
PLUMAS COUNTY
ZONING ADMINISTRATOR
Minutes of the Meeting of March 10, 2021

The Plumas County Zoning Administrator convened in a meeting on March 10, 2021, at 10:02 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.

The agenda is approved as submitted.

I. PUBLIC COMMENT OPPORTUNITY

There is no public comment presented.

II. SPECIAL USE PERMIT: PLUMAS DISTRICT HOSPITAL; APNs 115-192-001 & 115-192-002; T.24N/R.9E/S.15 MDM

The request for a Special Use Permit for the construction and operation of a child day care facility for up to 38 children, toddlers, and infants ages zero to five, located at 1018 Valley View Drive, Quincy, is presented. Assistant Planning Director, Rebecca Herrin, gives a presentation as reflected in the staff report. Zoning Administrator, Tracey Ferguson, asks if the applicant is present. Darren Beatty, Chief Operating Officer for Plumas District Hospital, is present and states he has no questions. The public hearing is opened at 10:07 a.m. Ferguson states an email was received by an adjacent property owner that describes some concerns. One of the neighbor's concerns is noise, and if there is any recourse if there is too much noise. Ferguson points out that the County does not have a noise ordinance, per se, but the General Plan does have a policy and prescribed noise exceedance and limitations. Residential uses and properties are considered sensitive receptors when it comes to noise. Ferguson notes Herrin roughly measured 200 feet from the back of the facility, where the playground area is to be located, to the edge of the neighbor's property. Per the General Plan, 60 dBA is the noise standard at the neighbor's property line for sensitive receptors as far as residential uses. Parking is another concern of the neighbor. Ferguson notes the County is looking to address parking with the revised site plan and bringing the parking onsite with a circular driveway for drop-off and pick-up. Another concern of the neighbor is increased traffic. Ferguson explains that the Plumas County Public Works Department did not ask for a traffic study when they reviewed the project. Apparently Public Works did not think the project would generate the trips that would demand a traffic study or a study would have been requested. The last concern of the neighbor related to environmental health concerns regarding dust from the hospital helipad, which are out of the County's control. The neighbor also questioned if there is an end date for the operation of the day care facility. Ferguson states there is no proposed end date in the conditions of approval; however, she is considering the idea of revisiting the Special Use Permit approval with a Zoning Administrator hearing in the future to look at the social compatibility of the facility to the adjacent neighbors. If there are social compatibility issues, they can be addressed at that time. Upon questioning by Ferguson, Beatty responds that revisiting the social compatibility issue makes sense and reiterates they want to be a good neighbor. Furthermore, Beatty explains that dust from the hospital helipad has been an issue in the past. They hope to mitigate the dust issue through their larger parking solution, which isn't necessarily pertaining to the daycare itself, but they are totally open to being reasonable with all of their operations in order to lighten their footprint. There being no further comments, the hearing is closed at 10:13 a.m. Ferguson reads through each proposed condition of approval and proposes adding a new Condition #4 and renumbering subsequent conditions. The new Condition #4 would state: *On or before March 10, 2023, a public hearing before the Zoning Administrator will be held to review the social compatibility of the project to ensure the project is not creating any nuisances or interfering with the surrounding community.*

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 and B; and approves the Special Use Permit for the child day care facility subject to the conditions of approval, with the addition of Condition #4 and renumbering of Conditions #5 and #6, making Findings A through D as follows:

ENVIRONMENTAL DETERMINATION FINDINGS

- A. The project will involve a remodel and conversion of an existing single-family residence. The facility is served by existing services and infrastructure and will be constructed to meet all applicable code requirements; 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 the Child Day Care facility is approved as per the application submitted on August 3, 2020, with exception of the site plan. The requirement for an updated site plan is shown in Condition 2, below.
- 2. A site plan, in substantial conformance with the revised plan submitted on February 3, 2021, drawn to standard engineering or architect scale and showing accurate location of all property lines and existing structures, parking facilities and driveway shall be prepared and submitted to the Zoning Administrator for review and approval.
- 3. The applicable building permit(s) shall be obtained from Planning and Building Services within eighteen (18) months from the date of approval of the special use permit.
- 4. On or before March 10, 2023, a public hearing before the Zoning Administrator will be held to review the social compatibility of the project to ensure the project is not creating any nuisances or interfering with the surrounding community.
- 5. 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.
- 6. 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.

III. SITE DEVELOPMENT PERMIT: HUNT PROPANE (applicant) / HUNT & SONS, INC. (owner); APN 117-350-048; T.24N/R.10E/S.18 MDM

The request for a Site development permit for a public utility facility consisting of the installation of a 30,000 gallon aboveground storage tank for propane storage, located at 477 N. Mill Creek Road, Quincy, is presented. Associate Planner, Tim Evans, gives a presentation as reflected in the staff report. Zoning Administrator, Tracey Ferguson, questions if the applicant is present. David Sarantopoulos, representing Hunt & Sons, 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. Ferguson states she performed a site visit. Currently there is a building and an aboveground tank on the property. Sarantopoulos states the tank currently on site is an 18,000 gallon tank trailer. Ferguson questions if the proposed tank is vertical or horizontal. Sarantopoulos states it is vertical. Ferguson adds there is a site plan in the application package showing where the tank is proposed to be located and questions if there is an access road and a gate. Also, the Quincy Fire Protection District talked about a Knox Box in their comment letter to facilitate emergency access through the automatic gate. Sarantopoulos states there will be a Knox Box installed before the project is completed. Continuing, Ferguson states she wants to discuss each proposed condition of approval to ensure they are understood. The Northern Sierra Air Quality Management District (NSAQMD) provided comments, which were incorporated into the proposed conditions of approval. Ferguson notes that also in the comments from the NSAQMD is diesel exhaust. Statewide diesel vehicle regulations shall be strictly adhered to. There is a link to go to on their website and the 5-minute idling restriction for commercial diesel trucks is especially important to comply with. Ferguson questions Sarantopoulos if they comply with the 5-minute rule. Sarantopoulos replies they do, adding that all of their trucks are registered with the California Air Resources Board and are in compliance.

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 Site Development Permit for a public utility facility, subject to the conditions of approval, 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 Plumas County Planning and Building Services, 555 Main Street, Quincy, California.

CONDITIONS

- 1. The site development permit for the public utility facility (propane storage tank) is approved in conformance with the site development permit application submitted on November 10, 2020.
- 2. In accordance with HSC 6.95 25508.1, the site shall provide an updated submittal to the California Environmental Reporting System (CERS) within 30 days of installing the aboveground propane storage tank.
- 3. Applicant shall obtain all necessary building permits from the Plumas County Building Department within eighteen (18) months of the approval of this site development permit.
- 4. Alternatives to open burning shall be used for disposal of waste vegetation resulting from project development. Suitable alternatives include chipping, grinding, hauling and cutting for firewood.

5. Per NSAQMD Rule 226 (Dust Control), a Dust Control Plan is required for any project involving surface disturbance of more than one acre. If the disturbed area is less than one acre, a dust control plan is not required but reasonable precautions shall be taken to prevent dust crossing the property boundary and causing a nuisance. Examples of reasonable precautions include:
 1. The site shall be watered as needed to prevent visible dust crossing the property boundary.
 2. Any tracked-out dirt shall be removed from public roadways as needed to prevent dust being entrained in the air by passing vehicles.
 3. Any rock or soil transported off-site shall be either sufficiently watered or securely covered to prevent it being entrained in the air, and there must be a minimum of six (6) inches of freeboard in the bed of the transport vehicle.
6. Propane odors shall be minimized at all times. This may include flaring off unusable tank residue as appropriate instead of venting it to the atmosphere; performing routine leak checks; and ensuring that all valves, seals and hoses are maintained and changed as needed as they wear with age.
7. The violation of any condition of a site development 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.
8. The Site Development 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(s) 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 site development permit.

IV. SPECIAL USE PERMIT and SITE DEVELOPMENT PERMIT & ADOPTION OF MITIGATED NEGATIVE DECLARATION #678: PLUMAS-SIERRA RURAL ELECTRIC COOPERATIVE (applicant) / MARY R. DUNCAN, TRUST (owner); APN 010-200-009; T.23N/R.16E/S.34 & 35 MDM

The request for a Special Use Permit and Site Development Permit for a public utility facility consisting of a solar electric generation facility, located at 92754 Highway 70, Vinton, is presented. Associate Planner, Tim Evans, gives a presentation as reflected in the staff report. Zoning Administrator, Tracey Ferguson, questions if the applicant is present. Joe Couto, representing Plumas-Sierra Rural Electric Cooperative (PSREC), is present. Ferguson asks if Mr. Couto has any questions. Mr. Couto states he has no questions. The public hearing is opened at 10:44 a.m. District 1 Plumas County Board of Supervisor, Dwight Ceresola, referencing the memo received from the Sierra Valley Fire Protection District (SVFPD), expresses concern regarding fires in the facility and who is responsible for fire suppression. Another

concern of Supervisor Ceresola's is the location of the facility relative to the railroad tracks and access for the SVFPD because of the trailer park and storage buildings on adjacent properties. As it stands now, SVFPD has access through there to help stop fires that come off the railroad tracks or caused by lightning strikes. There being no further comments, the hearing is closed at 10:46 a.m. Zoning Administrator, Tracey Ferguson, speaks to Condition #2, which is from a Public Works' comment letter requiring a grading and drainage plan. Ferguson explains that currently the County Code does not have a section in which a grading plan or drainage plan is required. The California Building Code otherwise requires a grading plan through the building permit process based on the amount of material being moved by the project, should it be triggered. Ferguson states she is considering amending Condition #2 to change the word "shall" to "should," as the County Code does not require a grading plan or drainage plan, although Ferguson notes that the intent of preparing a grading and drainage plan is to ensure that there are no impacts to surrounding properties. The intent of the applicant would and should be to prepare both a grading and drainage plan. Also discussed is access to the property. Couto states he believes they will be putting in a new access road. John Williamson, real estate broker, adds that adjacent to the property is a substation with access off of Highway 70 and directly to the subject property. Ferguson adds that when submitting for the building permits, there will be an encroachment permit process with Caltrans for the permanent access off the highway. In the Caltrans comment letter what they wanted the County to include as a condition speaks to if *construction* requires work in the state right-of-way, an encroachment permit onto Highway 70 must be obtained. There is an access easement listed on the site plan, but the idea of where access is going to be provided to this parcel speaks to emergency services and so forth. Ferguson questions if Couto has knowledge of the SVFPD's correspondence regarding their requirement for training for wild land fire, lightning strikes, MVC, and any possible dangers. Couto replies that he is aware of the letter. Ferguson notes that PSREC responded to the fire district's comments in a memo dated October 27, 2020, that they would work with the contractor as needed to ensure the design and construction of the solar generating facility is consistent with current safety standards. They would also coordinate with the SVFPD to provide training materials used in our area for other solar facilities to orient to fire safety and management around a solar facility. The memo also states the SVFPD will not be responsible for accessing or managing a fire in the facility, and since the SVFPD will not be required to access the solar facility it is not expected that any additional PPE will be required. Ferguson comments that the statement that the SVFPD will not be responsible for accessing or managing a fire in the facility is concerning. The County needs to know that somebody is responding. Assistant Planning Director, Rebecca Herrin, momentarily leaves the meeting to ask one of the Plumas County building inspectors what the NFPA standards are for fire protection. Herrin reports that it would all be under the NFPA and fire code, which would be enforced when they get their building permit. The Building Department will look at fire standards for that type of facility. Ferguson questions if the Mitigated Negative Declaration looked at fuel ignition sources such as grassland under the solar panels. Evans replies that what was concluded is that the grass would be kept mowed down and the height of the panels was not going to be super high in the air, so if the grass grows too tall it's going to cause issues with the sun hitting the panels. Therefore, they'd need to keep it cut down and maintained. Ferguson again questions who is responsible for managing a fire in the facility. Herrin responds that it is up to the fire district to determine what conditions they need to fight fire. It's their responsibility, not the County's. Ferguson states she's trying to determine if she needs a condition to address cooperation between all the different agencies. Herrin responds that she doesn't think there needs to be a condition for cooperation because it has to happen. The fire district has to serve them so they have to get what they need. In the building code and fire code, there might be additional things that will be imposed. Couto adds that in the past PSREC has invited the fire department in to go over power line safety, transformers, everything they want to know about their facilities and power. Ferguson reiterates PSREC's letter is in the project record stating there will be coordination with the contractor for safety. PSREC will be coordinating with the fire district to provide training materials, and so forth. Ferguson states she won't go

so far as conditioning it, but again, the letter is in the project record. Public health and safety is the bottom line. Regarding the Department of Defense's concern about non-reflective panels to minimize glint and glare, the environmental document has a discussion about that, and the solar panels are designed to absorb light, not reflect it. There is no need to condition that, per se. Regarding Condition #2, Ferguson states that the County can't require a grading plan and drainage plan per County Code, but the Building Code requires it for grading. As far as being submitted to and approved by the County Engineer, she's going to amend the condition to read "*should be submitted*" rather than "*shall be submitted*", and add at the end of the paragraph ". . . to ensure no impacts to surrounding properties."

DECISION

Tracey Ferguson, Zoning Administrator, adopts Mitigated Negative Declaration 678 pursuant to Section 15074 of the California Environmental Quality Act Guidelines, making findings A through C; and approves the Special Use Permit and Site Development Permit for a public utility facility, subject to the conditions of approval, with the amendment of Condition #2, 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) That the proposed Mitigated Negative Declaration reflects the independent judgment of the Plumas County Zoning Administrator; and
- C) That the location and custodian of the documents which constitute the record of these proceedings is Plumas County Planning and Building Services, 555 Main Street, Quincy, California.

CONDITIONS

- 1. The special use permit and site development permit for the public utility facility (solar electric generation facility) is approved in conformance with the special use permit application submitted on December 3, 2019, and the site development permit application submitted on January 30, 2020.
- 2. Prior to ground disturbing activities, a grading and drainage plan should be submitted to, and approved by, the County Engineer to ensure no impacts to surrounding properties.
- 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. If project construction requires work to be completed within the state right-of way, an encroachment permit shall be obtained from the California Department of Transportation.
- 5. To minimize the disturbance to the adjacent residential dwellings due to construction noise impacts from the proposed project, the following mitigation measure shall be required:

Mitigation Measure 13A: Project construction shall only occur between the hours of 7 a.m. and 7 p.m., Monday through Friday and 8 a.m. and 5 p.m. on weekends or on federally recognized holidays.

Plan Requirements: The mitigation measure shall be incorporated into the conditions of the Special Use Permit and Site Development Permit.

Timing: The mitigation measure shall be implemented during site preparation and project construction.

Monitoring: The Plumas County Planning and Building Services shall monitor adherence to the mitigation measures.

6. The violation of any condition of a special use permit and/or site development 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.
7. The Special Use Permit and Site Development Permit are to be signed by the property owners and applicants and returned within forty (40) days of the date of approval or the permit(s) will be voided.

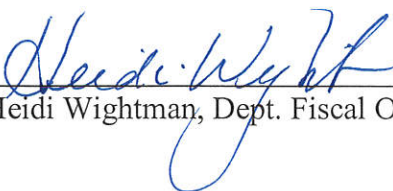
FINDINGS

- 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 11:11 a.m. The next regularly scheduled Zoning Administrator meeting is set for April 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