



Commissioner Don Jones	District 1
Commissioner Linda Walker – Chairperson	District 2
Commissioner Kim Tipton	District 3
Commissioner William Turri	District 4
Commissioner Delbert David – Vice Chair	District 5

TEHAMA COUNTY PLANNING COMMISSION MINUTES

MINUTES FOR THE MEETING HELD ON: September 18, 2008

LOCATION: Administration Building
Board of Supervisors Chambers
727 Oak Street
Red Bluff, CA 96080

COMMISSIONERS PRESENT: Commissioners Walker, Jones, and David

COMMISSIONERS ABSENT: Commissioner Tipton and Turri

PLANNING STAFF PRESENT: George W. Robson, Director of Planning
Kellee A. Taresh, Recording Clerk

OTHER COUNTY DEPARTMENTS PRESENT: Arthur Wylene, Assistant County Counsel
Gary Antone, Public Works Director

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance was led by Chairperson Walker.

Chairperson Walker temporarily adjourned the Planning Commission meeting at 9:02 a.m. to open the Airport Land Use Commission meeting.

Chairperson Walker reconvened the Planning Commission meeting at 9:03 a.m.

CITIZEN'S CONCERNS:

George Robson, Director of Planning announced that he had sent a letter out to the City of Red Bluff and City of Corning regarding Land Development near city limits which outlines the procedures to pursue inter-jurisdictional cooperation regarding development within city boundaries of county interface. He stated he will pursue this with meetings in the near future and hopefully will have an agreement prior to the Planning Commission recommendation on the General Plan which will be November or December as part of the General Plan adoption process.

Mr. Robson also gave a General Plan update. The Draft EIR will be available Friday. Hard copies and CD's will be available in the Planning Dept starting Friday, Sept. 19, 2008. It will also be posted on the General Plan Website www.tehamagp.com. There is a 45 day review period which will conclude on Nov. 3 and he expects to have the Public Hearing, receiving testimony on the DEIR at the Oct. 16 Planning Commission meeting. Depending on the number of comments that he receives, he will have a meeting on the recommendation for the EIR and General Plan on or about the Nov. 20, 2008. A special meeting could also be held around the first Thursday of December to have the Planning Commissioners comments finalized prior to the Christmas holiday, sending it on then to the Board of Supervisors which will hold at least 2 workshops on issues coming before them, with final action possibly the third week of January at the earliest.

Commissioner Jones stated he understood at the time the Board Of Supervisors receives the final Draft they may have comments, which would return the document to the Planning Commission for response.

Mr. Robson stated that if they make any changes to the Planning Commission recommendations in the policy document or the maps, the procedure requires it be sent back to the Planning Commission for consideration of the proposed changes. The Planning Commission may or may not act on the recommendations, then it would be sent back to the Board Of Supervisors with any comments for their final actions.

Chairperson Walker asked for any Citizens wishing to comment on anything not on today's agenda to come forward. No comments were received.

MINUTES OF MEETING:

August 21, 2008:

Chairperson Walker if there were any questions or corrections to the Planning Commission Minutes of August 21, 2008.

Commissioner David stated there should be a correction to Page 9 of 13 regarding approval of the two conditions for the reclamation plan. Mr. David stated it should reference "response to comments as an addendum".

A motion was made by Commissioner David, seconded by Commissioner Jones and

carried by a vote of 3:0:2 of the Tehama County Planning Commission to approve the minutes of the August 21, 2008 meeting with the correction as follows:

Correction to read (Page 9 of 13 – Paragraph 1):

“Arthur Wylene, Assistant County Counsel stated there are 2 addendas and asked Mr. Deem if the operator approves the response to comments as an addendum to the Reclamation Plan.”

PUBLIC HEARING:

USE PERMIT #08-10, THE TERMO COMPANY (VIOLET FAYE GARDNER SKALA, SURFACE OWNER). TO ESTABLISH A NATURAL GAS WELL, VIOLET #1-35, FOR PRODUCTION PURPOSES IN AN EA-AP; EXCLUSIVE AGRICULTURAL – AGRICULTURAL PRESERVE ZONING DISTRICT . THE WELL SITE IS LOCATED SOUTH OF CORNING, APPROXIMATELY 250 FEET WEST OF INGRAM RD, AT A POINT APPROXIMATELY 1,480' SOUTH AND 250' WEST OF THE NE CORNER OF SECTION 35, TOWNSHIP 23N., RANGE 3W., M.D. B. & M. APN: 89-330-09. 60.0 ACRES.

Chairperson Walker opened the public hearing.

Mr. Robson explained the project, location and addition of another condition to cover temporary fencing. Mr. Robson stated no correspondence had been received by the Planning Department, however a new Condition #25 has been added to address temporary fencing around the site to prevent cattle from entering.

Gary Antone, Director of Public Works explained there have been problems in the past with the encroachments not being completed prior to the drilling of the gas wells. He explained that is has not been a problem with this applicant, but with other gas well applicants.

Mr. Robson stated the Use Permit is issued from the Planning Department, however, if the encroachment permit is not completed the Use Permit would not be issued. Once the encroachment is completed it would be up to the Public Works Department to notify the Planning Department, at which time the Use Permit would be issued and the drilling could be started.

Chairperson Walker opened the meeting to public testimony.

Mary Halpin, representing the applicant was present. She explained she has applied for the encroachment permit, however she is not sure if the Public Works Department has approved it. She explained she is aware of the encroachment permit requirements and has no problem with the new procedure.

Commissioner Jones stated that Condition #22 addresses the encroachment permit and additional language could be added regarding the above requirement.

Condition #22(B) is amended as follows:

Condition #22

Tehama County Public Works Dept.

GAS WELL ACCESS AND ENCROACHMENT PERMIT REQUIREMENTS:

- A.) The Developer shall obtain an Encroachment Permit from the Tehama County Public Works Department for the proposed driveway location that will access facility.
- B.) Construction of said encroachment must be completed and certified prior to any development or drilling activity. The Use Permit will not be issued until completion is certified by the Public Works Department. **(Amended at PC 9-18-08)**

Chairperson Walker closed the public hearing.

It was moved by Commissioner Jones, seconded by Commissioner David and carried by a vote of 3:0:2 of the Tehama County Planning Commission to find that an Initial Study has been prepared, a Negative Declaration filed and circulated through the CEQA process, all comments have been responded to and the Negative Declaration meets the requirements of CEQA and its Guidelines.

It was moved by Commissioner Jones, seconded by Commissioner David and carried by a vote of 3:0:2 of the Tehama County Planning Commission to adopt the following Sub-findings and Findings as presented in the U.P. #08-10 Technical Advisory Committee Staff Report:

Subfinding #1

The applicant proposes to establish a natural gas well , Violet #1-35, for production purposes in a EA-AP; Exclusive Agricultural – Agricultural Preserve Zoning District, in an area primarily used for raising various crops and is surrounded by parcels varying in size from 20.0 to 120 acres.

Subfinding #2

There is one dwelling unit located on the project parcel within one thousand feet of the proposed well site.

Subfinding #3

The project has been conditioned to mitigate the potential noise impacts associated with the location of a compressor within 1,000 feet of the dwelling unit.

Finding #1

That the location; size, design and operating characteristics of the natural gas well will be compatible with, and will not adversely affect or be materially detrimental to adjacent uses, buildings or structures, with consideration given to harmony in scale, bulk, coverage and density to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic, and the capacity and physical character of surrounding streets; and to any other relevant impact of the proposed use.

Subfinding #4

The Tehama County General Plan designates the site as Cropland. Upon the application and approval of a use permit a natural gas well is permitted in said designation.

Finding #2

That the impacts as described in Finding #1, and the location of the proposed use are consistent with the Tehama County General Plan.

Subfinding #4

The applicant intends to establish a natural gas well at the site. Hence, the natural gas well will contribute to the production of natural gas thereby reducing the nation's reliance on foreign fuel sources.

Finding #3

That the natural gas well, at its proposed location, will provide a service to the community and the nation.

It was moved by Commissioner Jones, seconded by Commissioner David and carried by a vote of 3:0:2 of the Tehama County Planning Commission approve Use Permit #08-10 subject to the following conditions with the amendment to Condition 22(B) and the addition of Condition #25:

Condition #1

Tehama County Planning Department

COMPLIANCE WITH AGENCY REQUIREMENTS. Applicant shall meet the requirements of all Federal, State and local agencies, especially the Tehama County Building Department and the Department of Environmental Health.

Condition #2

State of California, Dept. of Fish & Game

FISH & GAME ENVIRONMENTAL FILING FEE. Pursuant to Fish & Game Code Section 711.4 and California Code of Regulations (CCR) Title 14, Section 753.5, all environmental filing fees shall be paid prior to issuance of the Use Permit.

Condition #3

Tehama County Planning Dept.

DEVELOPMENT PLAN. Project shall be developed as shown on the Plot Plan submitted with application dated June 13, 2008.

Condition #4

Tehama County Air Pollution Control District

An Authority to Construct **prior** to operation of a drilling rig for each of the stationary internal combustion engines used; or a Portable Equipment Registration Program Permit issued by the California Air Resources Board must accompany each emission device and the District shall be notified of the operation no later than three (3) days after commencement of drilling activities.

Condition #5

Tehama County Air Pollution Control District

After drilling the well, if natural gas is found and will be processed at the site, the applicant must apply for and receive an Authority to Construct from the TCAPCD **prior to actual installation and operation** of a Glycol Dehydrator, Heater/Separator or any compressor unit driven by a stationary internal combustion engine.

Condition #6

Tehama County Environmental Health Agency

STEEL STORAGE TANK. Use of Steel Storage Tank is required to retain all wastewater resulting from the well drilling. The Steel Storage Tank is to be removed upon completion of drilling.

Condition #7

Tehama County Environmental Health Agency

HAZARDOUS WASTES. The handling or disposal of toxic or hazardous wastes associated with the drilling operation shall be properly disposed of in accordance with California State Law.

Condition #8

Tehama County Environmental Health Agency

HAZARDOUS MATERIAL STORAGE. All hazardous material storage shall comply with the standards contained in the 1985, or most recently adopted, edition of the Uniform Fire Code, Article 80, titled "Hazardous Materials".

Condition #9

Tehama County Environmental Health Agency

SOLID WASTE. Solid wastes shall be properly stored and disposed of weekly at a permitted landfill.

Condition #10

Tehama County Environmental Health Agency

SEPTIC TANK PUMPER. The portable toilet pumper must be registered by the Tehama County Department of Environmental Health. The name of the pumper shall be submitted to the Department of Environmental Health prior to the beginning of drilling operations.

Condition #11

Tehama County Environmental Health Agency

Applicant must submit a signed Hazardous Materials general information questionnaire to the Department of Environmental health (questionnaire can be obtained from the same).

Condition #12

Tehama County Environmental Health Agency

If business handles hazardous materials above threshold quantities, business emergency response plan and inventory shall be submitted to the Department of Environmental Health at least 30 days prior to commencing operations.

Condition #13

Tehama County Environmental Health Agency

ENVIRONMENTAL HEALTH INSPECTION. The applicant shall contact the Tehama County Department of Environmental Health to have the site inspected by personnel from that Department prior to the commencement of the drilling operation. Once the drilling is completed this Department shall be contacted to re-inspect the site. Natural gas production will not be allowed until this Department has conducted a final inspection of the site.

Condition #14

Tehama County Cooperative Fire Protection

EMERGENCY ACCESS. Fire/emergency road access shall be constructed and kept open to emergency traffic at all times. Construction shall meet or exceed Article II of Tehama County Code, Chapter 9.14, Sections 9.14.020 through 9.14.029 and shall be approved prior to installation of drilling equipment.

Condition #15

Tehama County Cooperative Fire Protection

DISPOSAL. As required by Article V of Tehama County Ordinance 1537, Section 9.14.027: disposal (including chipping, burying, burning, or removal to a landfill site approved by the local jurisdiction) of flammable vegetation and fuels caused by site development and/or construction; road and/or driveway construction; and fuel modification shall be completed prior to Tehama County Fire Department approval of fire road access construction.

Condition #16

Tehama County Cooperative Fire Protection

CLEARING. The drilling site and all vehicle-parking areas shall be cleared of all flammable fuels.

Condition #17

Tehama County Cooperative Fire Protection

FIRE BREAK. During fire season a 20' wide firebreak, free of flammable material, shall be maintained around the perimeter of drilling, parking and storage sites. This may be accomplished by disking.

Condition #18

Tehama County Cooperative Fire Protection

All operations and equipment on the job site shall conform to Public Resource Code Sections 4427, 4442, and 4443. *(Compliance with these sections of the California Public Resources Code is required at all times regardless of a parcel's zoning designation.)*

Condition #19

Tehama County Cooperative Fire Protection

FLARING. Prior to "flaring" a natural gas well, the applicant must notify the Tehama County Fire Department. Weather conditions may require fire department approval prior to "flaring."

Condition #20

Tehama County Cooperative Fire Protection

PLACARD. Any established well site shall have a permanently posted placard displaying a well site identification number and an emergency contact phone number. Size of letters, numbers and symbols for the placard shall be a minimum 3-inch letter height, 3/8 inch stroke, reflectorized and contrasting with the background color of the placard. The placard must be visible when approaching the well site from the required road access and shall be maintained throughout the productive life of the well.

Condition #21

Tehama County Cooperative Fire Protection

If construction of a residence or any other qualifying improvement occurs in proximity to an established well site, the applicant must ensure full compliance with the requirements of a "Critical Well" as defined in Section 1720 of Title 14 of the Calif. Code of Regulations.

Condition #22

Tehama County Public Works Dept.

GAS WELL ACCESS AND ENCROACHMENT PERMIT REQUIREMENTS:

- A.) The Developer shall obtain an Encroachment Permit from the Tehama County Public Works Department for the proposed driveway location that will access facility.
- B.) Construction of said encroachment must be completed and certified prior to any development or drilling activity. The Use Permit will not be issued until completion is certified by the Public Works Department. **(Amended at PC 9-18-08)**

Condition #23

Northeast Center of the Calif. Historical Resources Information System

Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant level before construction continues. Such measures could include (but would not be limited to) researching and identifying the history of the resource(s), mapping the locations, and photographing the resource. In addition, pursuant to Section 5097.98 of the State Public Resources Code, and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of any human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

Condition #24

Tehama County Planning Department

A. NOISE. After construction the noise levels created by well operation shall not exceed the desirable maximum as stated in the Tehama County General Plan Noise Element of 60 dB (A) (pg. 34., Land Use Category "A"; Design Noise Level -L₁₀ (Exterior): 60 dB(A))

B. Verification that the noise level does not exceed Land Use Classification Standards of the Tehama County General Plan Noise Element at the property line along Capay Road shall be prepared by a certified Audiologist and submitted to the Tehama County Planning Department within 30 days of the installation and operation of gas well compressor.

C. Should the noise level exceed the standards set in the Tehama County General Plan Noise Element, noise attenuation methods shall be implemented to bring noise source into compliance.

D. Should noise attenuation need to be implemented, verification that the noise level does not exceed Land Use Classification Standards of the Tehama County General Plan Noise Element at the property line or the exterior side of the dwelling unit closest to the well shall be prepared by a certified Audiologist and submitted to the Tehama County Planning Department within 30 days of the implementation of noise attenuation method.

Condition #25

Tehama County Planning Department

TEMPORARY FENCING. During the drilling phase of the project, the applicant shall provide temporary fencing of a minimum 3 wire electric fence or a 4 wire barb wire fence around the project site to prevent cattle from entering. **(Condition Added at PC 9-18-08)**

USE PERMIT #03-16, (TIME EXTENSION) A.H. PROPERTIES (ABDUL HAFEEZ, OWNER). TO CONSTRUCT A GAS STATION/MINI-MART ON A 12.90 ACRE SITE IN A PD, PLANNED DEVELOPMENT ZONING DISTRICT, UNDER A GC, GENERAL COMMERCIAL GENERAL PLAN DESIGNATION. LOCATED APPROXIMATELY 9 MILES NORTH OF RED BLUFF, ON THE NORTHEAST CORNER OF THE INTERSTATE-5 / SNIVELY ROAD INTERCHANGE. A.P.N. 6-200-25. APPROXIMATELY 12.90 ACRES. AMENDED RECLAMATION PLAN #83-42 AND FINANCIAL ASSURANCE, NORDIC INDUSTRIES, INC. ON DECEMBER 15, 1983 THE PLANNING COMMISSION APPROVED USE PERMIT #83-42 TO ESTABLISH A COMMERCIAL ROCK QUARRY OPERATION. THE OPERATION'S RECLAMATION PLAN CALLED FOR THE REMOVAL OF 1,000,000 CUBIC YARDS OF ROCK OVER A 25 YEAR PERIOD ON APPROXIMATELY 20 ACRES. THE AMENDED RECLAMATION PLAN WOULD EXPAND THE EXTRACTION AREA TO 50 ACRES IN A PIT, APPROXIMATELY 9 ACRES FOR PLANT/PROCESSING AREA AND ACCESS ROAD FOR A TOTAL OF APPROXIMATELY 60 ACRES. THE ESTIMATED ANNUAL PRODUCTION WOULD BE BETWEEN 50,000 AND 250,000 CUBIC YARDS WITH AN ESTIMATED TOTAL PRODUCTION OF 2,500,000 CUBIC YARDS OVER A 30 YEAR

PERIOD. THE OPERATION WOULD EXTRACT BASALT INTERMITTENTLY FROM AN OPEN PIT MINE UTILIZING THE DRILL AND BLAST METHOD OVER THREE PHASES FOLLOWED BY A FINAL RECLAMATION PHASE. LOCATED APPROXIMATELY 8.9 MILES EAST OF THE COMMUNITY OF RED BLUFF, ON THE NORTH SIDE OF HWY 36E AND PAYNES CREEK. APN: 009-170-38.

George Robson explained the request for a one year time extension. He stated that Condition #35, 36 and 37 have been added.

Commissioner David asked if the project had been referred to the Technical Advisory Committee due to the addition of the conditions.

Mr. Robson explained that it is not required to go to the Technical Advisory Committee per the zoning code.

Commissioner Walker asked about the encroachment permit.

Mr. Antone stated the encroachment is not a problem as his department will have a full plan set and will review before final approval.

Chairperson Walker opened the meeting to public testimony. None was received.

It was moved by Commissioner David, seconded by Commissioner Jones and carried by a vote of 3:0:2 of the Tehama County Planning Commission to adopt the following Sub-findings and Findings as presented in the Time Extension for Use Permit #03-16 Planning Commission Staff Report:

Subfinding #1.

The applicant proposes to construct a gas station/mini-mart on a 12.90 acre site in a PD, Planned Development Zoning District, under a GC; General Commercial General Plan designation. The purpose of General Commercial designation of lands is to provide for a wide range of goods and services needed by businesses and residents in the community or neighborhood. The location of the proposed gas station / mini-mart is adjacent to residentially zoned properties currently proposed for subdivision and near the I-5/ Sunset Hills Drive interchange.

Finding #1

That the location; size, design and operating characteristics of the gas station/mini-mart will be compatible with, and will not adversely affect or be materially detrimental to adjacent uses, buildings or structures, with consideration given to harmony in scale, bulk, coverage and density to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic, and the capacity and physical character of surrounding streets; and to any other relevant impact of the proposed use.

Subfinding #2

The Tehama County General Plan designates the site as GC; General Commercial. The site is zoned PD; Planned Development Zoning District. Section 17.38, PD; Planned

Development District , of the Tehama County Zoning Code allows all uses permitted in a commercial district, subject to the securing of a use permit.

Finding #2

That the proposed use is consistent with the Tehama County General Plan and the Tehama County Zoning Code.

Subfinding #3

The applicant intends to establish a gas station/mini-mart at the site. Hence, the proposed use will provide a service and a source of fuel to the local residents and vehicles traveling along I-5.

Finding #3

That the gas station/mini-mart, at its proposed location, will provide a service to the community.

Subfinding #4

An Initial Study has been previously prepared for the same project, identified as U.P. #98-15, a Negative Declaration was filed and circulated through the CEQA process, and all comments , if any, had been responded to and, if necessary, included in the Mitigation Measures, if any, proposed for the project.

Subfinding #5

The Negative Declaration for the project identified as U.P. #98-15 met the requirements of CEQA and its Guidelines and was adopted by the Planning Commission on 8/19/99.

Subfinding #6

Section 15162 (a) of the CEQA Guidelines provides that no subsequent EIR shall be prepared for a project when an EIR has been certified or a negative declaration adopted for a project if the lead agency determines that no substantial changes in the project are proposed.

Finding #4

A negative declaration has been previously adopted for the project and no substantial changes are proposed which would require major revisions of the negative declaration. Therefore a subsequent negative declaration is not necessary and an Exemption as filed is appropriate.

It was moved by Commissioner David, seconded by Commissioner Jones and carried by a vote of 3:0:2 of the Tehama County Planning Commission to approve Time Extension for Use Permit #03-16 subject to the following conditions:

Condition #1

COMPLIANCE WITH AGENCY REQUIREMENTS. Applicant shall meet the requirements of all Federal, State and local agencies, especially the Tehama County Building Department and the Department of Environmental Health.

Condition #2

PUBLIC ROAD FRONTAGE IMPROVEMENT REQUIREMENTS:

a. Developer shall construct road improvements that comply with the requirements of Paragraph I of Section III, "ROADS", and Section IV, "DRAINAGE", and applicable Standard Drawings of the Tehama County Land Division Standards, as amended. The typical cross section of Snively Road shall comply with "TYPICAL ROAD SECTIONS" Drawing No. 10-2 *modified to include 3 lanes. ***(Amended at TAC 8/2/06)***

b. Developer shall provide improvement plans prepared by a Registered Civil Engineer for roads and storm drainage systems which shall be submitted to and approved by the County Engineer prior to commencement of construction.

c. The structural section of the above said road(s) shall be based on "R" value tests and traffic indices.

d. Developer shall provide the County Engineer with all compaction test results and a certification from a Registered Civil Engineer which certifies that all road and related improvements have been constructed in accordance with the standards outlined in the conditions of approval.

e. ***(Deleted at TAC 8/2/06)***

f. Developer shall enter into a service agreement with the Tehama County Public Works Department to pay for all labor, equipment usage, materials and administrative costs for checking improvement plans, Final Map, drainage study and inspecting construction improvements.

g. Developer shall comply with the proposed "Sunset Hill Drive/I-5 Interchange" as outlined in the Sun City Tehama Specific Plan EIR. Setback to buildings shall be established based on new roadway alignments defined in the EIR.

Condition #3.

DISPOSAL. According to Article V of Tehama County Ordinance 1537, Section 9.14.072: Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.

Condition #4.

SEWAGE DISPOSAL. A method of collective sewage disposal to be approved by the Regional Water Quality Control Board via waste discharge requirements.

Condition #5.

PUBLIC WATER SUPPLY. Public water supply methods to be reviewed and regulated by Tehama County Environmental Health Department.

Condition #6.

PROPOSED FACILITY. Proposed facility relative to food service and underground storage tanks shall conform to applicable Tehama County Environmental Health Department plan review and regulation.

Condition #7.

Mitigation Measure I.B.1

WETLANDS PROTECTION. The applicant will be required to construct a six inch vertical curb around the north, east and west boundaries of the parking lot.

Condition #8.

Mitigation Measure I.B.2

WETLANDS PROTECTION. A sediment trap will be placed in the northeast corner of the parking lot (as shown on the revised site map submitted April 19, 1999) drainage water away from the vernal pool and into the storm drain shown on the plan.

Condition #9.

Mitigation Measure I.B.3

WETLANDS PROTECTION. A six foot high chain link fence must be constructed along the north, east and west boundaries of the parking lot.

Condition #10.

Mitigation Measure #IV.A.1

DRAINAGE. The applicant shall obtain a Construction Activity Storm Water Permit from the California Regional Water Quality control Board prior to construction.

Condition #11.

Mitigation Measure #V.H.1

SOLID WASTE. The applicant shall submit a solid waste disposal plan to the California Regional Water Quality Control Board for review and approval. Such plan shall conform to the regional or county master plan and contain adequate provisions for solid waste disposal for complete build-out of the development.

Condition #12.

Mitigation Measure #V.A.1

AUTHORITY TO CONSTRUCT. The applicant shall obtain an Authority to Construct and Permit to operate as per District Rule 2:2 (a) and (b), Permits Required, from the Tehama County Air Pollution Control District.

Condition #13.

Mitigation Measure #V.A.2

FUGITIVE DUST PERMIT. The applicant shall obtain a Fugitive Dust Permit as per District Rule 4:24, Fugitive, Indirect, or Non-Traditional Sources, from the Tehama County Air Pollution Control District. Construction sites shall be watered to keep dust movement at a minimum. Dust which is tracked off the construction site onto public roadways or is wind-blown off-site may be determined a nuisance by the District and subject to enforcement

action.

Condition #14.

Mitigation Measure #V.B.1

BENZENE EMISSIONS. The applicant shall comply with Tehama County Air Pollution Control District Rule 6:1, Benzene Emissions from Retail Service Stations, as well as any additional rule deemed necessary by the District.

Condition #15

Mitigation Measure #VI.A.1

INTERCHANGE IMPROVEMENTS. The project shall provide a pro-rata fair share toward further improvements needed at the Sunset Hills Drive interchange. Improvements will include the provision of interchange illumination. Approval of the project subject to this recommendation would address our concerns relating to traffic impacts.

Condition #16.

Mitigation Measure #IX. D .1

MOSQUITO ABATEMENT. The applicant shall contract with the Tehama County Mosquito and Vector Control District, to provide the necessary mosquito surveillance and control for the development.

Condition #17.

EMERGENCY ACCESS. All parcels shall allow for emergency access (driveways) to all new home sites that shall meet or exceed Article II of Tehama County Ordinance 1537, Sections 9.14.020, 9.14.022, 9.14.023, 9.14.024, 9.14.025, 9.14.026, 9.14.027, 9.14.030, 9.14.031.

(Condition Amended 6/25/07)

(Condition Amended at TAC 7-3-07)

Condition #18.

VEHICULAR ACCESS. Any roadway (including private) which provides vehicular access to more than one parcel or access to a single parcel with more than two buildings or four or more dwelling units, shall meet or exceed Article II of Tehama County Ordinance 1537, Sections 9.14.020, 9.14.021, 9.14.022, 9.14.023, 9.14.024, 9.14.025, 9.14.027, 9.14.028, 9.14.029. TCFD shall approve construction prior to final approval of road construction by road department.

(Condition Amended 6/25/07)

(Condition Amended at TAC 7-3-07)

Condition #19.

ROAD SIGNS. Signing of roads (including private) shall meet or exceed Article III of Tehama County Ordinance 1537, Sections 9.14.040, 9.14.041, 9.14.042, 9.14.043, 9.14.044, 9.14.045, 9.14.046, 9.14.047, and shall be installed prior to final acceptance by the local jurisdiction of road improvements.

(Condition Amended 6/25/07)

(Condition Amended at TAC 7-3-07)

Condition #20.

Mitigation Measure XII.D.1

DRAINAGE. Design specifications for the proposed system must be submitted to the Regional Water Quality Control Board for their review and approval prior to construction. The applicant must meet all waste discharge requirements issued by the Tehama County Environmental Health Department and Regional Water Quality Control Board.

Condition 21.

Mitigation Measure #XIV.B.1

CULTURAL RESOURCES. Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant level before construction continues. Such measures could include (but would not be limited to) researching and identifying the history of the resources(s), mapping and locations, and photographing the resource. In addition, pursuant to Section 5097.98 of the State Public Resources Code, and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of any human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

Condition #22.

ENCROACHMENT PERMIT. The Developer shall obtain an encroachment permit from the Tehama County Public Works Department for all work with in the County's Right of Way prior to the commencement of any construction. **Amended by PW 8/21/08.**

Condition #23.

SUNSET HILLS DRIVE INTERCHANGE ILLUMINATION REQUIREMENTS. The Developer shall provide a pro-rata share toward the illumination of the I-5/Sunset hills Drive interchange. Illumination required shall be determined by Caltrans.

Condition #24.

SETBACK. All parcels shall be laid out to allow setback for structure defensible space in accordance with Tehama County Ordinance 1537, Article V, Section 9.14.071 (a) "All parcels 1 acre and larger within the SRA shall provide a minimum 30' foot setback for buildings and accessory buildings from all property lines and/or the center of a road".

Condition #25.

DISPOSAL. According to Article V of Tehama County Ordinance 1537, Section 9.14.072: Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.

Condition #26.

FIRE SUPPRESSION. Project shall comply with fire suppression water flow and hydrant spacing standards (determined by building construction and occupancy type) as required by the current edition of Uniform Fire Code.

Condition #27.

AUTOMATIC SPRINKLER. All commercial buildings shall have automatic fire suppression sprinkler systems.

Condition #28.

BUILDING HEIGHT. Approval of buildings taller than 30 feet shall require specific conditions by the Tehama County Fire Marshal.

Condition #29.

BUILDING ACCESS. Transportation (roads) system and building access to be reviewed and approved by the Tehama County Fire Marshal.

Condition #30.

FIRE SAFETY STANDARDS. All construction shall be subject to meeting the fire safety standards as set forth by the National Fire Protection Association and the Uniform Fire Code current editions and as specified by the Tehama County Fire Marshal at the time of building plan review.

Condition #31.

(Condition Removed at TAC 8/2/06)

Condition #32.

PUBLIC SERVICE IMPACTS

The project proponent/developer shall fund the establishment, through the Board of Supervisors, of a "Fire Suppression Assessment Zone" under Government Code Section 50078.5. The project proponent/developer shall cast an affirmative vote or ballot in favor of establishment of the Zone. The Board will set the assessment at a level sufficient to provide for the project's fair share cost of fire station construction/remodeling, fire station maintenance, staffing of career personnel serving the project, and operational expenses for any Tehama County Fire Department Fire Station that provides service to the project. The cost share shall not include equipment and/or facilities identified in the Tehama County Fire Department Capital Improvement Plan and financed through Tehama County Code Chapter 9.15 Development Impact Mitigation Fees.

The proponent/developer shall have the necessary studies prepared in coordination with the Tehama County Fire department to establish the fire suppression and operational expenses for the fire stations identified by TCFD as providing service to the development. The cost share shall not include equipment and/or facilities identified in the Tehama County Fire Department Capital Improvement Plan and financed through Tehama County Code Chapter 9.15 Development Impact Mitigation Fees.

The proponent/developer shall have the necessary studies prepared in coordination with the Tehama County Fire Department to establish the "Fire Suppression Assessment Zone" or other appropriate assessment mechanism, which shall be in place prior to the recordation of the final map. The Zone shall encompass the entire area within the project's boundaries.

Condition #33

BUILDING PERMITS:

Any building permits issued for any parcel shall be conditioned upon compliance with all pertinent sections of Chapter 9.14 of the Tehama County Code as it reads at the time of permit issuance, and a notation to that effect shall be placed upon the final map.

Condition #34

FIRE HYDRANT

Project shall comply with fire suppression water flow and hydrant spacing standards (determined by building construction and occupancy type) as required by the current edition of International/Uniform Fire Code.

Condition #35

LAND DEVELOPMENT STANDARDS: The Developer shall comply with the pertinent requirements of the Tehama County Land Development and Engineering Design Standards. **(Added by PW 8/21/08)**

Condition #36

ROAD IMPROVEMENT REQUIREMENTS: The Developer shall construct all road, storm drainage systems, and related public improvements in accordance with the Tehama County Land Development Standards (TCLDS) and the following:

- A. Developer shall submit improvement plans, prepared by a Registered Civil Engineer (RCE) to the Tehama County Public Works Department (TCPWD) for approval in accordance with the TCLDS and applicable sections of the Caltrans Highway Design Manual.
 - a. Sunset Hills Road shall be constructed in accordance with a modified Standard Drawing #0901-Minor Arterial Road, 84' full width construction, including gutter and sidewalks.
 - b. 12' common turn lane, 12' lanes west and east bound directions with 8' shoulders.
- B. Construction shall not commence prior to approval of the improvement plans by the TCPWD.
 - a. Developer shall notify TCPWD a minimum of two working days prior to commencement of construction activities.
- C. Developer shall provide the TCPWD with a RCE certification that all improvements were constructed in accordance with the approved improvement plans, TCLDS, and applicable section(s) of the Caltrans Standard Plans and Specifications of May, 2006.
- D. Developer shall submit AS-BUILT improvement plans prior to acceptance of the completed improvements and/or the release of any improvement security.

- E. Developer shall comply with the proposed "Sunset Hill Drive / I-5 Interchange" as outlined in the Sun City Tehama Specific Plan EIR. Setback to buildings shall be established based on new roadway alignments defined in the EIR.
(Added by PW 8/21/08)

Condition #37

DRAINAGE ANALYSIS REQUIREMENTS:

- 1.) The Developer shall provide a drainage analysis prepared by a Registered Civil Engineer which certifies proposed improvements and appurtenant drainage facilities will not adversely impact adjacent lands. Drainage analysis must meet the requirements of Chapter 2. E. of the Tehama County Land Development and Engineering Standards.
- 2.) The above said drainage analysis shall be submitted to the TCPWD for its review and comments prior to the approval of improvement plans and commencement of construction. All pertinent calculations and studies must be included with analysis for approval.
- 3.) Developer shall identify and show all existing drainage structures that are on site.
(Added by PW 8/21/08)

AMENDED RECLAMATION PLAN #83-42 AND FINANCIAL ASSURANCE, NORDIC INDUSTRIES, INC. ON DECEMBER 15, 1983 THE PLANNING COMMISSION APPROVED USE PERMIT #83-42 TO ESTABLISH A COMMERCIAL ROCK QUARRY OPERATION. THE OPERATION'S RECLAMATION PLAN CALLED FOR THE REMOVAL OF 1,000,000 CUBIC YARDS OF ROCK OVER A 25 YEAR PERIOD ON APPROXIMATELY 20 ACRES. THE AMENDED RECLAMATION PLAN WOULD EXPAND THE EXTRACTION AREA TO 50 ACRES IN A PIT, APPROXIMATELY 9 ACRES FOR PLANT/PROCESSING AREA AND ACCESS ROAD FOR A TOTAL OF APPROXIMATELY 60 ACRES. THE ESTIMATED ANNUAL PRODUCTION WOULD BE BETWEEN 50,000 AND 250,000 CUBIC YARDS WITH AN ESTIMATED TOTAL PRODUCTION OF 2,500,000 CUBIC YARDS OVER A 30 YEAR PERIOD. THE OPERATION WOULD EXTRACT BASALT INTERMITTENTLY FROM AN OPEN PIT MINE UTILIZING THE DRILL AND BLAST METHOD OVER THREE PHASES FOLLOWED BY A FINAL RECLAMATION PHASE. LOCATED APPROXIMATELY 8.9 MILES EAST OF THE COMMUNITY OF RED BLUFF, ON THE NORTH SIDE OF HWY 36E AND PAYNES CREEK. APN: 009-170-38.

Mr. Robson explained that this project will be held over pending a Revised Use Permit.

October Workshop is scheduled for Thursday, October 9, 2008.

There being no further business, the meeting was adjourned at 9:37 a.m.

NOTE: IN ACCORDANCE WITH SECTION 66411.1(b)(2) OF THE GOVERNMENT CODE, IT IS THE FINDING OF THE PLANNING COMMISSION FOR TEHAMA COUNTY PERTAINING TO ANY SUBDIVISION MAPS APPROVED AT THE MEETING OF September 18, 2008, THE REQUIRED ON AND OFF SITE IMPROVEMENTS ARE A NECESSARY PREREQUISITE TO THE ORDERLY DEVELOPMENT OF THE PARCELS BEING CREATED AND THE SURROUNDING AREA AND SHALL BE COMPLETED PRIOR TO FILING THE SUBDIVISION MAP OR ASSURE COMPLETION BY EXECUTION OF A SUBDIVISION IMPROVEMENT AGREEMENT WITH IMPROVEMENT SECURITY.

GEORGE W. ROBSON, SECRETARY
TEHAMA COUNTY PLANNING COMMISSION

LINDA WALKER, CHAIRPERSON
TEHAMA COUNTY PLANNING COMMISSION