
**PLUMAS COUNTY
ZONING ADMINISTRATOR**
Minutes of the Meeting of October 10, 2018

The Plumas County Zoning Administrator convened in a meeting on October 10, 2018, at 10:00 a.m. in the Permit Center Conference Room, Quincy. Zoning Administrator, Randy Wilson, presiding. Assistant Planning Director, Rebecca Herrin, and Assistant Planner, Tim Evans, are in attendance.

I. AGENDA

The agenda is approved as submitted.

II. PUBLIC COMMENT OPPORTUNITY

No public comment presented.

III. TENTATIVE PARCEL MAP: LAKE ALMANOR PARTNERS, LLC; APN 104-162-022; T.28N/R.8E/S.20 MDM; NST ENGINEERING

As continued from the September 12, 2018, Zoning Administrator meeting, the proposal to divide 0.79 acres into two parcels of 0.37 and 0.42 acres for Recreation Commercial use, located at 2706 Big Springs Road, Lake Almanor, is presented. Assistant Planner, Tim Evans, gives a presentation as outlined in the Staff Report. Randy Wilson, Zoning Administrator, comments that if the property owners want to use the parcels as a campground they would need to obtain a campground and special use permit. John Harris and Kevin McCarthy, applicants, state they are in agreement with the proposed conditions of approval. The hearing is opened at 10:04. There being no comments, the hearing is closed at 10:04.

DECISION

Randy Wilson, Zoning Administrator, states he will take the actions recommended by staff, and 1) determine the project exempt from the California Environmental Quality Act under Section 15061(b)(3), making Findings A & B; and 2) approve the tentative parcel map subject to the condition of approval, making Findings A through G 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 impact on the environment. An Initial Study checklist was completed for the project; 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 Final Parcel Map shall be in substantial conformance with the Tentative Parcel Map prepared by NST Engineering on June 6, 2018, except as modified by these conditions.
2. The Final Parcel Map shall be recorded prior to September 12, 2020, or an Extension of Time shall be filed.
3. New water meter and service line shall be required to serve Parcel 1.
4. Existing water meter and service line are to remain exclusive to serve Parcel 2.
5. Any new and/or existing water service line shall meet the minimum separation of 10' from a sewage disposal system; or a proposal to adequately protect the water line from potential contamination from an existing or future sewage disposal system shall be submitted for approval by Environmental Health.
6. The house foundation shown on the Tentative Parcel Map dated June 6, 2018, as crossing the proposed property line shall be removed prior to recordation of the Final Parcel Map.
7. All easements noted on the preliminary title report shall be graphically depicted or noted on the Final Parcel Map.
8. A note shall be placed on an additional information map which notes the following:
 - a. An encroachment permit shall be obtained prior to driveway construction for any work occurring within the county right of way.
 - b. Prior to issuance of a building permit on Parcel 2, a site specific drainage plan, prepared by a registered professional engineer shall be developed that demonstrates that off-site flows, if any, are acceptable to affected property owners.
9. A Trustee's Certificate is required if the current Deed of Trust is still in effect at the time of filing the Final Parcel Map. This certificate may be on the face of the map or can be recorded concurrently as a separate document.
10. Hamilton Branch CSD shall confirm that all fees are paid and up to date prior to recordation of the Final Parcel Map.

FINDINGS

- A) This project, as conditioned, will satisfy required development standards, as per Plumas County Code, for Recreation because the development will be served by roads which meet the required County Road Standard and all required utilities and services are available or can be made available. The project site is located within the service boundaries of the Hamilton Branch Fire Protection District which provides fire protection and within reasonable service distance from existing fire protection facilities. Electrical power is provided to all parcels.

- B) This project, as conditioned, will be consistent with the R-C (Recreation Commercial) zoning because each parcel will meet the minimum standards for size, width, and use. In addition, one parcel is already developed with one dwelling unit. Therefore, land division does not result in any conflict with zoning and density standards.
- C) It is found that this project is consistent with the general plan and zoning because the general plan calls for Resort and Recreation uses on the site and the zoning designation is R-C (Recreation Commercial), which is compatible with existing uses.
- D) The site is physically suitable for the type of development and the proposed density of development; the design of the parcels is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; the design of the parcels is not likely to cause serious public health problems; and the design of the parcels will not conflict with easements, acquired by the public at large, for access through or use of property with the proposed parcels.
- E) It is found that the design and location of each lot and the project as a whole are consistent with the applicable regulations adopted by the State Board of Forestry and Fire protection adopted pursuant to Sections 4290 and 4291 of the Public Resources Code.
- F) Structural fire protection and suppression services will be available for the subdivision through the Hamilton Branch Fire Protection District.
- G) It is found that ingress and egress for the subdivision would be provided via the paved, maintained county road, meeting the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code

IV. AMENDMENT OF PERMIT TO MINE & RECLAMATION PLAN: SENECA GOLD, LLC (Applicant) / PREIM, DAVID (Owner); APN 002-080-002; T.26N/R.8E/S.9 MDM

As continued from the September 12, 2018, Zoning Administrator meeting, the request to amend the reclamation plan to remove the requirement for revegetation due to flooding and deposition of materials making the disturbed areas infeasible to revegetate, located at 587 Little Seneca Road, Canyon Dam, is presented. Assistant Planning Director, Rebecca Herrin, gives a presentation as outlined in the Staff Report. Dean Deniz of Seneca Gold, applicant, states he has no comments. The hearing is opened at 10:07. There being no comments, the hearing is closed at 10:07.

DECISION

Randy Wilson, Zoning Administrator, states he will take the actions recommended by staff, and 1) determine that the minor amendment to the Permit to Mine/Reclamation Plan is consistent with Mitigated Negative Declaration 665, making Findings A & B; and 2) approve the minor amendment to the Permit to Mine/Reclamation Plan subject to the conditions of approval making Findings A through F as follows:

ENVIRONMENTAL DETERMINATION FINDINGS

- A) The decision regarding the Mitigated Negative Declaration reflects the independent judgment of the Plumas County Zoning Administrator; and

- B) That the location and custodian of the documents which constitute the record of these proceedings is Plumas County Planning and Building Services, Planning Division, 555 Main Street, Quincy, California.

CONDITIONS

1. The initiation date for the Permit to Mine/Reclamation Plan will be the date of signature of the permit by the Applicant/Operator.
2. The Permit to Mine/Reclamation Plan will expire August, 2024, unless an extension of time is granted. Activities related to reclamation of the site may extend past this date as necessary to complete reclamation per the approved plan, except that no further mining activity shall be started after the expiration date.
3. The Permit to Mine/Reclamation Plan shall be conducted in compliance with the plan and plan maps submitted in the *Surface Mining and Reclamation Plan for Seneca Mine, Mineral Patent CA 30606, Plumas County, CA, prepared for Seneca Gold, LLC, by Holdrege & Kull*, unless modified by the following conditions.
4. Mining, processing and a significant part of reclamation activities shall take place during April 1st through October 31st of each year.
5. Pursuant to California Department of Fish and Wildlife requirements, no suction dredging is to be performed within 100 yards of the North Fork Feather River. No possession of a suction dredge is allowed within 100 yards of the North Fork Feather River.
6. A Hazardous Materials Business Plan for fuel and/or petroleum product storage shall be submitted to and approved by Plumas County Environmental Health prior to commencement of the operations.
7. If stationary fuel tanks are to be used in lieu of a mobile refueling truck, a Spill Prevention, Control and Counter Measures plan (SPCC) shall be submitted to Plumas County Environmental Health for review and approval prior to commencement of operations.
8. Sewage disposal, including any means of sewage disposal such as blue huts, shall be located at a minimum of 100 feet from the bank of any surface waters, water supply well, or natural spring. The Operator shall have a current and valid contract with an approved provider for routine service of such facilities.
9. All applicable permits for the operation, including but not limited to a National Pollutant Discharge Elimination System (NPDES) Storm Water Pollution Prevention (SWPPP) permit for the control, discharge, and monitoring of storm water, shall be adopted and issued by the California Regional Water Quality Control Board prior to commencement of the operations.
10. A copy of this permit (plan) shall be kept at the project site. The Operator shall oversee the permit's (plan's) implementation. Best Management Practices will be implemented during reclamation activities. If unforeseen circumstances require new and/or revised best management practices, they will be employed immediately by the Operator.

11. Reclamation may be performed on an annual basis, in stages compatible with continuing operations, or upon completion of all excavation, removal or fill. It is the responsibility of the Operator to reclaim the mined lands in accordance with the approved reclamation plan. The progress of mining and reclamation are subject to annual inspections to verify compliance with the plan, as required by Public Resources Code 2774 and California Code of Regulations 3504.5.

In addition to the areas to be reclaimed each year, areas of disturbance not located within the active mining and processing area will require the implementation of temporary erosion control measures, as set forth in the permit/plan. These measures shall include, but not be limited to the following:

- a. Gravel piles which will exist throughout the winter will be surrounded by interceptor ditches (or berms) prior to the onset of the rainy season each year, and no later than October 15th of each year. Drainage will be directed to the mining pit or other appropriately-sized sediment traps. Erosion and sediment control best management practices will be installed pursuant to the SWPPP.
 - b. Soil stockpiles which will exist throughout the winter, and which do not have sufficient existing vegetative growth to prevent erosion, will be seeded with grasses prior to the onset of the rainy season and no later than October 15 of each year. Erosion and sediment control best management practices will be installed around these stockpiles pursuant to the SWPPP.
 - c. Areas that were stripped of vegetation to allow mining, but are not yet mined, will either drain to the mining pit or will be seeded with grasses prior to the onset of the rainy season and not later than October 15th of each year. Erosion and sediment control best management practices will be installed in these areas pursuant to the SWPPP.
 - d. All other areas disturbed during mining shall either be seeded and/or have drainage established to the mining pit prior to the onset of the rainy season and not later than October 15th of each year. Exposed bedrock, boulder piles and rocks temporarily stockpiled are exempt from the seeding requirements.
12. A Streambed Alteration Agreement for the crossing of the North Fork Feather River and the temporary re-routing of Davis Creek shall be obtained from California Department of Fish and Wildlife prior to commencement of operations.
 13. Appropriate permits for new on-site stationary equipment sources shall be obtained from the Northern Sierra Air Quality Management District.
 14. The District Rules of the Northern Sierra Air Quality Management District are applicable to this project. Operator shall submit a Dust Control Plan to the Northern Sierra Air Quality Management District.
 - a. Earthen materials excavated, processed, or stockpiled will be kept moist when conditions exist that be conducive to the generation of fugitive dust.
 - b. Unpaved roads within the site used as haul roads will be watered to control dust when necessary.
- MM 3A**

Staff of the District shall monitor permit conditions. Planning staff, or qualified inspector, shall ensure that current permits and plans are in place on an annual basis at the time of the annual inspection.

15. Operator shall obtain appropriate entitlements for equipment operation and comply with permit conditions. **MM 3A**
16. A Streamside Management zone of a minimum 30-foot setback from the banks of the North Fork Feather River shall be maintained during the life of the operation. This setback may be increased by California Department of Fish and Wildlife, as necessary, to avoid riparian vegetation and to prevent discharge of mining waste or contact water to the river. Temporary orange construction fencing shall be installed around the outer edge of the streamside management zone in the area of active mining. The operator will ensure that all mining activities and equipment are restricted from the demarcated zone. Staff of the Planning Department or qualified representative will inspect and approve the location of the protective fencing before mining activities are initiated. **MM 4A**
17. If avoidance is not feasible, the Applicant will compensate for the loss of riparian vegetation by replanting riparian vegetation in suitable areas (as mapped by Wright, 2013) at the end of each season and after completion of each phase of the mining operation. Riparian vegetation will include planting species that are indigenous to the Site. Preferably, plants or cuttings will be obtained from onsite sources. Revegetation sites will be monitored for two to five years, or as specified in the streambed alteration agreement that will be obtained from California Department of Fish and Wildlife. **MM 4A**
18. Revegetation meeting all the requirements of California Code of Requirements section 3705 shall be performed on an annual basis after mining activities are completed. The recommendations of the *Revegetation, Mitigation and Monitoring Plan*, dated April 3, 2014, shall be followed to ensure that reclamation and revegetation is successful, **except in those areas designated as "tailings" in the approved reclamation plan, and that do not have sufficient topsoil resources to accomplish successful revegetation and are subject to occasional catastrophic flooding.** **MM 4A**
19. Impacts to the wetland and riparian areas associated with Davis Creek shall be avoided by fencing and avoiding an area 20-feet on either side of the creek, and through proper installation of a culvert and rock ford. Fencing shall be inspected prior to the commencement of operations and annually at the time of inspection by staff of the Planning Department or qualified representative. **MM 4A**
20. In order to prevent the spread of Himalayan blackberry, in areas to be mined the following season, foliage spray will be applied in the late summer or early fall, followed by burning or mowing 40 to 60 days after, as described in Section 2.19.3 of the *Surface Mining and Reclamation Plan for Seneca Mine, Mineral Patent CA 30606, Plumas County, CA*, prepared for Seneca Gold, LLC, by Holdrege & Kull. **MM 4B**
21. In an effort to avoid impacts to raptors and migratory birds, potential nesting habitat will be disturbed only after the nesting season (i.e., in the fall). In the area to be mined during the next season, woody vegetation that may serve as potential nesting habitat will be removed during the fall and may be used to re-plant the recently mined areas as part of reclamation. If nesting habitat is not removed during the fall, a qualified biologist must perform surveys of potential nesting habitat. **MM 4C**

22. Pre-construction surveys should be conducted by a qualified biologist three (3) days prior to ground disturbance or vegetation removal. If ground-disturbing activities are delayed or suspended for more than fifteen (15) days, the area should be re-surveyed. If the qualified biologist locates active nests of migratory birds or raptors, any such nests shall be flagged and avoided at a distance that prevents disturbance.

Should project-related activities cause the nesting migratory bird or raptor to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the exclusionary buffer should be increased such that activities are a sufficient distance from the nest to stop this agitated behavior by the bird or raptor. The exclusionary buffer should remain in place until chicks have fledged or as otherwise determined by a qualified biologist. **MM 4C**

23. Segments A, B, and C, as described in the *Archaeological Survey Report for the Testing Plan of Operations for the Grand Finale, Millie, and Ken Placer Claims, Plumas County, California, June 1995*, shall be flagged for avoidance prior to commencement of mining operations. Staff of Planning Department or qualified representative shall inspect the flagging prior to commencement of operations and annually at the time of inspection. **MM 5A**

24. A detailed financial assurance cost estimate and corresponding financial assurances shall be provided to the Planning Director for review and approval. Upon approval of the financial assurances by the Planning Director, and review by the Department of Conservation, Office of Mine Reclamation, a financial assurance mechanism shall be provided in a form acceptable to the Planning Director and the Department of Conservation, Office of Mine Reclamation. The financial assurance cost estimate shall be subject to annual review.

25. Financial assurances held for reclamation work will be released when the performance standards of the reclamation plan are satisfied.

26. The Permit to Mine/Reclamation Plan shall be signed and returned within forty (40) days of the date of approval or the permit will be voided.

V. SPECIAL USE PERMIT: WILLIAMS, ALICIA & BYRON; APN 110-390-014; T.26N/R.9E/S.2,3 MDM

The request to allow the keeping of 4-H goats and chickens in a temporary pen on a residentially zoned property located at 339 Cedar Drive, Greenville, is presented. Tim Evans, Assistant Planner, gives a presentation as outlined in the Staff Report. Byron Williams, property owner, states they would like to be in compliance as much as they can. They have fencing to put up to bar the animals from free ranging and have purchased another pen to move the goats away from the side of the property. Alicia Williams, applicant, adds that the goats are now tethered so they can't free range and the second pen is to keep the goats and chickens separate and keep the smell down. They are currently trying to find homes for the roosters. Randy Wilson, Zoning Administrator, questions if they have read the proposed conditions of approval. The applicants state they agree with the proposed conditions of approval. The hearing is opened at 10:25. Neighbor, John Dolzadell, states that because of the sheer number of animals they have it is not a 4-H project and they also have ducks. The animals were roaming all over their property but that is now controlled. He just wants them to get rid of the roosters because they infringe on their peace and quiet. Smell is also an issue. He also questions if they animals are supposed to vacate the property once the Fair is over. Alicia adds that they have found new homes for the roosters and ducks and if she

and if she needs to reduce her flock she will. Rebecca Herrin, Assistant Planning Director, adds that there is no limit on the number of chickens they can have according to the zoning of the property and show chickens don't need to be removed after the Fair. Jennifer Langston, Code Enforcement Officer, adds that they have had the animals for a while and if the zoning doesn't limit the number of chickens, can a limit be specified in the Special Use Permit. Her main concern is environmental with the goats being allowed inside the house. Wilson suggests adding conditions that no animals shall be allowed to leave the property and no roosters shall be kept on the property. There being no further comments, the hearing is closed at 10:40.

DECISION

Randy Wilson, Zoning Administrator, states he will take the actions recommended by staff, and 1) determine the project exempt from the California Environmental Quality Act under CEQA Guidelines Section 15061(b)(3), making Findings A & B; and 2) approve the special use permit subject to the conditions of approval, with the addition of two conditions, 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 use, operation, and layout of the facility is approved in conformance with the application submitted on August 20, 2018.
- 2. 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 Section 6-10.117 Animal Waste.
- 3. Animal waste must be removed from the premises at least once per week to an approved landfill or transfer site.
- 4. All grains or other loose feed must be stored in containers with tight fitting lids to prevent the entrance of vermin.
- 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.
- 6. Roosters shall not be kept on the property.
- 7. No animals shall be allowed to leave the property.

FINDINGS

- A) This project is environmentally compatible with the surrounding area because the proposed project, as conditioned, conforms with applicable state and county codes that are designed to reduce potential impacts and protect public health and safety.
- B) This project is socially compatible because the conditions set forth 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.

The goats will be penned and walked on the property; Chickens will be penned.
Waste removal and disposal shall be in an approved manner.

- C) This project is economically compatible with the surrounding area because the use does not prevent or diminish any economic benefits to property owners, nor will the use impede 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 found to be consistent with the General Plan and zoning because a 4-H project is a permitted use, subject to the issuance of a Special Use Permit, and this keeping of animals on the property is temporary.

VI. MODIFICATION OF RECORDED MAP BY CERTIFICATE OF CORRECTION (WELCH ESTATES #3): BUTLER, KENNETH; APN 128-10-009; T.23N/R.14E/S.6 MDM

The request to remove the driveway access limitation onto Grizzly Road from Parcel 1 as shown on the recorded map for Welch Estates #3 (Book 2 of Maps Page 44), located at 1677 Grizzly Road, Portola, is presented. Rebecca Herrin, Assistant Planning Director, gives a presentation as outlined in the staff report. Bob Perreault, Public Works Director, states that with the clarification that only Lot 1 will have the note removed, and the note will stay for Lot 2, Public Works is ok with the application being approved provided the driveway appears where Dan Bastian designed it as shown on the map stamped by Bastian on August 28, 2018, labeled "Exhibit A" and attached to Public Works' memo dated September 10, 2018. Jim Graham, Senior Environmental Planner with Public Works, notes that Perreault, in his memo to the Planning Department, provided wording that can appear on the Certificate of Correction that references the memo and attachment showing the location of the driveway. Katy Stadter with the Engineering Department states that if Perreault wants to reference the memo, it would need to be recorded with the Certificate of Correction. Discussion follows regarding Parcel 2 and if it has the same issues as Parcel 1. Perreault states that he and John Mannle, Assistant Public Works Director, were the two engineers who were looking at the different aspects of this application and determined that the note appeared for a reason. It's their conclusion that the sight distance situation was the basis of the note. The closer you get to the Lot 1 driveway, the more concern that Public Works has for the driveway placement for Lot 2. They would just as soon leave the restriction in place for Lot 2 and that way the owner of the property would need to come in and deal with the location of their driveway. Herrin notes that the Staff Report recommendation is only for Parcel 1, not Parcel 2. Dan Bastian will be preparing the exhibit and the Certificate of Correction which will be reviewed by the Engineering Department and Public Works before it is recorded. Wilson suggests adding to the Project Action: "...direct the applicant's engineer to submit a Certificate of Correction to the County Engineer *which includes an exhibit showing the location of a driveway to the satisfaction of the County Engineer* and make the following findings:" The hearing is opened at 11:07. Applicant, Kenneth Butler,

clarifies that at the beginning Dan Bastian referred to both lots because the note on the approved map states there's no access for Lot 1 *or* Lot 2. On the last exhibit that Dan produced, you can see the existing driveway on it and that's where Bastian intended it. The existing driveway is already to the standards of an encroachment permit, but an encroachment permit was never obtained because when the lot was procured and initial work was done on the lot there was no requirement for an encroachment permit. Neighbors, Calvin & Kathryn Moss, are present and voice their concerns that it not affect their property. There being no further comments, the hearing is closed at 11:09.

DECISION

Randy Wilson, Zoning Administrator, states he will take the actions recommended by staff, and 1) determine this project exempt from the requirements of the California Environmental Quality Act under Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the project may have a significant adverse impact on the environment; and 2) approve the deletion of the restriction on direct access onto Deer Drive (now known as Grizzly Road) along the entire frontage of Parcel 1 as shown on the map recorded at Book 2 of Maps at Page 44, direct the applicant's engineer to submit a Certificate of Correction to the County Engineer and Engineering Department which includes an exhibit showing the location of a driveway to the satisfaction of the County Engineer and make the following findings:

FINDINGS

- A) There are changes in circumstances which make the condition of the map no longer appropriate or necessary.

The actual field conditions do not reflect those restrictions shown on the recorded map. The actual field location of the 20 foot wide private road easement does not permit construction of a driveway encroachment onto Grizzly Road.

There is a driveway encroachment already constructed that provides better access than the 20 foot wide private road easement shown on the recorded map.

- B) The modifications proposed do not impose any additional burden on the present fee owners of the property.

The proposed changes were initiated by the fee owner and therefore are not considered a burden. The easement relocation was accepted by the Plumas County Road Department.

- C) The modification proposed does not alter any right, title, or interest in the real property reflected on the recorded map.

The proposed correction does not alter any right, title or interest in either Parcel 1 or Parcel 2 of Book 2 of Maps, Page 45. The restriction on access can be seen as additional information that is no longer viewed as necessary by the Director of Public Works.

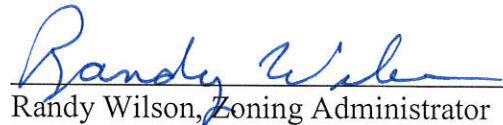
- D) The map, as modified, conforms with the provisions of Section 66474 of the Government Code of the State.

A Certificate of Correction shall be prepared and submitted to the Engineering Department as per GC Section 66474.

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 and the fee information is available from Planning and Building Services.

ADJOURN

There being no further business, the meeting adjourns at 11:14 a.m. The next regularly scheduled Zoning Administrator meeting is set for November 14, 2018, at 10:00 a.m. at the Planning & Building Services Conference Room located at 555 Main Street in Quincy.


Randy Wilson, Zoning Administrator


Heidi Wightman, Department Fiscal Officer II