
**PLUMAS COUNTY
ZONING ADMINISTRATOR**

Minutes of the Regular Meeting of January 8, 2025

The Plumas County Zoning Administrator convened in a meeting on January 8, 2025, at 10:01 a.m. in the Permit Center Conference Room, Quincy. Interim Zoning Administrator, Jim Graham, presiding. Planning Director, Tracey Ferguson, is in attendance.

I. PUBLIC COMMENT OPPORTUNITY

No public comment is presented.

II. VARIANCE: NORTH STATE GROCERY, INC.; APN 100-081-003; T.28N/R.7E/S.5 MDM

As continued from December 11, 2024, the request for a variance to allow 1,330 square feet of the first floor of a 4,356-square foot, two story commercial building to be used for residential housing (dwelling unit) on a parcel zoned Periphery Commercial (C-2), located at 274 Main Street, Chester, is presented. Tracey Ferguson, Planning Director, gives a presentation as reflected in the staff report. Ferguson points out that subsequent to the last hearing, a site visit was conducted with the applicant and applicant's engineer, which was a productive meeting to understand the configuration of what was formerly a commercial restaurant use on the ground floor with the residence on the second story. Ferguson explains that the recommended action is to deny the variance because four of the required six findings for a variance under Plumas County code cannot be made. Ferguson also notes that after the site visit, the Department received a letter from the applicant dated January 8, 2025, in response to the staff report.

Jim Graham, Interim Zoning Administrator, states he read the aforementioned letter and feels that Michel LeClerc of North State Grocery, author of the letter, makes a good point about maybe the use being defined more as a lodging facility instead of a dwelling. Graham questions the commercial use of the building from Memorial Day to Labor Day. Doug Duggins, representing North State Grocery, responds that the commercial portion of the building is vacant, noting that they are trying to improve the commercial space and rent it out for commercial purposes.

Continuing, Graham states he noticed that the *Permit to Operate Seasonal Employee Housing for 2024* from the Department of Housing and Community Development (HCD), which was attached to the Michel LeClerc letter, expired October 1, 2024, and questions if they have a new permit. Emily Rice of North State Grocery responds that a person from HCD comes up every May and re-issues the permit, and that they engage him at the beginning of the year. The permit is just for short term employee housing from May 15th through October 1st, which is why it expires in October. Graham points out that when HCD comes out and issues a state permit the County may want to make sure they're issuing permits that are consistent with the local County planning and zoning code, for example, as applicable. Graham questions if there is an application form that was filled out. Rice responds that the company attorney filled one out and submitted it to HCD. Rice adds that usually she is alerted when the inspector is going to come out and wants to walk through the building to make sure everything is up to code. Graham feels it would benefit the County to have a copy of the initial application. Continuing, Rice states there have been talks about renting out the residence for short-term rentals, if that's an option, but they didn't want to pursue that until they knew they had the things they needed to be in compliance with the code.

Graham states he understands the characterization of the term "transient" in the Michel LeClerc letter, meaning temporary, short-term, or seasonal, and how it can't be used across the different chapters of the Plumas County Code because they have specialized meanings within each section, but it seems to him that "seasonal" being longer than 30 days would be considered "transient" for this use.

Continuing, Graham explains that any time the type of use is changed from one thing to another, for instance dwelling unit to lodging, the use change needs to go through the Building Department with a change of use permit, which will alert the applicant as to what it would take to convert the space that was previously a dwelling unit into a lodging facility, because there are different building code requirements, for example based on the occupancy type, for a lodging facility than there are for a dwelling unit. Graham also points out that for transient lodging uses owners also need to look at assessing customers the Transient Occupancy Tax (TOT) through the Plumas County Treasurer/Tax Collector Office.

Graham states he doesn't want to make a decision at this time on the variance based on the need for more information concerning the HCD permit to operate seasonal employee housing and what it would mean to obtain a building permit for a change of use from the Building Department, and thinks a reasonable argument can be made for calling it a lodging facility, but there are things tied to that that the applicant would need to be aware of.

Ferguson comments that it is correct that when a term isn't defined in Plumas County Code, Title 9 Planning and Zoning, Chapter 2 Zoning that common usage of the term is applied to define. Ferguson notes the word "transient" is not defined in Chapter 2 Zoning, Article 2 Definitions and, continuing, Ferguson states the history of the Planning Department's common usage definition of the term "transient" under Title 9 Planning and Zoning, Chapter 2, Zoning in context of the term lodging facility is less than 30 days, and further Ferguson states the definition of the term "transient" is tied to the County's process in regulating lodging in association with TOT.

There is additional discussion regarding lodging, the HCD permit, seasonal workers, and dwelling units.


Graham comments that parts of Plumas County are a seasonal economy, and Chester is clearly one of those areas. In his mind there is a need to bring in additional seasonal workers to Chester to work at restaurants and other businesses and there just isn't enough available housing in the area. Graham feels the analysis or rationale to call the lodging facility use "seasonal" and to define "transient lodging" under the lodging facility use in Title 9 Planning and Zoning as something longer than 30 days works for him. Continuing, Graham notes he wants to make sure that if the applicant pursues a lodging use, they know the building code requirements. Graham adds that if the housing use can be worked out by right based on the "C-2" parcel zoning, such as lodging facility, there is no need for a variance.

At this point, Graham states he cannot make the necessary findings to grant the variance to allow 1,330 square feet of the first floor of the 4,356 square-foot, two story commercial building to be used for residential housing (dwelling unit). One option is to deny the variance and proceed on a different path, another option is to continue the hearing in case there's some way that would allow the applicant to modify the application and demonstrate the necessary variance findings can be made. Jeff Morrish of NST Engineering suggests continuing the item while the applicant gathers more information. Graham closes the public hearing at 10:26 a.m. and continues the item to the next Zoning Administrator meeting in February.

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 10:27 a.m. The next regularly scheduled meeting of the Zoning Administrator is February 12, 2025; however, this date is a County holiday and therefore the next regularly scheduled meeting is canceled and a special meeting of the Zoning Administrator has been scheduled for February 19, 2025, at 10:00 a.m. at the Planning & Building Services Conference Room, located at 555 Main Street, Quincy.


Heidi Wightman, Dept. Fiscal Officer II
Jim Graham, Interim Zoning Administrator