



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: June 19, 2008

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

COMMISSIONERS PRESENT: Commissioners Walker, Jones, Tipton, David, Turri

COMMISSIONER ABSENT: None

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

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

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance was led by Chairperson Walker.

Chairperson Walker temporarily adjourned the Planning Commission meeting at 9:03 a.m. to open the Airport Land Use Commission meeting.

Chairperson Walker reconvened the Planning Commission meeting at 9:04 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:

April 17, 2008:

It was moved by Commission David and seconded by Commissioner Tipton and carried by a vote of 5:0 of the Tehama County Planning Commission to approve the minutes as mailed for the April 17, 2008 meeting.

May 15, 2008:

It was moved by Commission David and seconded by Commissioner Jones and carried by a vote of 5:0 of the Tehama County Planning Commission to approve the minutes as mailed for the May 15, 2008 meeting.

PUBLIC HEARING:

USE PERMIT #08-04, A-B-A ENERGY (EUGENE AND MARIAN GABRYCH, SURFACE OWNER). TO ESTABLISH A NATURAL GAS WELL, VBC#1, FOR PRODUCTION PURPOSES IN A UA;UPLAND AGRICULTURAL ZONING DISTRICT . THE WELL SITE IS LOCATED SW OF CORNING, APPROXIMATELY 1.5 MILES WEST OF INTERSTATE 5, APPROXIMATELY 1,540' SOUTH AND 1,750' EAST OF THE NW CORNER OF SECTION 20, TOWNSHIP 23N., RANGE 3W., M.D. B. & M. APN: 89-210-01. APPROXIMATELY 640.0 ACRES.

Chairperson Walker opened the public hearing.

Robert Halpin, Planner II was present and explained the project and location. Mr. Halpin showed a location map and explained the access route.

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

It was moved by Commission Tipton, seconded by Commissioner Turri and carried by a vote of 5:0 of the Tehama County Planning Commission to find that an Initial Study has been prepared, a Negative Declaration filed and circulated through the CEQA process, and all comments have been responded to and further move that the Negative Declaration meets the requirements of CEQA and its Guidelines.

It was moved by Commissioner Tipton, seconded by Commissioner Turri and carried by a vote of 5:0 of the Tehama County Planning Commission to adopt the following Sub-findings and Findings:

Subfinding #1

The applicant proposes to establish a natural gas well , VBC#1, for production purposes in a UA; Upland Agricultural Zoning District, in an area primarily used for grazing and is surrounded by parcels varying in size from 20.0 to 640 acres.

Subfinding #2

There are no units within one thousand feet of the proposed well site.

Finding #1

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

Subfinding #3

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

Finding #2

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

Subfinding #4

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

Finding #3

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

It was moved by Commissioner Tipton, seconded by Commissioner Turri and carried by a vote of 5:0 of the Tehama County Planning Commission to approve Use Permit #08-04 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

State of California, Dept. of Fish & Game

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

Condition #3

Tehama County Planning Dept.

DEVELOPMENT PLAN. Project shall be developed as shown on the Plot Plan submitted with application dated April 30, 2008.

Condition #4

Tehama County Planning Dept.

VEGETATION REHABILITATION FENCING. The applicant shall use Best Management Practices for the re-vegetation of the disturbed portions of the project site including erecting a fence (minimum 3 wire electric fence or a 4 wire barb wire fence to prevent cattle from entering the rehabilitation area for as long as necessary to promote vegetative growth.

Condition #5

Tehama County Planning Dept.

FUEL CONTAINMENT. Fuel storage tanks for gas or diesel engines shall include appropriate containment and shall be placed under permanent cover.

Condition #6

Tehama County Planning Dept.

TEMPORARY FENCING. During the drilling phase of the project, the applicant shall provide temporary fencing of a minimum 3 wire electric fence or a 4 wire barb wire fence around the project site to prevent cattle from entering.

Condition #7

Tehama County Air Pollution Control District

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

Condition #8

Tehama County Air Pollution Control District

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

Condition #9

Tehama County Building & Safety Department

BUILDING CODE REQUIREMENTS. All work shall conform to the requirements of the 2007 California Building Codes and all local county codes.

Condition #10

Tehama County Environmental Health Agency

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

Condition #11

Tehama County Environmental Health Agency

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

Condition #12

Tehama County Environmental Health Agency

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

Condition #13

Tehama County Environmental Health Agency

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

Condition #14

Tehama County Environmental Health Agency

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

Condition #15

Tehama County Environmental Health Agency

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

Condition #16

Tehama County Environmental Health Agency

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

Condition #17

Tehama County Environmental Health Agency

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

Condition #18

Tehama County Cooperative Fire Protection

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

Condition #19

Tehama County Cooperative Fire Protection

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

Condition #20

Tehama County Cooperative Fire Protection

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

Condition #21

Tehama County Cooperative Fire Protection

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

Condition #22

Tehama County Cooperative Fire Protection

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

Condition #23

Tehama County Cooperative Fire Protection

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

Condition #24

Tehama County Cooperative Fire Protection

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

Condition #25

Northeast Center of the Calif. Historical Resources Information System

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

Condition #26

Tehama County Planning Dept.

LUBRICATION OIL CONTAINMENT. The compressor, lubrication storage tank and associated equipment shall have containment with sufficient volume to contain the entire volume of the storage tank and be placed under permanent cover.

OTHER MATTERS:

REVISED TRACT MAP 05-1009 #2, KEVIN TIMONE. TO SUBDIVIDE A 9.02 ACRE PARCEL INTO 9 PARCELS OF APPROXIMATELY 1.0 ACRES EACH IN AN RE-B:10, RESIDENTIAL ESTATES - SPECIAL BUILDING SITE COMBINING 10,000 SQ. FT. (1/4 ACRE MINIMUM) ZONING DISTRICT. THE PROPERTY IS LOCATED WEST OF RED BLUFF ALONG THE SOUTH SIDE OF WALNUT ST. APPROXIMATELY 800 FEET EAST OF THE WILDER RD. / WALNUT ST. INTERSECTION. DESCRIBED AS A PORTION OF THE NORTH HALF OF SECTION 25, T. 27 N., R. 4 W., M.D.M. APN: 24-160-59.

George Robson explained this is the second revision to this Tract Map. The map has been reconfigured and includes a condition for water supply with a Community Well Service or individual wells. Mr. Robson explained a soil profile had already been done on this property.

Discussion followed regarding the possible annexation to the City of Red Bluff.

E.C. Ross was present and stated he and his client are disappointed that the City would not allow annexation, as the parcels are currently not adjacent to City services.

It was moved by Commission Turri, second by Commissioner David and carried by a vote of 5:0 of the Tehama County Planning Commission to find that a Mitigated Negative Declaration for Revised Tract Map 05-1009 had been previously adopted for the project by the Planning Commission on April 20, 2006, and find that pursuant to CEQA Guidelines Section 15162(a) and (b), Revised Tract Map 05-1009 #2, is exempt from further environmental review under CEQA.

It was moved by Commissioner Turri, seconded by Commissioner David and carried by a vote of 5:0 of the Tehama County Planning Commission to adopt the Subfindings and Findings presented in the Staff Report on Revised Tract Map 05-1009 #2, Kevin Timone as follows:

Subfinding #1

Revised Tract 05-1009 #2 proposes to subdivide 9.02 acres and create 9 residential parcels of approximately 1.0 acres each in an area designated Suburban Residential by the Tehama County General Plan.

Finding #1

Revised Tract 05-1009 #2 does not exceed the densities allowed by the Zoning Code and is consistent with the Suburban Residential classification of the Tehama County General Plan.

Subfinding #2

Revised Tract 05-1009 #2 is subject to 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 Revised Tract 05-1009 #2 are consistent with the Tehama County General Plan.

Subfinding #3

The site and location of Revised Tract 05-1009 #2 is in an area where building pads can be constructed that will not present any physical difficulties for development.

Finding #3

The site of Revised Tract 05-1009 #2 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 site also exhibits the appropriate soil characteristics to support septic systems.

Finding #4

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

Subfinding #5

The site is in an area developed with parcels of similar size and residential uses.

Finding #5

That the design of Revised Tract 05-1009 #2 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 soil profile has been completed by the applicant's engineer providing ample evidence that the soils in the area are capable of providing adequate sewage disposal.

Finding #6

The development of Revised Tract 05-1009 #2 is not likely to cause serious public health problems.

Subfinding #7

The proposed parcels will be served by roads constructed by the developer. These roads will not conflict with any existing easements through the parcel.

Finding #7

That the design of Revised Tract 05-1009 #2 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.

Subfinding #8.

Revised Tract 05-1009 #2 is covered by the statute found in the California Code of Regulations Sections 15162(a) and (b) because a Mitigated Negative Declaration for Revised Tract Map 05-1009 had been previously adopted for the project by the Planning Commission on April 20, 2006.

Finding #8.

Pursuant to CEQA Guidelines Section 15162(a) and (b), Revised Tract Map 05-1009 #2 , is therefore exempt from further environmental review under CEQA.

It was moved by Commissioner Turri, seconded by Commissioner David and carried by a vote of 5:0 of the Tehama County Planning Commission to approve Revised Tract Map 05-1009 #2 subject to the following conditions approved by the Technical Advisory Committee on 6/04/08:

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.

SOILS. A soils study report including **ALL** information specified in Section VI, B; of the Land Division Standards shall be submitted by a registered geologist, engineer or environmental health specialist. Percolation test results shall be submitted on forms provided by the Department of Environmental Health.

Condition #3.

SEPTIC SYSTEMS. Septic system(s) location(s) and expansion for **ALL** existing structures (wells, houses, driveways, garages, etc.), shall be delineated on each lot.

Condition #4.

POTABLE WATER SUPPLY REQUIREMENTS. The community Water system must comply with standards set forth by the State of California Safe Drinking Water Act to meet drinking water standards for a public water system.

- A. A 72 hour well pump capacity step draw down test shall be performed to determine aquifer capacity to support water quantities for a community well.
- B. The water well and system capacity must meet the maximum daily demand and have 100% redundancy.
- C. The system must be permissible by the Local Primacy Agency (Tehama County Environmental Health) prior to consumer delivery.

Condition #5.

SEWAGE DISPOSAL. The face of each additional informational map shall be annotated: An on-site sewage disposal system shall be located only within the disposal area indicated for each parcel. Alternative sites for sewage disposal may be allowed upon application and approval of an on-site sewage disposal permit issued by the Department of Environmental Health.

Condition #6.

WATER AVAILABILITY. A statement of water availability as per Section VII, B., 1., a). Of the Land Division Standards shall be submitted to the Department of Environmental Health.

Condition #7.

EMERGENCY FIRE SUPPRESSION WATER. A community water system including the placement of a hydrant(s) and street valve(s) with a capacity to flow 750 GPM for a duration of four hours. Specific location of the hydrant and approval of the system design shall rest with the County Fire Marshal. The developer shall provide for a means of providing for maintenance and repair of the community water system in perpetuity.

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.

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

Condition #8.

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 #9.

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 #10.

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

Condition #11.

ROAD SIGNING. 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, 9.14.044, 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 #12.

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 #13.

LAND DEVELOPMENT 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 Development Standards, the Subdivision Map Act, as amended.
- b) The requirements of the Regional Water Quality Control Board (RWQCB) regarding storm water permitting via Storm Water Pollution Prevention Plan (SWPPP).

Condition #14.

DEDICATION OF EASEMENT: The Developer shall dedicate to the public an easement 40' wide half width right of way easement along Walnut Street (Co. Rd. No. 657) for public road, public utilities and related purposes.

Condition #15.

ACCESS CONTROL: The Final Tract Map shall delineate a one foot wide non-vehicular access strip reservation as follows:

- A.) The Developer shall dedicate to the public a one foot wide non-vehicular access strip for the entire northern property boundary of Lot "1" and Lot "9" along the frontage of Walnut Street (Co. Rd. No. 657).

Condition #16.

DRAINAGE REQUIREMENTS: The Developer shall provide documentation acceptable to the County assuring compliance with Chapter 2 E. of the Land Development and Engineering Design Standards.

Condition #17.

ENCROACHMENT REQUIREMENTS: Developer shall obtain an Encroachment Permit from the Tehama County Public Works Department at the intersection of "New Street" and Walnut Street (Co. Rd. No. 657). Said encroachment shall be engineered by a Registered Civil Engineer (RCE) and approved by the County Engineer prior to commencement of construction.

- A.) Encroachment Permit shall require a 55 MPH stopping sight distance for traffic on Walnut Street (Co. Rd. No. 657).
- B.) A Registered Civil Engineer shall submit a detail design showing that the stopping sight distance meets with the Tehama County Land Division Standards and the Caltrans "Highway Design Manual"
- C.) Developer shall contact the TCPWD 48 hours or 2 working days prior to the commencement of any construction on public road.

Condition #18.

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

- A. Developer shall submit improvement plans, prepared by a Registered Civil Engineer (RCE) to the Tehama County Public Works Department (TCPWD) for approval in accordance with the TCLDS and applicable sections of the Caltrans Highway Design Manual.

- a). Walnut Street shall be constructed in accordance with Standard Drawing # 0905, Collector Road. A ½ width road construction plus an additional 12' lane overlay north of centerline. Construction shall include conforming tapers off-site.
 - b). Construct 45 mph off-site asphalt tapers on the eastbound lane of Walnut Street at each end of property.
 - c). Interior Road shall be constructed in accordance with Standard Drawings # 0905, Minor Local Road and Permanent Cul-de-Sac # 0909. Connection for local public road shall be Standard Drawing # 0912.
- B. Construction shall not commence prior to approval of the improvement plans by the TCPWD.
- a. Developer shall notify TCPWD a minimum of two working days prior to commencement of construction activities.
- C. Developer shall provide the TCPWD with a RCE certification that all improvements were constructed in accordance with the approved improvement plans, TCLDS, and applicable section of the Caltrans Standard Plans and Specifications May, 2006.
- D. Developer shall submit AS-BUILT improvement plans prior to acceptance of the completed improvements and/or the release of any improvement security.

Condition #19.

IMPROVEMENTS REVIEWED: Subdivision improvements must be reviewed by the City of Red Bluff.

Condition #20.

EASEMENT DEDICATION: Developer shall dedicate an easement for the community water system well and appurtenances. Suggested area is 50 feet by 50 feet.

Condition #21.

IMPROVEMENT PLANS: Provide improvement plans for well, pumping, storage and distribution system to the Department of Environmental Health prior to final map recordation.

Condition #22.

UTILITIES. Extensions to serve the applicant will be made under existing Gas and 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 at PG&E. Applicant is responsible for satisfactory clearing of all vegetation in the route that is approved for use by PG&E.

Condition #23.

Mitigation Measure III.1 (a)

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 #24.

Mitigation Measure III.1 (b)

LAND CLEARING PERMIT. No open burning shall occur on this property unless a land clearing permit is obtained from the District.

Condition #25.

Mitigation Measure III.1 (c)

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

Condition #26.

Mitigation Measure IV. 1 (a)

NO DISTURBANCE BUFFER ZONE. Sensitive Biological Resources, No-disturbance Buffer Zone: the buffer zone noted on this final map is intended to protect sensitive biological resources. No surface disturbances, vegetation removal, structures, improvements, utility line trenching, water or septic lines shall occur within the "no-disturbance buffer zone" unless written approval on a case by case basis is obtained from Tehama County and the California Department of Fish and Game."

Condition #27.

Mitigation Measure V. 1. (a)

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

Condition #28.

Mitigation Measure VI. 1. (a)

STORM WATER PERMIT. Prior to the commencement of construction activities the developer must obtain a Construction Storm Water Permit, including a Storm Water

Pollution Prevention Plan, issued by the California Regional Water Quality Control Board.

Condition #29.

Mitigation Measure XVI. 1. (a)

SOIL PROFILES. Prior to recordation the applicant must submit soil profiles and percolation data for each parcel, as well as analyses of nitrate loading and nitrate contamination of the groundwater. Depending on the site conditions, housing density, and wastewater disposal methods, advanced treatment for nitrogen removal may be required to protect groundwater quality.

Condition #30.

Tehama County Environmental Health

Well sites shall be shown on each lot and recorded with the map as an additional informational map sheet.

Chairperson Walker recessed the meeting at 9:25

Chairperson Walker reconvened the meeting at 9:28

STUDY MATTER WORKSHOP

RECLAMATION PLAN, SUBMITTED BY 7-11 MATERIALS, INC. THE CURRENT OPERATOR OF PINE CREEK ROCK, FOR RECLAMATION PLAN 94-; DISCUSSION AND DEVELOPMENT OF PLANNING COMMISSION RESPONSE TO DEPARTMENT OF CONSERVATION COMMENT LETTER DATED DECEMBER 14, 2007.

Mr. Robson explained the public hearing was closed last month, however the Chairperson could re-open the public hearing if she decided to do so.

Chairperson Walker re-opened public testimony.

Mr. Stewart Altemus was present and stated he had a couple of brief comments: He stated that according to the most recent agenda, should the Commissioners decide to adopt the Subfindings and Findings they were derived from earlier draft addendums and requests the Commissioners consider actions without the addendums as that would cause problems. Mr. Altemus asked the Planning Commissioners to approve the amended Reclamation Plan.

Mr. Robson gave a brief overview of where we are in the process. He explained that four of five Commissioners submitted comments independently and their responses were compiled into a spreadsheet handout at the meeting. Mr. Robson explained the Commissioners have not seen each other's comments.

Mr. Robson asked for clarification from Commissioner Turri, as he had been absent at the last meeting, as to whether Mr. Turri had listened to the CD of the meeting and read the Minutes of the meeting of June 19, 2008 and if he had full briefing of what was discussed on this project.

Commissioner Turri noted he had been given the CD, however, he had not listened to the CD, or read the minutes of the meeting of June 19, 2008.

Arthur Wylene, Assistant County Counsel stated that since Commissioner Turri had not been updated on the project it would be best if he would recuse himself from hearing this project.

Mr. Altemus stated he had no comment.

Chairperson Walker excused Commissioner Turri at 9:39 a.m.

Chairperson Walker recessed the meeting at 9:39 a.m.

Chairperson Walker reconvened the meeting at 9:41 a.m.

Mr. Robson explained the procedure for submittal of comments to Dept. of Conservation and stated that each of DOC's comments would be discussed individually today with consensus on response back to DOC.

Comment 1(a):

Dept. of Conservation – Comments December 13, 2007:

1. The improved project maps (i.e., Exhibits 1 through 5 of 5) clarify a number of OMR's comments; however, they also provide new information, raise additional comments, and contain apparent inaccuracies that should be addressed prior to approval of the reclamation plan. It appears that the topographic base map that forms the basis for all the maps does not accurately portray conditions at the site. Please consider the following:
 - a. Contour lines depicting existing surface topography lack sufficient detail to accurately show important topographic features of the site. For example, drainage lines highlighted with light blue arrows on the photographic image in Exhibit 1 are up to 250 feet away from where they are indicated by topographic contours. The contours should accurately depict the topography of the site. The survey methods and level of detail should be sufficient for the contour interval chosen. The date of the survey, survey methods, and company that conducted the survey should be described in a note on the maps. The maps should be stamped and signed by the California registered professional land surveyor that produced them.

Response to Comment 1(a):

Consensus (excluding Commissioner Turri): No new map necessary, approved County Comments as follows:

The County adopts this comment, with the exception of the request that the maps contain a description of the survey methods used, and that the maps submitted by the operator be signed and stamped by the California licensed land surveyor that created them. The Operator has prepared new, revised maps based on a recent survey conducted by a licensed

surveyor. However, the maps still rely on United States Geological Survey (USGS) maps for a portion of the information therein. As explained to the DOC at the January 28, 2008 meeting, obtaining the methods, stamp, and signature of the individuals who participated in preparing the USGS maps would likely be impossible and is not required by SMARA.

Comment 1(b):

Dept. of Conservation – Comments December 13, 2007:

A note within the image area of Exhibit 1 indicates that the map has a two-foot contour interval; however, the interval appears to be five feet over most if not all of the map. There are unlabeled contours within the existing disturbed area and in an adjacent area directly to the northeast that may have a two-foot interval. None of the apparent two-foot contours appear to align with the even-numbered five-foot contour lines; some of the contour lines should align, such as the 220-, 230-, and 240-foot contour lines. The two-foot contour lines should be appropriately labeled, and the map should contain a note that it has both two-foot and five-foot contour intervals.

Comment 1(b):

Consensus (excluding Commissioner Turri): (1) Use Downey-Brand Response to Comment; (2) Phasing line follow Section Line as follows:

The County adopts this comment. As discussed in our January 28, 2008 meeting, generally the western part of the mine is rendered in two-foot contour intervals, while the eastern portion of the mine is rendered in five-foot contour intervals. As a condition of approval, the County may require that the Operator prepare a two-foot contour map for the eastern part of the mine in the next 3-5 years, if deemed necessary by the County. Otherwise, the Operator has revised the map to align the two-foot and five-foot contour intervals where applicable.

Comment 1 (c):

Dept. of Conservation – Comments December 13, 2007

All exhibits have the same bar scale and written scale of 1" = 400'-0"; however, the dimensions of features that are common among the various maps are depicted differently on each map. This is especially true for Exhibit 1 versus the other maps. Features on the map should be depicted the same way and have the same dimensions if the map scales are the same.

Comment 1 (c):

Consensus (excluding Commissioner Turri) (1) Use Downey-Brand Response to Comment; (2) Phasing line follow Section Line as follows:

The County adopts this comment. The Operator has revised all of the exhibit maps accordingly.

Comment 1(d):

Dept. of Conservation – Comments December 13, 2007

The unnamed tributary discussed on page 18 should be accurately shown on the map exhibits and appropriately labeled. Additionally, the setback from the tributary where no mining will occur should be shown.

Comment 1(d):

Consensus (excluding Commissioner Turri) Use Downey-Brand Response to Comments as follows:

The County adopts this comment. The Operator has revised the Exhibit 1 map to depict the unnamed stream, and to reflect a potential 50 foot setback which will be maintained until regulatory agency jurisdiction over the drainage is determined, as set forth further below. The setback area may be subject to adjustment according to the governing regulations, and the appropriate setback will be determined prior to mining in the area.

Comment 1(e) & (f)

Dept. of Conservation – Comments December 13, 2007

(e) The reclamation plan indicates that the 150-foot setback from Pine Creek is measured from the southern bank of the creek. From our review of the aerial photographic base on Exhibit 1, it appears that the setback may not be consistently defined. The plan should describe the technical criteria used to define the stream bank. One of the criteria probably should be the edge of the water for a particular creek discharge, such as the 100-year discharge.

(f) The 150-foot setback is not consistently shown on each of the exhibits. In some parts of Exhibit 1, the setback is shown to be only 110 feet wide where it is adjacent to the existing disturbed area, and some disturbed areas appear to overlap with the 100-foot-wide setback. Additionally, the setback on Exhibit 1 is shown to extend further southwest to the edge of the mining operation, whereas the setback on Exhibits 3 and 4 does not extend as far. The entire length and full 150-foot width of the setback should be consistently portrayed on each of the maps.

Comment 1(e) & (f)

Consensus (excluding Commissioner Turri) Accept County's Response to Comments as follows:

The exhibit maps note that all configurations displayed on the maps are approximations, which includes the setback of mining operations from Pine Creek. As explained in the January 28, 2008 meeting, while the

maps strive to be as accurate as possible in other details, precise accuracy regarding the mapped setbacks from Pine Creek is unnecessary, as the actual setback has been measured, marked and staked on the ground within the project area. In addition, and as described in Comment #2, the operator will be required to annually survey the areas proposed for excavation. This survey will also physically establish the 150 foot setback from Pine Creek. This actual, on-the-ground setback was developed in coordination with the California Department of Fish and Game (CDFG), in accordance with their technical criteria, and consequently will take precedence over any inconsistencies on the reclamation plan maps.

Comment 1(g)

Dept. of Conservation – Comments December 13, 2007

The reclamation plan and Exhibit 1 indicate that wetland delineations will occur at a later date and that possible wetlands will be avoided until the issue is resolved. The reclamation plan maps should show the possible wetlands areas that will be avoided.

Comment 1(g)

Consensus (excluding Commissioner Turri) Accept County's Response to Comments and include: (1) Stake Agency setback boundary; (2) Strike "2008"; (3) Strike "250"; (4) Add do not mine jurisdictional wetlands; (5) Delete sentence/Add Comment from Commissioner Walker as follows:

An assessment of potential wetlands areas within the project site, which includes a map of possible wetlands areas and recommended interim setback areas, has been prepared by Mr. David Kelley of Kelley & Associates Environmental Sciences, Inc., (K&AES). Specifically, (K&AES) conducted a biological survey of the site in the late spring of 2007. During the 2007 surveys, potential jurisdictional wetlands were noted but not mapped. Recent aerial photos of the project area following heavy storms have allowed a reconnaissance assessment of potential wetlands on the eastern portion of the project area. The aerial photo, with potential vernal pool / swale complex, along with a narrative prepared by K&AES, are attached to these comments as Exhibit A.

As depicted in the aerial photo these potential jurisdictional wetlands are located on both Phase I and II. ~~Prior to the commencement of stripping of topsoil or excavation of material in 2008, on land that has not already had topsoil stripped and is ready for excavation as previously allowed by the County, the operator must physically locate the potential jurisdictional wetlands that are located in phase I and stake the perimeter boundaries and stake a 250 foot non-disturbance area around the perimeter boundaries of these areas.~~

Commissioner Walker's comment: "And stake the perimeter boundaries as required by Federal or State agencies having jurisdiction over wetlands – No un-permitted ground disturbance shall occur in the setback areas."

Comment 1(h)

Dept. of Conservation – Comments December 13, 2007

Page 11 of the reclamation plan refers to Figure 3; however, no Figure 3 was included. Please clarify.

Comment 1(h)

Consensus (excluding Commissioner Turri) Accept County's Response to Comments as follows:

The County adopts this comment. The reference to Figure 3 has been removed from the accompanying narrative.

Comment 1(i)

Dept. of Conservation – Comments December 13, 2007

Exhibit 3 should be modified to be consistent with the text, and the phasing plan should be clarified on the map. See subsequent comment.

Comment 1(i)

Consensus (excluding Commissioner Turri) Accept County's Response to Comments and include: (1) Licensed Land Surveyor will stake Phase I, II, and III and use Section line as Phase line; as follows:

The County adopts this comment. Both the maps and the accompanying text have been revised and updated to remove any inconsistencies. The phasing line between phase I and II will be coterminous with the section line between Sections 35 & 36, T. 24 N., R. 1 W. M.D.M. Prior to any excavation of material in 2008 the operator must have a licensed land surveyor stake and mark the phasing lines between phase I and II and phase I and III.

Comment 2

Dept. of Conservation – Comments December 13, 2007

The phasing plan is unclear and should be revised. The reclamation plan and accompanying maps refer to three phases of mining, but the three phases are not clearly defined in the text or shown on any maps, including Exhibit 3 "Mining Plan and Phasing." Exhibit 3 shows ten "Potential Sub-Phase Areas" but does not indicate which sub-phase areas are within each phase. The purpose of having both phases and sub-phases is

unclear and should be described in the reclamation plan. All phases and sub-phases should be shown on the appropriate site maps. Each sub-phase area has a number, but the meaning, if any, of the number is not defined. Presumably, it refers to the progression of mining. If so, the reader is given the impression that the Sub-Phase Areas represent the 20- to 30-acre tracts that will be sequentially disturbed to allow for concurrent reclamation; however, the sizes of the Sub-Phase Areas, as shown on Exhibit 3, typically are 35 to 40 acres rather than 20 to 30 acres. The relationship between the Sub-Phase Areas and the 20- to 30-acre tracts that will be disturbed should be clarified. The reclamation plan text and maps should be modified to clearly state and show the phasing plan for the mining operation. OMR recommends that the plan refer to either three phases or ten phases, but not both phases and sub-phases unless they can be clearly differentiated and defined in the reclamation plan.

Comment 2

**Consensus (excluding Commissioner Turri) Accept Downey-Brand
Response to Comments as follows:**

The County adopts this comment. The reclamation plan text and maps have been modified accordingly, and reflect a clear, three-phase plan for reclamation. Pursuant to our meeting of January 28, 2008, on an annual basis the Operator will provide to the County a description of the area it intends to mine during the upcoming year.

Comment 3 & 4

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3. CCR sections 3706 and 3710 require that surface and ground water be protected in accordance with the Porter-Cologne and Clean Water Acts as implemented by the Regional Water Quality Control Board (RWQCB) and the State Water Resources Control Board (SWRCB). Regulations approved by the SWRCB require a mine site discharging storm waters that may have contacted any overburden, raw material, intermediate products, by-products, or waste products obtain a general industrial activities storm water permit and submit a Storm Water Pollution Prevention Plan (SWPPP). The reclamation plan indicates that there will be Waste Discharge Requirements (WDRs) for the processing area and that the process of obtaining them has been initiated. Presumably, a SWPPP will be completed that addresses the processing area.

The plan indicates that the mine pit is internally drained, and there is no risk of offsite sedimentation. The operator has filed a Notice of Non-Applicability (NONA) with the RWQCB; however, the appropriateness of NONA is questioned by OMR given that water collected from the “internally drained” pit will be discharged offsite. Text on page 17 states “Grading and drainage will be accomplished in a manner that is designed to minimize erosion by directing surface flows from disturbed surfaces into detention ponds that provide for sedimentation prior to flowing offsite.” Even though the pit is internally drained to the sedimentation basin, there appears to be the intent to discharge stormwater offsite. Significant benefit may be derived from placement of erosion control BMPs within the pit to reduce the sediment load going to the sedimentation basins.

Some disturbance may occur around the margin of a pit even though most of the pit is internally drained. Small amounts of disturbed soils at the edge of the pit may erode and be transported offsite unless erosion control BMPs are implemented. The chance of zero erosion and offsite sedimentation potential is unlikely for this site. The operator should protect newly revegetated slopes from erosion until plants can become established. The operator should describe provisions for protecting the margins of the pit from erosion. Newly reclaimed internal pit slopes should be protected with some temporary erosion control BMPs on internal slopes until vegetation becomes established.

No site-specific erosion and sediment control plan was included with the reclamation plan. The required information, monitoring requirements and water quality standards of the permit and SWPPP may be incorporated into the reclamation plan to satisfy SMARA. If no SWPPP is required or if some areas are not included in a SWPPP, the reclamation plan would need to include a site-specific erosion control and sedimentation plan that meets minimum SMARA requirements. Erosion and sedimentation from the margins of the pit and processing area should be addressed in the site-specific plan at a minimum. Evaluation of the effectiveness of the erosion control plan should be done as part of the SMARA annual inspection.

4. As described above, the plan indicates that internal drainage will be routed to detention ponds before discharging the waters offsite. The applicant must provide more specific details regarding the design of the detention ponds and how and when they will be inspected and maintained. They should be designed for the 20-year, one-hour storm at a minimum. The following serves as a typical example for inspection and maintenance of sediment detention basins: "Sediment traps will be inspected before and after rainfall events, weekly during the rainy season, and at 24-hour intervals during extended storm events. Inlet and outlet structures will be checked for signs of erosion, damage, or obstructions. Trap banks will be examined for seepage and structural soundness. Accumulated sediment will be removed when the trap storage capacity is 1/3 full."

Comment 3 & 4

Consensus (excluding Commissioner Turri) Accept Downey-Brand Response to Comments with the following changes: (1) Grade to Drain; (2) Remove reference to 2%; (3) Remove reference to 2% to 10%; (4) Remove 250 ft. setback; (5) Stake non-disturbed area (see comment in 1(g); as follows:

As discussed at the January 28, 2008 meeting, these comments were predicated on an erroneous statement in the previous version of the proposed reclamation plan amendment that implied that the project would have offsite discharge. In actuality, this project does not involve any offsite discharge; the proposed reclamation plan amendment has been corrected accordingly. Inspection and monitoring of sediment traps does not need to be conducted as there is no offsite discharge. There is a SWPPP in place at the site, applicable to the requirements of SMARA on these points. Final reclaimed site will grade to drain from East to West.

Commissioner Walker's comment: "And stake the perimeter boundaries as required by Federal or State agencies having jurisdiction over wetlands – No un-permitted ground disturbance shall occur in the setback areas."

Comment 5

Dept. of Conservation – Comments December 13, 2007

Rock armoring is proposed where surface water channels enter the pit. A typical design is shown on Exhibit 5, but the basis for the design is not given. Page 17 indicates that the armoring/rock interceptors "will be" designed to handle the 20-year, one-hour storm. The basis for the design, including design discharges, sizing of rock, and details and specifications of the construction should be included in the reclamation plan prior to its approval.

Comment 5

Consensus (excluding Commissioner Turri) Accept County's Response to Comments as follows:

The basis for the design, which is the United States Department of Agriculture's Natural Resources Conservation Service, is now noted on Exhibit 5. The rock armoring/interceptors will not be constructed until necessitated by the location and anticipated progress of active mining operations. While the specifics of design and construction are generally expected to comport with the depictions in Exhibit 5, it is quite possible that by the time the interceptors are constructed, best management practices for drainage improvements will have evolved to eclipse or supplant the proposed design. Accordingly, the County declines to require exact or further details regarding the rock armoring at this time.

Comment 6

Dept. of Conservation – Comments December 13, 2007

Page 18 of the revised reclamation plan states that the operator "will not disrupt any portion of this unnamed tributary during excavation activities." They indicate that "an appropriate setback will be established and maintained from mining activities and the unnamed tributary." The mining and phasing map (Exhibit 3) and reclamation map (Exhibit 4) appears to conflict with the text, because it shows that this drainage will be completely altered by mining. The reclamation plan text and/or exhibits need to be modified to clarify whether the drainage will remain or not. If it will be disturbed, the CA Department of Fish and Game requirements should be written into the plan.

Comment 6

Consensus (excluding Commissioner Turri as he recused himself) Accept Downey-Brand Response to Comments as follows:

The County adopts this comment. The conflict between the text and the maps has been resolved. Two unnamed relict drainages (one of which has been previously identified on a USGS map as a "blue line" stream) are

now marked on Exhibit 1, and discussed in the assessment of potential wetland areas provided to the County by Mr. David Kelley, of Kelley & Associates Environmental Sciences, Inc. A setback of 50 feet is noted on the map as well, which setback may be adjusted pursuant to the applicable regulatory requirements. Condition No. 1 of the operative conditional use permit for the site obligates the Operator to meet the requirements of all federal, state, and local agencies; the proposed reclamation plan amendment reiterates that all applicable laws and regulations must be complied with prior to disturbances within the setback areas for these drainages. The Operator's ultimate decision whether to mine in the areas of these relict drainages will likely be based in part on the extent of the obligations imposed by the applicable laws and regulations in place at the time mining activities actually approach these areas.

Comment 7

Dept. of Conservation – Comments December 13, 2007

Weed control is addressed in general; however, the plan still lacks a specific threshold criterion that will require implementation of weed control measures. OMR suggests a specific threshold of no more than 5% cover of any noxious weed, with no weed patches more than 10 square meters in size. In addition, OMR recommends that the county specify that the success criteria for revegetation be based on species palatable for grazing, not simply biomass, since "biomass" could be interpreted to include non-palatable weeds such as yellow star-thistle.

Comment 7

Consensus (excluding Commissioner Turri as he recused himself)

Accept Downey-Brand Response to Comments as follows:

The County adopts this comment, with some modifications. Based on Mr. David Kelley's suggestions, the proposed reclamation plan amendment has been revised to specify that weed control management efforts will be implemented if cover estimates of noxious weeds exceed 5% during the two years of post-mining revegetation monitoring. The plan also notes that revegetation success criteria must include a cover value of 75% and a species difference of at least two species for all grazing/upland agriculture reclamation areas. Under the weed abatement thresholds above, this necessarily means that success criteria will not be considered met if noxious weeds such as yellow star thistle comprise more than 5% of these reclamation areas.

Mr. Robson explained that staff would prepare a separate response letter to DOC and assemble the responses to comments into Conditions of Approval on the Reclamation Plan.

Chairperson Walker continued the project to the July 17, 2008 Planning Commission Meeting.

Arthur Wylene noted that a Public Hearing Notice for July 17, 2008 should be prepared and submitted for publication in the Red Bluff Daily News on this project.

Mr. Altemus stated that 711 Materials has sufficient material at this time to process and no additional acreage is requested at this time.

PUBLIC HEARING

CONSIDER APPROVING THE AMENDED RECLAMATION PLAN, SUBMITTED BY 7-11 MATERIALS, INC. THE CURRENT OPERATOR OF PINE CREEK ROCK, FOR RECLAMATION PLAN 94-1 AS REQUIRED BY THE CONDITIONAL REVOCATION OF USE PERMIT 94-2. THE MINING OPERATION PERMITTED BY USE PERMIT 94-2 IS LOCATED IN SOUTHERN TEHAMA COUNTY ON THE SOUTH SIDE OF PINE CREEK ALONG THE TEHAMA COUNTY / BUTTE COUNTY LINE. DESCRIBED AS A PORTION OF SECTIONS 35 & 36, T. 24 N., R. 1 W., M.D.M. APN'S 79-070-09 & 79-070-11

This portion of the meeting was held over to July 17, 2008 after the Commissioners have a chance to review the Response to Comments and Conditions of Approval and a Public Hearing Notice will be published as noted above.

July Study Session is scheduled for Thursday, July 10, 2008.

There being no further business, the meeting was adjourned at 11:45 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 June 19, 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