
PLUMAS COUNTY
ZONING ADMINISTRATOR
Minutes of the Regular Meeting of October 12, 2022

The Plumas County Zoning Administrator convened in a meeting on October 12, 2022, at 10:02 a.m. in the Permit Center Conference Room, Quincy. Zoning Administrator, Tracey Ferguson, presiding. Senior Planner, Tim Evans, is in attendance.

I. PUBLIC COMMENT OPPORTUNITY

No public comment is presented.

II. SPECIAL USE PERMIT: ANTARAMIAN, SARK & ALINE; APN 115-063-012; T.24N/R.9E/S.14 MDM

Continued from September 14, 2022, the request for a special use permit to re-establish the lawful nonconforming residential use of a structure in C-1 (Core Commercial) zoning, located at 56 Harbison Avenue, Quincy, is presented. Tracey Ferguson, Zoning Administrator, explains that the item was continued to allow staff more time to find additional evidence to prove lawful nonconformance of two dwelling units in the residence. Tim Evans, Senior Planner, reports that he spoke with the former Plumas County Museum Director, Scott Lawson, and Lawson recalled that the structure has historically been used residentially as one single home, not as two separate units. Evans also spoke with the current Plumas County Museum Director, Paul Russell, and Russell couldn't locate any evidence beyond what the applicant submitted, and staff previously located. In addition, Evans, again, contacted the Plumas County Assessor's Office and requested any and all information they had on the structure, and the Assessor's Office was unable to find any additional information. Therefore, Evans stated that staff's recommendation is to find the project exempt from CEQA and deny the special use permit. Ferguson comments that having two additional units in Quincy with the County's housing shortage and need is quite important, yet the Plumas County Code and the framework in which we need to establish lawful nonconformance is clear. Unfortunately, Ferguson states, the evidence before her, to-date, does not prove lawful nonconformance.

The public hearing is opened at 10:05 a.m. John Landfear of Mountain Top Remodeling, representing the applicant, states the structure currently has two dwelling units. Evans states that the structure has been used in the past as two units, just not in conformance with the Plumas County Code. Evans goes on to explain that the building permit from 1984 was to put the dwelling on the second floor and turn the entire first floor into commercial. Before that, the entire building was residential, and there's been no evidence that shows the first *and* second floors were dwelling units at the time (circa 1972 – 1980) the Code and the parcel zoning permitted two (2) one-family dwelling units ("R-2" Multi-Family District). The building is currently being utilized as two dwelling units, which is not in conformance with the existing C-1 (Core Commercial) zoning. Ferguson explains that in order to establish lawful nonconformance, the owner needs to provide evidence that there were two dwelling units at the time in which the zoning permitted two dwelling units (circa 1972 – 1980). Then, when the zoning of the parcel changed in 1980, the two dwelling units would have become lawful nonconforming.

Continuing, Ferguson states that Supervisor Hagwood attended the previous hearing and talked about the need for housing and questioned what the County can do about the situation, because there may be other conditions in the vicinity of this residence or adjacent blocks within downtown Quincy where structures in C-1 zoning are entirely residential and nonconforming. Ferguson adds that whatever option or strategy used to resolve the potential zoning issues, should the County comprehensively address the matter, is a Board of Supervisors' decision.

There being no further comments, the hearing is closed at 10:17 a.m.

DECISION

Ferguson finds the project not subject to the California Environmental Quality Act (CEQA) due to denial of the project, and denies the special use permit as the use, based on the evidence provided by the applicant and County records, does not prove lawful nonconformance of two (2) dwelling units, subject to the following Findings A through D, as amended:

FINDINGS

- A) The project has been determined to be exempt from the requirements of the California Environmental Quality Act (CEQA) because projects that are denied are not subject to CEQA.
- B) The project is socially compatible with the surrounding area because the project will not create any nuisances or interfere with the surrounding community.
- C) The 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) The project is not consistent with the General Plan and zoning as evidence was not provided by the owner pursuant to Plumas County Code Section 9-2.502(b) proving the lawful nonconformance of the structure being used as two (2) dwelling units, one dwelling unit on each floor.

III. **SPECIAL USE PERMIT: COUGHLIN, PEGGY; APN 115-064-004; T.24N/R/9E/S.14 MDM**

The request to re-establish the lawful nonconforming residential use of a structure in C-1 (Core Commercial) zoning, located at 314 Main Street, Quincy, is presented. Tim Evans, Senior Planner, gives a presentation as reflected in the staff report. Tracey Ferguson, Zoning Administrator, questions if the owner/applicant has any questions. Peggy Coughlin states she has no questions.

The public hearing is opened at 10:28 a.m. Richard Fletcher states that all houses (that look like houses) should be allowed to have people living in them. There being no further comments, the hearing is closed at 10:29 a.m.

Ferguson states that the single-family residence was established pre-1958, when the original Plumas County Code was created, which is good evidence as to future changes in the Code would make the one dwelling unit a lawful nonconforming use. Evans states the single-family residential use continued until circa 1980 when the structure became the office of the Green Mountain Gazette. Ferguson notes that no comments were received by agencies who received the proposal for review. Condition #4 requires all necessary building permits to be submitted within 24 months of the approval of the special use permit. The existing structure, based on building permit records, is considered a commercial use, so in order to change the use type, a building permit for a change of use to residential will be required.

DECISION

Ferguson finds the project exempt from the requirements of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3), making Findings A and B; and approves the special use permit subject to the conditions of approval outlined in Exhibit 20 of the Staff Report as the use, based on the evidence provided by the applicant and County records, proves lawful nonconformance of a single dwelling unit, making Findings A through D as follows:

ENVIRONMENTAL DETERMINATION FINDINGS

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

CONDITIONS

Plumas County Planning Department

1. The special use permit to resume the residential use of the structure at 314 Main Street, Quincy, is approved in conformance with the special use permit application submitted on April 25, 2022, and the site plan submitted on April 26, 2022.
2. 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.
3. The special use permit is to be signed by the property owners and applicants and returned within forth (40) days of the date of approval or the permit will be voided.

Plumas County Building Department

4. Applicant shall submit all necessary building permits for the structure to the Plumas County Building Department within twenty-four (24) months of the approval of this special use permit.

FINDINGS

- A. The project, as conditioned, is environmentally compatible with the surrounding area because the proposed project conforms to applicable State and County codes.
- B. The 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.
- C. The 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. The project is consistent with the General Plan and zoning subject to the conditions imposed by the issuance of a special use permit and as evidence was provided proving the structure being used as a dwelling unit in compliance with Plumas County Code Title 9 Planning and Zoning, Chapter 2 Zoning, Article 5 – Nonconforming Structures and Uses.

IV. SPECIAL USE PERMIT: MORRISON, ORAN & MICHELLE; APN 005-480-008; T.24N/R.10E/S.7 MDM

The request to establish a place of assembly to allow for gatherings in S-1 (Suburban) zoning, located at 1843 Quincy Junction Road, Quincy, is presented. Tim Evans, Senior Planner, gives a presentation as reflected in the staff report. Tracey Ferguson, Zoning Administrator, questions if the owner/applicant has any questions. Oran Morrison states that it looks like the only thing he needs to do now is apply for a building permit for the barn. Ferguson replies that is correct, a building permit for the change of use of the barn is required.

The public hearing is opened at 10:37 a.m. A neighbor present states he has no objections to the proposal. There being no further comments, the hearing is closed at 10:37 a.m.

Ferguson questions if Morrison has been holding events in the barn. Morrison responds that he has been holding events for family members. Ferguson states that since it's been operationally used as an event venue, that's important in the conversation and bringing the operation into conformance. Condition #1 regarding the number of events to be held annually and the maximum number of guests per event is discussed. The current proposal is for a maximum of five (5) events annually. Morrison states that there could be more events, but they are not looking to have events every weekend. Ferguson explains that the County went through the process of permitting a "Commercial social events, limited" use on agriculturally zoned parcels, which permit up to 19 events per year, for example, through an

administrative use permit process with a prescriptive ordinance. Morrison responds that 15 events per year is a reasonable number, and there will be no events with over 200 guests per event. Condition #2 regarding signage is discussed. Although Morrison states they will not have signs, Ferguson suggests signage at the entrances to direct guests which driveway to use. Conditions #3 through #13 are discussed. Condition #14 regarding sewage disposal is discussed and, after conferring with the Interim Environmental Health Director, the condition is amended to include the following two sections: a) *At least one (1) water closet and one (1) urinal shall be provided for the first one hundred (100) males or portion thereof in attendance, and two (2) water closets and two (2) urinals for 101-200 males.* And b) *One water closet shall be provided for the first twenty-five (25) females or portion thereof in attendance, two (2) water closets for 26-50 females, three (3) water closets for 51-100 females, and four (4) water closets for 101 to 200 females.* Conditions #15 through #18 are also discussed, in addition to further discussion regarding the requirements of a change of use building permit.

DECISION

Ferguson 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 special use permit subject to the conditions of approval, as amended, outlined in Exhibit 14 of the Staff Report, making Findings A through D as follows:

ENVIRONMENTAL DETERMINATION FINDINGS

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

CONDITIONS

Plumas County Planning Department

1. The special use permit for the place of assembly is approved in conformance with the special use permit application submitted on March 9, 2022, and the additional information provided on April 26, 2022, and October 7, 2022, with the exception of including a maximum of fifteen (15) events annually, instead of a maximum of five (5), January through December, with a maximum of 200 guests per event and where any single event shall not exceed three (3) consecutive days in length.
2. Any signage proposed for the place of assembly shall adhere to the applicable requirements of Plumas County Code Sec. 9-2.1507, *Signs (S-1)*, and Plumas County Code Sec. 9-2.416, *Signs*, and a sign permit shall be obtained from the Planning Department prior to the installation of any business signs.
3. The event shall only occur between the hours of 9:00 a.m. and 11:00 p.m., excluding set up and clean up time. If music is provided, the bass (pronounced “base”) shall be turned down no later than 9:30 p.m. and speakers/amplifiers shall be positioned in a direction pointing away from any adjacent personal residence. All music shall be turned off no later than 10:30 p.m. At no time during the event hours shall noise generated by the event exceed the outdoor Community Noise Exposure level of 70-Ldn or CNEL (dB) as measured at any property line.
4. Pursuant to Plumas County Code Sec. 9-2.414 – *Parking and loading*, one (1) parking space for every four (4) seats (guests) shall be provided. A maximum of 200 guests requires a minimum of 50 parking spaces.

5. All lighting shall be only that necessary to provide for the safety of the guests attending the event. Lighting shall be low-level, low intensity and directed downwards toward the area that is being lighted (focused away from adjacent properties and roads) to reduce light pollution, glare, and spillage.
6. Temporary power cords shall not be affixed to structures, extended through walls, or subjected to environmental or physical damage. Cords shall be secured to prevent tripping hazards. Large diameter cords shall be provided with cord bridges or ramps to facilitate the crossing of wheelchairs, strollers, and similar wheeled equipment.
7. If alcoholic beverages are served during an event, all requirements of the Alcoholic Beverage Control Act shall be followed during the event
8. 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.
9. 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.

Plumas County Building Department

10. Applicant shall submit all necessary building permits for the change in use of the structure to the Plumas County Building Department within twenty-four (24) months of the approval of this special use permit.
11. A minimum of six (6) parking spaces shall be provided that meet all requirements for accessibility (ADA). One (1) parking space of the six (6) ADA parking spaces shall be van accessible.
12. A minimum of one (1) portable toilet shall meet the requirements for accessibility (ADA).
13. A building permit issued by the Building Department is required prior to erecting each individual temporary structure, tent, umbrella structure, and other membrane structures that covers an area greater than 200 square feet. The temporary structure/tent must comply with all applicable sections of the current California Building code, Fire code, Electrical code, and the California State Fire Marshall regulations. A site plan with the location of the proposed temporary structure/tent must be submitted with the building permit application showing the location is within the permitted event venue area.

Plumas County Environmental Health

14. Sewage Disposal:
 - At least one (1) water closet and one (1) urinal shall be provided for the first one hundred (100) males or portion thereof in attendance, and two (2) water closets and two (2) urinals for 101-200 males.
 - One water closet shall be provided for the first twenty-five (25) females or portion thereof in attendance, two (2) water closets for 26-50 females, three (3) water closets for 51-100 females, and four (4) water closets for 101 to 200 females.
 - Provide a minimum of one (1) handwash station for every 5 portable toilets.
15. Water Supply:
 - Obtain and maintain a Local Small Water System operating permit,
OR
 - The property owner must certify that only commercially bottled water will be consumed.

16. Food Service:

- Vendors providing food service must have a valid Plumas County Health Permit.
- Private groups providing their own food are exempt from Health Permit requirements.

17. Receptacles for refuse and recyclable materials shall be provided for each event. Bins or containers must be serviced in a manner and frequency that prevents odors, leakage, overflow, or flies. All refuse and recyclables shall be collected the day following the event and shall be removed from the parcel within seven (7) days following conclusion of the event in conformance with Title 6, Chapter 10 of Plumas County Code.

Northern Sierra Air Quality Management District

18. Appropriate dust suppression measures per the Northern Sierra Air Quality Management District's regulations shall be implemented to prevent dust emission and/or airborne transmission of fugitive dust from the roadway(s) and parking area(s) serving the place of assembly.

FINDINGS


- A) The project, as conditioned, is environmentally compatible with the surrounding area because the proposed project conforms to applicable State and County codes.
- B) The 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.
- C) The 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) The 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) calendar days of the decision. If the tenth day lands on a Saturday, Sunday, or County holiday, the end of the appeal period will be the next working day. The appeal shall be based on relevant information stated or submitted at or prior to this meeting by (a) the applicant; (b) any owner of real property within 300 feet of the exterior boundaries of the property involved who was present at the hearing or who presented written testimony before the Zoning Administrator, or who may be adversely affected by the decision of the Zoning Administrator; (c) such other person whom the Board determines to have been adversely affected by the decision; or (d) any County department head whose department has an interest in the decision (Plumas County Code, Title 9, Chapter 2, Article 10, Section 9-2.1001). Appeals shall be filed with the Clerk of the Board of Supervisors, paying the fee according to the Planning & Building Services Fee Schedule.

ADJOURN

There being no further business, the meeting adjourns at 11:40 a.m. The next regularly scheduled Zoning Administrator meeting is set for November 9, 2022, 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, AICP, Zoning Administrator