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**PLUMAS COUNTY**  
**ZONING ADMINISTRATOR**  
Minutes of the Meeting of December 9, 2020

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The Plumas County Zoning Administrator convened in a meeting on December 9, 2020, 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.

**I. AGENDA**

The agenda is approved as submitted.

**II. PUBLIC COMMENT OPPORTUNITY**

No public comment presented.

**III. SPECIAL USE PERMIT: HABEGER, ROBERT & VICKIE; APN 140-050-012; T.23N/R.14E/S.26 MDM**

As continued from the October 14, 2020, Zoning Administrator meeting, the request to use a portion of an existing 60' x 90' structure located at 81126 Highway 70, Beckwourth, for boat storage, is presented. Property owners/applicants, Bob & Vickie Habeger, are present. Tim Evans, Associate Planner, gives a presentation as outlined in the staff report. Tracey Ferguson, Zoning Administrator, reads the proposed conditions of approval. Regarding Condition #4 in which Caltrans is requesting an encroachment permit, Bob Habeger comments that the entrance to the facility is actually off of Clover Street, not Highway 70. Habeger also mentions that only one 30' x 60' unit would be used for boat storage. Ferguson responds that having the ability to use the entire building for boat storage may be more beneficial than limiting it to just one 30' x 60' unit. There is further discussion regarding Conditions #4 and #5 in which, in addition to the encroachment permit, Caltrans is asking for a Highway 70 road connection improvement to a "Type C Road" standard. Ferguson questions the nexus for this requirement to the applicant. Assistant Planning Director, Rebecca Herrin, adds that if an encroachment permit is required, it would have been required for the building permit for the storage unit, and it was not. Continuing, Herrin states Clover Street is a County road and we wouldn't require an applicant of a special use permit to do off-site improvements. Ferguson questions if properties other than the Habeger's use Clover Street for access. Habeger confirms with a comment that Clover Street is used to access other properties, not just theirs. The public hearing is opened at 10:14 a.m. There being no comments, the hearing is closed at 10:14 a.m.

**DECISION**

Tracey Ferguson, Zoning Administrator, determines 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 #12, with the deletion of former Conditions #4 and #5, and making Findings A through D, 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 effect on the environment; and

- B. 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 storage facility is approved in conformance with the application submitted on July 15, 2020.
2. Prior to using the structure as a storage facility, all necessary building permits shall be acquired for the change in use of the structure.
3. Applicant shall obtain all necessary building permits from the Plumas County Building Department within eighteen (18) months of the approval of this 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.

## **IV. MODIFICATION OF RECORDED MAP BY CERTIFICATE OF CORRECTION: SULLIVAN, GARY & JILL; APN 102-503-007; T.28N/R.7E/S.25 MDM**

The request for a modification of recorded map (3M81 – Lake Almanor Country club, Unit #14) by Certificate of Correction to reduce the building setback on the rear of Lot 48 to 30 feet, located at 916 Golf Club Road, Lake Almanor Country Club, is presented. Tim Evans, Associate Planner, gives a presentation as outlined in the staff report. Matthew Greening from NST Engineering, representing the applicant, is present and states he has no questions. The public hearing is opened at 10:24 a.m. There being

applicant, is present and states he has no questions. The public hearing is opened at 10:24 a.m. There being no comments, the hearing is closed at 10:24 a.m. Tracey Ferguson, Zoning Administrator, reads and discusses each proposed condition of approval. Ferguson states she will be making an amendment to Condition No. 2 to clarify the link to the actual subdivision map, book, page, etc.

## **DECISION**

Tracey Ferguson, Zoning Administrator, determines the project exempt from the California Environmental Quality Act under CEQA Guidelines Section 15061(b)(3), making Findings A and B; and approves the Modification of Recorded Map by Certificate of Correction subject to the conditions of approval outlined in Exhibit 10, with the amendment of Condition #2, making Findings A through D, with a correction to Finding D replacing the word “if” with “of”, 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 effect on the environment; and
- B. 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. A Modification of the Recorded Map by Certificate of Correction shall be prepared in accordance with 66472.1 of the Government Code and Section 9-3.508 of the Plumas County Code.
- 2. The Certificate of Correction shall reduce the “40’ BLDG SETBACK” on the rear of lot 48 to 30 feet **as shown on the Lake Almanor Country Club Unit No. 14 recorded Subdivision Map in Book 3 of Maps at Page 83.**
- 3. The Certificate of Correction shall be reviewed and approved by the Plumas County Engineer prior to recordation.

## **FINDINGS**

- A) There are changes in circumstances which make the condition of the map no longer appropriate or necessary as approval was granted for the existing deck which encroaches into the “40’ BLDG SETBACK” and it can be assumed the Lake Almanor Country Club has no issues with the modification of the setback as the proposed deck was granted approval by the Lake Almanor Country Club on May 15, 2020.
- B) The modification proposed does not impose any additional burden on the present fee owners and therefore are not considered a burden.
- C) The modification proposed does not alter any right, title, or interest in the real property reflected on the recorded map.

V. **SPECIAL USE PERMIT: MARTINEZ, VINCENT & REGINA; APN 125-103-001; T.23N/R.13E/S.35 MDM**

The request for the expansion of a lawful, non-conforming use consisting of the addition of an 856 sq. ft. garage underneath the existing dwelling located at 74504 Highway 70, Portola, is presented. Tim Evans, Associate Planner, gives a presentation as outlined in the staff report. Vincent Martinez, property owner/applicant, is present and states he has no questions. The public hearing is opened at 10:34 a.m. There being no comments, the hearing is closed at 10:34 a.m. Tracey Ferguson, Zoning Administrator, reads and discusses each proposed condition of approval. Ferguson states she will be making an amendment to Condition #3 to clarify that the Advisory Note from Caltrans is referring to 74509 Highway 70, Portola.

**DECISION**

Tracey Ferguson, Zoning Administrator, determines 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 outlined in Exhibit #12, with an amendment of the Advisory Note from Caltrans in Condition #3, making Findings A through D 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 effect on the environment; and
- B. 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 expansion of the lawful nonconforming structure (garage addition to dwelling) is approved in conformance with the application submitted on August 13, 2020.
- 2. Applicant shall obtain all necessary building permits from the Plumas County Building Department within eighteen (18) months of the approval of this special use permit.
- 3. Prior to the issuance of the building permit, an encroachment permit shall be obtained from the California Department of Transportation for 74504 Highway 70, Portola; APN 125-103-001.

*Advisory Note from Caltrans for 74509 Highway 70, Portola:* An unauthorized encroachment which is a safety issue exists due to the retaining wall constructed within the State right-of-way which is not permitted and is a manmade fixed object within the clear recovery zone. Access onto the highway may be denied until the issue is corrected.

- 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.

***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 10:38 a.m. The next regularly scheduled Zoning Administrator meeting is set for January 13, 2021, at 10:00 a.m. at the Planning & Building Services Conference Room located at 555 Main Street in Quincy.

  
Heidi Wightman, Department Fiscal Officer II

  
Tracey Ferguson, Zoning Administrator