
**PLUMAS COUNTY
ZONING ADMINISTRATOR**

Minutes of the Regular Meeting of March 12, 2025

The Plumas County Zoning Administrator convened in a meeting on March 12, 2025, at 10:00 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, 2025; January 8, 2025; and February 19, 2025, 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, states the Interim Zoning Administrator, Jim Graham, had previously stated at the January 8, 2025, meeting that he cannot make the necessary variance findings, and the variance would likely be denied, as recommended in the staff report. The public hearing has been continued over multiple meetings to try to determine if there's some other configuration in which the variance may be modified in order for the Interim Zoning Administrator to be able to make the necessary variance findings, or if there is a potential path forward for the applicant, pursuant to the current Code and without the need for a variance.

Continuing, Ferguson states that at the last public hearing on February 19, 2025, there was no one present representing the applicant, North State Grocery, other than the project engineer, Jeff Morrish, NST Engineering. At that time Morrish requested the hearing be continued so the applicant could decide how they wanted to move forward.

Ferguson explains, today, we will hear directly from the applicant. Michel LeClerc, CAO for North State Grocery, states he doesn't think they need a variance because they have a right to do what they're proposing under the Zoning Code. LeClerc explains that one of the uses allowed in C-2 zoning is a lodging facility. Title 9 Planning and Zoning defines a lodging facility as "a group of two or more guest rooms for transient lodging." "Guest room" is defined as "a unit of a lodging facility or of a rooming facility for living or sleeping purposes." The question is, is the seasonal housing of North State Grocery employees for a limited period of time, although greater than 30 days, transient lodging.

Jim Graham, Interim Zoning Administrator, states that he does not agree with the 30-day limitation on transient lodging. Categorizing the use as seasonal, Graham interprets a seasonal lodging facility use as being transient.

LeClerc comments that that view is supported by the Zoning Code, explaining that Title 9 has a whole list of definitions, and at the beginning of that list it specifically states, "Words and phrases used in this chapter shall be defined by common usage, except as specifically defined in this chapter," and the word "transient" is not expressly defined in Title 9. To arrive at the 30-day rule requires you to go to a different Title of the Code, specifically Title 3, which has to do with finance and transient taxes. Continuing, LeClerc states that the common usage of transient is "temporary," "impermanent," "short term."

Graham states one would also need to take into consideration the unique circumstances of the economy in Chester. It's a seasonal economy and provisions need to be made accordingly for housing seasonal employees. Graham feels the only thing the Planning Department needs to look at is whether the project can satisfy the California Building Code occupancy type.

Ferguson states that, as the Planning Director, she respectfully disagrees with the Interim Zoning Administrator regarding the definition of “transient” being considered seasonal or something more than 30 days as it relates to Title 9.

LeClerc points out that Title 3 Finance states that, “Transient shall mean any person or group of persons having occupancy of a lodging for a period of thirty (30) consecutive calendar days or less . . .” It goes on to say, “Any person or group actually occupying a lodging shall be deemed to be transient until the period of thirty (30) days has expired, unless there is an agreement in writing between the operator and the occupant that provides for a period of occupancy longer than thirty (30) days.” Meaning, transient can be more than 30 days if there’s a written agreement under Title 3, which he doesn’t think applies, but even if you want to make it apply it’s cumbersome because it doesn’t even limit the definition of transient to 30 days.

Ferguson responds that she’s not tying it to Title 3, but rather to the Planning Department’s existing interpretation of the word “transient” as to the common usage by Planning staff in the context of Title 9 and the definition of lodging facility. Also, Ferguson states, it should be noted that if the Interim Zoning Administrator makes a decision on this application in context of “transient lodging” for longer than 30 days, in context of the definition of a lodging facility, it’s a precedent-setting decision moving forward and would apply to all lodging facilities in the county.

Graham points out that what he is here to look at is the variance application, so he’s not making a decision on the interpretation on the definition of “transient.” If Graham denies the variance because he believes they should be able to accomplish the same thing by pursuing the project as a lodging facility and moving forward in that direction, then the decision rests with the Planning Director under a ministerial building permit application.

Continuing, Graham states that before him is the variance and he can’t make the required findings to grant the variance.

LeClerc states he is not interested in the variance but rather pursuing a lodging facility for housing temporary employees.

Ferguson states that, by right, the zoning of the property permits commercial uses on the 1st floor, a 2nd story dwelling unit when the 1st floor is entirely commercial, and a tenant improvement to the remaining space on the 1st to create a lodging facility, which would be for “transient” lodging based on the definition of “lodging facility” in Plumas County Code Section 9-2.259, and therefore likely could not accommodate the temporary employees.

Continuing, Ferguson explains because Title 9 does not define “transient,” as has been stated, a way to define “transient” could be in the context of the common usage in the California Building Code for occupancy types and related definitions.

Jeff Morrish of NST Engineering points out that the definition of “transient lodging” in the California Building Code states, “ . . . provides accommodations that are primarily short-term in nature (generally 30 days or less).” It does not say specifically 30 days or less. Based on that definition Morrish considers transient lodging allowed over 30 days.

Ferguson agrees that it does make a difference that it states “generally” 30 days or less.

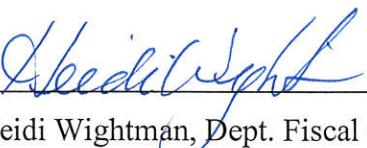
Graham states he wants to make a decision on the variance and the issue of transient lodging is a Planning Director interpretation of the Code, noting that a decision of the Planning Director can be appealed to the Board of Supervisors.

Responding, LeClerc withdraws the application for a variance; therefore, Graham does not need to make a decision.

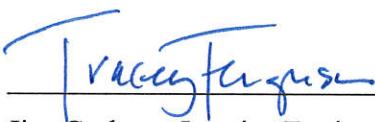
Zoning Administrator Notation: Any decision made as a result of this meeting may be appealed to the Board of Supervisors within ten (10) calendar days of the decision. If the tenth day lands on a Saturday, Sunday, or County holiday, the end of the appeal period will be the next working day. The appeal 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 10:22 a.m. A special meeting of the Zoning Administrator is set for March 26, 2025, at 11:00 a.m. The next regularly scheduled meeting of the Zoning Administrator is set for April 9, 2025, in the Planning & Building Services Conference Room, located at 555 Main Street, Quincy.



Heidi Wightman, Dept. Fiscal Officer II



Jim Graham, Interim Zoning Administrator
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