



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: August 21, 2008

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

COMMISSIONERS PRESENT: Commissioners Walker, Jones, Tipton, David

COMMISSIONER ABSENT: Commissioner Turri

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

OTHER COUNTY DEPARTMENTS PRESENT: Arthur Wylene, Assistant Deputy County Counsel

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance was led by Chairperson Walker.

Chairperson Walker temporarily adjourned the Planning Commission meeting at 9:05 a.m. to open the Airport Land Use Commission meeting.

Chairperson Walker reconvened the Planning Commission meeting at 9:06 a.m.

CITIZEN'S CONCERNS:

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:

June 19, 2008:

It was moved by Commissioner Tipton, seconded by Commissioner David and carried by a vote of 4:0:1 of the Tehama County Planning Commission to approve the amended Minutes of the June 19, 2008 meeting.

July 17, 2008:

It was moved by Commissioner Tipton, seconded by Commissioner David and carried by a vote of 4:0:1 of the Tehama County Planning Commission to approve the Minutes of the July 17, 2008 meeting.

PUBLIC HEARING:

USE PERMIT #08-09, BETTY ELAINE SMITH. TO ESTABLISH A CARETAKER UNIT IN AN EA- B:871; EXCLUSIVE AGRICULTURAL – SPECIAL BUILDING SITE (871,000 SQ. FT., 20 ACRE MINIMUM) COMBINING ZONING DISTRICT. THE PROJECT PARCEL IS LOCATED ON THE SOUTH SIDE OF EIGHMY ROAD, APPROXIMATELY 1.5 MILES SOUTH OF THE EVERGREEN ROAD / EIGHMY ROAD INTERSECTION. APN: 004-360-32. APPROXIMATELY 35.52 ACRES.

Chairperson Walker opened the public hearing.

George Robson, Director of Planning explained the project, location and request for a caretaker residence. Mr. Robson stated that the applicant is one year shy of meeting the 60 year old residency requirement and therefore has applied for a Use Permit so she can get started with the project.

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

Chairperson Walker closed the public hearing.

It was moved by Commissioner Tipton, seconded by Commissioner Jones and carried by a vote of 4:0:1 of the Tehama County Planning Commission to adopt the following Subfindings and Findings for Use Permit #08-09:

1. CEQA
Subfinding #1

Use Permit #08-09 proposes a use that is Categorically Exempt pursuant to Title 14, California Code of Regulations Section 15303; New Construction or

Conversion of Small Structures, as the project consists of construction and location of one residential unit.

Finding #1

Use Permit #08-09 proposes to establish caretaker unit to provide help for the maintenance of the project site and animals. Therefore, Use Permit #08-09 is exempt from CEQA pursuant to Title 14, California Code of Regulations Section 15303; New Construction or Conversion of Small Structures.

2. Compatibility
Subfinding #2

The applicant proposes to establish a caretaker unit in a EA- B:871; Exclusive Agricultural – Special Building Site (871,000 sq. ft., 20 acre minimum) Combining Zoning District to house a caretaker to assist in the maintenance of the project site and future animal raising activities on a 25.52 acre parcel in an area surrounded by agricultural parcels of similar size and characteristics.

Finding #2

That the location, size, design and operating characteristics of the residence 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.

3. Consistency
Subfinding #3

The proposed residence is to be sited in a manner to have no significant impact on the agricultural operations.

Subfinding #4

The project will be confined to the project parcel.

Subfinding #5

The Tehama County General Plan designates the site as C; Cropland. Upon the application and approval of a use permit a caretaker unit is permitted in said designation.

Finding #2

That the location of the proposed use is consistent with the Tehama County General Plan.

4. Provide a Service
Subfinding #6

The proposed caretaker unit will facilitate the agricultural production of the parcel by providing a dwelling for a caretaker to assist in the maintenance of the project site and future animal raising activities on the property.

Finding #3

That the caretaker unit, at its proposed location, will provide a service or facility which will contribute to the general well-being of the surrounding neighborhood or community.

It was moved by Commissioner Tipton, seconded by Commissioner Jones and carried by a vote of 4:0:1 of the Tehama County Planning Commission to approve Use Permit #08-09 subject to the following conditions:

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

Tehama County Air Pollution Control District

BURNING. No open burning of cleared vegetation shall occur on this property unless a land clearing permit is obtained from Air Pollution Control District.

Condition # 3

Tehama County Air Pollution Control District

WOOD BURNING DEVICES. Only U.S. EPA Phase II certified wood burning devices are to be installed in the residence as necessary. The total emission potential from the residence shall not exceed 7.5 grams per hour from wood burning devices.

Condition #4

Tehama County Cooperative Fire Protection

EMERGENCY ACCESS. All parcels shall allow for emergency access (driveways) 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, and a notation to that effect shall be placed upon the final map.

Condition #5

Tehama County Cooperative Fire Protection

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 #6

Tehama County Cooperative Fire Protection

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.

Condition #7

Tehama County Public Works Department

ENCROACHMENT PERMIT REQUIREMENTS. The Applicant shall obtain an Encroachment Permit from the Tehama County Public Works Department for all existing and new driveway connections to County maintained road.

Condition #8

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.

USE PERMIT #08-11, CHARLES AND KAREN MATHEWS. TO ESTABLISH A CARETAKER UNIT UTILIZING AN EXISTING DWELLING UNIT STRUCTURE IN A C-3-S-P; GENERAL COMMERCIAL – SPECIAL HIGHWAY FRONTAGE COMBINING – SPECIAL PARKING COMBINING ZONING DISTRICT. LESS THAN ONE ACRE. THE PROJECT PARCEL IS LOCATED IN THE ANTELOPE AREA ON THE NORTH SIDE OF ANTELOPE BLVD., AT THE NORTHEAST CORNER OF THE TRINITY AVE. / ANTELOPE BLVD. INTERSECTION. APN: 039-312-12.

Chairperson Walker opened the public hearing.

George Robson explained the project, location and request for converting a mobile home currently being used as an office to a livable dwelling for a caretaker. Mr. Robson explained this property has been commercial since the 1960s and in 1987 went from C-2 to C-3 heavy Commercial zoning.

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

Chairperson Walker closed the public hearing.

It was moved by Commissioner David, seconded by Commissioner Tipton and carried by a vote of 4:0:1 of the Tehama County Planning Commission to adopt the following Subfindings and Findings for Use Permit #08-11:

1. CEQA

Subfinding #1

Use Permit #08-11 proposes a use that is Categorical Exempt pursuant to Title 14, California Code of Regulations Section 15303; New Construction or Conversion of Small Structures, as the project consists of establishing a caretaker unit utilizing an existing dwelling unit structure.

Finding #1

Use Permit #08-11 proposes to establish caretaker unit to provide security of the project site. Therefore, Use Permit #08-11 is exempt from CEQA pursuant to Title 14, California Code of Regulations Section 15303; New Construction or Conversion of Small Structures.

2. Compatibility

Subfinding #2

The applicant proposes to establish a caretaker unit utilizing an existing dwelling unit in a C-3-S-P; General Commercial – Special Highway Frontage Combining – Special Parking Combining Zoning District to house a person to assist in the security of the project site.

Finding #2

That the location, size, design and operating characteristics of the residence 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.

3. Consistency

Subfinding #3

The proposed residence is to be sited in a manner to have no significant impact on the agricultural operations.

Subfinding #4

The project will be confined to the project parcel.

Subfinding #5

The Tehama County General Plan designates the site as GC; General Commercial. Upon the application and approval of a use permit a caretaker unit is permitted in said designation.

Finding #2

That the location of the proposed use is consistent with the Tehama County General Plan.

4. Provide a Service

Subfinding #6

The proposed caretaker unit will facilitate the commercial activity of the parcel by providing a dwelling for a caretaker to assist in the security of the project site.

Finding #3

That the caretaker unit, at its proposed location, will provide a service or facility which will contribute to the general well-being of the surrounding neighborhood or community.

It was moved by Commissioner David, seconded by Commissioner Tipton and carried by a vote of 4:0:1 of the Tehama County Planning Commission to approve Use Permit #08-11 subject to the following conditions:

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

Tehama County Cooperative Fire Protection

EMERGENCY ACCESS. All parcels shall allow for emergency access (driveways) 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, and a notation to that effect shall be placed upon the final map.

Condition #3

Tehama County Cooperative Fire Protection

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, and a notation to that effect shall be placed upon the final map.

Condition #4

Tehama County Cooperative Fire Protection

ADDRESSES. Addressing of all parcels shall meet or exceed Article III of Tehama County Ordinance 1537, Sections 9.14.040, 9.14.048, 9.14.049, 9.14.050.

III. OTHER MATTERS:

RECLAMATION PLAN #07-2 & FINANCIAL ASSURANCE, THOMES CREEK ROCK (DOYLE RANCH). ON JULY 17, 2008 THE PLANNING COMMISSION APPROVED USE PERMIT #07-09 TO ESTABLISH A COMMERCIAL GRAVEL EXTRACTION OPERATION WHICH WILL REMOVE 50,000 CUBIC YARDS OF GRAVEL ANNUALLY OVER A 30 YEAR PERIOD ON 58.24 ACRES OF LOWER THOMES CREEK FOR A TOTAL EXTRACTION OF 1,500,000 CUBIC YARDS. THE OPERATION WOULD EXTRACT AGGREGATE GRAVEL BETWEEN JUNE TO OCTOBER EACH YEAR FROM THOSE AREAS OF THE STREAM CHANNEL NOT INUNDATED BY WATER AND MOVE THE MATERIAL TO A 5.18 ACRE STOCKPILE SITE NORTH OF THE STREAM CHANNEL. MINING WOULD BE RESTRICTED TO A "BAR SKIMMING" OPERATION WHICH WOULD NOT EXCEED A DEPTH GREATER THAN THE THALWEG OF THE CREEK. LOCATED EAST OF THE COMMUNITY OF RICHFIELD ALONG THE EAST SIDE OF HALL ROAD IN THE LOWER REACHES OF THOMES CREEK, JUST WEST OF THE CONFLUENCE OF THE CREEK AND THE SACRAMENTO RIVER ON PROPERTY KNOWN AS THE DOYLE RANCH. THE EXTRACTION SITE IS APPROXIMATELY 1500 FEET NORTH OF THE HALL RD./RIVER RD. INTERSECTION. APN'S: 067-120-01, 06 AND 10.

Chairperson Walker opened the public hearing.

George Robson explained the Reclamation Plan and Financial Assurance for Use Permit #07-2 and the circulation process with the Dept. of Conservation, Office of Mine Reclamation.

Commissioner David advised the Commission of his conversation with George Robson, Director of Planning, regarding the scheduling and notification by the applicant, of timeline of in-stream and out-stream operation dates.

Mr. Robson stated that two conditions could be added to the Reclamation Plan regarding the operator notification to the county of in-stream and out-stream operation as well as the operator paying any established fees required in the Mitigation.

Chairperson Walker opened the meeting to public testimony.

Travis Deem, Land Designers of Redding addressed the Commission. Mr. Deem stated the operator has no problem with notification of in-stream and out-stream operation dates. He stated the operator provides notification to Dept. of Fish and Game and can notify the County at the same time and should there be fees established the operator would be happy to sign on.

Arthur Wylene, Assistant County Counsel stated there are 2 addendas and asked Mr. Deem if the operator approves of two conditions being added to the Reclamation Plan.

Mr. Deem answered yes.

Chairperson Walker closed the public hearing.

A motion was made by Commissioner Jones, seconded by Commissioner Tipton and carried by a vote of 4:0:1 of the Tehama County Planning Commission to authorize the Planning Director to submit a letter to DOC/OMR adopting the County's Proposed Responses to Comments as the Final Responses to Comments.

A motion was made by Commissioner Jones, seconded by Commissioner Tipton and carried by a vote of 4:0:1 of the Tehama County Planning Commission to adopt the following Subfindings and Findings pertaining to CEQA:

CEQA SUBFINDINGS AND FINDINGS

Subfinding #1

A Mitigated Negative Declaration was previously adopted on 7/17/08, in connection with Use Permit #07-09. Reclamation Plan #07-2 with addenda, and with accompanying Financial Assurance Cost Estimate and Mechanism, submitted by Thomas Creek Rock does not substantially change the project evaluated in said Mitigated Negative Declaration, nor are there substantial changes with respect to the circumstances under which the project is undertaken or new information of substantial importance in connection with the project.

Finding #1

The Mitigated Negative Declaration adopted for Use Permit #07-09 analyzed, and mitigated to the maximum extent feasible, the impacts associated with mining and reclaiming the operation known as Thomas Creek Rock Doyle Ranch Pit #17. Reclamation Plan #07-2, provides for an end use of the mined lands as the same end use that was analyzed in the adopted Mitigated Negative Declaration. Therefore approving Reclamation Plan #07-2 with addenda, and its accompanying Financial Assurance Cost Estimate and Mechanism is exempt from CEQA pursuant to Section 15162 (previously adopted Mitigated Negative Declaration for the project).

A motion was made by Commissioner Jones, seconded by Commissioner Tipton and carried by a vote of 4:0:1 of the Tehama County Planning Commission to adopt a finding that approval of Reclamation Plan #07-2, with addenda, and with accompanying Financial Assurance Cost Estimate and Mechanism is exempt from further review under CEQA pursuant to CEQA Guidelines section 15162.

A motion was made by Commissioner Jones, seconded by Commissioner Tipton and carried by a vote of 4:0:1 of the Tehama County Planning Commission to adopt Subfindings & Findings pertaining to approval of Reclamation Plan #07-2, with

addenda, and with accompanying Financial Assurance Cost Estimate and Mechanism as follows:

PROJECT SUBFINDINGS AND FINDINGS

Subfindings #1

Thomas Creek Rock was granted a Use Permit to extract 50,000 cubic yards annually from property on the Doyle Ranch within the bed and bank of Thomes Creek subject to an approved Reclamation Plan and Financial Assurance Mechanism per SMARA requirements.

Subfinding #2

Public Resources Code, Division 2, Chapter 9, Section 2710 et seq. (Surface Mining and Reclamation Act of 1975, as amended by Statutes of 1980), including, specifically SMARA Section 2772 and Section 2773, the applicable state regulations (California Code of Regulations, Title 14, Sections 3500 through 3505, and Sections 3700 through 3713), and the County's SMARA Ordinance (Chapter 13.28 of the Tehama County Code) set forth detailed requirements for the content of reclamation plans. Reclamation Plan #07-2, with addenda, conforms to each of these requirements.

Finding #1

Reclamation Plan #07-2, with addenda, conforms with the established state policies for the reclamation of mined lands and the conduct of surface mining operations in accordance with the general provisions set forth in Public Resources Code, Division 2, Chapter 9, Section 2710 et seq. (Surface Mining and Reclamation Act of 1975, as amended by Statutes of 1980), including, specifically SMARA Section 2772 and Section 2773.

Finding #2

Reclamation Plan #07-2, with addenda, also complies with applicable requirements of state regulations (California Code of Regulations, Title 14, Sections 3500 through 3505, and Sections 3700 through 3713) and the County's SMARA Ordinance (Chapter 13.28 of the Tehama County Code).

Subfinding #4

The project will be performed within the bed and banks of Thomas Creek under the requirements set forth in the CA Department of Fish and Games Section 1600 Permit. The project site will be reclaimed to its original state including some removal of invasive plant species. The project is consistent with the County's General Plan Resource Group, "Wildlife Resources" Section protecting sensitive and significant lands and water valuable for their plant and wildlife habitat, natural appearance and character.

Finding #3

Reclamation Plan #07-2, with addenda, and the potential use of reclaimed land pursuant to the plan are consistent with the County's SMARA Ordinance (Chapter 13.28

of the Tehama County Code) and the county's general plan and any applicable resource plan or element;

Finding #4

As set forth more fully in the "CEQA Subfindings and Findings" provided above, Reclamation Plan #07-2, with addenda, has been reviewed pursuant to CEQA and the county's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.

Finding #5

For the reasons set forth in Subfinding #4, the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values.

Finding #6

For the reasons set forth in Subfinding #4, Reclamation Plan #07-2, with addenda, will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the general plan and applicable resource plan.

Subfinding #5

The Reclamation Plan and Financial Assurance have been reviewed by the Department of Conservation. Comments from the Department have been responded to, or included as part of the Reclamation Plan and Financial Assurance.

Finding #7

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 did address, in detail, why specific comments and suggestions were not accepted.

Subfinding #6

Public Resources Code, Division 2, Chapter 9, Section 2710 et seq. (Surface Mining and Reclamation Act of 1975, as amended by Statutes of 1980), the applicable state regulations (California Code of Regulations, Title 14, Sections 3500 through 3505, and Sections 3700 through 3713), and the County's SMARA Ordinance (Chapter 13.28 of the Tehama County Code) set forth detailed requirements for financial assurances. The Financial Assurance Cost Estimate and Mechanism accompanying Reclamation Plan 07-2 has been reviewed by the Planning Department and the State Department of Conservation, who have each indicated that the Financial Assurance Cost Estimate and Mechanism accompanying Reclamation Plan #07-2 conforms to each of these requirements.

Finding #8

The Financial Assurance Cost Estimate and Mechanism accompanying Reclamation Plan #07-2 conforms with the provisions set forth in Public Resources Code, Division 2, Chapter 9, Section 2710 et seq. (Surface Mining and Reclamation Act of 1975, as amended by Statutes of 1980) and with applicable requirements of state regulations (California Code of Regulations, Title 14, Sections 3500 through 3505, and Sections 3700 through 3713) and the County's SMARA Ordinance (Chapter 13.28 of the Tehama County Code).

A motion was made by Commissioner Jones, seconded by Commissioner Tipton and carried by a vote of 4:0:1 of the Tehama County Planning Commission to approve Reclamation Plan #07-2 and Financial Assurance Cost Estimate and Mechanism with the addition of two conditions as follows:

Condition #1

Tehama County Planning Dept.

In the event Tehama County adopts a Countywide inspection fee schedule, said schedule shall apply to this project.

Condition #2

Tehama County Planning Dept.

Operator shall notify the Tehama County Planning Dept., in writing, prior to the commencement of gravel extraction activities and upon completion of mining activities each year.

CITIZENS CONCERNS:

Chairperson Walker re-opened the Citizens Concerns to request an update from George Robson regarding the County's General Plan.

Mr. Robson indicated his office will be receiving comments from Administration on the Draft EIR. He stated tentative date for release to the public will be second week of September. It will be out for a 45-day comment period and staff will respond to comments. He stated the tentative date the Planning Commission will be receiving the Draft EIR and Draft General Plan would be at their November 20, 2008 Planning Commission Meeting. It will then move forward to the Board of Supervisors to hold two workshops and tentative date of action to be taken on the EIR and General Plan in January or February 2009.

September Workshop is scheduled for Thursday, September 11, 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 August 21, 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