
PLUMAS COUNTY
ZONING ADMINISTRATOR
Minutes of the Meeting of July 16, 2014

The Plumas County Zoning Administrator convened in a meeting on July 16, 2014, at 10:08 a.m. in the Permit Center Conference Room, Quincy. Zoning Administrator, Randy Wilson, presiding. Senior Planner, Rebecca Herrin, is in attendance.

I. AGENDA

The agenda is approved as submitted.

II. PUBLIC COMMENT OPPORTUNITY

There is no public comment presented.

III. SPECIAL USE PERMIT & PERMIT TO MINE/RECLAMATION PLAN: SENECA GOLD, LLC; APN 002-280-002; T.26N/R.8E/S.9 MDM

As continued from July 9, 2014, the request for a surface placer gold mining operation involving 12.1 acres of a 59.92 acre parcel, located at 587 Little Seneca Road, Canyon Dam, is presented. Rebecca Herrin, Senior Planner, gives a brief presentation of the project and Mitigated Negative Declaration #665 as outlined in the Staff Report. The applicant, Dean Deniz, is present and states he is in agreement with the conditions of approval and has no comments at this time. The public hearing is opened at 10:15. Jon Shields states he is opposed to the mitigation plan because he is the true rightful person who has the mining rights. There is a legal dispute going on currently, and he is recorded with the County as the lease holder and on deed. Seneca Gold has been advised several times to cease all operations. He is the rightful mineral owner and on title with the County of Plumas. He wishes to have all mining operations be ceased.

Randy Wilson, Zoning Administrator, states that Plumas County Counsel has provided a legal opinion on this matter. It states, in part, that "The Preliminary Injunction order does not directly affect Planning, because the County is not a party to the case and the court cannot enforce injunctions against non-parties who are not acting as agents or in concert with enjoined parties. However, the Court ordered the defendants to withdraw their objections to Seneca Gold's application, which defendants have done." Shields states he is the defendant and is not constrained by the Court order, so he has not removed his objections. Wilson states there is a letter from the property owner, David Preim, dated January 16, 2014, stating, "Please rescind previous letter from me regarding Seneca Gold's LLC permitting, as the Court will allow both sides to continue permitting at this time." Shields provides a copy of his signed & notarized lease for the property. Wilson adds that County Counsel opinion also states, "The Court will end up resolving this issue, though whichever party wins the lawsuit will be the one who gets to mine the property. In the meantime, continue processing Seneca Gold's permit application per usual procedures." Shields adds that they are aware of the Courts decision, they just wanted to voice their opinion and let it be known. Wilson summarizes that Shields is contesting the application because he doesn't believe they have the right to do so, and that right to do so will eventually be determined in a Court of Law. Wilson states it's not the Zoning Administrator's matter. He has a signed application to process with proper authorization from the property owner. The public hearing is closed at 10:33.

DECISION

Wilson states he will take the actions recommended by Staff and, 1) adopt Mitigated Negative Declaration #665 pursuant to Section 15074 of the California Environmental Quality Act Guidelines, making Findings A through C, noting that Finding A addresses the minor changes that were made; and 2) approve the Special Use Permit subject to the conditions of approval, making Findings A through D; and 3) approve the Permit to Mine/Reclamation Plan subject to the conditions of approval, making Findings A through C as follows. Wilson makes note that the Special Use Permit is to be signed by the applicant and property owner and returned within 40 days of the date of approval, or the permit will be voided.

NEGATIVE DECLARATION FINDINGS

- A) That the revisions to mitigations proposed by California Department of Fish and Wildlife do not trigger recirculation of the document, as the revisions provide clarification. That there is no substantial evidence in the record supporting a fair argument that the proposed project, as mitigated and 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, Planning Division, 555 Main Street, Quincy, California.

CONDITIONS

Special Use Permit

- 1. This Special Use Permit is approved for the Reclamation Plan for Seneca Gold, LLC, in conformance with the conditions of approval of the Permit to Mine/Reclamation Plan (Exhibit 6). The Special Use Permit will run concurrently with the Permit to Mine/Reclamation Plan.
- 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 and returned within forty (40) days of the date of approval or the permit will be voided.

Permit to Mine & Reclamation Plan

- 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. **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 rocked 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.

FINDINGS

Special Use Permit

- A) The Mitigated Negative Declaration was prepared to address the potential environmental effects and the mitigation measures associated with the project. The Mitigated Negative Declaration was prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) and the Guidelines for Implementation of the California Environmental Quality Act (State CEQA Guidelines). Therefore, it is found that the project is environmentally compatible with the surrounding area.
- 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 because mining is permitted in Timber Resource lands and General Forest (GF) zoning district, subject to issuance of a special use permit. The project is consistent with the General Plan Conservation and Open Space Element Policies pertaining to Mineral Resources (COS 7.4.1 through 7.4.7). The proposed end uses of Open Space and Wildlife Habitat are consistent with the Timber Resource lands designation and the General Forest (GF) zoning district.

Permit to Mine/Reclamation Plan

- A) That the project, as conditioned, conforms with the Surface Mining and Reclamation Act and State Regulations.

- B) That the project conforms to the General Plan and zoning because mining is permitted in Timber Resource lands and General Forest (GF) zoning district, subject to issuance of a special use permit. The project is consistent with the General Plan Conservation and Open Space Element Policies pertaining to Mineral Resources (COS 7.4.1 through 7.4.7).
- C) That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the County's position is at variance with the recommendations and objections raised by the State Department of Conservation, said response addresses in detail, why specific comments and suggestions were not accepted.

IV. SPECIAL USE & SITE DEVELOPMENT PERMIT: INTERMOUNTAIN DISPOSAL, INC.; APNs 125-420-036, -044, AND -052; T.22N/R.13E/S.3 MDM

As continued from July 9, 2014, the request to establish a public service facility involving the construction of a large metal building and appurtenances to be located at 73836 South Delleker Road, 73980 Industrial Way, and 74260 Humbug Lane, Delleker, is presented. Rebecca Herrin, Senior Planner, gives a brief presentation of the project as outlined in the Staff Report. Randy Wilson, Zoning Administrator, questions if this permit alters the franchise agreements with the County. Herrin replies that it does not because it is a private facility. Wilson notes there was a request by Public Works for a standalone traffic analysis. In the Draft Initial Study for the Delleker Shopping Center prepared in 2005, a traffic study was prepared. Condition No. 19 in the Conditions of Approval for this permit indicates the development agrees to participate in the formation of a transportation zone of benefit for the signalization of the highway intersection, when deemed necessary by Plumas County and Caltrans. It is pointed out by Wilson that Caltrans did not request a Traffic Study. Herrin comments that Condition No. 19 was added based on Caltrans's wording in their comments.

Wilson questions if the Biomass Gasification Unit is part of this application. Herrin replies that it is and it was reviewed in the Negative Declaration. There were concerns from neighbors about the unit. Northern Sierra Air Quality indicated in their response that it needs a permit. Wilson notes he received an e-mail from Susan Harvey regarding screening of the existing metal pile. Ricky Ross, applicant, responds that they have approached Public Works about making some adjustments at the Delleker Transfer Site so the metal can be put in bins and directly hauled to Nevada. For now, the pile will remain until they can get it picked up, probably by the end of this summer. Wilson suggests adding Condition No. 24 that states, "The existing outdoor metal pile shall be removed by October 1, 2014." Upon questioning, the applicant states he is in agreement with all of the conditions of approval. Evan Edgar with Edgar & Associates explains how the biomass gasification unit operates. Wilson questions screening and landscaping for the project. Ross responds that they are putting in trees along the north side to block views from Highway 70 and the facility will be fenced. Wilson questions if there is a condition that addresses landscaping. Herrin replies there is not, but the applicants proposed landscaping as part of their application. Wilson suggests adding Condition No. 25 that states, "Proposed landscaping in the project application shall be installed prior to operation of the facility and shall be maintained for the life of the project." The public hearing is opened at 10:51. Lance Wehrman, property owner adjacent to this facility, states he has questions about the actual project and what can be burned and where it will be located. Evan Edgar explains how the biomass gasification unit is operated and what it is designed to burn: only clean wood waste and forest material, no garbage. There is further discussion about Humbug Road, a private road, and who is permitted to use it. A break is called from 11:00 to 11:23 to allow Herrin to research the easement on Humbug Lane. Following further discussion, the public hearing is closed at 11:28.

DECISION

Randy Wilson states he will take the actions recommended by Staff, and 1) adopt Negative Declaration #664 pursuant to Section 15074 of the California Environmental Quality Act Guidelines, making Findings A through C; and 2) approve the Special Use (Site Development) Permit subject to the conditions of approval, adding Conditions #24 and #25, making Findings A through F as follows:

NEGATIVE DECLARATION FINDINGS

- A) That there is no substantial evidence in the record supporting a fair argument that the proposed project, as mitigated and conditioned, might have any significant adverse impact on the environment; and
- B) That the proposed Negative Declaration reflects the independent judgment of the Plumas County Zoning Administrator, and that the mitigation measures will reduce potentially significant impacts to less than significant levels; and
- C) 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 is approved for a Public Service Facility as per Plumas County Code Section 9-2.276. Public Service Facility. The Site Development Permit, approved in conjunction with the Special Use Permit, satisfies requirements in the Heavy Industrial (I-1) zoning as per Plumas County Code Section 9-2.502(a) and Plumas County Code Sections 9-2.1132. Site Development Review and 9-2.1133. Site Development Permits.
- 2. The proposed facility would serve to provide a regional destination for commingled and/or source-separated recyclable materials in order to comply with the provisions of AB 939, AB 32, and AB 341, mandating commercial recycling and processing of organic materials.
- 3. This facility shall not be used for any purpose other than the uses enumerated below, or as described in the "Project Description for the Delleker Material Recovery Facility at 73836 South Delleker Road, 72980 Industrial Way and 74260 Humbug Lane, Delleker, California, 96122", dated July 23, 2012, unless application is made for amendment of the Special Use (Site Development) Permit and that application is approved. The uses authorized under this permit are:
 - a. Construction of a large, fully enclosed, metal building and appurtenances to be located at 73836 South Delleker Road (APN 125-420-044) that will be operated as a Material Recovery Facility (MRF).
 - b. The Material Recovery Facility will process recyclables, in conjunction with an existing 10,000 square foot building located at 73980 Industrial Way (APN 125-420-052) for baling and storage of recovered material, currently the location of the Delleker Recycling Center.
 - c. The Material Recovery Facility will be owned and operated by Intermountain Disposal, Inc. If, at some future date, Intermountain Disposal, Inc. sells or otherwise surrenders the Material Recovery Facility to another party, this Special Use (Site Development) Permit will remain in effect.

- d. An Outdoor Processing area, located at 74260 Humbug Lane (APN 125-420-036), to be used for the processing and storage of mixed construction and demolition debris, inert materials, green waste, wood waste and metals that are delivered directly to, or are separated at, the Material Recovery Facility.
- e. The Outdoor Storage/Processing area will consist of an all-weather, engineered, inert pad enclosed by chain link fencing and screened from view.
- f. Each operation will have its own regulatory permit requirements. The facility may be permitted in phases with separate permits, or combined under one Full Solid Waste Facility Permit, with a total of up to 600 tons of material per day.
- g. The proposed facility will receive municipal solid wastes (MSW) and self-hauled solid wastes collected from residential, commercial and industrial generators and multiple jurisdictions of origin. Waste materials brought to the proposed facility would consist of the following:
 - i. Municipal solid waste (MSW) from residential sources, with or without recyclable materials, in blue bags.
 - ii. Municipal solid waste from commercial and industrial sources.
 - iii. Mixed and/or source-separated commercial recyclable materials.
 - iv. Mixed construction and demolition debris (C & D)
 - v. Commercial and residential green waste with food materials
 - vi. Source-separated green material
 - vii. Wood waste
 - viii. Inert materials
 - ix. Wastes resulting from land clearing
 - x. Metals
 - xi. Forest by-products
 - xii. Wastes resulting from disasters
- h. The facility will not accept hazardous waste, liquid waste, or sewage sludge.

Facility Design and Operation

- 4. The facility shall be designed, constructed, operated and maintained in a manner that minimizes contact between the public and solid waste being processed in the Material Recovery Facility. This may be accomplished through the use of railings, curbs, fences, and/or spotter.

5. Fencing and landscaping shall conform to plans submitted with the “Project Description for the Delleker Material Recovery Facility at 73836 South Delleker Road, 72980 Industrial Way and 74260 Humbug Lane, Delleker, California, 96122”, dated July 23, 2012. Landscape improvements shall be provided on the property adjacent to Industrial Way in a 1,730 square foot landscaped area, as well as in a 470 square foot landscape planter located at the southwest corner of the Material Recovery Facility. Landscape standards and proposed plant materials will be provided as part of the improvement plans for review and approval by Plumas County Planning and Building Services.
6. All portions of the site shall be fenced with slatted chain-link fence, or similar fencing type to the satisfaction of the Planning Director, that will serve to screen the site from public view.
7. Plans for signage, including directional signage and monuments, shall be submitted to Planning and Building Services for approval prior to installation.
8. The following activities will be incorporated into the operations of the facility in order to minimize nuisance. Applicant/Operator shall obtain Authority to Construct and Permit to Operate entitlements from the Northern Sierra Air Quality Management District and comply with permit conditions and all applicable District rules.
 - a. Applicant/Owner shall ensure that all portable diesel-powered equipment will conform with air pollution control permitting requirements.
 - b. Applicant/Owner shall ensure that the biomass gasification unit shall obtain all necessary permits, including an Authority to Construct and Permit to Operate from the Northern Sierra Air Quality Management District.
 - c. Applicant/Owner shall ensure that waste transfer operations are conducted within an enclosed building and that wastes be stored on the tipping pad for no longer than 48 hours in order to contain odor generation.
 - d. Applicant/Owner shall develop and implement an Odor Impact Minimization Plan (OIMP) for the green material operation under the review and oversight of the Local Enforcement Agency (LEA). The Odor Impact Minimization Plan (OIMP) shall include the following provisions:
 - i. Maximum storage period of seven (7) days for stockpiled green waste, and forty-eight (48) hours for co-collected green waster with food materials.
 - ii. Management of the operation to ensure property shipment of processed materials with the 7-day limit (14 CCR Section 18862.1).
 - iii. If necessary, transferring of green material during brief periods of higher winds in the direction of any potential receptor.
 - iv. Use of a portable enzyme-based odor control system that can spray apply a non-toxic enzyme to neutralize offensive odors within stockpiles or incoming loads.
 - v. Incoming loads with offensive odors to be given priority for processing, including the use of the enzyme-based odor control system, or be directed to an off-site permitted landfill for disposal.
 - vi. If necessary, after consultation with the Local Enforcement Agency (LEA), green materials storage time could be reduced from 7 days during those times of the year when

there would be a higher percentage of grass clippings or wet leaves present in the green materials.

- vii. Design and construction of the engineered inert pad to achieve a slope of approximately 1% in order to promote drainage and to prevent ponding of water, which can create a cause of odor. Maintenance of the pad by adding gravel, as necessary, to depressed locations.
 - viii. Daily monitoring of on-site odors and planned operations for potential to release odors to be performed by the Operator. If objectionable odors are detected, the Operator would do the following:
 - Investigate and determine the likely source of the odor.
 - Determine if on-site management practices could remedy the problem and immediately take steps to remedy the situation,
 - Determine whether or not the odor is traveling beyond the site by patrolling the site perimeter and noting existing wind patterns.
 - Odor complaints received by the Operator or the Local Enforcement Agency (LEA) and the Northern Sierra Air Quality Management District. Complaint response protocol will include the following:
 - Upon receipt of a complaint by the LEA and the NSAQMD, the LEA would notify the Operator within 24 hours and file the complaint.
 - The Operator receives and reviews the complaint and documents the complaint in the site operations log.
 - The LEA and the Operator goes to the location of the complaint to verify that the site is the source of the odor. If the complaint cannot be verified, the Operator continues to perform self-monitoring and use of best management practices (BMPs).
 - If the site is verified to be the source of the odor in the complaint, the Operator assesses the complaint and makes recommendations to the LEA within 24 hours of receiving the complaint or within 48 hours, should the complaint be received on a holiday or a weekend.
 - The Operator implements reasonable recommendations suggested by the LEA. As long as the Operator continues to implement reasonable recommendations and proceeds in good faith to improve the operations to a level that meets the recommended changes and design goals, the Operator will continue operations utilizing best management practices (BMPs).
 - The Operator, LEA, and complainant, if known and chooses to participate, meet within a reasonable timeframe to assess the original problem and review the results from implementation of the recommendations.
 - Results and actions are documented in the site operations log, which serves as the operation's permanent record.
9. A dust control plan shall be submitted to and approved by the Northern Sierra Air Quality Management District. The provisions of a dust control plan pertaining to construction activities and operations activities will include, but not be limited to:
- a. Applicant/Operator shall pave all traffic circulation areas and construct an engineered inert pad in the material processing areas to minimize fugitive dust emissions.
 - b. Applicant/Operator shall install a misting system within the Material Recovery Facility and utilize the system, as necessary, to abate dust and odor generation.

- c. Applicant/Operator shall utilize manual watering of green material and of construction and demolition processing areas to control dust.
 - d. Applicant/Operator shall post signs specifying traffic speed limits of 5 miles per hour in order to minimize any dust generation.
 - e. During construction, Applicant/Operator shall implement effective dust suppression for land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill and demolitions activities.
 - f. During construction, Applicant/Operator shall implement effective stabilization of all disturbed areas of a construction site, including storage piles, not used for seven or more days.
 - g. During construction, Applicant/Operator shall remove all accumulations of mud or dirt at the end of the work day or once every 24 hours from public roads, shoulders, and access ways adjacent to the site.
10. The Material Recovery Facility may be operated seven days a week, 52 weeks per year, with the following limitations:
- a. Indoor material processing may occur 24 hours per day only within the fully enclosed building.
 - b. Outdoor processing activities may be conducted between 6:00 a.m. and 6:00 p.m.
 - c. Deliveries of feed stocks and shipments of recovered commodities to market may be conducted between 6:00 a.m. and 6:00 p.m.
 - d. Material Recovery Facility operations hours are anticipated to be Monday through Friday, 7:00 a.m. to 3:30 p.m. (closed 12 p.m. to 12:30 p.m. for lunch) and Transfer Station operations hours Monday through Sunday, 9:00 a.m. to 4:00 p.m. (closed 12:00 p.m. to 12:30 p.m. for lunch).

Applicant/Operator shall post easily visible signs at the main public entrance indicating the name of the operator, schedule of charges, hours of operation and listing of general types of material accepted at the facility.

Permitting Requirements

- 11. Applicant/Operator shall obtain all necessary building and grading permits from Plumas County Planning and Building Services prior to construction.
- 12. Applicant/Operator will comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) General Construction Activities Storm Water Permit Program and obtain applicable permits prior to commencement of construction activities involving site disturbance. All applicable storm water pollution controls shall be implemented during construction and post-construction as required by the permit(s).
- 13. Applicant/Operator shall submit Notices of Intent to the State Water Resources Control Board and

maintain a Storm Water Pollution Prevention Plan (SWPPP) for facility operations with best management practices that will be implemented for control of storm water. Annual compliance reports shall be submitted to the Central Valley Regional Water Quality Control Board for review and approval.

Best management practices shall include, but not be limited to:

- a. Store recycled materials on a slightly sloping paved area (to prevent ponding) with a drainage system. Prevent run-on and runoff by directing drainage around storage areas.
 - b. Install all storm drains with filtration sacks to eliminate solids from discharging into the storm drain system.
 - c. Sweep parking areas, debris box storage area, and processing areas regularly to remove fine particles of material and dust.
 - d. Store household hazardous materials from the load checking program in an approved household hazardous materials storage compartment and in accordance with federal, state, and local requirements.
 - e. Conduct all vehicle maintenance within the maintenance shop at the applicant's existing facility.
 - f. Implement a spill prevention, control and cleanup program.
 - g. Train employees in implementation of best management practices (BMPs).
 - h. Annual inspection reports will be submitted to the Central Valley Regional Water Quality Control Board which includes records of monitoring activities, results of annual site inspections, and compliance records from site inspections.
14. Applicant/Operator shall notify Plumas County Environmental Health, acting as Local Enforcement Agency (LEA) for the California Department of Resources, Recycling, and Recovery (CalRecycle) of the operations to obtain a new Report of Facility Information and a Registration Solid Waste Facilities Permit (SWFP) for facility operations under 100 tons per day. Registration Solid Waste Facilities Permits are issued locally by the Local Enforcement Agency.
 15. Applicant/Operator shall obtain a Full Solid Waste Facility permit for facility operations over 100 tons per day, with CalRecycle concurrence.
 16. Applicant/Operator shall update the Emergency Response Preparedness Plan, as necessary, to the satisfaction the Plumas County Environmental Health. The minimum state requirements of Title 14, California Code of Regulations General Operating Standards shall be followed to reduce the risk to public health, safety and the environment:
 - a. The Operator shall record and retain records of any serious injury to the public occurring onsite and any complaint of adverse health effects to the public attributed to operations.
 - b. Refuse removed from feedstock, compost, or chipped and ground material shall be removed

from the site within seven (7) days and transported to an appropriate facility.

- c. The Operator shall prevent or remove physical contaminants in compost and chipped ground materials that may cause injury to humans.
 - d. When the operation or facility is open to the public, an attendant shall be on duty during business hours.
 - e. The Operator shall ensure that contact water (leachate) is controlled to prevent contact with the public.
 - f. Enclosed operations and facilities shall provide ventilation to prevent adverse public health effects from decomposition gases.
 - g. Representative and random composite samples shall be obtained for testing requirements (currently prescriptive).
 - h. The Operator shall ensure that all personnel assigned to the operation shall be trained in subjects pertinent to operations and maintenance.
17. Any necessary encroachment permits shall be obtained for any work within the county road right-of-way.

Additional Measures

18. The on-site fire control systems shall conform to the requirements of the County and the Eastern Plumas Rural Fire Protection District. In addition to the requirements of the California Building Code and Fire Code applicable to the construction of the building, which shall be constructed with a sprinkler system designed and installed by California State-licensed engineers and contractor(s), additional options may include, but not be limited to:
- a. Water truck onsite to assist in suppressing fire in conjunction with hydrants meeting required fire flows.
 - b. Automatic fire sprinkler protection in any conveyor tunnels and combustible enclosures that pass under a waste pile. All combustible or enclosed conveyor systems shall also be protected by automatic fire sprinklers.
 - c. Portable fire extinguishers with a minimum rating of 4A-80BC on all vehicles and equipment operating on waste piles and at all processing equipment.
 - d. Approved combustible material-handling equipment for moving materials during fire-fighting operations.
19. This development agrees to participate in the formation of a transportation zone of benefit for the signalization of the highway intersection, when deemed necessary by Plumas County and CALTRANS.
20. If any unanticipated cultural resources (historic or prehistoric) are exposed during ground

excavation or ground disturbing activities, construction shall be terminated immediately until a qualified cultural resources specialist evaluates the resource(s). Any discovered resources that merit long-term consideration will be collected and reported in accordance with standard archaeological management requirements.

21. Per Health and Safety code 7050.5, if human remains are encountered during construction, no further disturbance shall occur until the county Coroner has made a determination of origin and disposition pursuant to Public Resources Code 5097.98. The Coroner must be notified within 24 hours. If the Coroner determines that the remains are not historic, but are pre-historic, the Native American Heritage Commission (NAHC) must be contacted to determine the most likely descendent for this area. Once the most likely descendent is determined, treatment of the Native American human remains will proceed pursuant to Public Resources Code 5097.98. The Native American Heritage Commission may become involved with decisions concerning the disposition of the remains.
22. 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.
23. The Special Use Permit is to be signed and returned within forty (40) days of the date of approval or the permit will be voided.
24. *The existing outdoor metal pile shall be removed by October 1, 2014.*
25. *Proposed landscaping in the project application shall be installed prior to operation of the facility and shall be maintained for the life of the project.*

FINDINGS

- A) The Mitigated Negative Declaration was prepared to address the environmental effects associated with the project. The Mitigated Negative Declaration was prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) and the Guidelines for Implementation of the California Environmental Quality Act (State CEQA Guidelines). Therefore, this project, as conditioned, is environmentally compatible with the surrounding area. Therefore, granting this permit would not be detrimental to the health, safety, or welfare of persons residing or working in the vicinity where the use would be established.
- B) The use is appropriate for the site, general surroundings, and environmental setting.
- C) 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 limit any nuisances nor interfere with the surrounding community. The project will be in conformance with all other regulations pertaining to the use.
- D) 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.

- E) This project is consistent with the General Plan and zoning because a public service facility is a permitted use in all residential zones, subject to issuance of a special use permit, and subject to site development review in the Heavy Industrial (I-1) zone.
- F) The Plumas County Integrated Waste Management Plan is the solid waste and recycling planning document that describes how the County will comply with the California Integrated Waste Management Act of 1989 (AB 939), which requires that jurisdictions in California divert 50% of their waste stream on an after the year 2000. The Non-Disposal Facility Element of the Plan is currently in the process of being amended to add the Material Recovery Facility.

V. **TENTATIVE PARCEL MAP: HESSEL, A. ET AL.; APN 003-310-001; T.21N/R.9E/S.5 MDM**

The proposal to divide 9.3 acres into three parcels of 3.1 acres each for single-family residential use and estate purposes, located at 2916 Little Grass Valley Road, near La Porte, is presented. Rebecca Herrin gives a brief presentation of the project as outlined in the Staff Report. Randy Wilson, Zoning Administrator, questions the need for Condition No. 12, which requires improvement plans, construction specifications, and a construction cost estimate prior to the recording of the final map, if no construction or improvements will be taking place prior to recordation of the final map. The tentative map shows a future driveway for Parcel 1, but it may never be built because currently all three parcels are accessed by the existing driveway. In addition, if the driveway is designated as an easement, then the requirements for a firesafe driveway won't apply if construction occurs on any of the parcels. There would also be no requirement to improve the driveway if construction takes place because once it is recorded as an easement, no further improvements are required. And a road is not required because all three parcels have frontage on Little Grass Valley Road. It is suggested by the project engineer that the condition be changed to read "prior to construction" rather than "prior to recordation of the final map".

The five comments and recommendations in the memo from Public Works dated May 5, 2014, are discussed. Mr. Rohrbach questions what constitutes "new development", which makes Condition #3 necessary (annexation to the La Porte Fire Protection District). A land division is the trigger. Both the General Plan and Zoning Code require it, and the State of California has modified Government Code to require it on new land splits. Herrin notes that LAFCo will be working on a Sphere of Influence for La Porte in August, which will include Little Grass Valley.

Jeff Spence, project engineer, questions how the Environmental Health Department came up with the square footage for the sewage disposal area for Parcel 1 required in Condition #7.b. It is a Code requirement, but Wilson suggests modifying the condition to read, ". . . or another size approved by the Plumas County Department of Environmental Health."

The public hearing is opened at 12:17. There being no comments, the hearing is closed at 12:17.

DECISION

Wilson states he will take the actions recommend by Staff, and 1) Find the project exempt from the requirements of the California Environmental Quality Act under Section 15061(b)(3), making Findings A & B; and 2) Approve the tentative parcel map subject to the conditions of approval as have been modified at the public hearing, making Findings A through E 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. An initial study checklist has been completed for the project.

A “*Prefield Research Data and Botanical Field Reconnaissance Report*”, Jim Battagin, September 24, 2013, determined that no federal or state species that are listed or candidates for listing were found within the project area boundaries. Further, no other “species of concern” were found. No habitat for any plant species of concern was seen. No plant species considered to be noxious weeds as listed in “Selected Noxious Weeds of Northeastern California” and defined by the California Food and Agriculture Code or in “Plumas National Forest Known or Potential Noxious Weeds” compiled by Linnea Hanson Forest Botanist and Chris Christofferson Plant Ecologist and Brian Elliott Botanist were observed in the project area. No potential habitat was observed for either the yellow-legged frog or the Sierra Nevada yellow-legged frog. Although potential habitat was observed for the bald eagle and spotted owl, a query of the California Department of Fish and Game (Fish and Wildlife) Natural Diversity Database showed no known nesting areas in or within a half mile of the project area.

An archaeological survey was performed for the project area. A search of state databases, including all records and documents available at the Northeast Information Center, and intensive pedestrian survey, failed to identify any cultural resources within the Area of Potential Effects. Based on the findings of the present archaeological inventory, no significant historical resources/unique archaeological resources will be affected by the undertaking, as presently proposed. Despite these negative findings, two general provisions are recommended and included in the conditions of approval.

Preliminary Drainage Design for Tentative Parcel Map at Little Grass Valley Road was submitted by Laughlin and Spence Civil Engineers and Surveyors, dated March 20, 2014. Final design of future driveways and drainage facilities shall be incorporated into improvement plans prior to construction; 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 Map shall be prepared in conformance with the Vesting Tentative Map prepared by Tibbedeaux Surveying in June, 2013.
2. The Final Map shall be recorded prior to July 16, 2016, or an Extension of Time shall be filed.
3. An annexation to the La Porte Fire Protection District shall be obtained, or a funding mechanism shall be established appropriate to cover costs associated with the provision of fire protection services at a service level appropriate for the size and scale of the development to the satisfaction of the Planning Director prior to the recordation of the Final Map.
4. The perennial wetland/spring area shall be delineated on an additional information map. This area shall be identified on the additional information map as a building and grading exclusion areas.
5. A note shall be placed on the additional information map recorded concurrently with the Final Map

and on all building and site development plans that states:

“Should development activities reveal the presence of cultural resources (i.e., artifact concentrations, including arrowheads and other stone tools or chipping debris, cans, glass, etc.; structural remains; human skeletal remains), work within 50 feet of the find shall cease immediately until a qualified professional archaeologist can be consulted to evaluate the remains and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that such remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American participation in determining the disposition of such remains.”

6. Prior to the recordation of the final map, a note shall be placed on the additional information map that contains the following language: ***(This applies to Parcel 3 as shown on the tentative parcel map and any new dwelling on proposed Parcels 1 and 2)***

“Under 1275.00 et seq. of the SRA Fire Safe Regulations and the provisions of Article 10 of Chapter 4 of Title 9, commencing with Section 9-4.1001 of the Plumas County Code, emergency water for fire protection shall be required for each dwelling before final inspections for building construction.”

7. Prior to the recordation of the final map, an additional information map shall be submitted to the Engineering Department and reviewed and approved by the Environmental Health division that meets the requirements of Plumas County Code, Title 6, Chapter 11, and the following:
 - a. The designated sewage disposal areas for each parcel must be identified.
 - b. The replacement area for the sewage disposal area on Parcel 1 shall be increased to a minimum of 1650 square feet, ***or another size approved by the Plumas County Dept. of Environmental Health.***
 - c. A note shall be placed on the additional information map that states that “The future dwelling unit on Parcel 3 is limited to a maximum of three (3) bedrooms”.
 - d. A note shall be placed on the additional information map that states that “Designated Sewage Disposal Areas may only be revised with approval of Plumas County Environmental Health”.
8. The outhouses shown on Parcels 1 and 3 are prohibited from use per Plumas County Code Section 6-6.17. Prohibited sewage disposal facilities. The toilet pits must be filled with dirt to the satisfaction of Plumas County Environmental Health prior to recordation of the Final Map.
9. A note shall be placed on the additional information map that contains the following language:

“Little Grass Valley Road (County Road No. 514), in the vicinity of this map, is not maintained by Plumas County during winter months. There is no roadway snow plowing or de-icing activity conducted by the Department of Public Works. The roadway is generally passable in the winter months only by over-snow vehicles.”
10. The existing fifty-foot wide public access easement shall be shown and identified on the final map

to provide access along the shore of Little Grass Valley Reservoir.

11. A note shall be placed on the additional information map that contains the following language:

“Plumas County Code Section 10-2.02(l):

“(l) No person, by his acts or by the location of any structure, equipment, or materials, shall prohibit or interfere with pedestrian access above the high waterline of any reservoir and within the project area.”

12. *A note shall be placed on the additional information map that contains the following language:*

No improvement plans are required for recording the final map as there is an existing driveway serving parcels 1, 2, and 3. Construction of proposed driveway improvements in the future shall be governed by P.C.C Section 8-14.02 Driveways.

FINDINGS

- A) This project, as conditioned, will satisfy required development standards, as per Plumas County Code, for Moderate Opportunity, Secondary Suburban because the development will be served by a road which meets the required County Road Standard and all required utilities and services are available or can be made available.
- B) This project, as conditioned, will be consistent with the S-3 (Secondary Suburban), zoning because each parcel will meet the minimum standards for size, width and use. Two of the parcels are already developed with one dwelling unit each, on a three plus acre parcel. 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 Secondary Suburban uses on the site and the zoning designation is S-3 (Secondary Suburban), which is compatible with existing and proposed 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. One small spring water source area supports wetland vegetation and will be designated a building and grading exclusion area.
- E) The project approval has been conditioned to require structural fire protection which will satisfy General Plan Land Use Implementation Measure 10.

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 12:30 p.m. The next scheduled Zoning Administrator meeting is set for August 14, 2014, 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