following appointments: Kristy Tucker to serve on the Plumas County Behavioral Health Commission Board; Steve Janovick to serve as the Director on the Plumas Eureka Community Service District; Ken Wilson and Jim Pope to serve on the Prattville Almanor Fire Protection District, **Action:** Approve, **Moved by** Supervisor Goss, **Seconded by** Supervisor Thrall.

Motion passed unanimously.

1:00 P.M. AFTERNOON SESSION

B.  **APPEAL HEARING:** Appeal received on September 20, 2021 filed by Sharon L. Preckwinkle, 5225 Money Road, Beckwourth, CA, per Plumas County Code, Article 10 of Chapter 2 of Title 9 (Planning and Zoning) of Zoning Administrator's Decision of September 8, 2021 approving a Special Use Permit (U 8-20/21-07) for Place of assembly, Bed and breakfast Inn, and Recreation facilities for Spring Valley Ranch, Beckwourth, Sierra Valley CA (Plan C Holdings, LLC); Appeal hearing procedures shall follow Plumas County Code Sec. 9-2.1007

Sara gave background regarding to the matter at hand.

Rebecca Herrin gave a staff report, presentation and recommendation to the Board.

Timothy Taggart, Attorney for the Appellants gave a brief presentation.

Amy Dee, representing Plan C Holding, LLC, gave a brief presentation.

Chair Engel opened the hearing to public comment

Sharon Preckwinckle commented regarding notification in relation to the project in question.

Paving Contractor Mr. Allen Crosby commented regarding the effects the project could have on the head waters of the Feather River and past flooding conditions on Money Road.

Amy Dee responded to public comment, and gave a summation of the project and terms of Special use permit.

Attorney for the Appellants gave a summation of the appeal and request to amend the language to the Spring Valley Ranch Special Use Permit, Mitigation Measure WIL-1.

Rebecca Herrin gave summation in regards to fire safe regulations, the noticing practices followed and the Zoning Administrators recommendation

 Supervisor Engel closed the Public Hearing

 **ADDITIONS TO OR DELETIONS FROM THE AGENDA**

Urgency Item added to Closed Session – triggered by the time limit for a decision to be made by the Board of Supervisors

Conference with Legal Counsel; Appeal received on September 20, 2021 filed by Sharon L. Preckwinkle, 5225 Money Road, Beckwourth, CA, per Plumas County Code, Article 10 of Chapter 2 of Title 9 (Planning and Zoning) of Zoning Administrator's Decision of September 8, 2021 approving a Special Use Permit (U 8-20/21-07) for Place of assembly.

Motion: Urgency Item to be added to Closed Session – triggered by the time limit for a decision to be made by the Board of Supervisors

Conference with Legal Counsel; Appeal received on September 20, 2021 filed by Sharon L. Preckwinkle, 5225 Money Road, Beckwourth, CA, per Plumas County Code, Article 10 of Chapter 2 of Title 9 (Planning and Zoning) of Zoning Administrator's Decision of September 8, 2021 approving a Special Use Permit (U 8-20/21-07) for Place of assembly, **Action:** Approve, **Moved by** Supervisor Goss, **Seconded by** Supervisor Hagwood.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Supervisor Ceresola, Supervisor Engel, Supervisor Goss, Supervisor Hagwood, Supervisor Thrall.

8. CLOSED SESSION

ANNOUNCE ITEMS TO BE DISCUSSED IN CLOSED SESSION

- A. Conference with Legal Counsel: Initiating litigation pursuant to Subdivision (c) of Government Code Section 54956.9 (2 cases)
- B. Conference with Legal Counsel: Significant exposure to litigation pursuant to Subdivision (d)(2) of Government Code Section 54956.9
- C. Conference with Labor Negotiator regarding employee negotiations: Sheriff's Administrative Unit; Sheriff's Department Employees Association; Operating Engineers Local #3; Confidential Employees Unit; Probation; Unrepresented Employees and Appointed Department Heads
- D. Conference with Legal Counsel: Existing litigation – BNSF Railway Company v, Alameda County, et al., United State District Court, Northern District of California, Case No. 19-cv-07230-HSG, pursuant to Subdivision (d)(1) of Government Code Section 54956.9.

REPORT OF ACTION IN CLOSED SESSION (IF APPLICABLE)

Following the conclusion of the Public Hearing, the Board of Supervisors rendered its decision to deny the appeal received by Sharon and John Preckwinckle; The Appellants have not presented evidence showing that the decision of the Zoning Administrator altered any existing easement or easement rights of the Appellants. In addition, any dispute regarding rights to use easements or private roadways is a civil matter and not under jurisdiction of the Plumas County Zoning Administrator or the Plumas County Board of Supervisors.

There was no additional action taken in Closed Session

ADJOURNMENT

Adjourned meeting to Tuesday, November 2, 2021, Board of Supervisors Room 308, Courthouse, Quincy, California

Spring Valley Ranch

Plan C Holdings, LLC
Board of Supervisors Hearing, October 19, 2021
Special Use Permit Appeal Response

Overview of the Project

- The Spring Valley Ranch main project site consists of an approximately 1,120 acre private ranch property located within a valley that is not accessible to the public.
- The Applicant proposes to develop a private retreat facility, inclusive of a working ranch, consisting of 58 Bed and Breakfast guest rooms, with accessory Places of Assembly and Recreational Facilities.
- The retreat facilities would be concentrated in three “villages” consisting of two guest villages (Villages 1 and 2) and a third Support Village. By utilizing existing structures and clustering the proposed new development into three small development footprints, the project has a low density of permanent land disturbance.

Overview of the Project

- Development on the ranch will occur within portions of the property zoned R10, with no new development in the portions zoned Agricultural Preserve, including the central meadow complex.
- The main project site is located approximately 1-2 miles or more from the nearest development on adjacent properties, shielded from neighboring properties by topography and pine forest, and would not be visible from publicly-accessible vantage points.
- The Project will support the greater community because:
 - The Property will remain as a working ranch
 - Ownership will partner with local business
 - The Project will bring construction and long term job opportunities
 - Ownership will buy local supplies and provisions whenever feasible

Special Use Permit Process

- We appreciate the thorough work of the Plumas County staff in this matter, who have worked diligently to carefully review the proposed project and SUP over the past 20 months.
- A Special Use Permit with Conditions was granted for the Project by the Zoning Administrator on September 8, 2021.
- An appeal of the Zoning Administrator's decisions was filed on September 20, 2021.
- The Appeal focuses on two of the Special Use Permit Conditions of Approval.
- The Applicant respectfully requests that the Appeal be denied.

The Appeal Has No Merit and Should be Denied

- The appeal should be denied because it entirely lacks merit.
- First, the argument set forth in the appeal – that the Applicant’s proposed secondary emergency access would overburden or expand easements over Appellant’s land – is not supported by any evidence.
- Second, to the extent the Appellant is seeking to contest the scope of the Applicant’s easement rights, the appeal must be denied because the County Special Use Permit process is not an appropriate forum to adjudicate private rights between landowners.

The Narrow Scope of the Appeal

- The Appellant focuses its appeal on two conditions of approval imposed on the SUP: Condition 10(p) and Condition 14.
- Appellant's argument appears to be that one or both of these conditions would improperly overburden existing easements or require Appellant's consent because the Emergency Response Plan would identify portions of Appellant's property as a route for secondary emergency access to the project site.
- Neither Condition purport to establish any new or expanded rights over Appellant's property. Neither of these conditions seek to regulate Appellant's property in any way.
- The Applicant must comply with the Conditions within the scope of its rights (including its rights under existing easements), and the Special Use Permit does not purport to create new rights that do not currently exist.

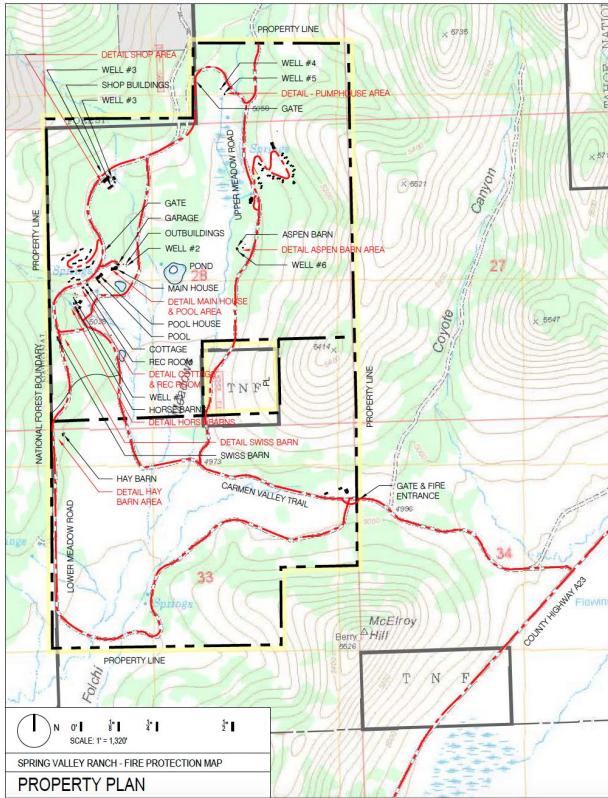
The Narrow Scope of the Appeal

- The Applicant does intend to utilize its existing easement rights to provide access through a portion of Appellant's property for the very limited purpose of identifying a route for secondary emergency access. However this access is an existing right of Applicant's, and the County has no ability to expand – or limit – this right.
- To the extent that Appellant seeks to dispute the Applicant's rights under its existing easements, that would be a private dispute between property owners, but the Special Use Permit is not the forum for addressing or resolving that type of dispute.
- The Applicant does not expect that there will be a dispute with respect to the easements and remains committed to working with all parties to the easements, including Appellant, to address any questions.

Proposed Project Access

- The Applicant's use of its existing easements over Appellant's property for secondary emergency access would have a very limited scope.
- The Applicant does not propose to utilize its easements over Appellant's property for general access to the project site for project construction or operation.
- The project site's primary vehicular access extends from the southeastern corner of the project site and utilizes the private Carmen Valley Trail driveway to access County Road A23 (Westside Road/Beckwourth-Calpine Road).

Project Site's primary vehicular access



- The project will utilize this primary access (south of the Appellant's Property) for construction on the project site and project operation.
- The primary access would also function as the primary emergency access

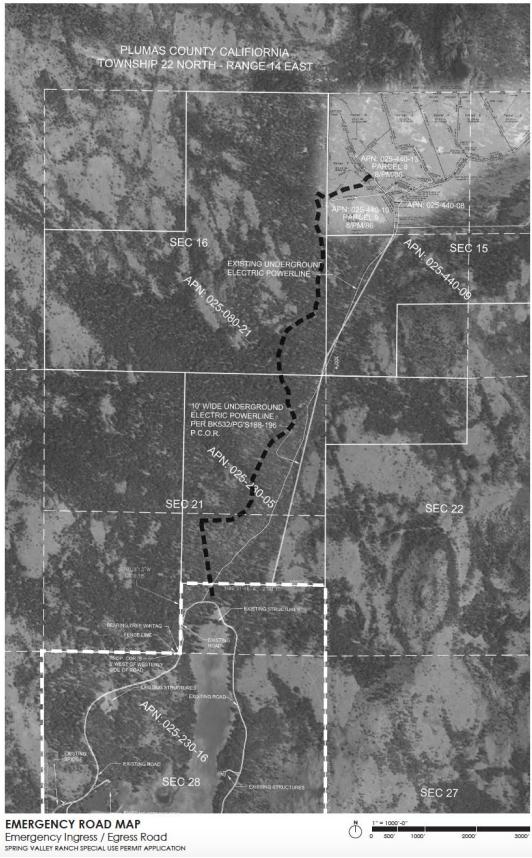
Proposed Project Access

- While it is anticipated that the project's primary vehicular access via the Carmen Valley Trail will be sufficient for all project vehicular ingress and egress, in an abundance of caution, the project has also identified a secondary emergency access route to the north.
- This secondary emergency access route utilizes existing easements through a number of properties, including property owned by Appellant.
- This secondary emergency access route would not be used to access the project site for construction or project operation.

Proposed Project Access

- This secondary emergency access route would be used exclusively for emergencies, such as evacuation of the project site, or to allow access by first responders or other emergency personnel, and only in the event the project's primary access was unavailable or insufficient for the necessary emergency access.
- The route from the project site to the Applicant's Northern Property contains existing unpaved roads, but some limited improvements will be necessary to ensure adequate access to County standards.
- Appellant does not own any portion of the route from the project site to the Applicant's Northern Property.

Project Site to Applicant's Northern Property



- The secondary emergency access route extends from the northern tip of the project site along existing unpaved roads on private property owned by a third party, to a second property owned by the Applicant (APN 025-440-011), the Applicant's Northern Property.

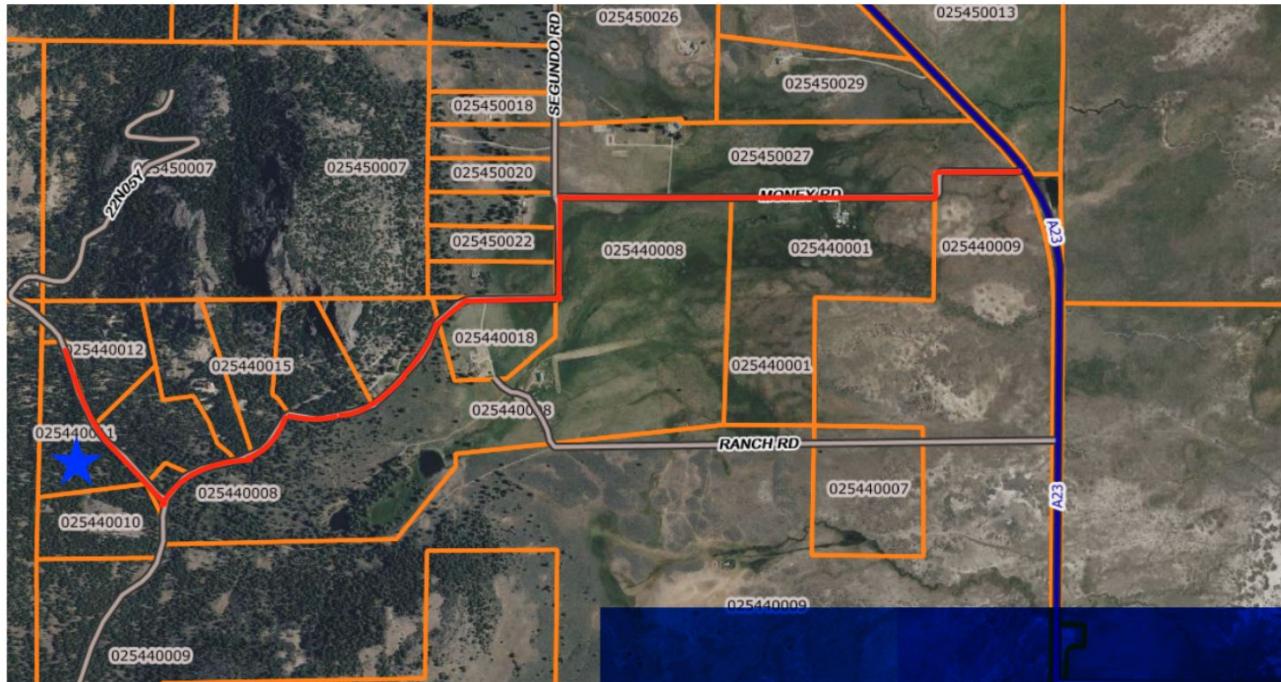
Proposed Project Access

- The Applicant's Northern Property has existing access to County Road A23 via a series of three easements which extend over private property, including a portion of Appellant's property.
- The Applicant believes that the existing roadway extending from the Applicant's Northern Property to County Road A23 is sufficient for providing an emergency access route, and does not propose any improvements to existing roads on Appellant's property.

Existing Easements that Authorize Ingress and Egress Over the Secondary Emergency Access Route

- The Applicant holds a series of easements that permit access over the entirety of the secondary emergency access route, extending from the northern tip of the project site to the Applicant's Northern Property, and then continuing northeast from the Applicant's Northern Property to County Road A23.
- The Applicant's existing easements establish a continuous sixty foot wide right of way providing ingress and egress between the Applicant's Northern Property and County Road A23.
- These easements were established as part of the subdivision process, for the purpose of providing access to the public road system, and contemplated that the roads would be used in connection with the existing or future use and development of area properties.

Applicant's Northern Property to A23



Applicant's Northern Property
APN 025-440-011

60' wide right of way from
APN 025-440-011 to A23



Existing Easements that Authorize Ingress and Egress Over the Secondary Emergency Access Route

- All lots in the subdivision are also subject to a Declaration of Restrictions and Road Maintenance Agreement.
- The Maintenance Agreement provides that the easements shall run with the land and continue “until such time as the roads within the subdivision are dedicated to and accepted for public use by the County of Plumas.”
- The Applicant currently holds existing easements for ingress and egress along the entirety of the secondary emergency access route.
- The easements must be consistently maintained to allow ingress and egress for all easement owners at all times.

There Is No Evidence To Support Appellant's Contention that the Project Would Overburden Easements Over Appellant's Property

- The secondary emergency access use is entirely consistent with the purpose and scope of these easements.
- The secondary emergency access route is intended to provide an available alternative route for ingress and egress between the public road system and the project site, for use only in the event of an emergency.
- This secondary emergency access route is an alternative emergency route, and thus even in emergencies, this route is intended to be used only if the project's primary access route were unavailable or insufficient.
- Applicant does not propose to make improvements to the existing access road over Appellant's property, as it believes the existing improvements are sufficient for emergency ingress/egress purposes.

There Is No Evidence To Support Appellant's Contention that the Project Would Overburden Easements Over Appellant's Property

- The use of the easements for secondary emergency access would not expand the maintenance requirements or obligations beyond that already contemplated or required. The easements over Appellant's property provide each easement holder with the right to ingress and egress at all times, year round.
- The Maintenance Agreement expressly requires that “[e]ach road in the subdivision shall be maintained and repaired in common by the owners of each lot in the subdivision in good and passable condition under all traffic and weather conditions.”
- In addition, California Law requires that all easement owners maintain the easement
- The secondary emergency access use will not involve frequent or heavy use of the roads, and would not increase required maintenance and repair beyond that already required.

The Special Use Permit Does Not Modify the Existing Easements

- Neither Condition 10(p), Condition 14 nor any other condition or authorization of the Special Use Permit would modify any existing easements over Appellant's property.
- While the Applicant intends to include the secondary emergency access route in the Emergency Response Plan, this limited use is within the scope of the Applicant's existing easements.
- There is no basis for Appellant's request for a consent right over the Emergency Response Plan or the Applicant's compliance with other conditions of the Special Use Permit.
- The easements do not require the easement holders to obtain the consent or approval of any property owner in order to utilize the easements, and the conditions of approval do not require the Applicant to utilize the Appellant's property beyond the scope of its rights, including its rights under the existing easements.

Conclusion

The Spring Valley Ranch project will preserve existing agricultural and ranching uses on the project site while providing a private bed and breakfast retreat that is compatible with the surrounding area and will contribute to the local economy. The Applicant has worked to cultivate strong relationships with local residents and businesses throughout the application process and looks forward to continuing to work cooperatively with the area stakeholders as the project proceeds.