

**TEHAMA COUNTY PLANNING COMMISSION
MINUTES OF THE
MEETING FEBRUARY 21, 2008**

The Tehama County Planning Commission met in a regular session at 9:00 am. On Thursday, February 21, 2008 at the Board of Supervisors Chambers, 633 Washington Street, Red Bluff, California, with the following members present: Commissioners Linda Walker, Don Jones, Tony Turri, Kim Tipton and Delbert David.

Chairperson Linda Walker presided. Present were Planning Director George Robson, Arthur Wylene, Assistant County Counsel and Recording Secretary Kellee A. Taresh.

Chairperson Walker temporarily adjourned the Planning Commission meeting at 9:01 a.m. to open the Airport Land Use Commission meeting.

Chairperson Turri reconvened the Planning Commission meeting at 9:02 a.m.

CITIZEN'S CONCERNS:

Chairperson Walker called for public comments.

Kathy Bonner addressed the Planning Commission in regards to the InEnTec Use Permit. She stated she has been a 51 year resident of Red Bluff and she stated she had submitted some documents regarding the fault of the EPA governing Air Pollution, she explained the documents came off the website of InEnTec and admitted there are approximately 170 potential problems that could go wrong with the plant. She stated that recently there were petitions submitted with approximately 1,500 signatures which include many health care professionals.

Wilkie Talbert was present and addressed the Commissioners and submitted a letter for John M. Elko, he stated that Mr. Elko was out of town and was present on his behalf.

Brian Millar, Dunbar Capital was present and addressed the Commissioners. Mr. Millar submitted a letter to the Commissioners regarding the General Plan Update, in particular the Coyote Creek property that is 1,730 acres. He displayed two posterboards showing the Coyote Creek Property and stated that previously the General Plan Committee changed the classification to Suburban, however members of the Commission at the Study Session indicated the property should be changed to reflect Valley Floor Ag. He explained the background of the soils and gravel loam, it is not prime ag lands, however it is leased for cattle grazing. He stated there are extensive natural resources at the site. He stated that also important is that in the early 90's the County took action to put in place a General Plan Land Use Designation of Rural Small Lot and Residential, there was a zoning designation that was adopted as well. He is requesting that the Commission establish a Suburban General Plan Land Use adding the SP or Special Planning overlay to the Coyote Creek site.

Gary Catlin addressed the Commissioners. Mr. Catlin requested a correction to the minutes of 1/31/08 of the Study Session, page 1: incorrectly references the "Moore Ranch" he asked that

be changed to the "Morgan Ranch". He stated that Sage had held some community meetings and there is a lot of opposition due to the sewage treatment location and number of units per acre. He stated that recently in the newspaper there was a survey commissioned by the Board of Supervisors surveying approximately 400 residents of the county. One of the questions was in regards to the population growth and the results of the survey said the county was growing at a good pace which historically is less than 2%, 34% of those surveyed said it was growing too fast. He explained that approximately 85% of fellow citizens felt that current population is either okay or too much, 6% thought higher growth would be desired. He explained it appears to him that the Planning Commission is on the verge of approving a General Plan that calls for doubling or tripling the population of the county over the next 20 years. He stated he is concerned the Planning Commission is not taking steps to reduce the potential impact and population increase associated with the Special Planning Areas. He asked why the many Special Planning Areas in the North I-5 Corridor are in the Plan and explained why he feels they were included in the General Plan. He stated he has seen a clear pattern of pro-development on the part of the Planning Department. He asked the Commission take steps to limit potential impact of cumulative development in the Special Planning areas.

Rassem Nammar was present and addressed the Commissioners. Mr. Nammar stated he left government after 30 years of service. He stated the General Plan should be updated, however with good reasonable, logical development and growth within communities. He stated he had met with the Sage Community group regarding the General Plan and their development and it was scary. He asked that before it gets approved he asked to have the staff give it consideration as to what the development is going to impact, have we thought of the economic ramifications and effect on us, are we capable of providing service to 10,000 people; i.e., education, highways and streets, welfare, employment, medical health, police, fire. He referred to the survey done.

Tim Chaffin addressed the Commission. Mr. Chaffin stated he was thankful for the survey. He stated the public does not know what the Commission does. He stated the survey was very helpful.

Trevor Spencer addressed the Commission. Mr. Spencer stated that he lives in Country Hills and it consists of Phase I and II with 5 acre minimum parcels which include residents with horses, cattle, and sheep. He stated that is the lifestyle that people bought into when they purchased their land. He stated that he had received notification of the Sage Community group and the first sentence said it all ".....a new community being planned close to your neighborhood" it didn't say subdivision, it said community. He stated he attended both meetings at the Evergreen School and explained the concept of the Morgan Ranch is to place 3,500 to 4,000 homes on approximately 800 acres. When asked what the population would be it was stated that between 8,000-10,000 people and if you google the 2000 census, the City of Anderson had a total population of 9,022.

Jamie Hess addressed the Commissioners. She explained she is a real estate agent and with the low property values currently, she asked what that is going to do with the houses we have on the market now. She stated there are not enough people moving here.

Richard Clapp addressed the Commissioners regarding the InEnTec and stated that 2 years ago they stopped working at this location and asked why the Use Permit has not been revoked. Mr. Clapp handed out 2 letters. He also stated the building permits had been revoked. He stated there should be some consistency as the use permit was not revoked but the building permits were. He stated there was a petition that had been signed by approximately 2,000 residents. He stated there was evidence and testimony that there was contamination at this facility. He stated that InEnTec did not pay the \$12.50 to extend the building permit and was therefore revoked. He said that if InEnTec was going to construct at this location certainly they would have extended the building permit for the foundation. He explained that 40 tons of waste is coming from outside our area. There was no E.I.R. only a Negative Declaration was completed on this project and the City of Red Bluff was not notified. He stated that several hundred thousand dollars has been spent on litigation.

Chairperson Walker asked if there were any other citizens concerns. There were none.

MINUTES OF MEETING:

Minutes of January 24, 2008:

Chairperson Walker stated there were some errors that needed to be corrected.

Mr. Robson stated there are two errors staff has noted.

Mr. Robson stated the spelling of Mr. Catlin's name needs to be corrected as well as page 4 of 4, line 5 the following statement be removed "All other properties remain as depicted in Draft General Plan not reduced growth alternative."

Chairperson Walker noted on page 3 of 4, paragraph 7, line 1: Mr. Orick's name is misspelled. Correct spelling is "Orwick".

Commissioner David read from page 2, paragraph 7, line 15: "...or some other larger minimum parcel size".

Mr. Robson stated that basically the Special Planning area carries with it the Valley Floor Agriculture – there is no other parcel size. He stated for clarity sake stick with the Special Planning direction.

A motion was made by Commissioner Tipton, seconded by Commission Turri and carried by a vote of 5:0 of the Tehama County Planning Commission to make the corrections noted above to the Minutes of January 24, 2008.

Minutes of January 31, 2008:

Chairperson Walker stated there was a correction noted by Mr. Catlin. "Moore Ranch" needs to be changed to "Morgan Ranch".

Commissioner Tipton stated on page 3, paragraph 10, line 2: “two parcels on the Northwest side owned by Ohm and Gordon would be commercial frontage on Flores to a depth equal to 10 acres of Commercial frontage.”

Mr. Robson stated that 660 feet was more specific. 660 foot depth and 660 foot width equals the 10 acres discussed at the meeting.

Chairperson Walker stated she had one question regarding the ag line on page 3 of 5, paragraph 4: legal description noted – she asked if they can reserve the right to have that plotted and drafted on the map.

Mr. Robson explained these are the descriptions of their discussions and considerations, he reminded the Commissioners they have taken no action and with consensus only. He explained that they will review the revised maps next week.

A motion was made by Commissioner Tipton, seconded by Commission David and carried by a vote of 5:0 of the Tehama County Planning Commission to make the corrections noted above to the Minutes of January 31, 2008.

Chairperson Walker announced that Revised Tract Map 05-1012, Hall Road Development project has been withdrawn no action will be taken at today’s meeting.

PUBLIC HEARING:

REZONE #08-01, PONDEROSA SKY RANCH SUBDIVISION FROM R1-MH-B:10 TO R1-B:10. TO REMOVE THE MH (SPECIAL MOBILEHOME COMBINING DISTRICT) FROM ALL PARCELS WITHIN THE BOUNDARIES OF THE PONDEROSA SKY RANCH SUBDIVISION. THE EFFECT OF THIS ACTION WOULD BE TO APPLY THE FOLLOWING RESTRICTIONS TO THE FUTURE PLACEMENT OF MOBILE HOMES IN THE PONDEROSA SKY RANCH SUBDIVISION:

1. MOBILE HOMES TO BE MANUFACTURED WITHIN TEN YEARS OF DATE OF PERMIT APPLICATION.
2. MOBILE HOMES MUST BE PLACED ON A PERMANENT FOUNDATION AS APPROVED BY THE TEHAMA COUNTY DEPARTMENT OF BUILDING AND SAFETY.

LOCATED APPROXIMATELY 7 MILES EAST OF PAYNES CREEK AND 10 MILES WEST OF MINERAL, APPROXIMATELY 3,000’ SOUTHWEST OF THE PONDEROSA WAY/HIGHWAY 36E INTERSECTION. DESCRIBED AS A PORTION OF SECTIONS 29 & 30, T.29N., R2E., M.D.B.&M.

Chairperson Walker opened the public hearing.

Mr. Robson explained a map display that shows the properties involved and which owners had signed a petition in favor of the Rezone. He stated a Resolution of Intention had been prepared. He explained the removal of the MH overlay would restrict mobilehomes to be 10 years old or newer and would require permanent foundations as required by the Building &

Safety Department and this would not affect the older mobilehomes currently permitted. He explained the petition submitted had been signed by 35% or 53 property owners. Mr. Robson stated there has not been any other petitions submitted in opposition of the proposed rezone as of today.

Discussion followed regarding the color coded map.

Commissioner Jones asked if this affected properties that are already developed.

Mr. Robson explained that properties with units over 10 years of age are not affected until the time they may be replaced, however they can be replaced within one year at the current standard.

Commissioner Jones clarified by saying should one of the older mobilehomes burn down it can be replaced within one year at the same standard.

Mr. Robson stated that was correct.

Commissioner David asked Arthur Wylene, Assistant County Counsel if there is a minimum requirement as to how many units need to voice their opinion regarding rezoning in relation to the 212 property owners.

Mr. Wylene stated that rezoning is a discretionary act of the Planning Commission and Board.

Chairperson Walker opened the public comment period.

Aleta Berg was present and stated that she lives in this area and does not believe the Commissioners should have to decide what she can put on her lots. If she wants to buy the junkiest trailer to use for storage, that should be her decision. She explained she does not agree with this rezone.

Doug Baie addressed the Commissioners. Mr. Baie stated he recently moved here from Orange County. Mr. Baie stated it is all about the quality of life and impact of these older unkept mobilehomes on others' lives. He stated he is in favor of the rezone.

Raymond Berg addressed the Commissioners. Mr. Berg stated he is against the rezone and stated there are petitions to be turned in against the rezone. He stated that if all the newer mobilehomes go up there its going to make the property taxes go up. He stated there was a survey taken when the new water district was going in and 79% of the people in that area are low income. He asked that if these restrictions are approved what is going to happen to the 79% of the low income people. He explained the petition that went out last week in opposition to the rezone has not had enough time to be circulated and returned to the Planning Dept. Mr. Berg explained that many of the residents cannot afford a permanent foundation and many of the homes up there are condemned. Mr. Berg stated currently there is a moratorium on the water, there are no meter hookups left.

Gary Sidow addressed the Commissioners. Mr. Sidow explained that he moved there 15 years ago and is retired and lives on a fixed income. Mr. Sidow purchased a mobilehome and over time has upgraded the interior and exterior one month at a time. He explained the people up there are good people and are very low income and if this rezone is approved to only allow newer mobilehomes it is going to be a tragedy. He asked the Commissioners to consider all these factors.

Chairperson Walker asked for clarification that should these residents burn, they would have one year to replace it without regard to the age.

Mr. Robson confirmed.

Tim Taylor addressed the Commissioners. He stated he is the manager of the Ponderosa Sky Ranch Water System and has lived there since 1986 and stated he is for this rezone. He explained the older mobilehomes being installed up there are 30 years old and are not energy efficient. He stated the older mobilehomes burn quickly. He explained that with the new Vehicle Abatement the area was able to get rid of a lot of old abandoned cars and would like to clean up the area by approving the rezone.

Mona Wallace addressed the Commissioners. She stated she owns 3 properties in Ponderosa Sky Ranch and has been a resident for 30 years. She explained that she doesn't want any more junk in Sky Ranch.

Jamie Hess addressed the Commissioners. Ms. Hess stated that the mobilehomes being moved in are bringing the Sky Ranch back to the condition it was in several years ago. She explained the area started to clean up so she purchased 14 parcels as she saw potential. Ms. Hess explained that the bank will not loan on mobilehomes unless they are on permanent foundations.

Mr. Robson explained there are numerous permanent foundation systems and the costs vary. He explained there are documents recorded that declare the unit to be real property.

Sandra Ferguson addressed the Commissioners. Ms. Ferguson explained she lives in a stick built home and is continuing to renovate her residence and would like the value to increase. She explained the petition that has not been turned in does not give the other side an opportunity to submit their wishes. She stated there are CC&R's in effect, however, there is no current board and perhaps that would be something for the community to reinstate a new board to monitor conditions and vote for some of the changes prior to it going to a zoning change. Ms. Ferguson stated that the mobilehomes that are currently being moved to the Sky Ranch will have to have building permits, inspections and certificate of occupancy before anyone is allowed to live in them.

Jeffrey Tooker addressed the Commissioners and explained that he is attending today's meeting as a private citizen. He read a statement explaining that by removing the MH overlay in the Ponderosa Sky Ranch will improve the quality of future housing to be built, this improvement will increase the property values. He explained that the Vehicle Abatement

Program and the new water district has helped to improve the area. He explained the new water district will cost approximately 4 million dollars. He explained that with the removal of the MH overlay this will keep the quality of future housing on par with other improvements being made in the area and by leaving the MH overlay the community will continue to be a dumping ground for the old mobilehomes which are not allowed in most of the state.

Victor Ciardi addressed the Commissioners. He stated he has more petitions to drop off in opposition of the rezone. He stated he is against government intervention and feels it should be a community effort to clean up the area. He stated that many of the mobilehomes Mr. Berg has moved in have been cleaned up and improved and must pass inspections to be livable. Mr. Ciardi explained the large "blue parcel" of 110 acres at the end of the subdivision on the map will not be developed according to the current owner. He explained he runs sheep to eat the vegetation as a fire break and does not want the zoning to prohibit him from grazing the sheep. He stated there are a lot of nice 20 year old mobilehomes in the area and it just depends on how they are cared for.

Ms. Calhoun stated that she is concerned with the one year replacement policy. She explained that even with homeowners insurance it takes one year to get them to pay. She stated that insurance companies do not pay in a timely manner. She stated she does not feel it is fair, she is a low income family and over time can afford to buy one of the mobilehomes that Mr. Berg purchases and fixes up.

Rachel Calhoun stated they cannot afford a new house there is not enough money. She explained that Mr. Berg purchases used mobilehomes and fixes them up and makes them affordable.

Jamie Hess addressed the Commissioners. She stated that Ray Berg has put in some nicer mobilehomes, however you cannot change an old mobilehome and the costs would be the same as putting in a new mobilehome. She explained it brings the property values down. Ms. Hess stated the insurance companies do not take that long to pay and another mobilehome can be purchased and completed within the one year.

Jim Quang addressed the Commissioners. He explained he lives in a mobilehome and many of the people that moved up there 30 years ago probably purchased their mobilehomes new. He explained that there are a few new mobilehomes which costs approximately \$100,000 and that is a big increase from the time he moved up there. He stated many of the residents keep their mobilehomes up and feels a change would be great.

Raymond Berg addressed the Commissioners and stated there are letters in the mail and asked for more time to submit the petitions in opposition to the rezone.

Tim Taylor addressed the Commissioners and explained the older mobilehomes are not insurable. He stated that HUD has programs available for financing on new mobilehomes that are energy efficient.

Raymond Berg addressed the Commissioners and stated he has put in several mobilehomes and he can get insurance on his mobilehomes, no matter what age they are.

Wilma Sidow addressed the Commissioners. Mrs. Sidow stated that she feels bad about the whole situation as this was not discussed in any organizational meeting of any kind on the mountain. She would like to have it given back to the neighborhood association so it can be discussed at length and brought back to the Planning Commission. She apologized for their negligence in not solving this problem before it was brought to the Commissioners.

Chairperson Walker closed the public hearing.

Discussion followed regarding legal non-conforming and county codes pertaining to older mobilehomes and snow load specifications. Discussion was also held on changing the 10 year age limit to 15 or 20.

Mr. Robson stated that changing the age limit of the mobilehome would require changing the definition in the County Code as to what a single family residential unit is.

Commissioner Tipton explained that one of the key things is that once you are in the 10 year parameter you have composition roofs verses the metal roofs.

Commissioner Jones stated there is a safety issue with the older mobilehomes in this area.

Mr. Robson explained that counties and cities cannot prohibit the placement of mobilehomes on residentially zoned properties.

Discussion followed regarding perimeter foundations and permanent foundations as they relate to current building codes.

Commissioner Tipton asked if there was a moratorium on the water hookup in the Ponderosa Sky Ranch and asked if the homes delivered up there are in transition and if this was approved today would they be allowed to proceed.

Mr. Robson stated that if the Commissioners approve this today and the Board were to approve this ordinance this would not go to the Board until March 18, 2008, the effective date of the ordinance would be April 18, 2008 or 30 days thereafter. So between now and April 18, 2008 someone could start the permit process to vest their rights under the current status of the MH overlay in that timeframe.

Chairperson Walker reopened the public hearing.

Commissioner Tipton asked Mr. Berg if any of the mobilehomes delivered up are in transition.

Mr. Berg stated that the homes that have been delivered up there are still sitting up there because its been too wet to do anything. He stated that Code Enforcement has given him a

citation that he had to do something with them. He stated he has not started the permit process as he is waiting to see what was going to happen with the rezone request.

Doug Baie addressed the Commissioners. He reiterated that the older mobilehomes are always going to be an older mobilehome and as soon as the water district gets into place there will be more building going on.

Chairperson Walker closed the public hearing.

Commissioner Turri stated that half the people in attendance have spoken in favor of the rezone and half have voiced their opposition. He stated he is open to another 30 days so everyone has an opportunity to voice their concerns. He stated that he is for 10 years old or newer everywhere, not just in Ponderosa Sky Ranch.

Mr. Robson stated he noted there were 228 notices mailed in accordance with the notification requirements and they all received them 10 days prior to today's meeting and the opportunities to respond is the 10 days. In addition to that Mr. Tooker had sent to each and every property owner within the subdivision the petition forms and the ones returned are the ones we processed. Mr. Robson stated there has been a good deal of notification, not once but twice and time on this started on the Resolution date in December 2007.

Commissioner David stated he felt not everyone has had an opportunity to speak even though we followed the letter of the law.

Commissioner Jones stated he is ready to make a decision.

Commissioner Tipton stated she is in support of the rezone. She stated it costs money for the disposal of these mobilehomes in other counties and they are moved here and affect the neighborhood's property values.

Chairperson Walker indicated she did not feel that by giving the community more time to discuss it is going to be of benefit.

A motion was made by Commissioner David, seconded by Commissioner Tipton and carried by a vote of 4:1:0, Commissioner Turri voted no, to recommend the following Subfindings and Findings and recommend approval of Rezone 08-01 from RE-MH-B:10, Residential Estates – Mobilehome Home Combining District – 10,000 sq. ft. (1/4 acre minimum) to RE-B:10, Residential Estates – Mobile Home Combining District – 10,000 sq. ft. (1/4 acre minimum) Zoning District to the Board of Supervisors.

1) Subfinding

Rezone 08-01 will not change the densities or residential use of the property and activities will remain consistent with the surrounding area.

1) Finding

Rezone 08-01 is categorical exempt from CEQA pursuant to Section 15305, Minor Alterations in Land Use Limitations.

2) Subfinding

A petition was received with 53 signatures, from residences within the boundaries of the Ponderosa Sky Ranch Subdivision that support Rezone 08-01.

2) Finding

The property owners signing the petition represent 74 of the 212 parcels within the boundaries of the Ponderosa Sky Ranch Subdivision. They desire to rezone their property to remove the MH (Mobile Home Combining District) from all parcels within the boundaries of the Ponderosa Sky Ranch Subdivision.

3) Subfinding

The parcels within the Ponderosa Sky Ranch Subdivision are designated SR (Suburban) by the Tehama County General Plan.

3) Finding

The SR (Suburban) designation of Tehama County General Plan is compatible with the RE-B:10 zoning that would result from the removal of the MH; Mobile Home Combining District.

4) Subfinding

The MH (Mobile Home Combining District) that currently exists for the Ponderosa Sky Ranch Subdivision places neither age restrictions nor permanent foundation requirements upon mobilehomes therein.

4) Finding

The removal of the MH (Mobile Home Combining District) would not affect existing mobilehomes legally established within the boundaries of the Ponderosa Sky Ranch Subdivision.

Mr. Robson stated the Rezone will go before the Board of Supervisors on or about March 18, 2008.

Chairperson Walker stated this rezone would be going before the Board of Supervisors in a public hearing and notices will be mailed out to all property owners in the Ponderosa Sky Ranch Subdivision.

Commissioner Jones asked for a ten minute recess.

Chairperson Walker recessed the meeting at 11:10 a.m.

Chairperson Walker reconvened the meeting at 11:16 a.m.

OTHER MATTERS:

TRACT MAP 05-1020, SUNSET HILLS PHASE II - BR ENTERPRISES (TWO YEAR TIME EXTENSION). A TWO YEAR TIME EXTENSION FOR SUNSET HILLS PHASE II THAT IS PROPOSING THE SUBDIVISION OF APPROXIMATELY 232.5 ACRES INTO 87 SINGLE FAMILY PARCELS, AND A 104.9 ACRE WASTEWATER TREATMENT PARCEL, IN A R1-A-B:217, ONE-FAMILY RESIDENTIAL - SPECIAL ANIMAL COMBINING - SPECIAL BUILDING SITE COMBINING 217,000 SQ. FT. (5 ACRE MINIMUM) ZONING DISTRICT. LOCATED IN NORTHERN TEHAMA COUNTY ON THE EAST SIDE OF INTERSTATE 5 APPROXIMATELY 1000 FEET SOUTH OF THE SUNSET HILLS DR. / DELMAR DR. INTERSECTION. DESCRIBED AS A PORTION OF SECTIONS 35 & 36, T. 29 N., R. 4 W., M.D.M.

Mr. Robson explained the project, location and request for two year time extension and there are no changes to the previously approved conditions.

Chairperson Walker asked about Condition #32 as there was a dollar amount of money mentioned and asked if that dollar amount would be changing.

Mr. Robson stated the amount would remain as stated.

Mr. Robson stated there is a reopener statement in the next paragraph of that condition.

Commissioner David asked if any work had been done in the last two years.

Mr. Robson stated there has been no physical work done.

Mr. Robson explained there is an opportunity to have a total of five years of extensions and then the map must be revised.

Commissioner Walker asked if this was the project that involved the Waste Disposal Facility.

Mr. Robson stated yes, they decided on the bubble subsurface distribution system.

Commissioner David stated he would like an update at the time of the extension request informing the Commission of the status of the project and reason for the extension requests.

Discussion followed that the numbers for this Tract Map will count toward the proposed future development in the area even though the work has not started.

Mr. Robson stated he has become aware of a Senate Bill on the floor introduced with no opposition as an urgency measure which would give all subdivision maps in the State of California an automatic no review two year extension.

Chairperson Walker opened the meeting to public comments. None were received.

Chairperson Walker closed the meeting to public comments.

A motion was made by Commissioner Turri, seconded by Commissioner David and carried by a vote of 5:0 of the Tehama County Planning Commission to adopt Subfinding & Finding #1 as presented in the staff report pursuant to the California Environmental Quality Act (CEQA):

Subfinding #1

The time extension for Tract Map 05-1020, Sunset Hills Estates, Phase II, is not a substantial change from the previously approved project.

Finding #1

The Mitigated Negative Declaration adopted for Tract Map 05-1020, Sunset Hills Estates, Phase II provides for an end use of the project site which is the same end use being proposed by the time extension. Therefore a two year time extension for Tract Map 05-1020 is exempt from CEQA pursuant to Section 15162 (a) (b) previously adopted Mitigated Negative Declaration for the project.

A motion was made by Commissioner Turri, seconded by Commissioner David and carried by a vote of 5:0 of the Tehama County Planning Commission determining that Tract Map #05-1020 is exempt from CEQA pursuant to Section 15162(a)(b).

A motion was made by Commissioner Turri, seconded by Commissioner David and carried by a vote of 5:0 of the Tehama County Planning Commission to adopt the following Subfindings and Findings presented for Tract Map #05-1020:

Subfinding #1

Tract 05-1020 (Phase II) proposes to create 87 parcels on approximately 232.5 acres, combined with the 88 parcels created by Phase I for a total of 175 parcels, in an area that is designated Rural Small Lot by the Tehama County General Plan and designated for the development of 800 single family parcels as addressed by the Sunset Hills Estates Supplementary Final EIR.

Finding #1

Tract 05-1020 does not exceed the overall densities of the approximately 4,026 acres of the Sunset Hills Estate project and is consistent with the Rural Small Lot classification of the Tehama County General Plan.

Subfinding #2

Tract 05-1020 is subject to 33 conditions that direct the design and improvements of the subdivision to meet the requirements of the Tehama County Land Division Standards.

Finding #2

That the design and improvements of Tract 05-1020 are consistent with the Tehama County General Plan.

Subfinding #3

The site and location of Tract 05-1020 is in an area where building pads can be constructed that will not present any physical difficulties for development.

Finding #3

The site of Tract 05-1020 is physically suitable for the type of development proposed.

Subfinding #4

The site is in an area known to have an adequate source of groundwater for domestic use. The proposed parcels will be served by a community sewage disposal system.

Finding #4

That the site is physically suitable for the proposed density of development.

Subfinding #5

The site is in an area designated for the development of 800 single family parcels and residential uses.

Finding #5

That the design of Tract 05-1020 or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife or their habitat.

Subfinding #6

A community sewage disposal system will be constructed for waste water disposal. This system will be regulated by the California Regional Water Quality Control Board and required to comply with waste discharge requirements.

Finding #6

The development of Tract 05-1020 is not likely to cause serious public health problems.

Subfinding #7

The proposed parcels will be served by a private road constructed by the developer. This road will not conflict with any existing easements through the parcel.

Finding #7

That the design of Tract 05-1020 or type of improvements required will not conflict with easements acquired by the public at large, for access through or use of, property within the subdivision.

A motion was made by Commissioner Turri, seconded by Commissioner David and carried by a vote of 5:0 of the Tehama County Planning Commission to approve the two-year Time Extension for Tract Map #05-1020 subject to the following conditions approved by the Technical Advisory Committee on 2/6/08:

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.

COMMUNITY WATER SYSTEM. Proposed Community Water system to comply with standards set forth under California Water Quality Monitoring Regulations.

Condition #3.

UTILITIES. Extensions to serve the applicant will be made under existing Electric Rules 15 and 16 that are on file with the California Public Utilities Commission. Relocation or rearrangement of existing facilities will be at the applicant's expense. Extensions may require satisfactory utility easements or right-of-way at no cost to PG&E. Applicant is responsible for satisfactory clearing of all vegetation in the route that is approved for use by PG&E.

Condition #4.

FINAL MAP. The following statement shall be placed on the Final Map A1. PG&E Restricted easement area, contact the Land Department at (530) 246-6548 prior to any use to determine compatibility. 2. The developer shall not reduce the vertical clearance between the conductors of this Company's overhead transmission lines and the ground or improved surface there under, as set forth under General Rule 95 of the Public Utilities Commission of the State of California.

Condition #5.

FUGITIVE DUST PERMIT. The developer to obtain a Fugitive Dust Permit and submit a construction emission dust/control plan prior to the time any construction begins.

Condition #6.

OPEN BURNING. No open burning shall occur on this property unless a land clearing permit is obtained from the District.

Condition #7.

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 #8.

FIRE SUPPRESSION REQUIREMENTS.

The community water system will require the placement of hydrants (with street valves) no further apart than 800 feet with a capacity to flow 500 GPM for a duration of four hours. Specific location of hydrants and approval of the system design shall rest with the County Fire Marshal. The developer shall provide for a means of providing for the maintenance and repair of the community water system in perpetuity. A notation to that effect shall be placed upon the final map.

OR

Any dwelling unit constructed or sited within the boundaries of this tentative subdivision map shall have engineered and installed an automatic fire suppression system which complies with the most current edition of the Uniform Building Code Standard 9-3; NFPA 13 D (Standard for Installation of Sprinkler Systems in Residential Occupancies); and Tehama County Fire Department standards. A notation to that effect shall be placed upon the final map.

Condition #9.

VEGETATION MANAGEMENT. The developer shall provide for the development and maintenance of fire management and/or vegetation management plans for the open space areas of the project area. The plan shall reflect the management of these areas for wild land fire issues based on a sustainable long-term program approved by the Chief of the CDF Tehama/Glenn Unit.

Condition #10.

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 #11.

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 road construction prior to final approval of road construction by road department and a notation to that effect shall be placed upon the final map.

Condition #12.

EXTENSION CONNECTIONS. The southerly extension of DelMar Drive from the south boundary of the subdivision to its connection with Snively Road shall be constructed to not less than a modified J-2 Local Road standard.

Condition #13.

BARRIER OR GATE. Any new barrier or gate installed on any access that qualifies as a road shall be approved by the local fire chief. Any such gate shall be electrically operated for entry and exit by a radio operated controller approved by the local fire chief (such as Click2Enter or its equivalent) and a notation to that effect shall be placed upon the final map.

Condition #14.

SIGNING OF ROADS. 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 and a notation to that effect shall be placed upon the final map.

Condition #15.

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

Condition #16.

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 #17.

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 #18.

LAND DIVISION STANDARDS : The Developer shall comply with the following;

- A.) All the pertinent requirements of Title 16, "Subdivisions", Chapters 16.04 thru 16.40 of the Tehama County Code, the Tehama County Land Division Standards, the Subdivision Map Act, as amended.
- B.) The "NOTE" pursuant to State of California Government Code 66411.1 (b) (2) per the Tehama County ~ Technical Advisory Committee (T.A.C.) minutes.
- C.) The requirements of the Regional Water Quality Control Board (RWQCB) regarding storm water permitting via Storm Water Pollution Prevention Plan (SWPPP).

Condition #19.

PRIVATE ROAD IMPROVEMENT REQUIREMENTS : Developer shall construct all road , storm drainage systems and related public improvements from the north end of Phase 2 at DelMar Drive (a private road) and end at the south end of Phase 2 in accordance with the following requirements .

- A.) Developer shall submit improvement plans, prepared by a Registered Civil Engineer (RCE) to the Tehama County Public Works Department (TCPWD) in accordance with the following ;
 - 1.) Improvement plans for Delmar Drive and Cul-de-Sac Roads shall delineate a full width roadway cross-section shown in Section X "*Uniform*

Construction Standards” of the Tehama County Land Division Standards (TCLDS) "TYPICAL ROAD SECTIONS" Drawing No. 10 - 3 * Cul-De-Sac Road /Local Road (* with a modified 80 foot wide right-of-way width for DelMar Drive and a modified 60 foot wide right-of-way width for proposed cul-de-sac roads .) with an engineered structural section based on "R" value tests and traffic indices.

a.) Interior road intersections with Delmar Drive shall have a CalTrans Type AC Road Connection.

2.) Improvement plans shall be prepared in accordance with applicable sections of the CalTrans “Highway Design Manual” and TCLD.

3.) Said improvement plans shall be checked and approved by the TCPWD prior to commencement of construction.

4.) Developer shall reimburse the TCPWD, via a Service Agreement, for all labor (pursuant to applicable “Fee Schedule” rates), equipment, usage, materials and administrative costs expended by TCPWD in the checking and processing of improvement plans and construction inspection.

a.) Developer shall notify TCPWD (a minimum of two working days) prior to commencement of construction to provide for construction inspection scheduling.

B.) Developer shall provide the County Engineer with a RCE certification that all roads, storm drainage systems and related improvements, required in the conditions of approval, have been constructed in accordance with applicable sections of the Caltrans Construction Manual and the TCLDS.

Note: The RCE Certification shall include copies of the following test results:

1.) Gradation of sub-base and base materials.

2.) Compaction tests of sub-base and base materials.

3.) Asphalt Concrete testing.

C.) Street names shall be approved by the Tehama County Planning Department.

D.) All signs (street name and regulatory) shall be installed in accordance with the requirements of Tehama County Ordinance 1537 and the TCLDS.

E.) Developer shall provide Tehama County Fire/CDF approval of above described improvements.

F.) Developer shall submit to the TCPWD a Traffic Control Plan, prepared by a Registered Traffic Engineer, which addresses the following elements;

1.) Guardrail (location and type)

2.) Striping plan

3.) Regulatory signs (location and type)

a.) Above said improvement plans and Traffic Control Plan shall be checked and approved by the TCPWD prior to commencement of construction.

G.) All newly created parcels shall be subject to the requirements of the existing road maintenance association.

H.) Developer shall provide an acceptable method for maintaining all areas of common ownership.

Condition #20.

PRIVATE ROAD IMPROVEMENTS FOR SECOND ACCESS REQUIREMENTS: Prior to the recordation of the Tract Map the following requirements shall be fulfilled.

A.) All roadway and related storm drainage improvements shall be constructed in accordance with the requirements of Tehama County Ordinance 1537 and roadway requirements described in Section III "ROADS" Paragraph (2) of the Tehama County Land Division Standards (TCLDS).

B.) Developer shall provide certification from a Registered Civil Engineer (RCE) that certifies all roads related storm drainage improvements, required in the conditions of approval, have been constructed to the appropriate standards as required per TCLDS Section III (2) (b).

Note: The RCE Certification shall include copies of the following test results:

- 1.) Gradation of sub-base and base materials.
- 2.) Compaction tests of sub-base and base.
- 3.) Chip gradation and oil certification.

C.) Developer shall provide Tehama County Fire/CDF approval of above described improvements.

Condition# 21.

DEDICATION OF EASEMENT: The Developer shall dedicate to the public an easement 30 foot wide half width right-of-way along Snively Road (Co. Rd. #82) for public road, public utilities and related purposes along the frontage of the subdivision from the southerly access point on Snively Road, south to where the developer's property ends. If a right-of-way of appropriate dedication exists no further dedication of easement is required.

Condition #22.

PUBLIC ROAD IMPROVEMENT REQUIREMENTS : Developer shall construct all road , storm drainage systems and related public improvements along Snively Road (Co. Rd. #82) in accordance with the following requirements;

A.) Developer shall submit improvement plans, prepared by a Registered Civil Engineer (RCE) to the Tehama County Public Works Department (TCPWD) in accordance with the following;

- 1.) Improvement plans for Snively Road (Co. Rd. #82) shall be constructed to the same width and surface as the secondary access road from where the second access road intersects with Snively Road south to Valley Auction Road.
- 2.) Improvement plans shall be prepared in accordance with applicable sections of the CalTrans "Highway Design Manual" and TCLDS.
- 3.) Said improvement plans shall be checked and approved by the TCPWD prior to commencement of construction.
- 4.) Developer shall reimburse the TCPWD, via a Service Agreement, for all labor (pursuant to applicable "Fee Schedule" rates), equipment usage, materials and administrative costs expended by TCPWD in the checking and processing of improvement plans and construction inspection.
- 5.) Developer shall obtain an Encroachment Permit from the TCPWD prior to the start of any work within a County maintained right of way.

- a.) Developer shall notify TCPWD (a minimum of two working days) prior to commencement of construction to provide for construction inspection scheduling
- B.) Developer shall provide the County Engineer with a RCE certification that all roads storm drainage systems and related improvements, required in the conditions of approval have been constructed in accordance with applicable sections of the Caltrans Construction Manual and the TCLDS.

Note: The RCE Certification shall include copies of the following test results:

- 1.) Gradation of sub-base and base materials.
- 2.) Compaction tests of sub-base and base materials.
- 3.) Asphalt Concrete testing.

Condition#23.

ACCESS ROAD TO THE WASTEWATER TREATMENT PLANT SITE AND POTABLE WATER TANK: The access road to the wastewater treatment plant site and the potable water tank site shall be designed as a 10-6 private road. The maximum grades shall meet the TCLDS. Erosion Control is required in areas subject to erosion along roadside ditches and fill slopes when the storm water velocities exceed erosion standards for the material types. The erosion control shall be based on Water Quality Order 99-08 DWQ of the National Pollution Discharge Permit as approved by the RWQCB and Caltrans Highway Design Manual as applicable.

(Condition Amended by BOS 7-11-06)

Condition #24.

DRAINAGE DESIGN AND IMPROVEMENT REQUIREMENTS:

A.) The Developer shall provide a drainage design plan prepared by a Registered Civil Engineer (RCE) which certifies the development of the subject property and the construction of necessary drainage facilities (i.e. culverts, ditches, down drains, energy dissipaters, etc.) and related improvements shall not adversely impact adjacent lands. Drainage design shall meet the requirements of applicable sections of the Caltrans "Highway Design Manual and Section IV DRAINAGE" of the Tehama County Land Division Standards (TCLDS).

- 1.) Drainage easement shall meet the requirements of Section IV "DRAINAGE" of the TCLDS and delineated on the Final Map.
- 2.) Design plan must include information on the existing reservoir its overflow and appurtenant drainage structures.
- 3.) All proof calculations and pertinent studies shall be included with design review submittals.

B.) (Condition #24B was Removed by BOS 7-11-06)

C.) The above said drainage design shall be submitted to the Tehama County Public Works Department (TCPWD) for its review and comments prior to the approval of improvement plans and commencement of construction.

D.) Developer shall, via a Service Agreement, reimburse the TCPWD for all labor costs incurred in the review and processing of drainage design, improvement plans and construction inspection.

Condition#25.

POTABLE WATER SUPPLY REQUIREMENTS: The proposed Community Water system must comply with standards set forth by the State of California Department of Health Services to meet drinking water standards for a public water system.

A.) Two operating wells are required for the system. One of the wells will be the primary well and one will be secondary (back-up); the secondary well will be fitted with a water-level monitoring device approved by the Tehama County Public Works Department and shall function as a monitoring well under the Tehama County Ground Water Management Plan. Testing to prove well yield is sufficiently adequate will be performed per DHS standards.

Condition#26.

SEWAGE DISPOSAL REQUIREMENTS: The Project must meet all regulations and standards for a community wastewater collection and treatment facility including waste discharge requirements established by the RWQCB and requirements of the Tehama County Department of Environmental Health.

A.) The perimeter of the Sewage Treatment Facility shall be fenced with a 6 foot high chain link fence.

B.) The subsurface infiltration system presented May 18, 2006 is the preferred alternative for sewage disposal and should any other alternative be considered or recommended by Regional Water the project be brought back to the Planning Commission for further review.

(Condition #26B was Added by BOS 7-11-06)

Condition #27.

Mitigation Measures III. Air Quality

AQ-1 In areas where construction activities result in soil exposure, prompt replanting with native, compatible, drought-resistant vegetation shall be required. Re-establish ground cover on the construction site through seeding and watering, as soon as possible but no later than by September 1. No areas shall be left exposed during winter.

AQ-2 Adequate dust controls shall be implemented during project construction. Water all excavated or graded areas at least daily or as needed to control excessive dust. Water or cover all material transported off-site to prevent excessive dust release. Minimize the total construction area disturbed by clearing, earthmoving, or excavation.

AQ-3 Apply non-toxic soil stabilizers according to the manufacturer's specifications to all graded areas that will be inactive for 10 days or more.

AQ-4 Sweep all affected road surface areas at the end of the day to remove silt accumulated from construction activities, if visible. Clean construction vehicles before exiting the work site. All construction-related internal combustion engines shall be maintained according to manufacturers recommendations, shall be maintained in good mechanical condition, properly tuned, and shall be fitted with appropriate mufflers and emissions control equipment.

AQ-5 Construction wastes, including all green wastes, tree removal wastes, and unpainted lumber with no nails, should be hauled to a waste-to-energy (i.e., co-generation) facility or to a chipping facility to be recycled as mulch or compost to the greatest practicable extent. If burning must occur, all appropriate burning permitting conditions shall be adhered to.

Condition #28.

Mitigation Measures IV. Biological Resources

B-1 The developer has indicated that wetlands which are vernal pools will be avoided. However, in the event potential development may directly impact existing vernal pool features, the developer shall either: 1) retain a qualified biologist to conduct pre-construction surveys for listed vernal pool branchiopods following the USFWS Interim Survey Guidelines to Permittees for Recovery Permits under Section 10(a)(1)(A) of the Endangered Species Act for Listed Vernal Pool Branchiopods (1996) to determine presence/absence; or 2) assume presence. If a determination that listed vernal pool branchiopods (i.e., vernal pool fairy shrimp, vernal pool tadpole shrimp) are absent based upon protocol-level surveys, no further mitigation is required for these species.

If listed vernal pool branchiopods are present, or if presence is assumed, measures to avoid, minimize, or mitigate direct and indirect impacts to vernal pool fairy shrimp and vernal pool tadpole shrimp within 250 feet of the project corridor shall be incorporated into the project, unless the USFWS permits a reduced setback. Such mitigation measures shall include the following (based on consultation with the USFWS):

1. Preservation Component. For every acre of habitat directly and indirectly affected, based on USFWS evaluation of site-specific conservation values, three acres of vernal pool habitat may be preserved on the project site or on another non-bank site as approved by the USFWS.

As an alternative, for every acre of habitat directly and indirectly affected, at least two vernal pool credits will be dedicated within a Service-approved ecosystem preservation bank, or, based on USFWS evaluation of site-specific conservation values, three acres of vernal pool habitat may be preserved on the project site or on another non-bank located off-site as approved by the USFWS.

2. Creation Component. For every acre of habitat directly impacted, based on USFWS evaluation of site-specific conservation values, two acres of vernal pool habitat will be created and monitored on the project site or on another bank site as approved by the USFWS.

As an alternative, for every acre of habitat directly impacted, at least one vernal pool creation credit will be dedicated within a Service-approved habitat mitigation bank, or based on USFWS evaluation of site-specific conservation values, two acres of vernal pool habitat will be created and monitored on the project site or on another non-bank located off-site as approved by the USFWS.

3. On-site Mitigation Banking. Vernal pool habitat and associated upland habitat used as on-site mitigation will be protected from adverse impacts and managed in perpetuity.

B-2 A 25-foot non-structure setback buffer from the high water mark shall be established for seasonal wetlands identified on the project. A 50-foot setback from the high water mark shall be established from the edges of perennial riparian habitat zones and vernal pools. If any streambed is to be altered, a Streambed Alteration Agreement with CDFG is required under Fish and Game Code Section 1600 et seq. If any delineated jurisdictional wetlands cannot be avoided, adherence to the U.S. Army Corps of Engineers Section 404 permit process is required.

B-3 Erosion and Sedimentation Control

1. Type D erosion control measures shall be implemented during construction of the proposed project in non-riparian upland areas. These measures shall conform to the provisions in Section 20-3 of the Caltrans Standard Specifications and the special provisions included in the contract for the project.
2. Erosion control work shall consist of one application of erosion control materials within non-riparian upland areas to embankment slopes, excavation slopes, and other areas designated by the project Engineer. These materials shall consist of fiber, seed, commercial fertilizer, and water. These materials shall conform to Section 20-2 of the Caltrans Standard Specifications and the specifications discussed below. Commercial fertilizer used for non-riparian upland areas shall conform to the provisions in Section 20-2.02 of the Caltrans Standard Specifications.

B-4 Construction specifications shall include the following measures to reduce potential impacts associated with accidental spills of pollutants (i.e., fuel, oil, grease, etc.) to vegetation and aquatic habitat resources within the project area.

1. Any construction activities proposed within ephemeral drainages shall be restricted to the dry season (typically June 1 - October 30). A starting date before June 1 should be established after consultation with the Department of Fish and Game.
2. Activities that increase the erosion potential within the project shall be restricted to the fullest extent possible to the relatively dry summer and early fall period to minimize the potential for rainfall events to mobilize and transport sediment to Patterson Creek.
3. The removal of wetland and upland vegetation shall be minimized whenever possible.

4. Weed-free mulch shall be applied to areas where vegetation has been removed to reduce short-term erosion as soon as feasible after construction. Soils shall not be left exposed during the rainy season.
5. Silt fences and catch basins shall be placed below all construction activities at the edge of major drainages to intercept sediment before it reaches these waterways. These structures shall be installed prior to any clearing or grading activities.
6. Spoil sites shall be located such that they do not drain directly into wetland feature, if possible. If a spoil site drains into a wetland feature, catch basins shall be constructed to intercept sediment before it reaches the feature. Spoil sites shall be graded to reduce the potential for erosion.
7. Sediment control measures shall be in place prior to the onset of the rainy season and will be monitored and maintained in good working condition throughout the year.
8. A spill prevention plan shall be implemented for potentially hazardous materials. The plan shall include the proper handling and storage of all potentially hazardous materials, as well as the proper procedures for cleaning up and reporting of any spills. If necessary, containment berms shall be constructed to prevent spilled materials from reaching wetland features.
9. Equipment and materials shall be stored away from wetland features.
10. Vehicles and equipment used during construction shall receive proper and timely maintenance to reduce the potential for mechanical breakdowns leading to a spill of materials into a wetland feature. Maintenance and fueling shall be conducted in an area that meets the criteria set forth in the spill prevention plan (i.e., away from Patterson Creek).

Condition #29.

Mitigation Measure V. Cultural Resources

- CR-1** If any additional archaeological discoveries (human skeletal remains, culturally modified lithic materials, structural features, or historic artifacts) are encountered during ground disturbing activities, all such activities should halt within a 100-foot radius of the discovery, and a qualified archaeologist should be contacted to determine the nature of the find, evaluate its significance, and, if necessary, suggest preservation or mitigation measures.

Condition #30.

Mitigation Measure VI. Geology and Soils

- G-1** Ground disturbing work for site development shall be limited to the dry season to the greatest feasible extent, and all erodible surfaces shall be protected by paving, mulching or landscaping, as provided in the erosion control plan (required) prior to the advent of the rainy season (September to March). Berms shall be provided

around construction sites to contain sediment. If construction operations occur during rainy periods, use of erosion control measures, such as straw-bale dikes, gravel filters, stabilized construction entrances and sediment traps shall be required. No areas shall be left exposed during winter.

- G-2** Uncemented silty soils are prone to erosion. Cut and fill slopes and drainage structures within native material should be protected from direct exposure to water runoff. Cut or fill slopes and their appurtenant drainage facilities shall be designed to Uniform Building Code guidelines and standards and, in general, should be no steeper than 2:1 (horizontal to vertical) unless authorized by a civil engineer. Slope angles shall be designed to conform to the competence of the material into which they are excavated, and an engineering geologist, geotechnical engineer, or civil engineer shall approve cut slope angles.
- G-3** Drainage facilities shall be lined as necessary to prevent erosion. A detailed geotechnical investigation shall be performed to determine specific site characteristics prior to construction of the roads and other improvements. A civil engineer shall be involved during the construction phase(s) to assure that recommendations are implemented or modified as necessary.
- G-4** Surface soils may be subject to erosion when excavated and exposed to weathering. Erosion and sediment control measures shall be implemented during and after construction to conform with acceptable erosion control and Tehama County grading standards. The erosion control plan shall include revegetation of denuded areas.
- G-5** Prior to any site improvement construction, erosion control and grading plans, to be prepared by qualified experts, shall be submitted to the Department of Fish and Game and the Regional Water Quality Control Board for review and approval
- G-6** To minimize dust/grading impacts during construction, no grading activity shall be conducted when sustained wind speeds exceed 25 miles per hour. Construction activities may occur during sustained wind speeds between 10 and 25 miles per hour provided dust control measures are increased and dust and erosion impacts are controlled to the satisfaction of County inspection staff.

Condition 31.

Mitigation Measure XIII Public Service

- PS-2** 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 at any election or public hearing upon the 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 near Nine Mile Hill (or an alternate site near Jelly's Ferry Road if the Nine Mile Hill facility is not built),

fire station maintenance, staffing of full time personnel serving the project, and operational expenses for the stations at Lake California and Bowman. 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 project proponent/developer shall have the necessary studies prepared in coordination with the Tehama County Fire Department and the California Department of Forestry and Fire Protection to establish the Fire Suppression Assessment Zone or other appropriate assessment mechanism, which shall be in place prior to recordation of the final map for Phase 2. The Zone shall encompass the entire approximate 4,026 acres of the Sunset Hills Estates Development Project as described in Tehama County General Plan Amendment 95-3A, Zoning Amendment 95-1, and associated environmental documentation. The project proponent/developer shall be reimbursed the full amount of costs incurred for the preparation of the necessary studies, to the extent permitted by law.

Condition #32.

Mitigation Measure XV. Transportation/Traffic

- T-1** Tehama County, in coordination with Caltrans, shall establish a Bowman Road/I-5 Ramp Improvement Development Impact Mitigation Fee, or other appropriate mechanism to collect funds from all future projects that impact the intersection, prior to recordation of the final map. The Fee or other mechanism shall provide for the collection of an amount sufficient to construct the improvements necessary to fully mitigate the cumulative impacts of the project and future projects upon the Bowman Road/I-5 Ramp.

The Sunset Hills Estates equitable share for mitigation of the increased traffic on the affected intersections shall be \$252,770 which equates to \$1,172 per lot based on the traffic generation identified in the Sunset Hills Estates traffic study, application of the mitigation formula identified by Caltrans in the Guide for Preparation of Traffic Impact Studies, and the mitigation requirements of the FEIR and SEIR, for the Cottonwood Creek Ranch and Sunset Hills Estates General Plan Amendment and Rezoning, respectfully. Should more accurate or detailed costs estimates for the proposed (5/Bowman Road interchange improvements become available, the fees shall be adjusted accordingly.

The project proponent/developer shall have the necessary studies prepared in coordination with the Tehama County Department of Public Works and Caltrans to establish the Development Impact Mitigation Fee or other appropriate fee mechanism, which shall be in place prior to recordation of the final map for Phase 2. The project proponent/developer shall be reimbursed the full amount of costs incurred for the preparation of the necessary studies, to the extent permitted by law. A note shall be placed on the final map(s) advising future property owners of the mitigation fees. Copies of the fee receipts shall be forwarded to Caltrans for mitigation monitoring.

T-3 Phase 2 of Sunset Hills Estates shall contribute its fair share of cost of mitigation measures for cumulative impacts on regional facilities by paying a regional traffic impact fee at the building permit stage provided such a regional impact fee has been implemented by the County. A notation to that effect shall be placed on the information sheet on the Final Map.

Condition #33

REZONING. Prior to recordation of the final map, the applicant shall apply for and obtain a rezoning of the subject property from R1-A-B:217 to R1-A-B:86 or some other zone for which the minimum lot size is no greater than 2 net acres. Approval of this tentative map is expressly conditioned upon such rezoning. Conditional approval of this tentative map does not constitute a commitment on the part of the County of Tehama to approve such rezoning. In the event that such rezoning is denied by the Tehama County Board of Supervisors, this tentative map shall be deemed denied.

TRACT MAP #07-1005, BLUE TENT PROPERTIES LLC. REVISE CONDITION #5 FOR THE APPROVED TRACT MAP #07-1005, LOCATED APPROXIMATELY 2.0 MILES NORTH OF RED BLUFF ON THE SOUTH SIDE OF JELLYS FERRY RD., JUST EAST OF THE INTERSTATE 5 INTERCHANGE, TO CREATE FIVE PARCELS A 106.19 ACRE REMAINDER PARCEL ON APPROXIMATELY 136.5 ACRES ZONED PD; PLANNED DEVELOPMENT DISTRICT WAS CONDITIONED TO "MEET ALL REGULATIONS AND STANDARDS FOR A COMMUNITY WASTEWATER COLLECTION AND TREATMENT FACILITY" AS FOLLOWS:

Mr. Robson explained the project, location and revised Condition #5 as it pertains to current Land Development Standards as it has to do with sewage disposal requirements and more specifically the entity responsible for the sewage disposal facility. Mr. Robson explained that previously our Land Division Standards stated that a public entity was required and through the transition of district formations and other considerations, it is found that Mutual Water and Sewage Companies can do what a district sewage water district can do as a public entity as defined in the Government Code and it was restricting the use of the tool mutual water or sewage company to perform the same services and duties as a district would provide. The current Land Division Standards, allows Mutual Water Companies to be placed here to do the job. Regional Water Quality Control Board has agreed to this as a component to move forward.

Chairperson Walker asked what the effective date of the new County's Land Division Standards.

Jerry Brownfield, Deputy Director of Public Works stated it was November 17, 2007.

A motion was made by Commissioner Tipton, seconded by Commissioner Turri and carried by a vote of 5:0 of the Tehama County Planning Commission to approve the revised Condition #5 for Tract Map #07-1005 as follows:

Revised Condition #5

SEWAGE DISPOSAL REQUIREMENTS. The project must meet all regulations and standards for a wastewater collection and treatment facility including waste discharge requirements established by the RWQCB, requirements of the Tehama County Department

of Environmental Health, and the Tehama County Land Development and Engineering Design Standards including the establishment of a mutual water company.

REVISED USE PERMIT #96-18, ROLLING HILLS PARTNERS. REVISE CONDITION #21 FOR THE APPROVED USE PERMIT #96-18, LOCATED APPROXIMATELY 2.0 MILES NORTH OF RED BLUFF ON THE SOUTH SIDE OF JELLYS FERRY RD., JUST EAST OF THE INTERSTATE 5 INTERCHANGE, TO CONSTRUCT A COMBINATION GAS STATION/ MINI-MART, 100 UNIT R. V. PARK, 60 UNIT MOTEL AND A RESTAURANT ON PROPERTY ZONED PD; PLANNED DEVELOPMENT DISTRICT WAS CONDITIONED TO "SUBMIT DESIGN SPECIFICATIONS FOR THE PROPOSED SEWAGE DISPOSAL SYSTEM TO THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD (CRWQCB) FOR THEIR REVIEW AND MEET THE WASTE DISCHARGE REQUIREMENTS (WDRS) OF THE CRWQCB".

A motion was made by Commissioner Tipton, seconded by Commissioner Turri and carried by a vote of 5:0 of the Tehama County Planning Commission to approve the revised Condition #21 for Revised Use Permit #96-18 as follows:

Revised Condition #21

SEWAGE DISPOSAL REQUIREMENTS. The project must meet all regulations and standards for a wastewater collection and treatment facility including waste discharge requirements established by the RWQCB, requirements of the Tehama County Department of Environmental Health, and the Tehama County Land Development and Engineering Design Standards including the establishment of a mutual water company.

WORK/STUDY SESSION:
TEHAMA COUNTY DRAFT GENERAL PLAN

Mr. Robson explained there would be no Work/Study Session today a meeting will be set for next Thursday, February 28, 2008 to schedule a last review of the maps and if possible on March 6, 2008 to review the changes made to the Policy Document. The Policy Document will include strikeouts and annotations for convenience.

Commissioner Tipton asked by the Hall Road Project was removed from the agenda.

Mr. Robson explained a letter had been received and copies given to the Commissioners indicating the developer had decided not to pursue the Tract Map application.

There being no further business, the meeting was adjourned at 11:40 a.m.

GEORGE W. ROBSON, SECRETARY

LINDA WALKER, CHAIRPERSON

