



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: May 15, 2008

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

COMMISSIONERS PRESENT: Commissioners Walker, Jones, Tipton, David

COMMISSIONER ABSENT: Commissioner Turri

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

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

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance was led by Chairperson Walker.

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

Chairperson Walker reconvened the Planning Commission meeting at 9:09 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 3, 2008: Correction to remove "Other County Departments Present" to exclude Wil Murphy, County Counsel.

It was moved by Commission Jones, seconded by Commissioner David and carried by a vote of 4:0:1 of the Tehama County Planning Commission to make the above noted correction to the April 3, 2008 Minutes.

April 17, 2008: Correction to Page 4, Paragraph 10 and 11 noting it was a tie vote of 2:2:1 and therefore the vote was not "carried".

It was moved by Commission Jones and seconded by Commissioner David and carried by a vote of 4:0:1 of the Tehama County Planning Commission to make the above noted correction to the April 17, 2008 minutes.

After motions were made it is noted that the Approval of Minutes for April 17, 2008 were not included in the agenda and will be re-approved as presented at next month's meeting.

Mr. Robson stated Amended Reclamation Plan for 711 Materials will be moved to the last item on today's agenda.

PUBLIC HEARING:

USE PERMIT #08-05, ABA ENERGY (PRESIDENT OF THE BOARD OF TRUSTEES OF SANTA CLARA COLLEGE, SURFACE OWNER). TO ESTABLISH AN ADDITIONAL NATURAL GAS WELL, SANTA CLARA #1, ON AN EXISTING WELL SITE IN A UA; UPLAND AGRICULTURAL ZONING DISTRICT. THE SITE IS LOCATED SE OF CORNING, APPROXIMATELY ¾ OF A MILE WEST OF INTERSTATE 5 AND 320 FEET NORTH OF THE GLENN – TEHAMA COUNTY LINE AT A POINT APPROXIMATELY 475 FEET EAST AND 320 FEET NORTH OF THE SW CORNER OF SECTION 33, TOWNSHIP 23 N. RANGE 3W, M.D.B.&M.. APN: 89-320-22. APPROXIMATELY 415.12 ACRES.

Chairperson Walker opened the public hearing.

Mr. Robson explained the project and location.

Discussion followed regarding the gas well using the existing well site. Although the well site is 25 years old, Mr. Halpin, Planner II was present and stated he has visited the site and the existing pad is sufficient for the proposed project.

Mr. Robson stated the Technical Advisory Committee removed Condition #2 which required the Fish and Game Fee to be paid, however this project is exempt and therefore the condition does not apply to this project.

It was moved by Commissioner David, seconded by Commissioner Tipton and carried by a vote of 4:0:1 of the Tehama County Planning Commission adopt the Findings for Use Permit #08-05 as follows:

Subfinding #1

U.P. # 08-05 is statutorily exempt pursuant to Title 14, California Code of Regulations Section 15162(a) and (b); because a negative declaration has been previously adopted for the project (U.P. #83-40) and no substantial changes are proposed which would require major revisions of the negative declaration.

Finding #1

U.P. # 08-05 proposing to establish a natural gas well for production purposes at an existing well site has been analyzed under the CEQA Guidelines and a negative declaration has been previously adopted for the project and no substantial changes are proposed which would require major revisions of the negative declaration. Therefore, U.P. # 08-05 is exempt from CEQA pursuant to Title 14, California Code of Regulations Section 15162(a) and (b).

Subfinding #2

The applicant proposes to establish a natural gas well Santa Clara #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 10.0 to 300 acres.

Subfinding #3

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

Finding #2

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

Subfinding #4

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

Finding #3

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

Subfinding #5

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 nations reliance on foreign fuel sources.

Finding #4

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

It was moved by Commissioner David, seconded by Commissioner Tipton and carried by a vote of 4:0:1 of the Tehama County Planning Commission to approve Use Permit #08-05 subject to the following conditions recommended by the Technical Advisory Committee on April 30, 2008:

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

(Condition Removed at TAC 4-30-08)

Condition #3

Tehama County Planning Dept.

DEVELOPMENT PLAN. Project shall be developed as shown on the Plot Plan submitted with application dated March 21, 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.

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.

Condition #6

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 #7

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 # 8

Tehama County Air Pollution Control District

AUTHORITY TO CONSTRUCT #1. 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 # 9

Tehama County Air Pollution Control District

AUTHORITY TO CONSTRUCT #2. 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 # 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

HAZARDOUS MATERIALS QUESTIONNAIRE. 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

EMERGENCY RESPONSE PLAN. 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

PRC COMPLIANCE. 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

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 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

ENCROACHMENT PERMIT. Developer shall obtain an Encroachment Permit from the Glenn County Public Works Department for all roads which provide ingress and egress to drilling operations that inevitably access a County maintained road. The Developer shall obtain an Encroachment Permit from the Glenn County Public Works Department for private drive access at Road HH. Encroachment shall be constructed and approved prior to commencement of any exploration drilling.

REVISED USE PERMIT #02-26 DONNA BOOTS. TO ALLOW WINE TASTING AT AN ESTABLISHED VINEYARD AND WINERY IN AN R1-A-MH-B:435; ONE FAMILY RESIDENTIAL-SPECIAL ANIMAL RAISING COMBINING-SPECIAL MOBILE HOME COMBINING-SPECIAL

BUILDING SITE COMBINING (435,000 SQ. FT. MINIMUM, 10 ACRE) ZONING DISTRICT. THE PROJECT SITE IS LOCATED APPROXIMATELY ½ MILE EAST OF MANTON ON THE SOUTH SIDE OF FORWARD ROAD, APPROXIMATELY 1,350 FEET NORTHEAST OF THE MANTON SCHOOL RD./ FORWARD RD. INTERSECTION. APN: 011-050-45. APPROXIMATELY 9.76 ACRES.

Chairperson Walker opened the public hearing.

Mr. Robson explained the applicant has requested a revision to the existing Use Permit to allow wine tasting at the existing winery. He stated there has been no correspondence received regarding this project.

Commissioner Tipton questioned the existing encroachment.

Gary Antone, Public Works Director was present and stated his department has determined they do not need to improve the encroachment at this time.

Chairperson Walker asked for public testimony. None was received.

Chairperson Walker closed the public testimony.

It was moved by Commissioner Tipton, seconded by Commissioner David and carried by a vote of 4:0:1 of the Tehama County Planning Commission adopt the Findings for Revised Use Permit #02-26 as follows:

Subfinding #1

U.P. # 02-26 is statutorily exempt pursuant to Title 14, California Code of Regulations Section 15162(a) and (b); because a negative declaration has been previously adopted for the project and no substantial changes are proposed which would require major revisions of the negative declaration.

Finding #1

U.P. # 02-26 proposing to allow for wine tasting at the existing winery has been analyzed under the CEQA Guidelines and a negative declaration has been previously adopted for the project and no substantial changes are proposed which would require major revisions of the negative declaration. Therefore, Revised U.P. # 02-26 is exempt from CEQA pursuant to Title 14, California Code of Regulations Section 15162(a) and (b).

Subfinding #1

The applicant proposes to provide wine tasting service at an established vineyard and winery in an R1-A-MH-B:435; One Family Residential- Special Animal Raising Combining-Special Mobile Home Combining-Special Building Site Combining (435,000 sq. ft. minimum, 10 acre) Zoning District.

Subfinding #2

Subsection (A) of Chapter 17.48.030 Uses requiring use permits of the Tehama County Zoning Code identifies nurseries and retail sales of products as a use permitted upon the securing of a use permit in an A; Special Animal Raising Combining Zoning District. The vineyard and winery use is similar to a nursery and retail sales of products.

Finding #1

That the location; size, design and operating characteristics of the wine tasting component of the existing vineyard and winery 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 establishment of the wine tasting component at the existing vineyard and winery in an R1-A-MH-B:435; One Family Residential- Special Animal Raising Combining-Special Mobile Home Combining-Special Building Site Combining (435,000 sq. ft. minimum, 10 acre) Zoning District is consistent with General Plan at page III-95, where the General Plan discusses the Eastern Planning Area. A policy for the area includes CO (E)-b, which states that the development pattern should recognize ranching and related agricultural operations.

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 wine tasting component at the existing vineyard and winery at the site. Hence, the wine tasting component will contribute to the agricultural productivity of the community.

Finding #3

That the wine tasting component at the existing winery facility location will provide a service to the community.

It was moved by Commissioner Tipton, seconded by Commissioner David and carried by a vote of 4:0:1 of the Tehama County Planning Commission to approve Revised Use Permit #02-26 subject to the following conditions:

Condition #1.

COMPLIANCE WITH AGENCY REQUIREMENTS. Applicant shall meet the requirements of all Federal, State and local agencies.

Condition #2.

DEVELOPMENT PLAN. Project shall be developed as shown on the Plot Plan submitted with application dated June 2, 2003.

Condition #3.

EMERGENCY ACCESS. All parcels shall allow for emergency access (driveways) to all sites that shall meet or exceed Article II of Tehama County Ordinance 1537, Sections 9.14.020, 9.14.022, 9.14.023, 9.14.024, 9.14.025, 9.14.026, 9.14.027, 9.14.030, 9.14.031. *Note: This condition applies to buildings used solely for the production of wine. No other uses for wine production buildings are permitted without additional review by the Tehama County Fire Department.*

Condition #4.

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. *Note: This condition applies to buildings used solely for the production of wine. No other uses for wine production buildings are permitted without additional review by the Tehama County Fire Department.*

Condition #5.

ADDRESSING. Addressing of all parcels shall meet or exceed Article III of Tehama County Ordinance 1537, Sections 9.14.040, 9.14.048, 9.14.049, 9.14.050. *Note: This condition applies to buildings used solely for the production of wine. No other uses for wine production buildings are permitted without additional review by the Tehama County Fire Department.*

Condition #6.

SEWAGE DISPOSAL. Applicant to comply with Tehama County laws and codes relative to individual sewage disposal.

Condition #7.

WASTEWATER MANAGEMENT. Winery wastewater management shall be in accordance with Regional Water Quality Control Board's letter dated May 28, 2003.

Condition #8.

ENCROACHMENT PERMIT REQUIREMENTS. Developer shall obtain an Encroachment Permit from the Tehama County Public Works Department for all existing driveway connections to County maintained roads.

Condition #9

Any existing dwellings and all new construction shall be subject to meeting the fire safety standards as required by the current edition of Title 19 and Title 24 of the California Code of Regulations.

Condition #10

If Food or Beverage is offered for sale, for on-site consumption, the facility must be permitted as a retail food facility. CA Retail Food Code Section 113789.c.5.

OTHER MATTERS:

(HELDOVER) TRACT MAP #04-1003, ROLLING HILLS PARTNERS (REVISED CONDITION #38). THE APPROVED TIME EXTENSION FOR REVISED TRACT MAP #04-1003, LOCATED NORTH OF RED BLUFF, APPROXIMATELY 2 MILE EAST OF I-5, AT THE SOUTHEAST CORNER OF THE KOBUNTIE COURT/PENNELEME ROAD INTERSECTION, TO CREATE 6 PARCELS; ONE PARCEL OF 10.65 ACRES, ONE PARCEL OF 7.68 ACRES, ONE PARCEL OF 6.83 ACRES, ONE PARCEL OF 29.42 ACRES, ONE PARCEL OF 8.20 ACRES AND ONE PARCEL OF 4.11 ACRES IN AN R1-A-B:435; ONE-FAMILY RESIDENTIAL-SPECIAL ANIMAL

AND SPECIAL BUILDING SITE (435,000 SQ. FT. ; 10 ACRE MINIMUM) COMBINING ZONING DISTRICT AND A MINOR PORTION IN A PD; PLANNED DEVELOPMENT ZONING DISTRICT WAS CONDITIONED TO CREATE A “ FIRE SUPPRESSION ASSESSMENT ZONE – A REVISED CONDITION HAS BEEN SUBMITTED BY TEHAMA COUNTY COOPERATIVE FIRE PROTECTION.

Mr. Robson explained the project and revision to Condition #38, fire protection requirement.

Discussion followed regarding Fire Suppression Zones. It was noted this parcel is no longer conditioned to be in a Fire Suppression Zone and therefore the new condition allows for hydrants and street valves – or – engineered and installed automatic fire suppression systems.

Darren Read, CalFire was present and stated his department is satisfied with the revised condition.

Discussion followed regarding Fire Suppression Zone and future creation of Fire Suppression Zones in the County.

A motion was made by Commissioner Tipton, seconded by Commissioner David and carried by a vote of 4:0:1 of the Tehama County Planning Commission to approve Revised Condition #38 for Tract Map #04-1003 as follows:

**Revised Condition #38
Emergency Fire Suppression Water**

A community water system including the placement of hydrants and street valves with a capacity to flow 500 GPM for a duration of two 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.

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 current 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 statement of conditions.

REZONE 08-02, LAKE CALIFORNIA; LOT 530 GR TO R-1; LOT 531B R-1 TO GR. TO REZONE LOT 530 OF TRACT 1006, RIVER LAKES SUBDIVISION UNIT NO. 4 FROM GR; GENERAL RECREATION DISTRICT TO R-1; ONE-FAMILY RESIDENTIAL ZONING DISTRICT AND TO REZONE A PORTION OF LOT 531 (LOT 531B) AND PARCEL “U” OF RIVER LAKES SUBDIVISION UNIT NO. 4 THAT WAS MERGED WITH LOTS 532-535 PURSUANT TO LOT LINE ADJUSTMENT 07-36 AND CERTIFICATE OF MERGER 07-35 FROM R-1; ONE-FAMILY

RESIDENTIAL ZONING DISTRICT TO GR; GENERAL RECREATION. LOCATED WITHIN THE LAKE CALIFORNIA COMMUNITY, SECTION 22, T.29N., R3W., M.D.B.&M ON THE WEST SIDE OF NORTH MARINA WAY DRIVE, APPROXIMATELY 630 FEET WEST OF THE SOUTH MARINA WAY DRIVE/FINGER POINT WAY INTERSECTION. A.P.N. 102-120-09 AND A.P.N. 102-120-10.

Chairperson Walker opened the public hearing.

Mr. Robson explained the Rezone is for Lot 531B to go to GR (General Recreation) and Lot 530 rezoned to R1 (Residential). Mr. Robson explained the lands acquired by the Property Owner's Association are being used to expand Recreational Use.

Chairperson Walker opened the meeting to public testimony.

Mr. Sherrill from Rio Alto Water District was present and thanked Mr. Robson and staff for the work done on this Rezone. He also explained there is a wellsite located on one of these lots which needs to be abandoned.

Chairperson Walker closed the meeting to public testimony.

It was moved by Commissioner Jones, seconded by Commissioner Tipton and carried by a vote of 4:0:1 of the Tehama County Planning Commission to recommend the Board of Supervisors adopt the following findings for Rezone #08-02:

1) Subfinding

A Negative Declaration was filed and circulated through the CEQA process that analyzed the rezoning Lot 530 of Tract 1006 from GR to R-1, and rezoning Lot 531B of Tract 1006 from R-1 to GR

1) Finding

Rezoning Lot 530 of Tract 1006 from GR to R-1, and rezoning Lot 531B of Tract 1006 from R-1 to GR, will not have a significant effect on the environment.

2) Subfinding

The parcels within the Tract 1006, River Lakes Subdivision Unit No. 4 are designated UR (Urban) by the Tehama County General Plan.

2) Finding

The R-1 zoning on Lot 530 and the GR zoning on Lot 531B that would result from the adoption of Rezone 08-02 are compatible with the UR (Urban) designation of Tehama County General Plan

3) Subfinding

Rezone 08-02 is mutually agreeable to the respective owners of the parcels to be rezoned; the Lake California Property Owners Association and the Rio Alto Water District.

3) Finding

As per Resolution 2007-15 of the Board of Directors of the Lake California Property Owners Association, Inc. and Resolution 4-07 of the Board of Directors of the Rio Alto Water District, Lot 530 of Tract 1006, River Lakes Subdivision Unit No. 4 will be exchanged for Lot 531B of River Lakes Subdivision Unit.

It was moved by Commissioner Jones, seconded by Commissioner Tipton and carried by a vote of 4:0:1 of the Tehama County Planning Commission to recommend approval of Rezone 08-02, rezoning Lot 530, River Lakes Ranch Subdivision Unit No. 4, Lake California from GR, General Recreation District to R-1, One-family Residence District, and rezoning Lot 531B, River Lakes Ranch Subdivision Unit No. 4, Lake California from R-1, One-family Residence District to GR, General Recreation District to the Tehama County Board of Supervisors.

(HELDOVER) REVISED USE PERMIT #04-35, SPECIALIZED FIBERS (BUCKY LEE, INC., OWNER AND CRANE MILLS, OWNER). TO INCREASE THE ALLOWABLE TONNAGE ACCEPTED BY AN ESTABLISHED WASTE PAPER RECYCLING PLANT IN AN M-2; GENERAL INDUSTRIAL ZONING DISTRICT FROM 405 TONS PER MONTH TO 800 TONS PER MONTH. ALSO, TO INCLUDE TWO MORE ADJOINING PARCELS WEST OF THE EXISTING OPERATION; ONE PARCEL CONTAINING EXISTING STRUCTURES AND ONE PARCEL BEING VACANT. APN: 87-100-69, 70 AND 71. APPROXIMATELY 18.37 ACRES.

Chairperson Walker opened the public hearing.

Mr. Robson explained this project had been held over from the April 17, 2008 meeting. Mr. Robson stated the applicant has submitted reports showing the wastes and residual origin and showed a report and graph on the projector.

Discussion followed regarding the residual wastes deposited from other origins other than Tehama County and how those residuals are tracked.

Commissioner David asked for Point of Order regarding Public Hearing and Public Testimony.

Mr. Wylene explained the public hearing and public testimony protocol.

Chairperson Walker opened the meeting to public testimony.

Daniel O'Connor, representing Specialized Fiber was present. Mr. O'Connor explained single stream material as residential materials including newspapers, magazine, plastic, etc. He stated they are presorted or processed prior to being loaded for shipping. He explained they would be opening up another line for processing on the adjacent parcel currently in escrow which was previously owned by Premdor.

Discussion followed regarding waste being blown about the property. It was noted that three additional conditions were added and adhered to.

Commissioner Tipton voiced her concerns regarding the large containers next to Kirkwood Road, along the Railroad tracks.

Chairperson Walker voiced her concerns with fire protection.

Darren Read stated that measures had been taken to adequately address fire protection including a fire suppression pond, sprinklers and fire extinguishers.

Bartley Fleharty, applicant's attorney was present. Mr. Fleharty stated the 3 conditions added to the Revised Use Permit are a result of the Technical Advisory Committee implementation, and stated that if the Commissioners wish to Amend the Conditions to meet other concerns his client is amicable to that. Mr. Fleharty said he and his client are satisfied with the revision to Condition #18.

Commissioner Tipton stated she would like to see an additional condition added to address the "roll-off containers".

Mr. O'Connor stated he is willing to keep the roll-off containers in a neat and orderly fashion at all times.

Chairperson Walker closed the public hearing.

It was moved by Commission Tipton, seconded by Commissioner David and carried by a vote of 4:0:1 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. It was further moved that the Negative Declaration meets the requirements of CEQA and its Guidelines.

It was moved by Commission Tipton, seconded by Commissioner David and carried by a vote of 4:0:1 of the Tehama County Planning Commission to adopt the following Subfindings and Findings as presented in the Revised Use Permit #04-35 Planning Commission Staff Report:

Subfinding #1

The applicant proposes to increase the allowable tonnage accepted by an established waste paper recycling plant as defined in California Code of Regulations Section 17402.5 (d), in an M-2; General Industrial Zoning District from 405 tons per month to 800 tons per month. Also, to include two more adjoining parcels west of the existing operation; one parcel containing existing structures and one parcel being vacant, in an area surrounded by agricultural uses on parcels varying in sizes from 2 to 20 acres.

Finding #1

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

Subfinding #2

The Tehama County General Plan designates the site as General Industrial. Upon the application and approval of a use permit a recycling facility 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 #3

The applicant intends to expand an established recycling facility utilizing an existing industrial structure at the site. Hence, the expanded recycling facility will contribute to the reduction of waste into the waste stream.

Finding #3

That the recycling facility, at its proposed location, will provide a service to the community and the nation.

It was moved by Commissioner Tipton, seconded by Commissioner David and carried by a vote of 4:0:1 of the Tehama County Planning Commission make the above noted, or similar, findings and approve Revised Use Permit 04-35, subject to the following 25 conditions recommended by the Technical Advisory Committee on April 2, 2008 and the three (3) additional conditions recommended by the Tehama County Planning Department to remedy the problem with litter; an amendment to Condition #18; and the addition of Condition #29 as follows:

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

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

REFUSE PROHIBITED. Pursuant to Tehama County Code Section 9.04.060 refuse from outside the County of Tehama shall not be accepted at County disposal areas except by express order of the Board of Supervisors.

Condition #4

REFUSE ALLOWED. Pursuant to Tehama County Code Section 9.04.050 only garbage, waste and refuse collected within Tehama County shall be disposed of at County disposal sites.

Condition #5

HAZARDOUS WASTES. No hazardous or universal wastes may be accepted at this site.

Condition #6

ANNUAL FEE ASSESSED. Applicant shall submit to Environmental Health an annual fee equivalent to 4 hours at the current department hourly rate. An additional fee of actual time spent at the current department hourly rate may be assessed any time a physical inspection is necessary (minimum 1, maximum 4 inspections annually).

Condition #7

INDUSTRIAL STORM WATER PERMIT. The applicant will be required to obtain coverage under the state's Industrial Storm Water Permit for this facility if any storm water discharges to surface waters.

Condition #8

MAXIMUM CAPACITY. The applicant shall not process more than 800 tons per month. Exceeding this limit is prohibited without revising the Use Permit.

Condition #9

RECYCLING CENTER. The recycling center shall only receive material that has been separated for reuse prior to receipt.

Condition #10

SOLID WASTE. The residual amount of solid waste in the separated for reuse material shall be less than 10% of the amount of separated for reuse material received by weight. (80 tons per month maximum).

Condition #11

PUTRESCIBLE WASTES. The amount of putrescible wastes in the separated for reuse material shall be less than 1% of the amount of separated for reuse material received by weight, and the putrescible wastes in the separated for reuse material shall not cause a nuisance, as determined by the enforcement agency (Department of Environmental Health). (8 tons per month maximum).

Condition #12

SEPARATION/SORTING. The only separation that may occur at the recycling center is the sorting of materials that have been separated for reuse prior to receipt.

Condition #13

STORAGE TIME LIMITS. At no time shall presorted bundles/containers of paper, cardboard, plastic or glass be stored on site for more than 14 days prior to sorting.
(Condition Added at PC 8-17-06)

Condition #14

ENCROACHMENT PERMIT REQUIREMENTS: Developer shall obtain an Encroachment Permit from the TCPWD prior to the start of any work within the County maintained right of way. And furthermore;

- A. Developer shall remove all obstructions at the location of developed encroachment on parcel 87-100-70 to allow operational traffic to enter the parcel in a westbound direction. **(Condition Amended at TAC 4-2-08)**

B. Abandon and remove existing encroachment from parcel 087-100-69-1 along north side onto South Avenue should applicant have the right of access or ownership, and reestablish roadway drainage system.

C. The landscape irrigation system within the County right of way is the responsibility of the permittee.

Condition #15

DRAINAGE ALONG SOUTH AVENUE: Prior to issuance of Use Permit 04-35, the Developer must resolve drainage issues along South Avenue and comply with the following conditions of approval. Developer shall obtain a Final Letter of Clearance from the Tehama County Public Works Department that said conditions have been satisfied.

Condition #16

ACCESS REQUIREMENTS: All vehicles shall access the waste facility via the access that was developed on the original use permit, no other accesses allowed.

Condition #17

FENCE REQUIREMENTS: Repair and or replace existing cyclone fence. Fencing shall be continued over to Woodson Avenue and south along Woodson Avenue to Burch Creek.

Condition #18

PERCENTAGE REPORTING FORM. Applicant must complete CIWMB Form 607 (2/2008 TCEH), Voluntary Residual Percentage Reporting Form, as modified by Tehama County Department of Environmental Health to include information regarding non-commercial waste streams. This form shall be prepared for each month of operation and the completed form submitted to Tehama County Environmental Health by the 15th day of the following month.

In addition, a monthly report shall be provided to the Tehama County Department of Environmental Health, with copies to the Tehama County Planning Department and the Tehama County / Red Bluff Landfill Management Agency (P.O. Box 8549, Red Bluff CA 96080) that quantifies the amount of sorted material by source County and the resultant waste amounts accountable to source County.

(Condition Amended at TAC 4-30-08)

(Condition Amended at PC 5-17-08)

Condition #19

EMERGENCY ACCESS. Emergency access shall meet or exceed Article II of Tehama County Code Chapter 9.14, Sections 9.14.020, 9.14.022, 9.14.023, 9.14.024, 9.14.025, 9.14.026, 9.14.027, 9.14.030, 9.14.031

Condition #20

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

Condition #21

FIRE SUPPRESSION SYSTEMS CERTIFICATION. Project shall maintain existing fire suppression systems and shall provide the Tehama County Fire Marshal with test results certifying the operational integrity of the existing systems.

Condition #22

FIRE SUPPRESSION SYSTEMS MAINTENANCE. Project shall maintain its fire suppression systems regardless of change of ownership or change of use of adjoining properties.

Condition #23

FIRE SUPPRESSION SYSTEMS REQUIRED. Any new commercial/industrial buildings shall have automatic fire suppression sprinkler systems.

Condition #24

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

Condition #25

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 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

MAINTENANCE OF THE SITE AND SURROUNDING AREA. The Applicant shall periodically patrol the premises and surrounding area to insure that the recyclable materials are picked up and maintained in the designated areas as reflected on the site plan. Netting shall be installed on the east and south sides of the recycling facility to insure that materials will be contained on site. Said netting will be cleaned daily. On the South Avenue frontage of the property, 24 inch chicken wire will be attached to the existing vinyl fence.

(Condition Added at TAC 4-2-08)

Condition #27

STORAGE OF INCOMING MATERIALS. All incoming loads shall be dumped inside the recycling facility. If a load is dumped outside of a containment building, it shall be moved inside of a building by the end of the business day. When windy conditions exist, all materials that have not been placed within a building must be tarped.

(Condition Added at TAC 4-2-08)

Condition #28

LITTER PROHIBITED. Pursuant to Tehama County Code Sections 9.04.120 through 9.04.140 no litter shall be deposited on the project site or adjacent public or private property.
(Condition Added at TAC 4-2-08)

Condition #29

ROLL-OFF CONTAINERS. All Roll-off Containers shall be kept in neat orderly fashion at all times.
(Condition Added at PC 5-15-08)

OTHER MATTERS:

USE PERMIT #01-2, DAVID KINNER. (ONE YEAR TIME EXTENSION). A ONE YEAR TIME EXTENSION OF USE PERMIT #01-2 TO ESTABLISH A NATURAL GAS FIRED ELECTRICAL GENERATION PLANT ON AN APPROXIMATELY 4.0 ACRE SITE IN AN EA-B:871: EXCLUSIVE AGRICULTURAL-SPECIAL BUILDING SITE (871,000 SQ. FT.; 20 ACRE MINIMUM) COMBINING ZONING DISTRICT. THE PROJECT WILL GENERATE 43 MEGAWATTS OF ELECTRICAL POWER FOR A 15 TO 20 YEAR PERIOD IN ORDER TO MEET THE PEAKING NEEDS OF CALIFORNIA ELECTRICAL POWER USERS. THE PROJECT WILL REQUIRE THE EXTENSION OF AN ELECTRICAL TRANSMISSION LINE FROM THE PROJECT SITE TO A SUB-STATION APPROXIMATELY 4.0 MILES NORTHEAST OF THE SITE. THE PROJECT WILL REQUIRE THE INSTALLATION OF A 1,400 FOOT NATURAL GAS PIPELINE. THE ELECTRICAL TRANSMISSION LINE AND THE NATURAL GAS PIPELINE WILL BE INSTALLED WITHIN UTILITY EASEMENTS. THE PROJECT IS LOCATED APPROXIMATELY 4.0 MILES SOUTH OF RED BLUFF, 2,900 FEET NORTH OF FLORES AVENUE AND ADJACENT TO THE EAST SIDE OF INTERSTATE 5. A.P.N.: 37-020-14. 21.0 ACRES.

Mr. Robson explained the request for the 1 year time extension for Use permit #01-2. He explained the conditions have remained the same since 2001.

A motion was made by Commissioner Tipton, seconded by Commissioner Jones and carried by a vote of 4:0:1 of the Tehama County Planning Commission to adopt the following Subfindings and Findings for Use Permit #01-2:

Subfinding #1

The Time Extension for U.P. # 01-02 is statutorily exempt pursuant to Title 14, California Code of Regulations Section 15162(a) and (b); because a negative declaration has been previously adopted for the project and no substantial changes are proposed which would require major revisions of the negative declaration.

Finding #1

U.P. # 01-02 proposing to establish a natural gas fired electrical generation plant has been analyzed under the CEQA Guidelines and a negative declaration has been previously adopted for the project and no substantial changes are proposed which would require major revisions of the negative declaration. Therefore, the Time Extension for U.P. # 01-02 is exempt from CEQA pursuant to Title 14, California Code of Regulations Section 15162(a) and (b).

Subfinding #2

The applicant proposes to establish an electrical power generating plant as provided by the Tehama County Zoning Code, under the General Provisions and Exceptions Chapter, Section 17.08.010 Additional uses permitted H. (1) which states, "Locations of underground utility installations and above ground utility installations including, but not limited to cellular telephone transmission towers and support buildings, radio and television transmission and repeating towers and apparatus, substations, generating plants, and other similar uses may be permitted in any district upon the securing of a Use Permit in each case."

Subfinding #3

The proposed site is 5.0 acres in size.

Subfinding #4

The proposed site is located adjacent to lands designated for industrial use.

Subfinding #5

The closest residence is approximately 3,100 feet to the south.

Finding #2

That the location; size, design and operating characteristics of the natural gas fired electrical power plant site 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 #6

The Tehama County General Plan designates the site as C; Cropland. The site is zoned EA-B:871: Exclusive Agricultural-Special Building Site (871,000 sq. ft.; 20 acre minimum) Combining Zoning District.

Finding #3

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

Subfinding #7

The applicant intends to establish a natural gas fired electrical power plant in a EA-B:871: Exclusive Agricultural-Special Building Site (871,000 sq. ft.; 20 acre minimum) Combining Zoning District to generate 49 Megawatts of power in order to meet the peaking needs of California electrical power users. Hence, the proposed use will provide a service and additional electrical power generation.

Finding #4

That the gas fired electrical power plant site, at its proposed location, will provide a service to the community and help meet the electrical power needs of the state.

A motion was made by Commissioner Tipton, seconded by Commissioner Jones and carried by a vote of 4:0:1 of the Tehama County Planning Commission to approve the Time

Extension for Use Permit #01-02, subject to the following conditions recommended by the Technical Advisory Committee on April 30, 2008:

Condition #1.

COMPLIANCE WITH AGENCY REQUIREMENTS. Applicant shall meet the requirements of all Federal, State and local agencies.

Condition #2.

DEVELOPMENT PLAN. Project shall be developed as shown on the Plot Plan submitted with application dated February 23, 2001.

Condition #3.

AUTHORITY TO CONSTRUCT. The developer to obtain an Authority to Construct prior to construction of the 49 Megawatt power generation facility.

Condition #4.

FLOODPLAIN DEVELOPMENT PERMIT. Applicant shall obtain a Floodplain Development Permit from the Tehama County Department of Building and Safety prior to any development.

Condition #5.

POST-CONSTRUCTION STORM WATER. The facility owner shall manage post-construction storm water to: 1) prevent runoff to neighboring properties or the Sacramento River; and 2) to control the release of industrial contaminants using Best Management Practices (BMPs) such as berms, trenches, infiltration galleries, secondary containment and/or cover for chemical products, and erosion control.

Condition #6.

GENERAL INDUSTRIAL STORM WATER PERMIT. Should contaminated water be observed exiting the site to neighboring parcels or to a surface water body, the facility owner shall seek coverage under the General Industrial Storm Water Permit.

Condition #7.

WASTE DISCHARGE. If water is to be discharged onsite, either to surface or the Sacramento River, the facility owner must submit a Report of Waste Discharge (an application) to the CRWQCB office in Redding and Waste Discharge Requirements (a permit) must be prepared by the CRWQCB office in Redding. Note that the Report of Waste Discharge and filing fee must be submitted at least 120 days before any wastewater is discharged.

Condition #8.

ABOVE GROUND PETROLEUM STORAGE. If above ground petroleum tanks are installed in the future, the facility owner shall comply with the state of California Above Ground Petroleum Storage Tank Program.

Condition #9.

EMERGENCY ACCESS. All parcels shall allow for emergency access (driveways) to the project site 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, 9.14.028, 9.14.029, 9.14.030, 9.14.031.

Condition #10.

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

Condition #11.

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

Condition #12.

WELL AND ON-SITE SEWAGE DISPOSAL PERMITS. Applicant to apply for and receive well and on-site sewage disposal permits. If soils prohibit on-site disposal, haul away approval is given. Should any reportable quantities of hazardous materials be stored on-site, complete Hazardous Materials Business Plan and Annual Inventory.

Condition #13.

HOURS OF OPERATION. Hours of operation of the natural gas fired turbine shall be limited to ensure that emissions to the atmosphere will be no greater than twenty five (25) tons per year of oxides of nitrogen (Nox), and reactive organic compounds (ROC), unless offsets are provided. Offsets for carbon monoxide (CO) will not be required if the applicant demonstrates through an impact analysis that the ambient air quality standards will not be violated in the affected area.

Condition #14.

CONSTRUCTION ACTIVITY STORM WATER PERMIT. The facility owner is required to obtain a Construction Activity Storm Water Permit from the State Water Resources Control Board.

Condition #15.

STORM WATER POLLUTION PREVENTION PLAN. A Storm Water Pollution Prevention Plan (SWPPP) must be prepared by the facility owner and submitted to the Redding office of the Regional Board for review three weeks prior to the start of construction.

Condition #16.

NOTICE OF INTENT. The facility owner must file a Notice of Intent to the State Water Resources Control Board prior to the start of construction. A fee of \$500 must accompany the Notice of Intent.

Condition #17.

BUILDING CODE REQUIREMENTS. All building construction and engine installation shall comply with NFPA 37 – Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines – 2006 Edition.

Condition #18.

LIABILITY INSURANCE. Applicant and Contractor/Subcontractor shall carry \$2,000,000 liability insurance during construction and continuing one (1) year after completion of construction with Proberta Water District, Ohm, Greiten, Byrd, Ford, Walker, Trueblood, Ascherin, Marques and Coombs properties named as additional insured. Applicant to carry a minimum \$1,000,000 continuous liability insurance policy with the above named as additional insured.

Condition #19.

CROSSING IMPROVEMENT. A Registered Civil Engineer shall design and supervise the construction of a crossing improvement for the Proberta Water District Pipeline. Said crossing improvement shall be removed by applicant upon completion of project construction and before Building permit is finalled.

Condition #20.

LEGAL LOAD LIMITS. All loads using the access road to the project shall adhere to the California legal load limits.

Condition #21.

CATTLE GUARDS. Applicant shall install cattle guards at existing gates. Applicant shall install temporary gate at Flores Avenue and install five (5) wire barbed wire fencing and gates as necessary along eastern boundary of access easement.

Condition #22.

BUREAU OF RECLAMATION REQUIREMENTS. Applicant shall meet the requirements of the Bureau of Reclamation for access to the water lines for the placement of the natural gas supply line.

Condition #23.

ADVANCED NOTICE. Applicant shall provide Proberta Water District with 48 hours advance notice before excavating within 100 feet of Proberta Water District line along Flores Avenue.

Condition #24.

EXCAVATION SEPARATION. Applicant shall maintain a 36" minimum separation from the Proberta Water District Pipeline with all excavations, (gas pipeline, road construction, etc).

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. CONSIDER APPROVING AMENDED RECLAMATION PLAN 94-1 AS SUBMITTED BY 7-11 MATERIALS, INC. THE CURRENT OPERATOR OF PINE CREEK ROCK. INCLUDED WITH, AND INCORPORATED AS AN ADDENDUM TO THE AMENDED RECLAMATION PLAN, ARE THE COMMENTS SUBMITTED TO TEHAMA COUNTY PLANNING DEPARTMENT FROM THE DEPARTMENT OF CONSERVATION (DOC), OFFICE OF MINE RECLAMATION, BY LETTER DATED DECEMBER 14, 2007, AND THE RESPONSE TO COMMENTS PREPARED BY THE

TEHAMA COUNTY PLANNING DEPARTMENT AND SENT TO DOC BY LETTER DATED APRIL 15, 2008. 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

Chairperson Walker opened the public hearing.

Mr. Robson explained the documents which have been submitted to the Commissioners include:

- Reclamation Plan 711 Materials – March 2008
- Addendum to Reclamation Plan – Exhibit A – Kelley & Associates
- Planning Department – Letter Dated April 15, 2008 – Response to Comments
- Dept. of Conservation – May 6, 2008 response to Planning Dept. Comments
- Downey Brand Letter dated May 6, 2008 – response to Planning Dept. Comments
- Letter from Mr. Vic Clawson – U.C. Davis
- Butte County Planning Dept. – Chris Thomas, Associate Planner – dated May 13, 2008
- Mr. William Ward, Attny – Letter Dated May 13, 2008 with exhibits
- Mr. Allen Hackett, Adjoining Owner – Letter dated May 13, 2008

Mr. Robson reviewed the Planning Department's response to comments including:

- 250 ft. Setbacks – from streambeds
- Licensed Land Survey – mine site annually surveyed and staked
- One inch (1") rock removed from soil to promote productive livestock grazing land.

Discussion followed regarding the blue lines on the exhibits may change due to slopes surveyed and staked with downhill flow. Mr. Wylene stated the drainage provisions would include land be sloped to identifiable channels.

Mr. Robson noted the letter from Butte County requesting that Butte Co. lands be included in the Reclamation Plan, however it is not part of the Use Permit as Tehama County has no jurisdiction over lands in Butte County.

Mr. Robson stated a letter had been received from an adjoining owner stating there are hydrogeological effects of the ponds to North. He is experiencing root damage and fungus in his orchard. Mr. Robson stated he would contact the County Departments responsible for these types of complaints to see if there are impacts from the ponds or watercourse to Mr. Hackett's property.

John Stoufer stated an addendum was done with DOC and Flood Control back in July. He explained an independent consultant was brought in to review the Reclamation Plan and at that time there were concerns with the drainage maps and flood control. He explained the survey requirements came from DOC due to their concerns. He stated that surveying will give exact acreages of property mined.

Ernie Ohlin, Water Resource Manager was present and addressed the Commissioners. Mr. Ohlin stated that he had accompanied John Stoufer on a field visit. He also explained that it is important to know limits on water coming in to monitor the release and be able to account for water ahead of time to maintain water control.

Gary Antone stated he feels it is absolutely necessary to see what the drainage issues are and drainage flow on the location.

John Stoufer explained that by doing surveying it allows them to locate streams and wetlands.

Arthur Wylene stated that staff's response to comments, if approved by the Planning Commission, become part of the Reclamation Plan.

Commissioner Walker stated she has concerns with the one inch rock size requirement. She stated a lot of rangeland will grow around 5 or 6 inch rocks and feels the one inch rock size determination is much too small to designate.

Commissioner Tipton agreed with Commissioner Walker.

Chairperson Walker opened the meeting to public testimony.

Stewart Altemus, Attorney for Basic Resources was present and addressed the Commissioners. Mr. Altemus stated his client is currently working under a mining constraint and asked the Commission to allow his client to mine an additional five acres to give them breathing room. Mr. Altemus discussed the response to comments made by the County in detail and stated he had not received copies of the County's response, the Letter from Butte County, nor the letter from the adjoining owner, Mr. Hackett.

Thomas Henry, Downey Brand Attorney was present and addressed the Commissioners. Mr. Henry stated he thought they had addressed everything, but then received the response to comments from the County. Mr. Henry addressed his concerns with the responses as they pertain to the one inch rock size, 250 foot setback buffers, and slope requirements for water flow made by the County in detail.

Mr. David Kelley, Kelley & Associates Environmental Sciences, Inc., addressed the Commissioners. Mr. Kelley explained in detail the vegetation on the property and the importance of leaving some rock in the soil for drainage. He stated they have had successful restoration this past year. Mr. Kelley showed several photos of the vegetation and past water channels left behind by the rains.

Chairperson Walker recessed the meeting for lunch at 12:55 p.m.

Chairperson Walker reconvened the meeting at 2:05 p.m.

Vic Clawson from U.C. Davis was present. Mr. Clawson explained in detail the soil types of the property. He stated the soil should not be handled any more than necessary as far as removing rocks as the soil type is sandy loam and becomes disaggregated, powdery and dusty. He stated he recommends the rock not be removed in the gravelly loam as 50% is gravel and cobbles. He explained the rocks help water flow when wet and allow for deeper penetration of rain water.

Mr. Dave Brown, Resource Design Technology addressed the Commissioners. Mr. Brown showed a Phase Map for the mining operation. He explained there are Federal setback requirements, however the County is not the watchdog. Mr. Brown read SMARA Codes pertaining to surface runoff and drainage. He stated he had never heard of a requirement for annual surveying of a mining site.

Brian Rose, 711 Materials was present. Mr. Rose explained in detail the materials needed for the operation to keep up with the demands. He explained the costs associated with screening out the rocks that are larger than one inch.

John Stoufer explained the 2% channel needed for proper water drainage at the site.

Mr. Stewart Altemus addressed the Commissioners with his closing statement and reiterated his concerns with the Response to Comments by the County.

Mr. Allen Hackett, adjoining property owner addressed the Commissioners. Mr. Hackett explained he has a Walnut Orchard next to the 711 operation and stated he is concerned with the ponds. He stated he had written a letter regarding sub-flooding from the ponds and the problems he is having with his orchard. He explained the root growth start in February and March and if there is water standing during root growth it is bad for the orchard. He stated he has replaced approximately 200 trees last year and all were located near the holding ponds.

Wally Roney, Property Owner for the Mining location was present. Mr. Roney explained the Los Robles and Millrace soil types of the property. Mr. Roney stated he is extremely concerned about Mr. Hackett's orchard. He also explained the drainage history of the property and is concerned the property cannot hold the surface water going into the pond. He stated he is willing to make cattle water ponds east of the current ponds so the water flows away from Mr. Hackett's orchard, however he may need a hydrology report done. Mr. Roney stated he wants the Los Robles soil to stay Los Robles and wants cobbles in the Millrace to stay with Millrace. He explained he didn't approve subclover.

Discussion followed regarding the ponds, water runoff, water flows and solutions available.

Mr. Robson stated the problem that Mr. Hackett is having is a Use Permit issue and could result in re-evaluation of the Use Permit if the operation is causing a problem. Mr. Robson stated there are County agencies that could get involved to determine if this is a Use Permit issue.

Mr. Ohlin asked if surface water would be leaving the property.

Mr. Brown answered it will not leave the property.

Mr. Altemus stated there is no offsite discharge of water.

Chairperson Walker closed the meeting to public testimony.

Mr. Robson stated the Planning Commission needs to address the comments made by DOC/OMR.

Arthur Wylene stated the Commissioners should address each of the responses made by DOC/OMR.

A motion was made by Commissioner David, seconded by Commissioner Tipton and carried by a vote of 4:0:1 of the Tehama County Planning Commission to approve an additional five acres of land for mining; develop alternative responses to comments for re-submission to OMR and grant a two month extension of the Use Permit and deadline for submission and approval of an amended Reclamation Plan, Financial Assurance Cost Estimate & Mechanism.

There being no further business, the meeting was adjourned at 4:44 p.m.

June field trip is scheduled for Thursday, June 12, 2008.

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 May 15, 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