
**PLUMAS COUNTY
ZONING ADMINISTRATOR**
Minutes of the Meeting of May 13, 2015

The Plumas County Zoning Administrator convened in a meeting on May 13, 2015, at 10:00 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

No public comment is presented.

III. SPECIAL USE PERMIT: GARRETT, S. & J. (Applicants) / BAKER, C. (Owner); APN 100-191-014; T.28N/R.7E/S.7 MDM

The request to keep a 4-H goat and sheep in a temporary pen in a commercial zone behind an existing residence, located at 127 Farrar Drive, Chester, is presented. Rebecca Herrin, Senior Planner, gives a brief overview of the project as outlined in the Staff Report. Herrin notes two letters have been received from neighbors in favor of the project. Randy Wilson questions the applicants if they have any comments. Sonja Garrett states they support 4-H and there are a couple of girls who want to show some animals and they're trying to support their efforts. Wilson questions if the applicants are in agreement with the conditions of approval. Applicants acknowledge they are in agreement. The public hearing is opened at 10:03. There being no comments, the public hearing is closed at 10:03.

DECISION

Wilson states he will take the actions recommended by staff, and 1) find that the project is exempt from the requirements of the California Environmental Quality Act under Section 15061(b)(3), making Findings A and B; and 2) approve the Special Use Permit subject to the conditions of approval outlined in Exhibit 1 of the Staff Report, with Findings A through D:

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.

PROJECT FINDINGS

- A. This project, as conditioned, is environmentally compatible with the surrounding area because the proposed project conforms to the general plan constraints and polices, and with applicable state and county codes that are designed to protect public health and safety.
- 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.

The sheep and goat will be penned and walked on the property. Waste removal and disposal shall be in an approved manner.

- C. This project is not economically incompatible with the surrounding area because it does not prevent or diminish the ability of the surrounding property owners from deriving economic benefit, nor will the use 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 and to protect property owners' rights to develop consistent with the General Plan.
- D. This project is consistent with the general plan and zoning because animal breeding and boarding is a permitted use, subject to issuance of a Special Use Permit, and this keeping of animals on the property is temporary.

CONDITIONS

- 1. The use, operation, and layout of the facility shall be as described in the application and as shown on the plot plan received March 27, 2015.
- 2. Removal and disposal of animal waste shall be 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 6-10.102.1.
- 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 and returned within forty (40) days of the date of approval or the permit will be voided.

IV. CHANGE OF OPERATOR FOR THE LOWER SOPER PIT MINING OPERATION (CA MINE ID# 91-32-0037: WILBURN CONSTRUCTION / SIERRA CONCRETE (Applicants) / SOPER WHEELER COMPANY (Owner); APN 113-030-001; T.24N/R/8E/S.15 MDM

The request for a change of operator for an existing permitted mining operation from Steve Manning Construction to Wilburn Construction, Inc. & Sierra Concrete, Inc., located at 1201 Spanish Ranch Road, Meadow Valley, is presented. Rebecca Herrin, Senior Planner, gives a brief overview of the proposal as outlined in the Staff Report. Herrin notes that a letter has been received from the Soper Company in favor of the request. The public hearing is opened at 10:06. There being no comments, the public hearing is closed at 10:06.

DECISION

Randy Wilson states he will approve the Change of Operator status and direct staff to obtain a Statement of Responsibility form and notify the Department of Conservation, Office of Mine Reclamation, of the status, subject to Finding A:

FINDING

A) Change in operator status is considered non-substantial and can be accomplished via administrative means.

V. AMENDMENT OF RECLAMATION PLAN FOR WILLOW CREEK BORROW SITE (CA MINE ID# 91-32-0012) & ADOPTION OF NEGATIVE DECLARATION #668: PLUMAS COUNTY PUBLIC WORKS DEPARTMENT; APN 133-140-032; T.22N/R.13E/S.19 MDM

The proposal to amend the reclamation plan approved by Plumas County in 1990 for a surface mine that provides materials used by the Plumas County Department of Public Works for maintenance and repair projects in the county, located at 1737 Clio-State 40A Road, Clio, is presented. Rebecca Herrin, Senior Planner, gives an overview of the project as outlined in the Staff Report. The public hearing is opened at 10:13. There being no comments the public hearing is closed at 10:13. Jim Graham of the Public Works Department requests the addition of one condition having to do with water quality protection measures. The proposed condition reads: "Water quality protection measures shall be established and implemented through the SWPPP and shall supersede specific water quality protection measures referenced in the application."

DECISION

Wilson states he will take the actions recommended by staff, and 1) After reviewing and considering the proposed Negative Declaration #668, adopt Negative Declaration #668 pursuant to Section 15074 of the California Environmental Quality Act Guidelines, making findings A through C; and 2) Approve the amendment to the reclamation plan subject to the conditions of approval outlined in Exhibit 3 of the Staff Report, with the addition of Condition #16, as requested, making findings A through D as follows:

ENVIRONMENTAL DETERMINATION FINDINGS

- A. That there is no substantial evidence in the record supporting a fair argument that the proposed project, as 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
- 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.

PROJECT FINDINGS

- A. The Negative Declaration was prepared to address the potential environmental effects associated with the project. The 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).
- B. This project is consistent with the General Plan and zoning because mining is permitted in Rural Residential (R-10) lands, subject to the issuance of a Special Use Permit. The mining operation is vested and no Special Use Permit is required.

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 are consistent with the Rural Residential designation and the Rural (R-10) zoning district.

- C. Mining has taken place on the site since 1976. This project was determined to be a vested mining operation by the Plumas County Zoning Administrator in 1990. At that time a reclamation plan was adopted for the operation. This amendment to the approved reclamation is consistent with the requirements of the Surface Mining and Reclamation Act (SMARA).
- D. That a written response to the State Department of Conservation will be 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 will address in detail, why specific comments and suggestions were not accepted.

CONDITIONS

1. The initiation date for the Reclamation Plan will be the date of signature of the permit by the Applicant/Operator.
2. The Permit to Mine/Reclamation Plan will expire May 13, 2133, 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. All final reclamation activities shall be completed by December 31, 2133.

3. Senate Bill 108, which became law on January 1, 2012, changed the definition of “idle” mines under the Surface Mining and Reclamation Act (SMARA). “Idle” is now defined as a one-year reduction in mineral production by more than 90 percent of its maximum annual production within any of the last five years. Previously, the law stated that a mine was idle if there was a 90 percent reduction compared with a mine’s historic maximum production. This amendment to the reclamation plan can be seen as a new permit as it replaces the previous. It is possible, given the scope of the project and the fluctuation in the need for material that an Interim Management Plan will need to be filed with the County if the mine meets the definition of idle.
4. The Permit to Mine/Reclamation Plan shall be conducted in compliance with the plan and plan maps submitted in *Reclamation Plan for Willow Creek Borrow Site, CA Mine ID No. 91-32-0012, County of Plumas Department of Public Works – June 2012, Revised May 2, 2013, prepared by Steven C. Devin, P.E., G.E., Civil and Geotechnical Engineering Services*, unless modified by the following conditions.
5. 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 fueling operations.
6. 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.
7. 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.
8. 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.
9. Reclamation may be performed 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.

10. Appropriate permits for new on-site stationary equipment sources shall be obtained from the Northern Sierra Air Quality Management District, if necessary.

11. 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.
12. Revegetation meeting all the requirements of California Code of Requirements section 3705 shall be performed on an annual basis after mining activities are completed.
13. 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.
14. Financial assurances held for reclamation work will be released when the performance standards of the reclamation plan are satisfied.
15. The Reclamation Plan shall be signed and returned within forty (40) days of the date of approval or the permit will be voided.
16. Water quality protection measures shall be established and implemented through the SWPPP and shall superseded specific water quality protection measures referenced in the application.

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 10:14 a.m. The next regularly scheduled Zoning Administrator meeting is set for June 10, 2015, 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