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**PLUMAS COUNTY  
ZONING ADMINISTRATOR**

Minutes of the Regular Meeting of February 14, 2024

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The Plumas County Zoning Administrator convened in a meeting on February 14, 2024, at 10:03 a.m. in the Permit Center Conference Room, Quincy. Interim Zoning Administrator, Jim Graham, presiding. Planning Director, Tracey Ferguson; and Associate Planner, Marco Velazquez, are in attendance.

**I. PUBLIC COMMENT OPPORTUNITY**

No public comment is presented.

**II. CONTINUED PUBLIC HEARING – CERTIFICATE OF COMPLIANCE: SCHNEIDER, CAROLINE; APN 002-443-002; T.25N/R.8E/S.22 MDM**

As continued from the December 13, 2023, Zoning Administrator meeting, the request for a Certificate of Compliance for Lot 18 of the Old Mill Ranch Subdivision Unit No. 1, located at 126 Riverview Lane, Twain, is presented. Tracey Ferguson, Planning Director, explains the conclusion of the December 13, 2023, hearing was that more information was needed and that Interim Zoning Administrator, Jim Graham, did not make a decision and instead continued the item. Graham's direction was to consult with County Counsel on two specific questions: 1) whether the recorded merger was legal as to the definition of contiguous parcels, and 2) whether the conveyance of a parcel to and from a public agency is exempt from the Subdivision Map Act. Ferguson states she'd consulted with County Counsel and has information to discuss.

Regarding question number one, Ferguson states from the December 13, 2023, Zoning Administrator meeting discussion, Lots 4 and 5 were merged at one time, then Lot 18 across the street was merged with Lots 4 and 5 into one legal parcel. Subsequent to that, Lot 18 was sold as an individual parcel to the applicant, Caroline Schneider, which resulted in the illegal division under the Subdivision Map Act and the County filing a notice of violation under Government Code Section 66499.36.

Continuing, Ferguson explains Government Code Section 66424 under the Subdivision Map Act, which also governs mergers, provides the definition of a "subdivision," and within that definition there is an explanation of how property should be considered "contiguous" stating, "Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement, or railroad rights-of-way."

Therefore, Ferguson concludes, in concurrence with County Counsel, that pursuant to Government Code Section 66424 a parcel is contiguous even if separated by a road, and in this instance Lot 18 is separated from Lots 4 and 5 by a road (Riverview Lane). Consequently, the merger is in conformance with the Subdivision Map Act and was recorded legally as to the definition of contiguous parcels.

Continuing, Ferguson states as to the second question concerning whether public entities, such as special districts like the Feather River Canyon Community Services District, are subject to Subdivision Map Act regulations. Ferguson explains from the December 13, 2023, Zoning Administrator meeting discussion, there was a conversation about transferring Lot 18 to the Feather River Canyon Community Services District as a special district or public entity. County Counsel provided Government Code Section 66426.5, which states "Any conveyance of land to or from a governmental agency, public entity, public utility, or subsidiary of a public utility for conveyance to that public utility for rights-of-way shall not be considered a division of land for purposes of computing the number of parcels." Additionally, it would not require a parcel map. The clause in question is ". . . for rights-of-way . . ." because this would be a conveyance of a parcel versus a right-of-way. It's questionable whether Government Code Section 66426.5 does or does not pertain to this scenario. Continuing, Ferguson explains that under Government

Code 66428(a)(2) “Land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map.” County Counsel concluded there is little case law addressing the issue of what would be considered a right-of-way or whether all conveyances would be exempt. Graham states he remembers there being some section of the Subdivision Map Act or Government Code that speaks to conveyances to a public utility being exempt in general.

Graham questions why the Feather River Canyon Community Services District wants to acquire the property. Jerry Sanchez with the Feather River Canyon Community Services District responds that they want to build an office, have a place to have their meetings, and a place to centralize all their records.

Ferguson states there are two conditions in the Conditional Certificate of Compliance, 1.A. and B. The certificate could be amended to state Conditions 1A. *and* B. *or* C., with C. being “. . . some other legal means for conveyance of Lot 18 pursuant to the Subdivision Map Act or California Government Code.” Graham clarifies that we would need to examine the Government Code sections and look to see if that conveyance is legal, but he believes it is a proper use of the Subdivision Map Act in this case. It’s a much easier remedy than processing a general plan amendment and zone change. Ferguson states that a ‘business office’ use is not a permitted use in S-3 zoning, but a ‘public utility facility’ use is a permitted use subject to a special use permit. Ferguson cautions the Feather River Canyon Community Services District to consult with the Planning Department beforehand to ensure use issues and zoning requirements are considered and understood.

Graham feels having the suggested language by Ferguson in the Conditional Certificate of Compliance would allow the County to make the determination after further review. Ferguson adds that County Counsel has provided guidance to a certain degree, although there are questions of legal interpretation and application of the code sections. Graham questions if it would be legal to merge Lot 18 with an adjoining parcel or parcels to serve the purpose of making Lot 18 conforming with the S-3 zoning lot area requirement.

The public hearing is opened at 10:43 a.m. There being no comments, the hearing is closed at 10:43 a.m.

## **DECISION**

Interim Zoning Administrator, Jim Graham, finds the project exempt from the California Environmental Quality Act under CEQA Guidelines Section 15268 as the Conditional Certificate of Compliance is a ministerial action and not a project subject to CEQA; and approves the Conditional Certificate of Compliance for Lot 18 as shown on the Old Mill Ranch Subdivision Unit No. 1, filed October 10, 1966, in Book 3 of Maps at Page 35, Records of Plumas County, State of California subject to the conditions of approval outlined in Exhibit 7 with the addition of Condition C along with the following Findings A through D:

## **CONDITIONS**

1. Owners of parcels affected by the provisions of California Government Code Section 66412.6(b) and pursuant to California Government Code Section 66499.35 shall be required to obtain through the Plumas County Planning Department a conditional certificate of compliance, recorded by the Plumas County Interim Zoning Administrator, Jim Graham, and fulfill any and all conditions, prior to obtaining a County building permit or other grant of approval for development of the parcel.
2. In order to create a separate legal parcel of Lot 18 (APN 002-443-002-000):
  - A. A General Plan Amendment and Zone Change must be obtained for Lots 4, 5, and 18 to change the General Plan Land Use Designation and Zoning to a land use and zone compatible with the size of Lot 18 at 0.36 acres. The General Plan Amendment and Zone Change is evaluated for

compatibility with the 2035 Plumas County General Plan, Plumas County Code, and is subject to the California Environmental Quality Act (CEQA). Public hearings are required to be held before the Planning Commission as well as the Board of Supervisors. The Planning Commission would need to recommend the General Plan Amendment and Zone Change for approval to the Board of Supervisors, and the Board of Supervisors would need to pass and adopt the environmental document and General Plan Amendment and Zone Change through a Board of Supervisors Resolution and pass and adopt the accompanying General Plan Amendment Zoning Ordinance; and

- B. A Tentative Parcel Map to legally separate Lot 18 from Lots 4 and 5 must be submitted to the Planning Department. The Tentative Parcel Map is evaluated for compatibility with the 2035 Plumas County General Plan, Plumas County Code, and is subject to the California Environmental Quality Act (CEQA). A public hearing is required to be held before the Zoning Administrator. The Zoning Administrator would need to approve the Tentative Parcel Map, with conditions of approval. A Final Map, meeting the approved conditions, must then be recorded; or
- C. Some other legal means for conveyance of Lot 18 pursuant to the Subdivision Map Act or California Government Code.

### **FINDINGS**

- A) That the real property or the division thereof described herein does not comply with the applicable provisions of the Subdivision Map Act and local ordinances and resolutions enacted pursuant thereto; and
- B) That the recordation of the Conditional Certificate of Compliance is pursuant to the authority vested in the Zoning Administrator by the Subdivision Ordinance of the County of Plumas (Resolution No. 84-3741); and
- C) That the recordation of the Conditional Certificate of Compliance relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcels described within the Certificate of Compliance may not be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant hereto. Development of this parcel will require issuance of a permit or permits, or other grant or grants of approval. The Conditional Certificate of Compliance does not grant any entitlement for development of the parcel, nor imply or guarantee that any development permit will be issued for the parcel; and
- D) That the recordation of the Conditional Certificate of Compliance has been duly authorized and approved by the Zoning Administrator of the County of Plumas.

### **III. SPECIAL USE PERMIT: HOLMES SHOWER, CHARLISE (applicant) / SHOWER, JOHN (property owner); APN 115-072-014; T.24N/R.9E/S.14 MDM**

The request for a special use permit for the keeping of 4-H chickens on property zoned Multiple-Family Residential (M-R), located at 175 Jackson Street, Quincy, is presented. Associate Planner, Marco Velazquez, gives a presentation as reflected in the staff report. Velazquez notes a correction needs to be made to the Staff Report. Under *Recommended Actions, Section II. Project Action*, it should state “. . . subject to the conditions of approval outlined in Exhibit 11 . . .” rather than Exhibit 10. Velazquez also notes that two complaints regarding the coop structure, smell, and flies were received from neighbors after the 10-day public hearing notice was mailed. Velazquez states those comments will be entered into the record. Planning Director, Tracey Ferguson, states the County Code includes a Backyard Chickens Ordinance that may be helpful although, to be clear, Ferguson states the Ordinance is applicable to all Single-Family Residential zones, not Multiple-Family Residential. Continuing, Ferguson offers the Ordinance can be referenced for best practice standards for the keeping of backyard chickens.

Interim Zoning Administrator, Jim Graham, explains that one of the main things to review is whether the keeping of chickens is compatible with the surrounding area. There have been continued complaints about the chickens not having a proper run, odors, and other concerns. John Shower, property owner, responds that he believes it was the rabbit and compost pile that were causing the odors and flies. Continuing, Shower states they have moved the compost pile, and the rabbit will be relocated off the property. In addition, chicken food is contained in a dry garbage can and the coop is cleaned once a week. Shower feels that come this summer any smell or flies will be minimal because of the changes they have made. Graham questions the applicant, Charlise Holmes Shower, if she will have up to nine chickens. Charlise responds that, yes, she does have 9 chickens, which include older chickens no longer in the 4-H program.

The public hearing is opened at 11:00 a.m. Cindy Robinson, neighbor, comments about the chicken run, that there's supposed to be 5 sq. ft. per chicken, and the run needs to be fenced and attached to the coop where the chickens can go in and out. Robinson feels the chickens seem very crowded when there are more than six chickens, but her main problem with the whole situation is flies. Flies were never a problem before the chickens were there and she's concerned with the manure not being taken away.

Shower responds that he composts the manure for his own use. Graham points out that one of the conditions of approval is that the animal waste must be removed and disposed of in a trash container with a tightly fitted lid at least three times per week. That is an Environmental Health Department condition put into place to address the odor issue and flies. The manure cannot be composted; it needs to be disposed of.

Continuing, Graham questions if the coop is attached to the run. Shower responds that it is, and the run is about 7 feet wide x 12 feet long x 10 feet high and screened.

Regarding fire danger, Robinson questions the electrical power supply to the chicken coop as she is unsure if it's an extension cord or if power was installed with a building permit. Graham points out that one of the conditions of approval is all necessary building permits shall be obtained within two months of approval of the special use permit. Robinson responds that the chicken coop was constructed two years ago, before the house was remodeled; there have been chickens there for almost two years now. Robinson adds that she doesn't like flies and smell, as it draws wild animals and there are a lot of foxes around these days.

Robinson also questions what happens to the chicken coop after Charlise is no longer in 4-H. Charlise responds that the chickens will be moving back to their old property in Indian Valley. Ferguson clarifies once the 4-H project is complete, the animals will need to be removed off the property. Continuing, she states when a special use permit is granted for 4-H animals, it runs with the child and the 4-H project, unless there is some other condition with a shorter timeframe. Ferguson also points out that the property's Multiple-Family Residential zone does not otherwise allow for backyard chickens, which is why without a 4-H special use permit, the keeping of chickens on this property is in violation of the Plumas County Code.

Graham questions how many chickens are 4-H chickens, because they are only allowed to have chickens associated with 4-H. Charlise replies that there are six chickens currently in 4-H. Graham states the other chickens will need to find another home.

Continuing, Graham states the plot plan shows the coop and run is 6' x 20', so 120 sq. ft. Robinson states a chicken run shall mean an enclosed "outside" yard, reading from the Backyard Chickens Ordinance definitions. Shower responds that's what it is, the run area is screened. Robinson thinks there is not 5 sq. ft. for each chicken to run around. Ferguson adds that with six chickens, they need 30 sq. ft. as a rule of thumb; however, that is a Backyard Chickens Ordinance design requirement and is not a proposed condition at this time.



Graham states there are certain items from the Backyard Chickens Ordinance that should be incorporated as a condition of the special use permit, for instance the design requirements of the coop and general requirements concerning how the coop is covered and how grain is stored. Graham states he is trying to find a way to resolve all the issues and at the same time be consistent with the Plumas County Code.

Graham amends Condition #3 to state the maximum number of chickens shall be six and adds new Conditions #5 through #10 to reflect the requirements in the Backyard Chickens Ordinance, which are not already incorporated as conditions, with respect to *Sec. 9-2.4305. Standards for the keeping of backyard chickens. (a) General Requirements.* [with the exception of (a)(1), which applies to single-family dwellings] and *(b) Design requirements.* Graham cautions that the chickens will be closely watched, so the applicant and property owner need to stay on top of things.

There being no further comments, the hearing is closed at 11:32 a.m.

## **DECISION**

Interim Zoning Administrator, Jim Graham, 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 outlined in Exhibit 11 of the Staff Report, with an amendment of Condition #3, the addition of Conditions #5 through #10, and renumbering of former Conditions #5 and #6, along with the following Findings A through D:

## **CONDITIONS**

### **PLUMAS COUNTY PLANNING DEPARTMENT**

1. The special use permit for the keeping of 4-H chickens at 175 Jackson Street, Quincy, is approved in conformance with the special use permit application and site plan submitted on November 15, 2023.
2. The chickens shall be contained within the coop or fenced area of the backyard at all times when not being shown at a 4-H event.
3. The maximum number of 4-H chickens shall be limited to no more than 6 chickens.
4. There shall be no roosters kept on the property.
5. The special use permit shall expire when the applicant (Charlise Holmes Shower) is no longer a member of the 4-H program and/or the Animal Project-Chickens is completed.
6. The chickens shall be provided with a covered roosting area (chicken coop) and an enclosed area in which chickens are allowed to walk and run (a chicken run) (Plumas County Code Sec. 9-2.4305(a)(2)).
7. The chickens shall be contained within the coop, run, or contained within the property boundary at all times (Plumas County Code Sec. 9-2.4305(a)(3)).
8. The chicken coop and chicken run shall be designed and maintained to be well-drained on the property; there shall be no standing water (Plumas County Code Sec. 9-2.4305(a)(4)).
9. The chicken coop shall be predator-resistant from the sides, top, and bottom, and the chicken run shall be predator-resistant from the sides and top (Plumas County Code Sec. 9-2.4305(a)(5)).
10. Design requirements for the chicken coop and chicken run shall be as follows:
  - a. All chickens shall be housed in a coop that is designed to (Plumas County Code Sec. 9-2.4305(b)(1)):
    - Be predator-resistant;
    - Be watertight;

- Be thoroughly ventilated;
  - Be easily accessed and cleaned;
  - Contain one nesting box with no less than one cubic foot for every four (4) chickens;
  - Contain a coop area of no less than two (2) square feet per chicken, excluding nesting boxes; and
  - Contain the chicken roost(s), feeder(s), and water.
- b. The chicken run shall be attached to the chicken coop allowing the chickens direct access to and from the chicken coop and be (Plumas County Code Sec. 9-2.4305(b)(2)):
- Predator-resistant;
  - Thoroughly ventilated;
  - Easily accessed and cleaned;
  - Fenced with materials to sufficiently contain the chickens;
  - Constructed with an area of no less than five (5) square feet per chicken; and
  - Contain the feeder(s) and water.
11. Any violation of any of the conditions of approval of the special use permit shall be punishable as set forth in Article 12, Administration and Enforcement, of Chapter 2, Zoning, of Title 9, Planning and Zoning, of the Plumas County Code.
12. The special use permit is to be signed by the applicant/property owner and returned to the Planning Department within forty (40) days of the date of approval or the permit will be voided.

#### **PLUMAS COUNTY ENVIRONMENTAL HEALTH DEPARTMENT**

1. Animal waste must be removed and disposed of in a trash container with a tightly fitted lid at least 3 times per week, or more frequently if so ordered by the Health Officer, to prevent a private or public nuisance or health threat, such as fly breeding conditions and offensive odors per Plumas County Code Sec. 6-10.117.
2. Animal waste must be removed from the premises at least once per week to an approved landfill or transfer site per Plumas County Code Sec. 6-10.104(a).
3. All grains or other loose feed must be stored in containers with tight fitting lids to prevent the entrance of vermin per Plumas County Code Sec. 6-10.108.

#### **PLUMAS COUNTY BUILDING DEPARTMENT**

1. Applicant shall submit all necessary building permits for the structure, including electrical power supplied to the chicken coop (Plumas County Code Sec. 9-2.4305(a)(8)), to the Plumas County Building Department within two (2) months of the approval of this special use permit.

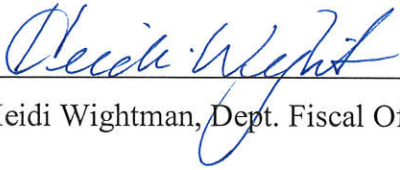
#### **ENVIRONMENTAL DETERMINATION FINDINGS**

- 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.

***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 11:35 a.m. The next regularly scheduled Zoning Administrator meeting is set for March 13, 2024, 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



Jim Graham, Interim Zoning Administrator