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**PLUMAS COUNTY**  
**ZONING ADMINISTRATOR**  
Minutes of the Regular Meeting of May 10, 2023

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The Plumas County Zoning Administrator convened in a meeting on May 10, 2023, at 10:00 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: PLUMAS HOSPITAL DISTRICT / PLUMAS COUNTY; APN 117-021-001; T.24N/R.9E/S.12 MDM**

The request for a special use permit for a public service facility consisting of an alternative birthing center where normal childbirth would occur away from the pregnant woman's residence, with the two primary services to be provided being 1) labor and birth and 2) education, in an existing structure, located at 527 Bell Lane, Quincy, is presented. Tim Evans, Senior Planner, gives a presentation as reflected in the staff report.

The public hearing is opened at 10:05 a.m. Guy McNett, Plumas Hospital District Board Director, states he supports the staff recommendation. Pam Becwar of First 5 Plumas states she is in support of the project. Tracey Ferguson, Zoning Administrator, reads aloud a letter received from Phil & Shirley Bresciani in support of the project. There being no further comments, the hearing is closed at 10:07 a.m.

As stated on page two of the staff report, Ferguson questions one of the items listed on the description of labor and birth services as to the "use of oral fluids and nourishment in labor" in relation to medical treatment. Lori Linh, midwife at Plumas District Hospital (PDH), responds that the patients bring their own food, which are common foods and fluids. Ferguson goes on to note proposed Condition No. 6 of the special use permit, which is consistent, and further requires PDH to contact the Plumas County Environmental Health Department to discuss requirements or permits should food service be provided by PDH at the facility. Ferguson also points out that prior to installation of any plumbing fixtures (Condition No. 7) PDH shall obtain permits from the American Valley Community Services District, and a building permit for the change of use is required in addition to a building permit for tenant improvements (Condition No. 5).

Tiffany Leonhardt, Director of Business Development at PDH, questions the requirement for a lease agreement with the County. Ferguson responds that the requirement for a lease is not conditioned, but when PDH applies for a building permit, both the applicant and the owner need to sign the building permit application; therefore, PDH will need the County's consent. Leonhardt adds that no lease agreement has been initiated and she was under the belief that after the special use permit process was complete then they could engage in discussions with Plumas County Counsel. Evan states he can assist in connecting PDH with County Counsel when appropriate.

Ferguson questions the status of the facility with the State. Leonhardt explains that there are two ways to proceed with an alternative birthing center in the State of California: 1) a license with the California Department of Public Health, or 2) an accreditation process that does not require State licensure or approval. Leonhardt goes on to state the PDH Board has approved the pursuit of one or both mechanisms either separately or concurrently. Further, Leonhardt explains PDH is in communication with the California Department of Public Health about licensure where the approach would be for PDH to move forward with the accreditation process first, which Leonhardt states is what PDH has decided to pursue.

What that means is PDH would start the alternative birthing center under the accreditation, while simultaneously continuing conversations with the California Department of Public Health for licensure.

To ensure adequate parking at the facility, Ferguson questions the maximum number of PDH staff and public who will be in the building at any one time. Linh responds that for labor, it's typically the individual in labor, two support family members, and two PDH staff birth attendants, for a total of five people. There is discussion regarding the occupancy load, the number of birthing rooms being two, and the size of staff for both the labor and education services. It is explained by Leonhardt that the labor and education services are in two different settings, and the education classes will have a maximum of ten individuals and no more than two staff members. With twenty-four parking spaces available, it is determined parking is adequate.

Each proposed condition of approval is discussed. Dr. Alexandra Hunt questions the statement that the services provided will not include medical treatments commonly associated with childbirth. Ferguson explains the "public service facility" use definition and the fact that in order for the alternative birthing center to be permitted to operate at 527 Bell Lane it cannot meet the definition of a "health service" use, which means "a facility for the provision of medical treatment or service to persons." Further, Ferguson states, as described in the PDH special use permit application narrative, the labor and birth services are not intended to include medical treatments commonly associated with childbirth such as medications to induce or speed up labor, continuous electronic monitoring of the fetus, epidural or narcotics to lessen the pain of contractions during childbirth, forceps or vacuum device to assist in childbirth, or cesarean birth, and all medical treatments and other services associated with pregnancy will occur at Plumas District Hospital located at 1065 Bucks Lake Road, Quincy. Hunt questions how emergencies will be handled. Linh replies that in the event of an emergency there would be medications available onsite for emergency use only, but not for medical treatment or service, and to aid the mother before and in transport to Plumas District Hospital. Dr. Hunt points out that Sierra House operated on the same property and was administering medications and oxygen to clients who were living there. Ferguson states the Sierra House operated under a separate special use permit.

*After the public hearing, Ferguson received a letter dated May 12, 2023, from JoDee Read MBA, RHCEOC, Chief Executive Officer, Plumas District Hospital, with a statement in response to public comment during the hearing about the birth center operational activities. The request was made by Read to include the associated materials in the official hearing minutes, as follows:*

*Response to community member remarks during May 10, 2023, Zoning Administrator Public Hearing*

- 1. Under the midwifery model of care and the independent scope of midwifery practice, every effort is made to support the health and normalcy of birth and body processes through diet, exercise, education, natural remedies and basic supplies. The following are available to support the normal birth and baby to provide a simple or preventative remedy or to sustain life in the rare case of an emergency. Supportive measures used in the freestanding birth center are the same as those used in the home birth setting:*
  - a. Medications for hemorrhage prevention and for use while waiting for emergency transport*
  - b. Medications for neonatal resuscitation while waiting for emergency transport*
  - c. Medical-grade gases*
  - d. Standard medications for normal newborn preventative care immediately after the birth: erythromycin eye ointment, Vitamin K.*
  - e. Medications for prevention of infection if needed (medical treatment of infection occurs within the hospital setting)*

- f. Supplies for simple perineal repairs: sutures, lidocaine; (major repairs requiring medical intervention would occur in the hospital setting)*
2. *Plumas District Hospital maintains a permit to generate and properly dispose of medical waste, including biohazardous waste, sharps, and pharmaceuticals. This permit is issued by the California Department of Public Health's (CDPH) Medical Waste Management Program. CDPH inspects the hospital's compliance of this program annually. Medical waste collection and disposal program compliance and enforcement is solely the jurisdiction of CDPH.*

*The alternative birthing center will be equipped with the necessary receptacles to ensure safety of all staff and patients. The alternative birthing center will operate as a satellite generation/collection point for medical waste with subsequent transportation and disposal at the hospital site located at 1065 Bucks Lake Rd. Medical waste is then collected and disposed of by a licensed medical waste disposal company on a weekly basis from this site. This practice mirrors existing practices of the hospital's other satellite locations in accordance with policy and state regulations.*

## **DECISION**

Zoning Administrator, Tracey 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 proposed and outlined in Exhibit 16 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 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 for the public service facility (alternative birthing center) is approved in conformance with the special use permit application submitted on October 31, 2022, the site plan submitted December 29, 2022, floor plan and accessibility (ADA) plan submitted December 30, 2022, and the additional information submitted on May 3, 2023.
2. Any signage proposed for the public service facility 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 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.
4. 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**

5. 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.

## Plumas County Environmental Health

### 6. Food Service:

- a. Food prepared on-site or brought in by patient family members or visitors, shall be limited in sharing to only their specific patient and family/visitor group.
- b. Prior to providing food service at the facility, Environmental Health shall be contacted to discuss any applicable requirements and obtain all necessary permits.

## American Valley Community Services District

7. Prior to the installation of any plumbing fixtures in the facility, Plumas Hospital District shall obtain the necessary permit(s) from American Valley Community Services District for the installation.

## 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.

## III. SPECIAL USE PERMIT: PAPENHAUSEN, JESSICA & JOHN; APN 115-080-001; T.24N/R.9E/S.14 MDM

The request for a special use permit for the expansion of a lawful nonconforming structure located at 102 Main Street, Quincy, is presented. Tim Evans, Senior Planner, gives a presentation as reflected in the staff report.

Evans notes he received an email from a nearby property owner requesting more information on the project. Evans responded to the email and received no further comments. Evans states a correction needs to be made to the "Approvals Required" section of the staff report on page 5. Instead of "A building permit shall be obtained for the *change of use* . . .", it should state for the *addition*. Greg Neal of G.A. Neal Design, representing the applicant, is present and states he does not feel an encroachment permit is necessary because the driveway is existing and is not an improvement. Ferguson responds that proposed Condition No. 5 addresses the applicant's concern, noting that it states, "if required, an encroachment permit shall be obtained from Caltrans." Evans adds that when the Building Department reviews the building permit, documentation will need to be provided stating an encroachment permit is not required. Neal also comments that due to the death of one of the applicants, John Papenhausen, the proposed pool may not be included in the remodel of the structure. Each proposed condition of approval is discussed with no further questions.

## 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 subject to the conditions of approval as proposed and outlined in Exhibit 16 of the staff report as the dwelling, based on the evidence provided by the applicant and County records, proves expansion of a lawful nonconforming dwelling unit, along with 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 for the expansion of the lawful nonconforming structure at 102 Main Street, Quincy, is approved in conformance with the special use permit application submitted on January 10, 2023, and the site plan submitted on January 12, 2023.
- 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 forty (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.

### **California Department of Transportation (Caltrans)**

- 5. Prior to issuance of the building permit(s) for the expansion of the lawful nonconforming structure, if required, an encroachment permit shall be obtained from Caltrans.

## **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.

***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 10:53 a.m. The next regularly scheduled Zoning Administrator meeting is set for June 14, 2023, at 10:00 a.m. at the Planning & Building Services Conference Room located at 555 Main Street in Quincy.



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Heidi Wightman, Dept. Fiscal Officer II



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Tracey Ferguson, AICP, Zoning Administrator