



SHASTA COUNTY

BOARD OF SUPERVISORS

1450 Court Street, Suite 308B
Redding, California 96001-1673
(530) 225-5557
(800) 479-8009
(530) 225-5189 FAX

Supervisor Joe Chimenti, District 1
Supervisor Leonard Moty, District 2
Supervisor Mary Rickert, District 3
Supervisor Steve Morgan, District 4
Supervisor Les Baugh, District 5

AGENDA

REGULAR MEETING OF THE BOARD OF SUPERVISORS

Tuesday, March 5, 2019, 9:00 AM

The Board of Supervisors welcomes you to its meetings which are regularly scheduled for each Tuesday at 9:00 a.m. in the Board of Supervisors Chambers on the second floor of the Shasta County Administration Center, 1450 Court Street, Suite 263, Redding, California. Your interest is encouraged and appreciated.

The agenda is divided into two sections: **CONSENT CALENDAR:** These matters include routine financial and administrative actions and are usually approved by a single majority vote. **REGULAR CALENDAR:** These items include significant financial, policy, and administrative actions and are classified by program areas. The regular calendar also includes "Scheduled Hearings," which are noticed hearings and public hearings, and any items not on the consent calendar.

TO ADDRESS THE BOARD: Members of the public may directly address the Board of Supervisors on any agenda item on the regular calendar before or during the Board's consideration of the item. In addition, the Board of Supervisors provides the members of the public with a Public Comment-Open Time period, where the public may address the Board on any agenda item on the consent calendar before the Board's consideration of the items on the consent calendar and may address the Board on any matter not listed on the agenda that is within the subject matter jurisdiction of the Board of Supervisors. Pursuant to the Brown Act (Govt. Code section 54950, et seq.), **Board action or discussion cannot be taken** on non-agenda matters, but the Board may briefly respond to statements or questions and, if deemed necessary, refer the subject matter to the appropriate department for follow-up and/or to schedule the matter on a subsequent Board Agenda.

Persons wishing to address the Board are requested to fill out a Speaker Request Form and provide it to the Clerk before the meeting begins. Speaker Request Forms are available at the following locations: (1) online at http://www.co.shasta.ca.us/BOS/docs/Request_to_talk.pdf, (2) from the Clerk of the Board on the third floor of 1450 Court Street, Suite 308B, Redding, and (3) in the back of the Board of Supervisors Chambers. If you have documents to present for the members of the Board of Supervisors to review, please provide a minimum of ten copies. When addressing the Board, please approach the rostrum, and after receiving recognition from the Chairman, give your name and comments. Each speaker is allocated three minutes to speak. **Comments should be limited to matters within the subject matter jurisdiction of the Board.**

CALL TO ORDER

Invocation: Pastor Janet Chapman, First Christian Church

Pledge of Allegiance: Supervisor Moty

REGULAR CALENDAR

Members of the public may directly address the Board of Supervisors on any agenda item on the regular calendar before or during the Board's consideration of the item. Persons wishing to address the Board are requested to fill out a Speaker Request Form prior to the beginning of the meeting (forms are available from the Clerk of the Board, 1450 Court Street, Suite 308B, Redding, or in the back of the Board of Supervisors Chambers). If you have documents to present for the members of the Board of Supervisors to review, please provide a minimum of ten copies. Each speaker is allocated three minutes to speak.

BOARD MATTERS

R 1 Board Matters

Adopt a resolution which recognizes Shasta County Health and Human Services Agency, Executive Assistant-Confidential, Cara Schuler as Shasta County's Employee of the Month for March 2019.

No Additional General Fund Impact

Simple Majority Vote

R 2 Board Matters

Adopt a proclamation which designates March 2019 as "Grand Jury Awareness Month" in Shasta County.

No General Fund Impact

Simple Majority Vote

PRESENTATIONS

R 3 Presentation

Receive an annual update from Shasta County Film Commissioner Sabrina Jurisich.

No General Fund Impact

No Vote

PUBLIC COMMENT PERIOD - OPEN TIME

During the Public Comment Open Time period, the public may address the Board on any agenda item on the consent calendar and may address the Board on any matter not listed on the agenda that is within the subject matter jurisdiction of the Board of Supervisors. Persons wishing to address the Board during Public Comment Open Time are requested to fill out a Speaker Request Form and, if you have documents to present to the Board of Supervisors, please provide a minimum of ten copies.

CONSENT CALENDAR

The following Consent Calendar items are expected to be routine and non-controversial. They may be acted upon by the Board at one time without discussion. Any Board member or staff member may request that an item be removed from the Consent Calendar for discussion and consideration. Members of the public may comment on any item on the Consent Calendar during the Public Comment Period - Open Time, which shall precede the Consent Calendar.

GENERAL GOVERNMENT

C 1 Auditor-Controller

Approve and authorize the Auditor-Controller to relieve notes receivable accounts in various Housing Funds.

No Additional General Fund Impact

Simple Majority Vote

C 2 Clerk of the Board

Approve the minutes of the meeting held on February 26, 2019, as submitted.

No General Fund Impact

Simple Majority Vote

C 3 County Counsel

Approve and authorize the Chairman to sign an agreement with Perkins Coie with no maximum compensation to provide legal services commencing January 22, 2019 and continuing for three years or until the completion of all matters or cases assigned to the firm, whichever is later.

No Additional General Fund Impact

4/5 Vote

LAW AND JUSTICE

C 4 Sheriff

Adopt a resolution which recognizes that the circumstances and factors that led to the July 30, 2018 ratification of a local emergency proclamation due to the wildland fire identified as the "Carr Fire" have not been resolved and that there is a need for continuation of the local emergency proclamation.

General Fund Impact

Simple Majority Vote

PUBLIC WORKS

C 5 Public Works

Approve and authorize the Chairman to sign a retroactive amendment to the agreement with Stantec Consulting Services, Inc., to provide environmental and cultural resource consulting services, to retain the maximum compensation of \$300,000 in any fiscal year, and to extend the term from February 26, 2013, through December 31, 2019.

No General Fund Impact

Simple Majority Vote

OTHER DEPARTMENTS

C 6 County Service Area No. 1-County Fire

Approve a budget amendment increasing appropriations by \$150,000 in the County Service Area #1, County Fire budget for site clean up at the Keswick Volunteer Fire Station.

No Additional General Fund Impact

4/5 Vote

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

R 4 Administrative Office

(1) Receive a legislative update and consider action on specific legislation related to Shasta County's legislative platform; and (2) receive Supervisors' reports on countywide issues.

No General Fund Impact

No Vote

R 5 Administrative Office

Take the following actions: (1) Dissolve the temporary ad hoc committee created on July 24, 2018; (2) establish a temporary ad hoc advisory committee composed solely of two members of the Board of Supervisors for the purpose of advising the Board of Supervisors concerning options for a possible transactions and use tax measure to be placed before the voters no later than the November 2020 election after gathering input from the Cities of Anderson, Redding, and Shasta Lake; and (3) appoint Supervisors Chimenti and Moty to this ad hoc advisory committee.

No Additional General Fund Impact

Simple Majority Vote

R 6 Administrative Office

Take the following actions: (1) Receive an update on the status of the Fiscal Year (FY) 2018-19 Shasta County Budget; (2) direct departments to make spending adjustments to stay within approved net county cost contained in the FY 2018-19 Budget, as adjusted; (3) approve the budget principles recommended for the FY 2019-20 Proposed Budget; and (4) in accordance with Government Code section 29064(c), approve the Budget Adoption Schedule recommended for the FY 2019-20 Proposed Budget and direct the publication of a recommended budget pursuant to the Budget Adoption Schedule.

General Fund Impact

Simple Majority Vote

PUBLIC WORKS

R 7 Public Works

Take the following actions regarding the Keswick Demolition Project: (1) Deny the bid protest submitted by the second bidder, Resource Construction; (2) award to the lowest responsive and responsible bidder, Leckey Land Clearing, on a lump sum basis, the contract for the "Demolish Keswick Volunteer Fire Hall and Community Center," Contract No. 610512/610513, in the amount of \$89,785; (3) approve a budget amendment increasing revenue and appropriations by \$100,000 in County Service Area (CSA) No. 25 Keswick Water Admin budget; and (4) accept insurance proceeds for the Keswick demolition project and deposit unanticipated insurance revenue into the CSA No. 25 Keswick Water Admin fund.

No General Fund Impact

4/5 Vote

SCHEDULED HEARINGS

A court challenge to action taken by the Board of Supervisors on any project or decision may be limited to only those issues raised during the public hearing or in written correspondence delivered to the Board of Supervisors during, or prior to, the scheduled public hearing.

RESOURCE MANAGEMENT

R 8 Planning Division

Take the following actions regarding Use Permit 18-0003, which allows Fruit Growers Supply Company to build a 20,000 square foot grocery store and accompanying facilities in the unincorporated area of Shasta County (Burney) (Assessor Parcel Number 028-370-024): (1) Conduct a public hearing; (2) close the public hearing; (3) approve the proposed amendment to Mitigation Measure IV.a.2; and (4) adopt a resolution which: (a) adopts a California Environmental Quality Act (CEQA) determination of a Mitigated Negative Declaration subject to the findings set forth in the proposed resolution; and (b) approves Use Permit 18-0003 based on the findings listed in the resolution and subject to the recommended conditions of approval.

No Additional General Fund Impact

Simple Majority Vote

ADJOURN

REMINDERS

Date:	Time:	Event:	Location:
03/12/2019	9:00 a.m.	Board of Supervisors Meeting	Board Chambers
03/14/2019	2:00 p.m.	Planning Commission Meeting	Board Chambers
03/19/2019		No Board of Supervisors Meeting Scheduled	
03/26/2019	9:00 a.m.	Board of Supervisors Meeting	Board Chambers
04/02/2019	9:00 a.m.	Board of Supervisors Meeting	Board Chambers
04/09/2019		No Board of Supervisors Meeting Scheduled	

COMMUNICATIONS received by the Board of Supervisors are on file and available for review in the Clerk of the Board's Office.

The County of Shasta does not discriminate on the basis of disability in admission to, access to, or operation of its buildings, facilities, programs, services, or activities. The County does not discriminate on the basis of disability in its hiring or employment practices. Questions, complaints, or requests for additional information regarding the Americans with Disabilities Act (ADA) may be forwarded to the County's ADA Coordinator: Director of Support Services Angela Davis, County of Shasta,

1450 Court Street, Room 348, Redding, CA 96001-1676, Phone: (530) 225-5515, California Relay Service: (800) 735-2922, Fax: (530) 225-5345, E-mail: adacoordinator@co.shasta.ca.us. Individuals with disabilities who need auxiliary aids and/or services for effective communication in the County's programs and services are invited to make their needs and preferences known to the affected department or the ADA Coordinator. For aids or services needed for effective communication during Board of Supervisors meetings, please call Clerk of the Board (530) 225-5550 two business days before the meeting. This notice is available in accessible alternate formats from the affected department or the ADA Coordinator. Accommodations may include, but are not limited to, interpreters, assistive listening devices, accessible seating, or documentation in an alternate format.

The Board of Supervisors meetings are viewable on Shasta County's website at www.co.shasta.ca.us.

Public records which relate to any of the matters on this agenda (except Closed Session items), and which have been distributed to the members of the Board, are available for public inspection at the office of the Clerk of the Board of Supervisors, 1450 Court Street, Suite 308B, Redding, CA 96001-1673.

This document and other Board of Supervisors documents are available online at www.co.shasta.ca.us.

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: March 5, 2019

CATEGORY: BOARD MATTERS-1.

SUBJECT:

Shasta County Employee Recognition Program Employee of the Month for March 2019.

DEPARTMENT: Board Matters

Supervisory District No. : All

DEPARTMENT CONTACT: Alene Eddy, Executive Assistant-Conf. 530-225-5120

STAFF REPORT APPROVED BY: Angela Davis, Director of Support Services

Vote Required?	General Fund Impact?
Simple Majority Vote	No Additional General Fund Impact

RECOMMENDATION

Adopt a resolution which recognizes Shasta County Health and Human Services Agency, Executive Assistant-Confidential, Cara Schuler as Shasta County's Employee of the Month for March 2019.

SUMMARY

The Shasta County Employee Recognition Committee meets on a regular basis to screen nominees for the Employee of the Month Program. After reviewing nominations, the Employee Recognition Committee is recommending for Board recognition and approval, the Employee of the Month for March 2019.

DISCUSSION

Shasta County is fortunate to have many exemplary employees. On a daily basis, their dedication, integrity, creativity, and professionalism are classed upon to maintain the high quality of local public services enjoyed by the citizens of Shasta County. Their jobs are becoming more challenging as public expectations of service and demands for increased efficiency escalate. In this environment, it is important that we recognize those employees who set the standard of excellence and dedication for the entire organization. Their contribution deserves the thanks and appreciation of the entire County family and the citizens of the community.

In this spirit, the Board is being asked to recognize the Employee of the Month who has been nominated by the Employee Recognition Committee. This nomination is based on a review of all nominations using the selection criteria provided for in the Employee Recognition Policy. It is the recommendation of the Employee Recognition Committee that Cara Schuler, Executive Assistant-Confidential, Health and Human Services Agency (HHS), be recognized as the March 2019 Employee of the Month.

Ms. Schuler is exemplary in her customer service skills, her ethics are beyond reproach, is a great team player, and is the epitome of professional conduct.

One of Ms. Schuler's job duties, for many years, has been the secretary to the Mental Health, Alcohol & Drug Board. The Mental Health, Alcohol & Drug Board meetings are a Brown Act Meeting, with lots of details, regulations, and legal stipulations to be considered.

Recently, an adverse situation arose in connection with a scheduled meeting of the Mental Health, Alcohol & Drug Board. Ms. Schuler navigated through the situation and reached a successful outcome, accommodating all parties close to the situation. Ms. Schuler was able to diffuse, de-escalate, and reset the situation.

Ms. Schuler participates in training new employees that come to HHSA - Adult Services. She is patient, thorough, and steadfast in the training she gives. Ms. Schuler adds to the success of new employees understanding procedures and processes.

Ms. Schuler continues to be an invaluable asset to HHSA and the County overall.

ALTERNATIVES

No other alternatives are recommended.

OTHER AGENCY INVOLVEMENT

The Employee Recognition Program was developed and operates with significant input from, and involvement by, County departments and employee bargaining units. The Employee of the Month nomination is submitted by the Employee Recognition Committee made up of Angela Davis, Director of Support Services; Captain Pat Kropholler; Ayla Tucker, Administrative Analyst I; Jack Ball, Maintenance Supervisor; Michael Conti, Health and Human Services Program Manager; and Mark Dudley, Correctional Officer-Deputy Sheriff.

FINANCING

The cost of the Employee Recognition Program is nominal. There is no additional General Fund impact.

ATTACHMENTS:

Description	Upload Date	Description
EOM - March 2019 Resolution	2/5/2019	EOM - March 2019 Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
RECOGNIZING CARA SCHULER, EXECUTIVE ASSISTANT-CONFIDENTIAL
OF THE SHASTA COUNTY HEALTH AND HUMAN SERVICE AGENCY,
AS MARCH 2019 EMPLOYEE OF THE MONTH**

WHEREAS, the Shasta County Board of Supervisors has adopted the Shasta County Employee Recognition Program to identify exceptional employees who deserve to be recognized and honored for their contribution to County service; and

WHEREAS, such recognition is given to the employee meeting the criteria of the program, namely exceptional customer service, professionalism, high ethical standards, initiative, innovation, teamwork, productivity, and service as a role model for other public employees; and

WHEREAS, the Shasta County Employee Recognition Committee has considered all current nominations for the Shasta County Employee of the Month;

NOW, THEREFORE, BE IT RESOLVED that Cara Schuler, Executive Assistant-Confidential of the Shasta County Health and Human Service Agency, is hereby named Shasta County Employee of the Month for March 2019; and

BE IT FURTHER RESOLVED that one of Ms. Schuler's job duties, for many years, has been the secretary to the Mental Health, Alcohol & Drug Board. The Mental Health, Alcohol & Drug Board meetings are a Brown Act Meeting, with lots of details, regulations, and legal stipulations to be considered.

Recently, an adverse situation arose in connection with a scheduled meeting of the Mental Health, Alcohol & Drug Board. Ms. Schuler navigated through the situation and reached a successful outcome, accommodating all parties close to the situation. Ms. Schuler was able to diffuse, de-escalate, and reset the situation.

Ms. Schuler participates in training new employees that come to HHSA - Adult Services. She is patient, thorough, and steadfast in the training she gives. Ms. Schuler adds to the success of new employees understanding procedures and processes. Ms. Schuler continues to be an invaluable asset to HHSA and the County overall.

ALTERNATIVES

No other alternatives are recommended.

DULY PASSED AND ADOPTED this 5th day of March, 2019 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

LEONARD MOTY, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: March 5, 2019

CATEGORY: BOARD MATTERS-2.

SUBJECT:

Grand Jury Awareness Month

DEPARTMENT: Board Matters

Supervisory District No. : All

DEPARTMENT CONTACT: Johnni Hansen, Grand Jury Foreperson

STAFF REPORT APPROVED BY: David M. Yorton, Jr., Senior Deputy County Counsel

Vote Required?	General Fund Impact?
Simple Majority Vote	No General Fund Impact

RECOMMENDATION

Adopt a proclamation which designates March 2019 as "Grand Jury Awareness Month" in Shasta County.

SUMMARY

The Grand Jury requests that the Board adopt a proclamation declaring March 2019 as "Grand Jury Awareness Month" in Shasta County in order for all citizens to become better acquainted with the purposes of the Grand Jury, to draw attention to the Grand Jury's reports, and to encourage interested citizens to apply for membership on the Grand Jury.

DISCUSSION

California's Grand Jury system provides, in each county, a truly independent "watchdog" investigative body, composed of a number of citizens in each county, who monitor the performance and activities of the county, cities, schools, and special districts and their officers and elected officials. The Shasta County Grand Jury works many hours each year to promote good government through its investigative authority.

The Grand Jury's watchdog investigations are often initiated on the basis of citizen complaints, but the Grand Jury may also act on its own initiative. When warranted, the Grand Jury issues detailed reports of its findings, which include recommendations for improvements to local governments. In Shasta County, those reports are published in the Record Searchlight. Grand Jury service offers unique rewards, including an enhanced understanding of local governments, a significant say in local government through the published reports of the Grand Jury's investigations, and a renewed faith in the power of dedicated citizens to make a difference.

The Shasta County Superior Court is now taking applications for the 2019/2020 Grand Jury. The qualities sought in individuals applying to serve on the Grand Jury include being a good listener; the willingness to cooperate with the other Grand Jurors in the pursuit of a common goal; and the ability to ask thoughtful questions, review documents, and help write lucid reports. Candidates should have an interest in increasing the efficiency of local government and improving public services.

Applications are available by calling the Superior Court at 245-6761 or visiting the Grand Jury's website at www.shastacountygrandjury.org.

ALTERNATIVES

The Board could choose not to adopt the proclamation.

OTHER AGENCY INVOLVEMENT

Adoption of the proclamation is supported by the Shasta County Superior Court. County Counsel prepared the proposed proclamation. The Recommendation has been reviewed by the County Administrative Office.

FINANCING

There is no General Fund impact by adopting the proclamation.

ATTACHMENTS:

Description	Upload Date	Description
Grand Jury Proclamation 2019	2/21/2019	Grand Jury Proclamation 2019

Shasta County Board of Supervisors Proclamation

Grand Jury Awareness Month March 2019

WHEREAS, grand juries are crucial components of California's judicial system, serving three important roles: overseeing and reporting on the efficiency, honesty, and impartiality of local governments and elected officials; determining whether criminal acts have been committed and if there is enough evidence to charge a person with that crime; and determining whether to accuse public officials of impropriety; and

WHEREAS, every county in California has a grand jury made up of citizens, appointed by the county's Superior Court, who dedicate their time for a full year to grand jury service; and

WHEREAS, thanks to their commitment and hard work, grand jurors help ensure that local governments, such as counties, cities, special districts, and school districts, are operating legally and efficiently.

NOW, THEREFORE, BE IT RESOLVED that the Shasta County Board of Supervisors hereby proclaims March 2019 as **Grand Jury Awareness Month** in Shasta County, recognizing the contributions of the Shasta County Grand Jury and encouraging citizens to apply for grand jury service by contacting the Shasta County Superior Court or accessing the Grand Jury's website.

Leonard Moty, Chairman

March 5, 2019

Date

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: March 5, 2019

CATEGORY: Consent - General Government-1.

SUBJECT:

Relief of Notes Receivables in Housing Funds

DEPARTMENT: Auditor-Controller

Supervisory District No. : ALL

DEPARTMENT CONTACT: Brian Muir, Auditor-Controller (530) 225-5541

STAFF REPORT APPROVED BY: Brian Muir, Auditor-Controller

Vote Required?	General Fund Impact?
Simple Majority Vote	No Additional General Fund Impact

RECOMMENDATION

Approve and authorize the Auditor-Controller to relieve notes receivable accounts in various Housing Funds.

SUMMARY

In an ongoing effort to gain efficiencies and improve delivery of service, the Director of Housing began the implementation of Loan Management Software (CDM). During implementation, the differences between the new software and the general ledger were discovered. These differences have accumulated over time and need to be resolved to accurately reflect the County's financial position.

DISCUSSION

During implementation of Loan Management Software (CDM) in July 2018, Housing/CAA discovered the following discrepancies in general ledger account balances:

Low Income Home Ownership Loans, Foreclosed Properties, \$1,254,460; Community Development Block Grant (CDBG), Foreclosed Properties, \$147,684; Uncollectable loans, minor variances, \$30,540.

ALTERNATIVES

The Board of Supervisors could decline to approve the recommendation. This alternative is not recommended, as the general ledger would not accurately reflect notes receivable balances.

OTHER AGENCY INVOLVEMENT

This recommendation has been reviewed and supported by Housing and Community Action Programs.

FINANCING

There is no additional General Fund impact with approval of this recommendation.

ATTACHMENTS:

Description

Upload Date

Description

Notes Receivable Relief Memo

2/25/2019

Notes Receivable Relief
Memo



Housing and Community Action Programs

1450 Court Street, Suite 108
Redding, CA 96001-1661
Phone: (530) 225-5160
Fax: (530) 225-5178

Laura Burch, Director
Housing Authority
Community Action Agency

MEMORANDUM

TO: Brian Muir, Auditor
FROM: Laura Burch, Director of Housing and Community Action Agency
RE: Notes Receivable Relief and Reconciliation
DATE: February 19, 2019

Since 1991, the Department has made numerous loans to low- and very-low income households to provide affordable homeownership opportunities. Over time, some of the properties have ended up in the foreclosure process. Shasta County is in a subordinate position on these loans and may not recover full loan amounts. The Department currently has \$1,254,459.23 in foreclosed properties that need to be removed from the receivable account. Additionally, during implementation of CDM, minor variances were discovered in the amount of \$1,274.04 recorded in the general ledger that need to be removed from the receivables account.

Using Community Development Block Grant Funds (CDBG), the Department has made multiple loans and grants to low- and very-low income households to provide housing rehabilitation loans to homeowners to facilitate repairs on their home. Over time, some of the properties have ended up in the foreclosure process. The Department currently has \$147,683.58 in foreclosed properties that need to be removed from the receivable account. Additionally, during implementation of CDM, minor variances were discovered in amounts recorded in the general ledger and the previous loan tracking system. These amounts totaling \$19,963.87 will need to be removed from the receivable account as well. During the implementation, staff discovered \$9,302 in expired loans that have been deemed uncollectable that need to be removed from the receivable account.

Cc: Larry Lees, CAO; Julie Hope, Analyst

LB

A handwritten signature in blue ink, appearing to be "B. Muir", is located in the bottom right corner of the page.

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: March 5, 2019

CATEGORY: Consent - General Government-2.

SUBJECT:

Draft 2/26/19 Minutes

DEPARTMENT: Clerk of the Board

Supervisory District No. : ALL

DEPARTMENT CONTACT: Trisha Boss, Administrative Board Clerk, 225-5550

STAFF REPORT APPROVED BY: Mary Williams, Chief Deputy Clerk of the Board

Vote Required?	General Fund Impact?
Simple Majority Vote	No General Fund Impact

RECOMMENDATION

Approve the minutes of the meeting held on February 26, 2019, as submitted.

SUMMARY

N/A

DISCUSSION

N/A

ALTERNATIVES

N/A

OTHER AGENCY INVOLVEMENT

N/A

FINANCING

There is no General Fund impact associated with this action.

ATTACHMENTS:

Description

Upload Date

Description

Minutes for 2/26/19 BOS

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, February 26, 2019

REGULAR MEETING

BOARD OF SUPERVISORS REGULAR MEETING - March 5, 2019

9:00 a.m.: Vice Chairwoman Rickert called the Regular Session of the Board of Supervisors to order on the above date with the following present:

District No. 1 - Supervisor Chimenti
District No. 2 - Supervisor Moty – Absent
District No. 3 - Supervisor Rickert
District No. 4 - Supervisor Morgan
District No. 5 - Supervisor Baugh

County Executive Officer - Larry Lees
County Counsel - Rubin E. Cruse, Jr.
Administrative Board Clerk - Trisha Boss
Administrative Board Clerk - Darcey Prior

INVOCATION

Invocation was given by Pastor Tom Winslow, Family Celebration Center.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance to the Flag was led by Supervisor Chimenti.

REGULAR CALENDAR

BOARD MATTERS

PROCLAMATION: CONSUMER PROTECTION WEEK

MARCH 3-9, 2019

By motion made, seconded (Baugh/Morgan), and unanimously carried, the Board of Supervisors adopted a proclamation which designates March 3-9, 2019 as "Consumer Protection Week" in Shasta County. District Attorney Stephanie Bridgett was present to accept the proclamation.

PROCLAMATION: 2-1-1 AWARENESS MONTH

FEBRUARY 2019

By motion made, seconded (Morgan/Chimenti), and unanimously carried, the Board of Supervisors adopted a proclamation which designates February 2019 as "2-1-1 Awareness Month" in Shasta County. Director of United Way Larry Olmsted and 2-1-1 Program Manager Kaylee Brisbon were present to accept the proclamation.

PUBLIC COMMENT PERIOD - OPEN TIME

Mayor of Anderson Stan Neutze requested that the Board move forward with the Public Safety Committee that was discussed in June 2018.

The Board of Supervisors directed staff to bring a future agenda item to make appointments to an ad hoc Public Safety Commission and gather information related to a possible transactions and use tax.

BOARD OF SUPERVISORS REGULAR MEETING - March 5, 2019

Supervisor Baugh stated he recommends that Supervisor Chimenti be appointed to the Public Safety Committee.

William Gilbert spoke regarding his experiences with Shasta County.

Monique Welin spoke regarding her efforts to shine a light on epidemics.

CONSENT CALENDAR

Vice Chairwoman Rickert announced an amendment to the February 5, 2019, minutes. By motion made, seconded (Chimenti/Baugh), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar:

Reappointed Randy Armstrong to the Cottonwood Cemetery District Board of Directors for a four-year term to expire February 2023. (Clerk of the Board)

Appointed Ken Burns to the Millville Masonic and Odd Fellows Cemetery District Board of Trustees for the remainder of an unexpired term ending March 31, 2022. (Clerk of the Board)

Approved the minutes of the meetings held on February 5, 2019, and February 19, 2019, as submitted. (Clerk of the Board)

Approved and authorized the Chairman to sign a renewal agreement with BMI Imaging Systems, Inc., in an amount not to exceed \$200,000 to provide media conversion services for the period March 8, 2019 through March 7, 2020, with two automatic one-year renewals. (Support Services-Purchasing)

Approved and authorized the Chairman to sign an amendment, effective as of the date of signing, to the agreement with Chris Cable DBA Caliber Office Furniture, LLC, increasing maximum compensation by \$100,000, for a new maximum compensation of \$200,000, to provide moving services, and retaining the term of August 22, 2016 through August 21, 2019. (Support Services-Purchasing)

Adopted Salary Resolution No. 1546, effective March 3, 2019, which amends the Shasta County Position Allocation List with the following modifications: Delete 1.0 Full-Time Equivalent (FTE) Personal Property Custodian in the Public Administrator Budget; add 0.5 FTE Personal Property Custodian in the Public Administrator budget; and add 0.5 FTE Property Tax Specialist I/II/III in the Treasurer-Tax Collector budget. (Support Services-Purchasing)

(See Salary Resolution Book)

Approved and authorized the Chairman to sign: A retroactive amendment to revenue Agreement No. 17-94105 with California Department of Health Care Services to provide alcohol and other drug treatment and prevention services to modify terms and conditions, and to increase the contract maximum compensation for the entire term of the agreement by \$1,313,936 (from \$4,669,851 to \$5,983,787), retaining the term July 1, 2017 through June 30, 2020; the Certification

Regarding Lobbying form; the Contractor Certification Clauses form; and the California Civil Rights Laws Certification. (Health and Human Services Agency-Adult Services)

Approved and authorized the Chairman to sign an agreement with Dragos Adrian Iordache-Stir dba Care Horizons Assisted Living in an amount not to exceed \$504,000 to provide residential care facility services for the period date of signing through June 30, 2021. (Health and Human Services Agency-Adult Services)

BOARD OF SUPERVISORS AND AUTHORIZED THE CHAIRMAN TO sign a retroactive amendment, effective August 1, 2018, to the agreement with Vista Pacifica Enterprises, Inc. to provide residential treatment services for mentally disabled adults adding skilled nursing daily rates, and retaining maximum compensation not to exceed \$7,500,000 during the entire term of the agreement and the term July 1, 2017 through June 30, 2020. (Health and Human Services Agency-Adult Services)

Took the following actions: Approved and authorized the Chairman to sign a retroactive agreement with ValueOptions of California, Inc. (VOC) in an amount not to exceed \$1,106,100 to provide concurrent client chart review and utilization management services for the period July 1, 2018 through February 29, 2020, with two automatic one-year renewals; authorized the County Executive Officer, or his/her designee, to sign documents required by VOC to implement the concurrent client chart review and utilization management services program; and approved a budget amendment increasing expenditures by \$150,000 and increasing revenues by \$112,500, offset by the use of Mental Health Fund Balance, in the Mental Health budget. (Health and Human Services Agency-Business and Support Services)

Approved and authorized the Chairman to sign a retroactive renewal agreement with BtB Software, LLC in an amount not to exceed \$10,600, paid in advance, to provide Laboratory Information Management System software license and maintenance for the period January 1, 2019 through December 31, 2019. (Health and Human Services Agency-Public Health)

Adopted Resolution No. 2019-015 which designates authorized agents for the purpose of obtaining funding through the Homeland Security Grant Programs for Federal Fiscal Year 2019.
(See Resolution Book No. 62)

Adopted Resolution No. 2019-016 which: Approves and authorizes the County Executive Officer, or his/her designee, to sign an agreement with the California Department of Housing and Community Development (HCD), 17-NPLH-11713, in an amount not to exceed \$75,000 for the No Place Like Home (NPLH) technical assistance grant for a period of six years effective upon HCD approval and execution by all parties, and any and all other documents required or deemed necessary, as set forth by HCD; and assures HCD that the County agrees to be subject to the terms and conditions as specified in the state's Standard Agreement, the NPLH Program Technical Assistance Guidelines, the NPLH statute (Welfare and Institutions Code §5849.1 et. Seq.), and any applicable NPLH Program guidelines published by HCD, to use the funds for eligible uses in the manner presented in the application as approved by HCD and in accordance with the NPLH Program Technical Assistance Grant Notice of Funding Availability, the NPLH Program Technical Assistance Guidelines, and 2017 NPLH Program Technical Assistance Grant Application. (Housing and Community Action Programs)

(See Resolution Book No. 62)

Took the following actions regarding California Governor's Office of Emergency Services Victim/Witness Assistance Program grant funds: Approved a budget amendment which increases appropriations and revenue by \$223,822 in the Victim/Witness Assistance budget; and adopted Salary Resolution No. 1547, effective March 3, 2019, which adds the following positions in the Victim-Witness Assistance budget with September 30, 2019, sunset dates: 2.0 Full-Time Equivalent (FTE) Victim Advocate I/II; and 1.0 FTE Legal Process Clerk I/II. (District Attorney)
(See Salary Resolution Book)

Approved and authorized the Chairman to sign a retroactive renewal agreement with National Medical Services, Inc. (NMS Labs) in an amount not to exceed \$120,000 for the purpose

of providing forensic toxicology services for the period July 1, 2018 through June 30, 2019, with two automatic one-year renewals. (Sheriff-Coroner)

Took the following actions regarding the Airport Road at Sacramento River Bridge: Designated the Public Works Director as the County's agent to sign a lease amendment application with the California State Lands Commission (SLC); and authorized the Public Works Director to sign a lease amendment and related documents as required by the SLC. (Public Works)

BOARD OF SUPERVISORS REGULAR MEETING - March 5, 2019
Took the following actions regarding the "Guardrail Repair (Delta Fire) Project," Contract No 704043: Found the project categorically exempt in conformance with the California Environmental Quality Act (CEQA) Guidelines Section 15301, Class 1-Existing Facilities; approved the plans and specifications and directed the Public Works Director to advertise for the bids; and authorized the opening of bids on or after March 21, 2019, at 11 a.m. (Public Works)

Took the following actions: Awarded the purchase of one transfer truck to Western Truck Parts & Equipment of Redding, California for a total price of \$167,308.81 (including tax and delivery) under Sourcewell Contract #081716-PMC; awarded the purchase of three dump trucks to Western Truck Parts & Equipment of Redding, California for a total price of \$584,777.05 (including tax and delivery) under Sourcewell Contract #081716-PMC; and approved and authorized the purchase of all four trucks under the Sourcewell Contract. (Public Works)

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Executive Officer (CEO) Larry Lees presented an update on specific legislation of importance to Shasta County, including the Governor's In-Home Support Services proposal and Carr Fire recovery.

Supervisor Morgan recently attended the Community Action Board meeting.

Supervisor Chimenti recently attended Local Agency Formation Commission and Planning Commission meetings.

Supervisor Rickert recently attended a Local Agency Formation Commission meeting.

Supervisors reported on issues of countywide interest.

HOUSING AND COMMUNITY ACTION PROGRAMS

PRESENTATION: HOMELESS EMERGENCY AID PROGRAM (HEAP)

Housing and Community Action Programs Director Laura Burch gave a presentation regarding the Homeless Emergency Aid Program (HEAP).

In response to questions by Supervisor Baugh, CEO Lees explained that the request being made is to approve the signing of the grant, not a commitment to continue to fund the proposed Navigation Center.

In response to questions by Supervisor Baugh, County Counsel Rubin Cruse, Jr. explained that the HEAP agreement states that funds are to be used only on capital improvements.

In response to questions from Supervisor Baugh, Ms. Burch explained that this was initially a one-time block grant fund award, but Governor Newsom has approved a second round of funding.

In response to questions from Supervisor Rickert, Ms. Burch stated funds for the second round are not strictly for Capital improvements.

In response to questions from Supervisor Chimenti, Ms. Burch stated that funds cannot be applied to areas not listed as approved uses.

In response to questions from Supervisor Baugh, CEO Lees explained that staff are looking to the Board for direction to see if the proposed Navigation Center is something they want to go forward with.

Anderson Police Chief Michael Johnson spoke in opposition of the proposed Navigation Center.

President and CEO of Redding Chamber of Commerce Jake Mangas spoke in support of the Navigation Center, and the idea of using a flexible structure.

In response to questions by Supervisor Baugh, Mr. Mangas stated that a flexible building that can be resized and changed would be a cost-effective option for a Navigation Center.

In response to questions by Supervisor Baugh, CEO Lees stated that the County would not be locked into anything if the grant is approved. The County would only be agreeing to use the funds for projects that have been approved by the State.

In response to questions by Supervisor Morgan, CEO Lees explained the terms Continuum of Care and the Navigation Center.

In response to questions by Supervisor Chimenti, Ms. Burch explained that the County could use the structure for something outside of what is outlined in the guidelines of the proposed budget, but would have to get approval from the State to do so.

By motion made, seconded (Chimenti/Morgan), and unanimously carried, the Board of Supervisors took the following actions: Received a presentation from Director of Shasta County Housing and Community Action Programs (Director), Laura Burch regarding the Homeless Emergency Aid Program (HEAP) to provide homeless funding assistance to the NorCal Continuum of Care; approved and authorized the: Chairman to sign the HEAP agreement, 18-HEAP-00053, with the State of California Business, Consumer Services and Housing Authority (BCSH) in an amount not to exceed \$2,695,571.87 for the period effective upon BCSH approval through October 31, 2021; Chairman to sign the Homeless Emergency Aid Program Authorized Signatories Form which authorizes individuals named in the form to sign all applicable HEAP documents, including, but not limited to, the HEAP Standard Agreement, the STD 204 state standard agreement form, and the GovtTIN form; County Executive Officer (CEO) to sign amendments to the agreement, including retroactive, including changes to the maximum compensation of no more than \$500,000 additional revenue to the County, during the period of the agreement, so long as they otherwise comply with Administrative Policy 6-101, *Shasta County Contracts Manual*; Director, or his or her designee, to also sign the Homeless Emergency Aid Program Authorized Signatories Form, and all other HEAP documents and reports required by BCSH, including retroactive, to secure the grant and for the implementation and administration of HEAP; and Director to act on behalf of the County of Shasta and the Shasta County Community

Action Agency in all matters pertaining to the agreement; and approved a budget amendment increasing appropriations and revenue by \$2,695,572 in the Community Action Budget.

HEALTH AND HUMAN SERVICES

HEALTH AND HUMAN SERVICES AGENCY

BOARD OF SUPERVISORS REGULAR MEETING - March 5, 2019

OFFICE OF THE DIRECTOR

PRESENTATION: HOMELESS NAVIGATION CENTER

Health and Human Service Agency Director, Donnell Ewert gave a presentation regarding the creation of a homeless Navigation Center.

In response to questions from Supervisor Chimenti, Mr. Ewert stated that current revenue wouldn't be enough to fund the project. He is looking for investors. Mr. Ewert explained that neighboring counties are also receiving HEAP resources, and Tehama County is putting together a shelter with the funding.

In response to questions from Supervisor Baugh, Mr. Ewert stated he cannot give an accurate figure of what the cost will be to construct the facility until he receives the estimate from the architect.

In response to questions from Supervisor Baugh, Mr. Ewert stated that there are behavioral standards for a low-barrier shelter, but intoxication would not prevent an individual from seeking shelter there.

In response to questions from Supervisor Baugh, Mr. Cruse stated he would need to research the law further regarding the rights of an individual inhabiting a temporary housing facility.

Supervisor Baugh requested that the item be brought back to the Board in April. He also requested further input from community members.

By motion made, seconded (Baugh/Chimenti), and unanimously carried, the Board of Supervisors continued the item to a date uncertain.

COUNTY COUNSEL

INTRODUCTION OF AN ORDINANCE

TEMPORARY HOUSING, SQUATTING, AND UNLAWFUL CAMPING

At the recommendation of County Counsel Rubin Cruse Jr., by motion made, seconded (Chimenti/Baugh), and unanimously carried (Supervisor Morgan was absent), the Board of Supervisors took the following actions regarding Section 8.52.040 of the Shasta County Code: Found that the proposed ordinance is not subject to the California Environmental Quality Act (CEQA) under CEQA Guidelines sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment); and introduced and waived the reading of an ordinance of the Board of Supervisors of the County of

Shasta amending Section 8.52.040 of the Shasta County Code concerning temporary housing, squatting, and unlawful camping.

ADMINISTRATIVE OFFICE

BOARD OF SUPERVISORS REGULAR MEETING - March 5, 2019

PRESENTATION: NORCAL COMMUNITY RECOVERY TEAM

Salvation Army Captain Tim Danielson, Shasta Regional Community Foundation Kerry Caranci, and Don Ajamian gave a presentation regarding NorCal Community Recovery Team's efforts to assist uninsured or underinsured property owners with reconstruction of homes destroyed by the Carr Fire. They requested that all permit fees be waived for this rebuild process, waive permit fees for properties requiring a carport or garage, and waiving sprinkler requirements.

In response to questions by Supervisor Chimenti, Captain Danielson stated case management will have an eligibility determination process.

In response to questions by Supervisor Baugh, Mr. Cruse stated he will research the issue on the waiving of fees. The current state building code includes fire sprinkler requirement. Mr. Cruse explained the ordinance adopted by the Board was related to limited density requirements, it did not exclude fire sprinkler requirements.

In response to questions by Supervisor Baugh, Captain Danielson stated the group is working on the issue of assisting renters who have lost their homes but did not own the home or property.

In response to questions by Supervisor Baugh, Ms. Caranci stated that she is still working with Rural County Representatives of California to acquire funding for the uninsured.

The Board directed Resource Management staff to research the three requests from the NorCal Community Recovery Team: the option of waiving fees, waiving permit fees for properties requiring a carport or garage, and waiving sprinkler requirements.

CLERK OF THE BOARD

SHASTA CHILDREN AND FAMILIES COMMISSION

Chief Deputy Clerk of the Board, Mary William presented the staff report and recommended approval.

Supervisor Morgan stated he is a member of the Shasta Children and Families Commission and did vote on this item at their Board meeting, but does not feel there is a conflict of interest.

In response to questions from Supervisor Baugh, Ms. Williams stated that the Clerk of the Board does not see any downside to the change.

By motion made, seconded (Baugh/Chimenti), and unanimously carried, the Board of Supervisors introduced and waived the reading of an Ordinance of the Board of Supervisors of the County of Shasta Amending Section 2.65.030 of the Shasta County Code Concerning Membership of the Shasta Children and Families Commission, to increase the number of members from seven to nine.

11:45 a.m.: The Board of Supervisors recessed.

11:51 a.m.: The Board of Supervisors reconvened.

SCHEDULED HEARINGS

BOARD OF SUPERVISORS REGULAR MEETING ~~March 5, 2019~~ **RESOURCE MANAGEMENT**

PLANNING DIVISION

USE PERMIT18-003: FRUIT GROWERS SUPPLY COMPANY

This was the time set to conduct public hearing to consider an appeal of use Permit 18-0003. Associate Planner Luis Topete presented the staff report and recommended continuing the hearing to March 5, 2019, due to recent information presented to staff. The Notice of Public Hearing and the Notice of Publication are on file with the Clerk of the Board.

Vice Chairwoman Rickert advised that correspondence related to hearings had been received and entered into the record.

The public hearing was opened.

Mark Wolf spoke on behalf of his client, Mardine Matwijiw, in opposition of the project.

No one else spoke for or against the matter, and the public hearing was closed.

By motion made, seconded (Baugh/Morgan), and unanimously carried, the Board of Supervisors took the following actions regarding Use Permit 18-0003, which allows Fruit Growers Supply Company to build a 20,000-square foot grocery store and accompanying facilities in the unincorporated area of Shasta County (Burney) (Assessor Parcel Number 028-370-024): Conduct a public hearing; closed the public hearing; and continued the item to March 5, 2019.

CLOSED SESSION ANNOUNCEMENT

Vice Chairwoman Rickert announced that the Board of Supervisors would recess to a Closed Session to take the following actions:

Confer with legal counsel to discuss existing litigation entitled *Timothy Soloman V. M. Aranda, et seq.*, pursuant to Government Code section 54956.9, subdivision (d), paragraph (1);.

12:05 p.m.: The Board of Supervisors recessed to Closed Session.

12:11 p.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with Supervisors Chimenti, Rickert, Morgan, and Baugh, County Executive Officer/Clerk of the Board Larry Lees, and County Counsel Rubin E. Cruse, Jr. present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Rubin E. Cruse, Jr. reported that the Board of Supervisors met in Closed Session to discuss existing litigation; In the matter of *Timothy Solomon v. M. Aranda, et al*, a case involving alleged civil rights violations arising out of an incident in the Shasta County Jail, the Board, by a 4-0 vote, gave approval to legal counsel to defend this action and authorized the County Counsel's Office to assign the defense in this case to Gary Brickwood, Esq.

BOARD OF SUPERVISORS REGULAR MEETING - March 5, 2019
12:12 p.m.: The Board of Supervisors adjourned.

Vice Chairwoman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: March 5, 2019

CATEGORY: Consent - General Government-3.

SUBJECT:

Agreement with Perkins Coie for Legal Services

DEPARTMENT: County Counsel

Supervisory District No. : All

DEPARTMENT CONTACT: James R. Ross, Assistant County Counsel (530) 225-5711

STAFF REPORT APPROVED BY: James R. Ross, Assistant County Counsel

Vote Required?	General Fund Impact?
4/5 Vote	No Additional General Fund Impact

RECOMMENDATION

Approve and authorize the Chairman to sign an agreement with Perkins Coie with no maximum compensation to provide legal services commencing January 22, 2019 and continuing for three years or until the completion of all matters or cases assigned to the firm, whichever is later.

SUMMARY

N/A

DISCUSSION

From time to time, it is necessary that the County seek legal advice and services from outside law firms. There can be varying reasons for the need to obtain such services. In this situation, the Redding Rancheria is proposing a new casino which would be located near the intersection of Bonnyview and I-5 and in the unincorporated area. It is anticipated that the County and the Redding Rancheria may want to enter into certain agreements regarding the use of the property by the Rancheria. Negotiating agreements with tribes is complex and requires specialized legal experience. Perkins Coie is an internationally known firm and has extensive experience in such negotiations and has been recommended by another county which utilized their services.

ALTERNATIVES

The Board could choose not to retain the services of Perkins Coie for these services or could enter into an agreement with another firm. Neither of these alternatives is recommended as Perkins Coie has the requisite experience required and comes highly recommended.

OTHER AGENCY INVOLVEMENT

The County Administrative Office has reviewed the recommendation. Risk Management has reviewed and approved the agreement.

FINANCING

Costs associated with the agreement are included in the FY 18-19 Adopted Budget. Future costs will be included in future requested budgets. There is no additional General Fund impact.

ATTACHMENTS:

Description	Upload Date	Description
Agreement for Legal Services	2/28/2019	Agreement for Legal Services

AGREEMENT FOR LEGAL SERVICES

THIS AGREEMENT, dated March 5, 2019, is made by and between

County of Shasta, through its
Office of the County Counsel
("County")

and

Perkins Coie, A Limited Liability Partnership
("Firm")

WHEREAS, County desires to contract for professional legal services; and

WHEREAS, Firm is particularly qualified to perform the required services due to its legal competence and expertise.

NOW, THEREFORE, County and Firm agree as follows:

1. **PERIOD OF PERFORMANCE**

This Agreement shall begin January 22, 2019 and shall continue for three years or until the completion of the matter(s) and case(s) identified in this Agreement in Attachment A (and any other matter(s) or cases County, through its County Counsel, assigns to Firm as provided in this Agreement), whichever is later, or until this Agreement is terminated pursuant to the provisions of paragraph 6 or paragraph 7.

2. **FIRM'S SERVICES AND RESPONSIBILITIES**

Firm shall act as counsel to County in matters or cases assigned to Firm.

Firm shall make every effort to provide the most cost-effective services possible to County and shall suggest options and techniques to dispose of cases without unnecessary pleadings or discovery.

Firm shall provide County with the necessary representation by staff qualified to perform the legal tasks at the least costly billing category.

Firm shall coordinate with County Counsel in performing services under this Agreement and shall report to County's Board of Supervisors, or to the County staff, as requested, regarding the matters or cases it is handling.

Firm shall obtain County Counsel's written approval before retaining any consultant or expert witness.

Firm shall assist County Counsel in settlement evaluations and negotiations, and shall obtain County's authority before making any settlement proposal on County's behalf or to the Court or to any other party to the case(s).

Firm shall immediately notify County Counsel verbally and in writing when a judgment, verdict or other award is rendered.

Firm shall provide to County Counsel copies of all substantive pleadings and motions filed with the court or other administrative body, including those submitted by another party. Firm shall also provide copies of all court rulings.

Firm shall compile and maintain all backup documentation to support all entries included in its billings.

Firm represents many other companies, individuals and government agencies ("clients"). During the time Firm is representing the County, Firm may be asked to represent: (i) other present or future clients in transactions, litigation or other disputes directly adverse to County that are not substantially related to Firm's representation of Shasta County; and/or (ii) parties who are considered directly adverse parties in matters Firm handles for County. Firm's work for these directly adverse parties would be in matters that are not substantially related to Firm's work for County; and/or (iii) County in future transactions, litigation or other disputes directly adverse to other clients of Firm in matters not substantially related to Firm's work for its other clients. County consents to allow Firm to undertake such future representations without the need to obtain any further or separate approval from County, as long as those representations described in (i) and (ii) above are not substantially related to work Firm has done, or is doing, for Shasta County and does not involve Indian law. Firm agrees not to use any proprietary or other confidential nonpublic information concerning County acquired by Firm as a result of its representation of County in connection with any litigation or other matter in which Firm represents a party directly adverse to County.

Firm may need to consult with or secure consent from its other current or prospective clients who are or may become adverse to County in order to clear or address actual or potential conflicts of interest. County agrees and consents that to the extent it is reasonably necessary in such communications, Firm may disclose to each such current or prospective client the fact that Firm has or has had an attorney-client relationship with County.

Should Firm determine in its own discretion during the representation that it is appropriate to consult with its Firm counsel (either Firm's internal counsel or, if Firm choose, outside counsel) County consents to such consultation on a privileged basis despite any alleged conflict of interest. County agrees that Firm continuing to represent County at the time of such consultation shall not thereby waive or otherwise limit any attorney-client privilege that Firm has regarding the confidentiality of its communications with our own in-firm or outside counsel. The costs associated with such legal counsel for Firm will be paid solely by Firm and will not be charged to County in any way.

3. **REPORTING REQUIREMENTS**

- A. Firm shall provide County Counsel (with a separate copy to County's Risk Manager and, if requested by County, a separate copy to County's excess insurance carrier) with the following reports for cases other than eminent domain cases:

1. **For Litigation - Case Evaluation, Plan and Budget**

- (a) The *Case Evaluation, Plan and Budget* is a confidential independent evaluation of the case that will serve as the basis for developing County's legal position and strategy and for controlling litigation costs. It will include a budget of foreseeable defense costs and the other information set forth in Attachment B.
- (b) The *Case Evaluation, Plan and Budget* shall be submitted to the County Counsel as soon as possible after Firm's initial analysis of the case, but no later than 60 days after Firm first appears in the case.

2. **For Litigation - Case Status Reports**

- (a) A *Case Status Report* is a summary of the significant actions and developments in the case since the last report or since the submission of the *Case Evaluation, Plan and Budget*, as applicable.
- (b) The *Case Status Report* shall contain the information set forth in Attachment C.
- (c) Firm shall ordinarily provide *Case Status Reports* every six months. Between reports, Firm shall telephonically advise County Counsel of important case developments or re-assessment of County's exposure and, if requested, prepare a *Case Status Report*.

B. With regard to eminent domain actions assigned to Firm, Firm shall provide to County Counsel only those reports specifically requested by County Counsel.

C. With regard to advice or transaction matters assigned to Firm, Firm shall provide to County Counsel only those reports specifically requested by County Counsel.

4. **COMPENSATION**

A. **Fees**

Firm shall provide legal services at the following billing rates:

Jennifer MacLean:	\$695.00/hr.
Other Partners:	A rate not to exceed \$840.00/hr.
Associates:	A rate not to exceed \$600.00/hr.
Paralegals:	A rate not to exceed \$395.00/hr.

B. **Expenses**

County shall reimburse Firm for its actual out-of-pocket expenses but without any additional costs for having advanced the funds. Firm shall note that County is exempt from all filing fee charges.

1. Reimbursable ordinary expenses shall include, but not be limited to:
 - (a) Deposition fees.
 - (b) Transcript fees.
 - (c) Messenger service.
 - (d) Process service.
 - (e) Document reproduction by an outside vendor.
2. Reimbursable extraordinary expenses shall include charges for which Firm has obtained County Counsel's prior approval. Such expenses shall include, but not be limited to:
 - (a) Consultants' fees.
 - (b) Expert witnesses' fees.
 - (c) Expenses for travel.
 - (d) Investigative services costs.
 - (e) Other expenses approved in advance by County Counsel.
3. Non-reimbursable expenses shall include, but not be limited to:
 - (a) Staff time or overtime for performing secretarial, clerical, or word processing functions.
 - (b) Charges for time spent to provide necessary information for County audits or billing inquiries.
 - (c) Charges for work performed which had not been authorized by County. Such work shall be a gratuitous effort by Firm.

5. **BILLINGS AND PAYMENTS**

A. **Billings**

1. Firm shall submit its itemized billing statement monthly to County Counsel; however, Firm shall provide an interim billing upon request of County Counsel or if outstanding fees and costs exceed \$15,000.
2. The original billing statement(s) and one copy shall be submitted to:

County Counsel
1450 Court Street, Suite 332
Redding, California 96001

3. Each billing statement shall be itemized in a time reporting format acceptable to County and shall include original invoices for reimbursement of expenses. Firm understands that County's Auditor/Controller will not reimburse Firm for expenses unless the original invoice is submitted.
4. Firm shall have and maintain all backup documentation to support all entries included in the monthly billing statement. Such documentation shall be in a form subject to audit and in accordance with generally accepted accounting principles. Firm shall make such documentation available to auditors upon request and in accordance with paragraph 11E.

B. Payments

1. County's legal staff shall review all billing statements.
2. County shall make its best effort to process payments promptly after receiving Firm's monthly billing statement. County shall not pay interest or finance charges on any outstanding balance(s).

6. TERMINATION

This Agreement may be terminated in whole or in part at any time County, in its sole discretion, deems termination to be in its best interest. County shall terminate services by delivering to Firm a written Termination Notice specifying the extent to which services are terminated and the effective termination date. Firm may terminate on sixty (60) days' written notice. During the sixty (60) day notice period, Firm shall at County's request, transfer pending files or complete specified services, which may include a final report.

7. TERMINATION DUE TO CONFLICT OF INTEREST

If either Firm or County determines a matter of professional conflict has arisen which should not or could not be postponed until the conclusion of the litigation, Firm or County may give written notice of immediate termination of this Agreement subject to Firm's duty to provide adequate representation until the appropriate substitutions can be made.

8. CLOSING REPORT UPON TERMINATION

Upon County's request, Firm shall deliver a *Closing Report* to County in the format required by County, after termination of this Agreement.

9. NOTICES

Unless County consents to receipt of notices and required reports via electronic means, all notices and required reports shall be written and hand-delivered or mailed by first

class, postage prepaid, addressed to County or Firm at the addresses below, or at any other address County or Firm shall provide in writing to each other:

A. If to County:

Shasta County Counsel
1450 Court Street, Suite 332
Redding, CA 96001

Copies of reports, but not notices or bills, shall also be sent to:

Shasta County Risk Management
1450 Court Street, Suite 348
Redding, CA 96001

B. If to Firm:

Perkins Coie, LLP
700 13th Street NW
Washington, DC 20005

10. **ASSIGNMENT**

- A. No part of this Agreement or any right or obligation arising from it is assignable without County's written consent.
- B. However, Firm may retain consultants and experts as Firm deems appropriate after receiving County's written approval.

11. **STANDARD TERMS AND CONDITIONS**

A. **Insurance**

1. Without limiting Firm's duty of indemnification, Firm and any subcontractor shall obtain, from an insurance carrier authorized to transact business in the State of California, and maintain continuously during the term of this agreement Commercial General Liability Insurance, including coverage for owned and non-owned automobiles, and other insurance necessary to protect the County and the public with limits of liability of not less than \$1 million combined single limit bodily injury and property damage; such insurance shall be primary as to any other insurance maintained by County. If the above insurance is written on a Claims Made Form, the insurance shall be endorsed to provide an extended reporting period of not less than five years following termination of this Agreement.
2. Firm and any subcontractor shall obtain and maintain continuously required Workers' Compensation and Employer's Liability Insurance to cover Firm, subcontractor, Firm's partner(s), subcontractor's partner(s), Firm's employees, and subcontractor's(s) employees with an insurance

carrier authorized to transact business in the State of California covering the full liability for compensation for injury to those employed by Firm or subcontractor. Each such policy shall be endorsed to state that the Workers' Compensation carrier waives its right of subrogation against the County, its elected officials, officers, employees, agents, and volunteers which might arise in connection with this agreement. Firm hereby certifies that Firm is aware of the provisions of section 3700 of the Labor Code, which requires every employer to insure against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of the Labor Code, and Firm shall comply with such provisions before commencing the performance of the work or the provision of services pursuant to this agreement.

3. Firm shall obtain and maintain continuously a policy of professional liability coverage with limits of liability of not less than \$1 million.
4. All insurance required by this Agreement shall be primary to and not contributing with any other insurance maintained by County

B. Independent Contractor Status

1. This Agreement is between the County and Firm and is not intended, and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association, as between County and Firm.
2. Firm understands and agrees that all Firm personnel furnishing services to County under this Agreement are employees solely of Firm and not of County for purposes of workers' compensation liability.
3. Firm shall bear the sole responsibility and liability for furnishing workers' compensation benefits to any Firm personnel for injuries arising from services performed under this Agreement.

C. Governing Laws

This Agreement shall be construed in accordance with the laws of the State of California.

D. Record Retention and Inspection

Within ten (10) days of County's written request, Firm shall allow County or any duly authorized representative to have the right to access, examine, audit, excerpt, copy or transcribe any pertinent transaction, activity, time cards or other records relating to this Agreement. Firm shall keep such material, including all pertinent cost accounting, financial records and proprietary data for a period of four (4) years after termination or completion of this Agreement unless County's written permission is given to dispose of material prior to the end of such period or until such time as all audits are complete, whichever is later.

E. **Communications With County**

Firm understands that the County Counsel is the legally empowered legal representative of the County and its officers and employees and Firm shall not without specific direction from the County Counsel communicate with, advise or represent the County, its Board of Supervisors or any other officers or employees.

F. **Validity**

The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision.

G. **Waiver**

No waiver of a breach of any provision of this Agreement by either party shall constitute a waiver of any other breach of the provision or any other provision of this Agreement. Failure of either party to enforce any provision of this Agreement at any time shall not be construed as a waiver of that provision.

H. **Agreement Execution**

This agreement may be executed in one or more counterparts, all of which taken together, shall constitute one and the same instrument when each Party has signed at least one counterpart. Facsimile signatures or signatures transmitted via pdf document shall be treated as originals for all purposes.

12. **CONTRACT DOCUMENTS**

A. Attachments A through C are attached and incorporated as part of this Agreement. The attachments are titled as follows:

1. Attachment A - List of Assigned Matters and Cases
2. Attachment B - Information required for *Case Evaluation, Plan and Budget*
3. Attachment C - Information required for *Case Status Report*

B. This Agreement shall constitute the complete and exclusive statement of understanding between County and Firm which supersedes all previous written or oral agreements, and all prior communications between the County and Firm relating to the subject matter of this Agreement.

Signature Page Follows

IN WITNESS WHEREOF, County and Firm have executed this agreement on the dates set forth below. By their signatures below, each signatory represents that he/she has the authority to execute this agreement and to bind the Party on whose behalf his/her execution is made.

LEONARD MOTY, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: _____
Deputy

Approved as to form:

RUBIN E. CRUSE, JR
County Counsel

By: _____
James R. Ross
Assistant County Counsel

PERKINS COIE

By: _____
JENNIFER A. MACLEAN
PARTNER

RISK MANAGEMENT APPROVAL

By: _____
05/28/19

ATTACHMENT A

LIST OF MATTERS AND CASES ASSIGNED TO Firm

Matter or Case Name
Redding Rancheria's proposed casino including, but not limited to, the transfer of seven parcels totaling approximately 232 acres in the unincorporated area of Shasta County from fee to trust status and the subsequent development of a casino resort and associated facilities.

ATTACHMENT C

CASE STATUS REPORT

The *Case Status Report* is intended to update County on major case developments and to modify, when necessary, Firm's defense budget or its recommendations regarding case strategy.

The County does not want to receive page-by page deposition or medical record summaries or lengthy analyses of the authorities Firm is relying on in County's defense. Instead, a summary of the controlling facts and authorities is sufficient.

The report should indicate Firm's charges to date and state whether its billings for its activities remain within the previously-established defense budget.

The report should also state the Firm's estimate of the County's exposure in the case and the likely dollar ranges for settlement and verdict.

ATTACHMENT B

CASE EVALUATION, PLAN AND BUDGET

This report shall provide a thorough evaluation of the case based on the information then available to Firm, within 60 days of Firm's first appearance in the case.

The evaluation shall contain a brief summary of Plaintiff's allegations, without lengthy quotations from the complaint. It shall also contain a succinct evaluation of the County's defenses, with citations to the controlling legal authorities, but without unnecessary detail.

The evaluation shall include a case plan explaining Firm's recommended case strategy, including Firm's suggestions for motions to limit issues or dispose of the case in its entirety, as well as necessary discovery.

The report shall include a defense budget which indicates the projected cost of each major case activity, including trial.

The report shall contain suggestions to contain defense costs, with the potential benefits and disadvantages of each cost-saving technique.

Firm shall also give its recommendations regarding settlement.

Reports for cases with complex fact patterns, multiple parties, or numerous causes of action will be lengthier and more detailed than the reports for simpler cases.

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: March 5, 2019

CATEGORY: Consent - Law and Justice-4.

SUBJECT:

Continuation of Local Emergency Carr Fire.

DEPARTMENT: Sheriff

Supervisory District No. : 1, 2, and 4

DEPARTMENT CONTACT: Tom Bosenko, Sheriff-Coroner (530) 245-6167

STAFF REPORT APPROVED BY: Tom Bosenko, Sheriff-Coroner

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Adopt a resolution which recognizes that the circumstances and factors that led to the July 30, 2018 ratification of a local emergency proclamation due to the wildland fire identified as the "Carr Fire" have not been resolved and that there is a need for continuation of the local emergency proclamation.

SUMMARY

N/A

DISCUSSION

There is a need for the Carr Fire local emergency proclamation to be continued.

The Shasta County Director of Emergency Services proclaimed a local emergency on July 26, 2018 due to the wildland fire identified as the "Carr Fire". On that same day, State of California Governor Edmund G. Brown Jr., proclaimed a state of emergency in Shasta County. On July 30, 2018, the Board adopted Resolution No. 2018-067, which ratified the Shasta County Director of Emergency Services local emergency proclamation pursuant to California Government Code Section 8630. On August 4, 2018, a Presidential Major Disaster Declaration was declared. After burning 229,651 acres, 100 percent containment of the Carr Fire was achieved on August 30, 2018. This was good news to a weary community and to the firefighters and first responders working the fire. However, resources are still being committed to this incident for cleanup.

At one point during this incident there were over 40,000 people evacuated from their homes. The Sheriff's Office and numerous allied law enforcement agencies evacuated the areas in and around French Gulch, Old Shasta, Keswick, Igo/Ono, the City of Shasta Lake, and parts of Redding. The Carr Fire also impacted neighboring Trinity County.

Surveys of fire damage stand at 1,604 structures destroyed, of which 1,079 were residential structures. Numerous guardrails, power poles, power lines and other public and private infrastructure were damaged or destroyed. Unfortunately, eight deaths are also associated with the Carr Fire.

The Carr Fire currently stands as the seventh largest wildfire in California since 1932, when accurate records began to be kept, and has been the most destructive fire in Shasta County history; however, it is only one of several fires that impacted Shasta County during a short time frame. The “Delta Fire,” which began on September 5, 2018, was contained on October 7, 2018. The "Delta Fire" burned 63,311 acres, destroyed 20 residential structures, and damaged 24 outbuildings. The “Hirz Fire” began on August 9, 2018, and burned on US Forest Service land. Firefighting efforts on the Hirz Fire were successful in achieving one hundred percent containment on September 10, 2018 after consuming 46,150 acres. Several other smaller fires that started in the period between early August and through November have, fortunately, been fully contained.

Government Code Section 8630(c) requires that the governing body review the need for continuing the local emergency at least once every 60 days until the governing body terminates the local emergency. While the Carr Fire was one hundred percent contained as of August 30, 2018, it is recommended the local emergency proclamation be continued as cleanup and recovery efforts are of such scope that it is beyond the control of the services, personnel, equipment, and facilities of Shasta County. Cleanup and recovery efforts within the footprint of the Carr Fire are necessary and ongoing to mitigate potential threats to the safety of the public. Cal Recycle is nearly complete with debris removal. However, there is still testing of soil samples from properties and other erosion control efforts being completed. Further, with the unpredictability of severe weather in the forecast, the potential of debris flows and flash flooding are increased within the footprint of the Carr Fire.

ALTERNATIVES

The Board may suggest modifications to the resolution so long as the County meets the required timeline for approving the resolution.

OTHER AGENCY INVOLVEMENT

Other agency involvement during the course of this incident has included, but is not limited to, the Shasta County Department of Public Works, Shasta County Resource Management, Shasta County Fire/CAL FIRE, California Highway Patrol, Redding Police Department, California Governor's Office of Emergency Services, California Department of Transportation, Whiskeytown National Park Service, US Forest Service, Anderson Police Department, Redding Fire Department, Happy Valley Fire Department, Mountain Gate Fire Department, Shasta County Marshal, Shasta County Probation Department, and the Bureau of Land Management. County Counsel has approved the resolution as to form. The Recommendation has been reviewed by the County Administrative Office.

FINANCING

The costs associated with this incident are unprecedented for Shasta County and have exceeded the resources available to the impacted local governments. Due to the Governor’s proclamation and the Presidential major disaster declaration, eligible costs are shared between the federal, state, and local governments. The federal share is 75 percent. The remaining 25 percent is shared between the state and local government with the state share being 75 percent. For eligible Carr Fire related costs that have been documented sufficiently for submission to the California Governor's Office of Emergency Services (CalOES) and Federal Emergency Management Agency (FEMA) the final share for the County after those match percentages is 6.25 percent. County staff are working to track both eligible and non-eligible costs so as to better understand all the fiscal impacts of this incident to the County. The full General Fund impact is unknown at this time.

ATTACHMENTS:

Description	Upload Date	Description
Carr Fire Resolution	2/21/2019	Carr Fire Resolution

**RESOLUTION NO. 2019-
A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
CONTINUING THE PROCLAMATION OF A LOCAL EMERGENCY
FOR THE CARR FIRE**

WHEREAS, California Government Code Section 8630 and Shasta County Code Section 2.72.60 of the County of Shasta empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency as defined by California Government Code Section 8558 when the Board of Supervisors is not in session; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the County of Shasta, in that wildland fire, identified as the “Carr Fire” has devastated the areas of French Gulch, Old Shasta, Keswick, Iron Mountain Road, Swasey Drive, as well as other portions of western Redding; and

WHEREAS, the Director of Emergency Services of the County did proclaim the existence of a local emergency within the County of Shasta due to the Carr Fire on July 26, 2018, at 6:15 a.m.; and

WHEREAS, on July 30, 2018, the Shasta County Board of Supervisors ratified the Director of Emergency Services’ local emergency proclamation; and

WHEREAS, on August 1, 2018, the Shasta County Public Health Officer declared a local health emergency due to the potential threat posed the existence of the Carr Fire and the debris removal process is ongoing; and

WHEREAS, as of August 30, 2018, the Carr Fire, which consumed more than 229,651 acres, destroyed 1,079 residential structures, destroyed 22 commercial structures, destroyed 503 “other” buildings, damaged 191 residential structures, damaged 26 commercial structures, and damaged 65 “other” type structures is now one hundred percent contained; and

WHEREAS, cleanup and hazard mitigation within the footprint of the Carr fire, to protect the public, is ongoing and beyond the control of the services, equipment, and facilities of Shasta County; and

WHEREAS, the unpredictability of winter and spring weather could exacerbate potential flash flooding and debris flows within the footprint of the Carr Fire; and

WHEREAS, the Board of Supervisors recognizes that the circumstances that led to the July 26, 2018 local emergency proclamation continue to exist.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Shasta continues the proclamation of a ‘local emergency’ by the Director of Emergency Services and proclaims and orders that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the Board of Supervisors of the County of Shasta, State of California.

Resolution No. 2019 –
March 5, 2019
Page 2 of 2

BE IT FURTHER RESOLVED that the Board of Supervisors shall review the need for continuing the local emergency at least once every 60 days until its termination is proclaimed by this Board.

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Shasta hereby Proclaims and Orders that during the existence of this local emergency, the powers, functions, and duties of the Director of Emergency Services and the emergency organization of this county shall be those prescribed by state law, ordinances, and resolutions of the County of Shasta and approved by the Board of Supervisors, and by the Shasta Operational Area Emergency Operations Plan, as approved by the Board of Supervisors.

DULY PASSED AND ADOPTED this 5th day of March, 2019, by the Board of Supervisors of the County of Shasta by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

LEONARD MOTY, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:
LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: _____
Deputy

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: March 5, 2019

CATEGORY: Consent - Public Works-5.

SUBJECT:

Environmental Consulting Services – Stantec Amendment

DEPARTMENT: Public Works

Supervisory District No. : 3

DEPARTMENT CONTACT: Pat Minturn, Public Works Director, (530) 225-5661

STAFF REPORT APPROVED BY: Pat Minturn, Public Works Director

Vote Required?	General Fund Impact?
Simple Majority Vote	No General Fund Impact

RECOMMENDATION

Approve and authorize the Chairman to sign a retroactive amendment to the agreement with Stantec Consulting Services, Inc., to provide environmental and cultural resource consulting services, to retain the maximum compensation of \$300,000 in any fiscal year, and to extend the term from February 26, 2013, through December 31, 2019.

SUMMARY

A term extension is proposed to complete the Fern Road East at Glendenning Creek Bridge Project.

DISCUSSION

Shasta County routinely constructs roads, bridges, buildings and utilities. Consultants are employed to navigate the environmental processes. In 2013, the Board approved an agreement with North State Resources (NSR). Numerous projects were undertaken. Stantec Consulting Services, Inc. (Stantec) acquired NSR and the agreement was assigned to Stantec by the Board in 2018. The Fern Road East at Glendenning Creek Bridge project remains in process. Environmental constraints are often encountered on bridge projects. Numerous agencies are involved owing to the watercourses and federal funding. The proposed amendment will see the project through the environmental phase.

ALTERNATIVES

The Board may decline to approve the proposed amendment. Environmental services will be required to complete the project.

OTHER AGENCY INVOLVEMENT

Caltrans oversees project funding. County Counsel has approved the amendment as to form. Risk Management has reviewed and approved the amendment. The recommendation has been reviewed by the County Administrative Office.

FINANCING

The total project cost estimate is \$1,500,000. Federal funds will cover 88.53%. Adequate funds are included in the Adopted 2018/19 Road Fund budget. There is no General Fund impact.

ATTACHMENTS:

Description	Upload Date	Description
Stantec Fourth Amendment	2/25/2019	Stantec Fourth Amendment

**FOURTH AMENDMENT TO THE AGREEMENT BETWEEN
THE COUNTY OF SHASTA AND STANTEC CONSULTING SERVICES, INC.**

This Fourth Amendment is entered into between the County of Shasta ("County"), a political subdivision of the State of California, and Stantec Consulting Services Inc. ("Consultant"), a Corporation.

RECITALS

WHEREAS, County and North State Resources, Inc. have previously entered into an agreement on February 26, 2013, (the "Agreement") for the purpose of providing environmental consulting and/or compliance services or other similar related services; and

WHEREAS, the Agreement was amended on February 1, 2016 (the "First Amendment") to extend the term of the agreement to end no later than February 24, 2017 and amend the rates; and

WHEREAS, the Agreement was amended on February 7, 2017 (the "Second Amendment") to extend the term of the agreement to end no later than February 24, 2019 and amend the rates; and

WHEREAS, the Agreement was assigned to the Consultant on February 6, 2018 and;

WHEREAS, the Agreement was amended on March 20, 2018 (the "Third Amendment") to adjust the rates set forth in Exhibit A;

WHEREAS, County and Consultant desire to extend the term of the agreement to end no later than December 31, 2019;

NOW, THEREFORE, the Agreement is amended as follows:

I. Section 5, "TERM OF AGREEMENT" of the Agreement is amended in its entirety to read as follows:

Section 5. TERM OF AGREEMENT.

This agreement shall commence on February 26, 2013 and shall end no later than December 31, 2019.

II. **REAFFIRMATION**

In all other respects, the Agreement, as amended, and any attachments, remains in full force and effect.

III. **ENTIRE AGREEMENT**

The Agreement, as amended, and any attachments and exhibits hereto, constitutes the entire understanding between County and Consultant concerning the subject matter contained herein.

IV. EFFECTIVE DATE

Unless otherwise provided, this Fourth Amendment shall be deemed effective as of the last date it is signed by both parties.

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, County and Consultant have executed this First Amendment to the Agreement on the dates set forth below. By their signatures below, each signatory represents that he/she has the authority to execute this First Amendment and to bind the Party on whose behalf his/her execution is made.

COUNTY OF SHASTA

Date: _____

LEONARD MOTY, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: _____
Deputy

Approved as to form:

RUBIN E. CRUSE, JR
County Counsel

By: David M. Yorton, Jr. 2/25/19
David M. Yorton, Jr.
Senior Deputy County Counsel

RISK MANAGEMENT APPROVAL

By: Jim Johnson 02/25/19
Jim Johnson
Risk Management Analyst II

CONSULTANT
Stantec Consulting Services Inc.

Date: 2-20-2019

By: Timothy A. Reilly, Senior Principal

Date: 02/20/19

By: Wirt H. Lanning, Principal

Tax I.D. #: 11-2167170

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: March 5, 2019

CATEGORY: Consent - Other Departments-6.

SUBJECT:

Budget Amendment

DEPARTMENT: County Service Area No. 1-County Fire

Supervisory District No. : All

DEPARTMENT CONTACT: Julia Hayen, Staff Services Analyst, (530) 225-2516

STAFF REPORT APPROVED BY: Bret Gouvea, Fire Warden

Vote Required?	General Fund Impact?
4/5 Vote	No Additional General Fund Impact

RECOMMENDATION

Approve a budget amendment increasing appropriations by \$150,000 in the County Service Area #1, County Fire budget for site clean up at the Keswick Volunteer Fire Station.

SUMMARY

Shasta County Fire Department (SCFD) has incurred additional unanticipated expenses during this fiscal year related to the destruction of the Keswick Volunteer Fire Station during the Carr fire. SCFD requests a budget amendment to cover additional necessary expenses.

DISCUSSION

The SCFD Keswick Volunteer Fire Station was destroyed during the Carr fire in July 2018. Shasta County Public Works and County Purchasing have solicited bids for the land clearing and clean-up of this site. SCFD has received insurance proceeds in the amount of \$372,085 as partial settlement for the loss of the Keswick Volunteer Fire Station. This additional, unanticipated revenue was recognized Board of Supervisors at the February 5, 2019 meeting. SCFD now requests a budget amendment increasing appropriations in the amount of \$150,000 to be offset by the insurance proceeds to cover expenses related to the Keswick Volunteer Fire station land clearing and site clean-up.

ALTERNATIVES

The Board may request additional information about the budget amendment. The Board may decline to approve the budget amendment. County Fire would not have sufficient appropriations available for the land clearing project. The fire debris will continue to be a public health and safety hazard.

OTHER AGENCY INVOLVEMENT

Shasta County Public Works has requested the Board award of a bid for the land clearing project. The Shasta County Auditor's Office has reviewed this recommendation. The County Administrative Office has reviewed this recommendation.

FINANCING

The total cost to demolish the Keswick Volunteer Fire Station and the Community Center is estimated to be \$200,000. This project is funded though proceeds from insurance reimbursement of fire damaged County facilities. There is no additional General Fund Impact associated with this request.

ATTACHMENTS:

Description	Upload Date	Description
Budget Amendment	2/19/2019	Budget Amendment

SHASTA COUNTY FIRE DEPARTMENT

Memorandum

To: Brian Muir
Auditor-Controller

Date: February 19, 2019

From: Bret Gouvea
Shasta County Fire Warden



Subject: Budget Amendment

CSA #1, County Fire requests a budget amendment increasing appropriations in the amount of \$150,000. The Keswick Volunteer Fire Station was destroyed during the Carr Fire in July 2018. CSA #1, County Fire would like to increase appropriations to cover costs associated with land clearing and site clean-up for the fire station.

CSA #1, County Fire requests the following budget amendment:

034800 – Professional and Special Services – Increase appropriations \$150,000.

If you have any questions, please feel free to contact Julia Hayen at 225-2516.

Attachment

cc: Ayla Tucker, Administrative Analyst
Ken Cristobal, Public Works Deputy Director - Administration

County of Shasta

Budget Amendment

CSA #1-County Fire

Department Name

Appropriations

Increase <Decrease>

Fund/Budget Unit Number	Account Number/ Description	Budget Reads	Budget Should Read	Amount of Transfer (+/-)
00391	034800/ Prof & Special Svs	45,000	195,000	150,000
Total				150,000

Revenue

Increase <Decrease>

Fund/Budget Unit Number	Account Number/ Description	Budget Reads	Budget Should Read	Amount of Transfer (+/-)
00391				
Total				0

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: March 5, 2019

CATEGORY: Regular - General Government-5.

SUBJECT:

Establishing an ad hoc advisory committee.

DEPARTMENT: Administrative Office

Supervisory District No. : All

DEPARTMENT CONTACT: Lawrence G. Lees, County Executive Officer (530) 225-5561

STAFF REPORT APPROVED BY: Lawrence G. Lees, County Executive Officer

Vote Required?	General Fund Impact?
Simple Majority Vote	No Additional General Fund Impact

RECOMMENDATION

Take the following actions: (1) Dissolve the temporary ad hoc committee created on July 24, 2018; (2) establish a temporary ad hoc advisory committee composed solely of two members of the Board of Supervisors for the purpose of advising the Board of Supervisors concerning options for a possible transactions and use tax measure to be placed before the voters no later than the November 2020 election after gathering input from the Cities of Anderson, Redding, and Shasta Lake; and (3) appoint Supervisors Chimenti and Moty to this ad hoc advisory committee.

SUMMARY

N/A

DISCUSSION

At the meeting of July 24, 2018, the Board of Supervisors directed staff to proceed with the formation of a temporary ad hoc committee composed of staff, two members of the Board of Supervisors, and representatives from the Cities of Redding, Anderson, and Shasta Lake. This public safety committee was to be tasked with pursuing a potential transactions and use tax to support public safety costs. At that time, the Board voted to appoint Supervisor Baugh, 2018 Chairman, and Supervisor Moty, 2018 Vice-Chairman, to represent the Board on this committee. Staff efforts were subsequently put on hold due to the events surrounding the Carr Fire.

At the meeting of February 26, 2019, the Board revisited the topics of a transactions and use tax and an advisory ad hoc committee. The Board directed staff to bring a future agenda item to the Board to consider new appointments to an ad hoc committee and to provide further direction in order to move forward with participation from Redding, Anderson, and City of Shasta Lake.

ALTERNATIVES

The Board may choose not to make appointments at this time and/or may provide alternative direction to staff.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the staff report.

FINANCING

There is no additional General Fund impact.

ATTACHMENTS:

Description	Upload Date	Description
Sales Tax Estimated Revenue Memo	2/28/2019	Sales Tax Estimated Revenue Memo

MEMORANDUM

Shasta County Auditor-Controller's Office

Brian Muir, Auditor-Controller

To: Larry Lees, CEO

From: Brian Muir, Auditor-Controller



Subject: Estimated results of Sales Tax Increase In Shasta County

Date: February 28, 2019

The numbers below, which are based on BOE returns for Shasta County in FY 17/18, represent revenues resulting from a sales tax increase ranging from 0.25% to 1%:

	1%	0.75%	0.50%	0.25%
County Only	3,804,682	2,853,512	1,902,341	951,171
Anderson	2,571,225	1,928,419	1,285,612	642,806
Redding	22,854,141	17,140,605	11,427,070	5,713,535
Shasta Lake	686,111	514,583	343,055	171,528
Total	\$29,916,158	\$22,437,119	\$14,958,079	\$7,479,040

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: March 5, 2019

CATEGORY: Regular - General Government-6.

SUBJECT:

Fiscal Year 2018-19 Mid-Year Budget Report

DEPARTMENT: Administrative Office

Supervisory District No. : All

DEPARTMENT CONTACT: Terri Howat, County Chief Financial Officer (530) 225-5561

STAFF REPORT APPROVED BY: Terri Howat, County Chief Financial Officer

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions: (1) Receive an update on the status of the Fiscal Year (FY) 2018-19 Shasta County Budget; (2) direct departments to make spending adjustments to stay within approved net county cost contained in the FY 2018-19 Budget, as adjusted; (3) approve the budget principles recommended for the FY 2019-20 Proposed Budget; and (4) in accordance with Government Code section 29064(c), approve the Budget Adoption Schedule recommended for the FY 2019-20 Proposed Budget and direct the publication of a recommended budget pursuant to the Budget Adoption Schedule.

SUMMARY

N/A

DISCUSSION

The Mid-Year Report is an analysis of the County's fiscal condition as it relates to the adopted spending plan for the year. Information for this analysis is provided by staff of each County department following a review of actual and projected expenditures and revenues at mid-year of the budget cycle. The mid-year review is the precursor to the County's budget planning for the coming fiscal year. Adopting budget principles have proven to be an effective means of managing the County's spending.

The County Executive Officer (CEO) requested that departments conduct a thorough review of their budgets. Departments were directed to identify any unfavorable variances from budgeted revenues and expenditures.

Departments report no significant variations to budgeted plans. Consistent with past budgets many deviations from budget are driven from significant unknow events. Departments will continue to monitor their budgets and request budget amendments as necessary to adjust for variances in expenditures and revenues before June 30, 2019.

At mid-year, we take the opportunity to direct departments to stay within approved net-county-cost contained in the FY

2018-19 Budget, as adjusted. The Auditor-Controller controls budget expenditures at the Object Level; department heads are responsible for revenues in the Adopted Budget. They must notify the CEO of any revenue shortfall; and further, they must reduce spending as necessary to remain within the FY 2018-19 Adopted Budget net-county-cost.

The CEO held a kick-off meeting for the FY 2019-20 Budget on February 15, 2019.

ALTERNATIVES

There are several budget principles included in this Mid-Year Report for your consideration. The Board may choose to approve none, any, or all of those presented. You may also choose to provide Staff additional direction.

OTHER AGENCY INVOLVEMENT

Every County department head submitted a mid-year status report to the CEO. Other than those discussed in the Mid-Year Report, all departments are projecting current year activities consistent with their approved budget.

FINANCING

The County balances its annual spending plan by estimating expenditures and revenues based on assumptions. This method has worked well and generally results in a positive fund balance carry-over each fiscal year.

The County has taken prudent steps to stay within approved appropriations. We have reduced spending, and maximized revenues where possible. Our multi-phased approach balances the needs of the community and our County family within available resources.

ATTACHMENTS:

Description	Upload Date	Description
FY2019-20 Budget Adoption Schedule	2/25/2019	FY2019-20 Budget Adoption Schedule
FY2018-19 Mid-Year Report	2/26/2019	FY2018-19 Mid-Year Report

SHASTA COUNTY BUDGET ADOPTION SCHEDULE

FY 2019-20

RECOMMENDED 2019-20 BUDGET PROJECT	DEADLINE	ASSIGNED	RECOMMENDED 2019-20 BUDGET PROJECT	DEADLINE	ASSIGNED
1. Preparation of instructions for submitting revenue/expenditure requests for the FY 2019-20 Proposed Budget.	January 1-31, 2019	CAO	14. Deadline for written Department Head appeals of CEO's Recommendations for inclusion in the budget message to the BOS.	May 1, 2019	Departments
2. ISFs meet with Auditor to review rates and working capital reserves.	January 11, 2019	ISF Departments, Auditor-Controller	15. Deadline for tabulation of Proposed Budget and completion of summary schedules.	May 17, 2019	AUDITOR
3. Rates for Internal Service Funds, Opportunity Center, Personnel, and the Auditor-Controller due to CAO.	February 6, 2019	ISF departments, Auditor-Controller, Personnel, Opportunity Center	16. CAO staff complete budget unit narratives and forward message. (Will need summary schedules from Auditor by this date.)	May 17, 2019	CAO
4. Kick-Off Meeting for the FY 2019-20 Recommended Budget.	Feb. 15, 2019 2:30 p.m. in BOS Chambers	CAO Auditor	17. Make Recommended Budget available to the Public. Publish Notice that Recommended Budget is available to the Public and of Final Budget Hearings (Reference-Gov. Code 29080). [Budget narratives etc. must be available in lobby and on-line at this time.]	May 24, 2019	CAO/COB
5. Departments email Excel Budget Worksheets, Salary Projections Workbooks, Position Change Forms and Capital Asset Request Form to auditorbudget@co.shasta.ca.us and caobudget@co.shasta.ca.us . [email as soon as possible-do not wait for deadline.]	Email as soon as they are ready – due by March 13 th at 9:00 a.m.	DEPARTMENTS	18. Budget Hearings commence (not to exceed 14 days, Reference-Gov. Code 29080)	June 4, 2019 9:00 a.m.	CAO/ALL
6. Staff in Auditor-Controller's office uploads Excel Budget Worksheets into ONESolution.	March 20, 2019	AUDITOR-CONTROLLER	19. Finalize budget documents – incorporate any changes required by Board action during budget hearings.	June 7 - 20, 2019	CAO/AUDITOR
7. Personnel provides current position allocation list and under fills/vacant list to analysts.	March 21, 2019,	PERSONNEL	20. Salary Resolution adopting personnel changes approved in the recommended budget due to the CAO	June 4, 2019	PERSONNEL
8. Departments upload Budget Request Packet including worksheets/supporting documentation to CAO.	March 25, 2019 Noon	DEPARTMENTS	21. Novus deadline of Resolution adopting the FY 2019-20 Final Budget and corresponding Salary Resolution.	June 18, 2019	CAO/PERSONNEL
9. CAO staff conduct meetings with department heads regarding their budget requests; and submit recommendations for the FY 2019-20 Proposed Budget to Auditor and departments.	March & April, 2019	CAO	22. Board of Supervisors adopt the FY 2019-20 Budget and corresponding Salary Resolution.	June 25, 2019	CAO/AUIDTOR /BOS
10. Deadline for CAO's recommendations for the FY 2019-20 Proposed Budget to Auditor and departments; add/deletes for position allocation recommendations including recommendations on new positions to Personnel.	April 12, 2019	CAO	23. Review Board approved adjustments and tabulate Adopted Budget; produce Budget documents for printing.	November-December 2019	CAO/AUDITOR
11. Deadline for department heads to submit appeal of analyst's recommendations to the CEO.	April 18, 2019	DEPARTMENTS	24. FY 2019-20 Adopted Budget returned from printers; Auditor to submit to Clerk of the Board and State-Controller. (Reference-Gov. Code 29093, and Policy Manual 2-102)	December 2019	CAO/ AUDITOR
12. CEO meets w/ dept. heads on department's appeal of analyst's recommendations.	April 19 & 22, 2019	CAO			
13. Final deadline for submitting all final CAO recommendations, reconciliations to balance FY 2019-20 Proposed Budget to staff for data entry.	May 1, 2019	CAO			

NOTES:

- 1. NO CHANGES TO POSITION ALLOCATIONS BETWEEN APRIL 15TH AND JULY 1ST**
- 2. BE SURE TRAN IN/TRAN OUT AND COST APPLIED ACCOUNTS MATCH BY COMMUNICATING WITH OTHER DEPARTMENT(S)!**

SHASTA COUNTY BUDGET ADOPTION SCHEDULE

FY 2019-20

(subject to change)

FY 2019-20 MID-YEAR PROJECT	DEADLINE	ASSIGNED	FY 2019-20 MID-YEAR PROJECT	DEADLINE	ASSIGNED
1. Preparation of instructions for completing the FY 2019-20 Mid-Year Review.	December 2019	CAO	4. Analysis of Mid-Year budget data submitted by departments.	February 2020	CAO
2. Distribution of instructions to departments for completing FY 2019-20 Mid-Year revenue/expenditure projections.	January 6, 2020	CAO	5. Preparation of Mid-Year report; Upload to Novus deadline.	February 18, 2020	CAO
3. Deadline to submit FY 2019-20 Mid-Year report to the CEO	January 21, 2020	DEPARTMENTS	6. Present Mid-Year Budget Review to Board of Supervisors.	February 25, 2020	CAO

Shasta County Budget Adoption Schedule, FY2019-20

SHASTA COUNTY ADMINISTRATIVE OFFICE
FISCAL YEAR 2018/19 MID-YEAR REPORT

Page 1 of 4

PURPOSE

The purpose of the Fiscal Year (FY) 2018/19 Mid-Year Report is to outline the County's financial outlook by comparing actual financial activities for the first six months of the fiscal year, and projections for the remaining six months with the Adjusted Budget. The Mid-Year Review affords us an opportunity to strategize for the proposed spending plan for FY 2018/19.

Locally, revenue from property taxes have been rebounding as compared to the last five years. The County's discretionary revenue is derived primarily from various taxes. In the fiscal year ending June 30, 2018, tax revenue increased by nine percent. We remain cautious in projecting the County's discretionary revenue due to significant emergency events that took place during FY 2018/19.

Revenue Type	FY2014/15 Actual	FY2015/16 Actual	FY2016/17 Actual	FY2017/18 Actual	FY2018/19 Projected
Taxes	\$45,006,702	\$46,902,419	\$50,329,065	\$55,535,674	\$57,000,000
Licenses, Permits, Franchises	733,289	752,177	755,736	686,022	650,000
Fines, Forfeitures, Penalties	2,681,541	2,005,944	1,977,632	225,626	1,867,500
Money & Property	928,403	977,171	1,272,838	1,350,209	1,650,000
Intergovernmental Revenue	5,131,411	3,999,604	2,735,139	3,551,500	2,900,000
Charges for Services	896,487	905,447	922,781	791,940	335,000
Miscellaneous Revenues	77,266	75,585	43,765	28,502	0
Other Transfers-in	69,642	0	1,000,000	0	0
Sale of Land or Fixed Assets	0	0	0	0	0
Grand Total	\$55,524,741	\$55,618,347	\$59,036,956	\$62,169,473	\$64,402,500

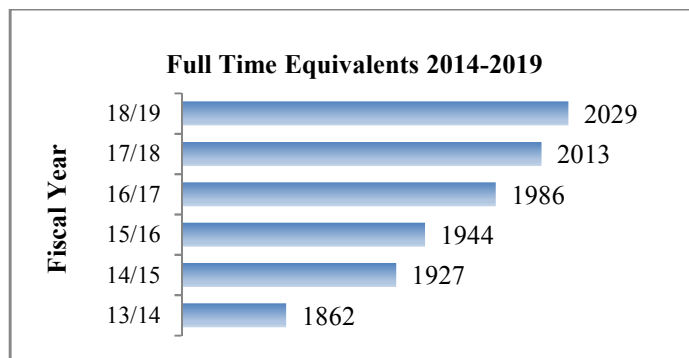
Departments are encouraged to monitor spending in the current fiscal year. Any resulting savings, combined with the roll-over of the contingency reserve, will become the fund balance basis for the FY 2019-20 proposed budget. Departments will request budget amendments as necessary to adjust for variances in expenditures and revenues before June 30, 2019.

BONDED INDEBTEDNESS

At the end of June 30, 2018, the County had total debt obligation outstanding of \$34.3 million. Of this amount, \$28.9 million comprises bonds that are secured by the County's lease rental payments and other dedicated sources of revenue, and \$725,700 of special assessment debt secured by property subject to the assessment. The remainder of the County's debt represents loans secured solely by specified revenue sources.

Moody's Investors Service assigned an A1 rating to the Shasta County Lease Revenue Refunding Bonds 2013 Series A. The rating action reflects the County's solid fiscal position including satisfactory cash levels, well-sized though recently pressured tax base, the legal covenants of the bonds and the County's modest debt profile. The County has consistently reduced its expenditures which has enabled it to avoid material deficits while maintaining solid cash and General Fund reserves. Pressures on the County's fiscal outlook are caused by state and local economic factors outside the County's control.

COUNTY WORKFORCE



SHASTA COUNTY ADMINISTRATIVE OFFICE
FISCAL YEAR 2018/19 MID-YEAR REPORT

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PRINCIPLES FOR FY 2019/20 PROPOSED BUDGET

Staff recommends that these policies be reaffirmed or implemented immediately. They will become the framework for the County Executive Officer's (CEO) Proposed Budget. The CEO will closely monitor the State Budget and recommend alternatives as necessary. The Board of Supervisors' (Board) will have the opportunity to make adjustments to the spending plan during Final Budget Hearings.

- Continue the Controlled Hiring Process
- No approval for new programs or new positions without clearly demonstrating revenue support.
- Review all grant funded positions. The Board has consistently maintained that the County will not preserve positions that have lost grant funding.
- The County administers many costly State programs. We have limited ability to raise revenues to offset any loss in State and Federal funding. We will avoid back-filling reductions in such funding when legally permissible, and continue to seek relief from unfunded State mandates.
- The County Executive Officer will review all requests for Capital Assets and computer equipment.
- As a baseline, direct departments to prepare a status quo budget in County Contribution or General Fund Net-County-Cost. *[Subject to Change]*
- Realize salary and benefit savings through collaborative bargaining with our labor partners.
- Recommend the deletion of positions vacant over 18 months (*evaluation to occur on a case by case basis*).
- Encourage expenditure reductions in the current year.
- In accordance with Administrative Policy 2-101, direct Department Heads to limit expenditures to ensure that their spending remains within each Object Level in the Adopted Budget.
- Hold Department Heads responsible for Revenues in the Adopted Budget; direct them to notify the County Executive Officer of any revenue shortfall; and further, direct them to reduce spending as necessary to remain within the Adopted Budget Net County Cost.

MID-YEAR REVIEW OF SELECT BUDGET UNITS

The CEO commends Department Heads for monitoring their specific revenues and reducing expenditures where appropriate. Daily, they make difficult decisions relative to service delivery. The public is well served by the myriad of staff who selflessly struggle to provide service within limited resources.

GENERAL GOVERNMENT

No significant variance from budget:

100 – General Revenue	113 – Purchasing
101 – Board of Supervisors	120 – County Counsel
102 – County Administrative Office	130 – Personnel
103 – Clerk of the Board	140 – Elections Administration
110 – Auditor-Controller	165 – Economic Development
111 – Treasurer-Tax Collector	174 – Tobacco Settlement
112 – Assessor	

HOUSING AND COMMUNITY ACTION AGENCY

No significant variance from budget:

543 – Housing Authority
590 – Community Action Agency
591 – CalHome
592 – HOME
593 – PHA Housing Assistance
596 – Housing Rehab

PUBLIC PROTECTION (Excluding Public Safety Group)

No significant variance from budget:

201 – Trial Courts	256 – Victim Witness
203 – Conflict Public Defender	280 – Agricultural Commissioner/Sealer of Weights & Measures
207 – Public Defender	290 – Recorder
208 – Grand Jury	292 – Public Guardian
221 – County Clerk	297 – Animal Control
228 – Child Support Services	299 – Public Administrator
237 – Sheriff Civil Unit	

SHASTA COUNTY ADMINISTRATIVE OFFICE
FISCAL YEAR 2018/19 MID-YEAR REPORT

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PUBLIC SAFETY GROUP (Sheriff, District Attorney, Probation)

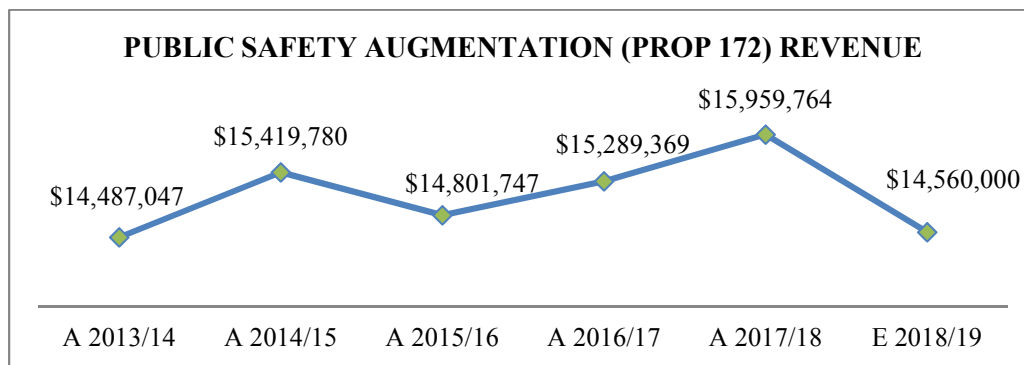
No significant variance from budget:

227 – District Attorney	262 – Juvenile Rehabilitation Facility
235 – Sheriff	263 – Probation
236 – Boating Safety	287 – Coroner
246 – Detention / Work Program	288 – Central Dispatch
261 – Burney Substation	

PUBLIC SAFETY HALF-CENT SALES TAX (PROPOSITION 172)

The County began receiving revenue from this tax in FY 1993-94, after the ballot initiative passed. The County factor has fluctuated from a high of 0.00534 in FY 1994-95 to a low of 0.004526 in FY 2016-17. This rate will continue into FY 2019-20.

We project this revenue conservatively due to fluctuations in the County's share of statewide sales tax. This revenue source can only be used for public safety needs as defined by the Board of Supervisors in 1994. The Board's discretion is in the proportional amounts appropriated to the various public safety departments.



A = ACTUAL, R = RECOMMENDED BUDGET

HEALTH AND HUMAN SERVICES AGENCY (HHSA)

A review of the budgets within HHSA has determined several variances between adopted budget and the projected actual revenues and expenditures. A budget amendment will be presented to the Board of Supervisors prior to the end of the current fiscal year.

MENTAL HEALTH

No significant variance from budget:

404 – Mental Health Services Act (MHSA)
 410 – Mental Health
 422 – Alcohol and Drug Program
 425 – Perinatal Substance Abuse Prevention

PUBLIC HEALTH

No significant variance from budget:

411 – Public Health
 412 – Shasta County Health Care
 417 – California Children's Services (CCS)

SOCIAL SERVICES

No significant variance from budget:

501 – Social Services
 502 – HHSA Administration
 530 – Opportunity Center
 542 – General Assistance
 541 – Welfare Cash Aid

RESOURCE MANAGEMENT

No significant variance from budget:

282 – Building
 286 – Planning
 402 – Environmental Health

***SHASTA COUNTY ADMINISTRATIVE OFFICE
FISCAL YEAR 2018/19 MID-YEAR REPORT***

Page 4 of 4

PUBLIC WORKS

There are several variances with the Roads and County Service Areas budgets. The department will continue to monitor these variances within each budget and make necessary budget adjustments before the end of the fiscal year, if necessary.

VETERANS SERVICES, EDUCATION AND RECREATION

No significant variance from budget:

570 – Veterans Service Office

611 – Library

620 – Ag. Extension Service

621 – Farm Advisor Joint Shasta-Lassen

INTERNAL SERVICE FUNDS

No significant variance from budget:

925 – Information Technology

940 – Fleet Management

950 – Risk Management

955 – Facilities Management

SPECIAL DISTRICTS AND OTHER AGENCIES

No significant variance from budget:

0373 – Air Quality Management District

0391 – CSA #1 Fire Protection Administration (SCFD)

0851 – In Home Supportive Services Public Authority (IHSS)

AREAS OF CONCERN

FY 2018-19

FY 2019-20

Use of Contingency Reserve \$1,000,000 Jail (260) ADA Lawsuit	Public Safety Fund Balance Gap of \$3,000,000
Two Special Elections \$724,000	Carr Fire Property Tax loss \$230,000
Carr Fire Property Tax loss \$230,000	PG&E Bankruptcy \$1,400,000
<i>Total \$1,954,000</i>	<i>Total \$4,630,000</i>

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: March 5, 2019

CATEGORY: Regular - Public Works-7.

SUBJECT:

Keswick Demolition Project – Award Construction Contract

DEPARTMENT: Public Works

Supervisory District No. : All

DEPARTMENT CONTACT: Pat Minturn, Public Works Director, (530) 225-5661

STAFF REPORT APPROVED BY: Pat Minturn, Public Works Director

Vote Required?	General Fund Impact?
4/5 Vote	No General Fund Impact

RECOMMENDATION

Take the following actions regarding the Keswick Demolition Project: (1) Deny the bid protest submitted by the second bidder, Resource Construction; (2) award to the lowest responsive and responsible bidder, Leckey Land Clearing, on a lump sum basis, the contract for the “Demolish Keswick Volunteer Fire Hall and Community Center,” Contract No. 610512/610513, in the amount of \$89,785; (3) approve a budget amendment increasing revenue and appropriations by \$100,000 in County Service Area (CSA) No. 25 Keswick Water Admin budget; and (4) accept insurance proceeds for the Keswick demolition project and deposit unanticipated insurance revenue into the CSA No. 25 Keswick Water Admin fund.

SUMMARY

It is recommended that the Board deny the bid protest, and award to the low bidder, Leckey Land Clearing.

DISCUSSION

On February 7, 2019, the County opened bids for “Demolish Keswick Volunteer Fire Hall and Community Center,” Contract No. 610512/610513. The apparent low bidder was Leckey Land Clearing with a bid of \$89,785.

On February 8, 2019, Resource Construction, the second bidder, submitted a bid protest stating the apparent low bidder did not have HAZ certification and was not in compliance of the contract documents. On February 14, 2019, Leckey Land Clearing responded to the bid protest by providing proof of HAZ certification prior to the bid opening.

On February 14, 2019, Resource Construction amended its complaint by citing the three working day limit provided for response to a bid protest. Leckey Land Clearing responded that the Shasta County Sheriff had declared a snow-related emergency on February 13, 2019, and they were unable to open their offices that day. Non-essential County employees were also not at work on February 13, 2019.

The clean-up will comply with all requirements to remove and dispose of all fire related debris at the site.

Staff recommends Board recognition of the insurance proceeds and approval of the budget amendment.

ALTERNATIVES

The Board may grant the bid protest. The Board may award to the next low bidder, reject all bids and rebid the project, or decline to proceed with the project at this time. Fire debris will continue to be a public health and safety hazard.

OTHER AGENCY INVOLVEMENT

Risk Management supports the project. County Counsel has approved the contract documents as to form. Risk Management has reviewed and approved the contract documents. The County Administrative Office has reviewed the recommendation.

FINANCING

The total cost to demolish the Keswick Volunteer Fire Hall and Community Center is estimated to be \$200,000. This project is being funded through proceeds from insurance reimbursement of fire damaged County facilities. There is no General Fund impact.

ATTACHMENTS:

Description	Upload Date	Description
Bid Summary Detail	2/15/2019	Bid Summary Detail
Budget Amendment Memo	2/15/2019	Budget Amendment Memo

BID SUMMARY DETAIL Demolish Keswick Fire Hall and Community Center
BID OPENING DATE: 2/7/2019

STATE OF CALIFORNIA
COUNTY OF SHASTA
DEPARTMENT OF PUBLIC WORKS

PROJECT: Demolish Keswick Fire Hall and Community Center
CONTRACT NO. : 610512/610513

PREPARED BY: Shane Winton DATE: 2/7/19
CHECKED BY: E. Aldeney DATE: 2/7/19

ENGINEER'S ESTM.

SHASTA COUNTY
PUBLIC WORKS DEPT.

LOW BIDDER
Leckey and Land Clearing
4963 Mountain Lakes Blvd.
Redding, CA 96003
(530) 246-7699

2nd BIDDER
Resource Environmental, Inc.
6634 Schilling Avenue
Long Beach, CA 90805
(562) 468-7000

3rd BIDDER

NO	TYPE	CODE	ITEM DESCRIPTION	UNITS	BID QUANTITY	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1		1	Demolish Keswick Fire Hall and Community Center	LS	1	\$ 64,206.00	\$ 64,206.00	\$89,785.00	\$ 89,785.00	\$98,000.00	\$ 98,000.00		
TOTALS							\$ 64,206.00	\$ 89,785.00	\$ 89,785.00	\$ 98,000.00			
PERCENTAGE UNDER OR OVER ENGINEER'S ESTIMATE----->								40%		53%		-100%	

BID SUMMARY DETAIL Demolish Keswick Fire Hall and Community Center
BID OPENING DATE: 2/7/2019

STATE OF CALIFORNIA
COUNTY OF SHASTA
DEPARTMENT OF PUBLIC WORKS

PROJECT: Demolish Keswick Fire Hall and Community Center
CONTRACT NO. : 610512/610513

ENGINEER'S ESTM.

SHASTA COUNTY
PUBLIC WORKS DEPT.

4th BIDDER

5th BIDDER

6th BIDDER

NO	TYPE	CODE	ITEM DESCRIPTION	UNITS	BID QUANTITY	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1			Demolish Keswick Fire Hall and Community Center	LS	1	\$ 64,206.00	\$ 64,206.00	\$0.00		\$0.00		\$0.00	
TOTALS							\$ 64,206.00						
PERCENTAGE UNDER OR OVER ENGINEER'S ESTIMATE----->								-100%		-100%		-100%	

**COUNTY
OF
SHASTA**

DEPARTMENT OF PUBLIC WORKS

Pat Minturn, Director

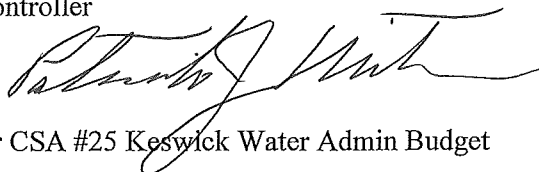
MEMORANDUM

DATE February 15, 2019

FAF 020004

TO Brian Muir, Auditor-Controller

FROM Pat Minturn, Director



SUBJECT Budget Amendment for CSA #25 Keswick Water Admin Budget

A budget amendment is requested in the CSA #25 Keswick Water Admin Budget Unit 00394. The purpose of this budget amendment is to increase appropriations and revenue by \$100,000.

After preparing the budget transfer document, would you please forward it to the CAO's office for approval. It is our intention to present this to the Board of Supervisors for approval on February 26, 2019. Thank you for your assistance in this matter.

PJM/kdc

Attachment

email: Ayla Tucker, CAO Administrative Analyst

County of Shasta

Budget Amendment**CSA #25 Keswick Water Admin**

DEPARTMENT NAME

APPROPRIATIONS

INCREASE <DECREASE>

COST CENTER	ACCOUNT	ACCOUNT DESCRIPTION	BUDGET READS	BUDGET SHOULD READ	AMOUNT OF TRANSFER (+/-)
00394	034800	Prof & Special Services	25,000	125,000	100,000
					-
					-
					-
TOTAL					100,000

REVENUE

INCREASE <DECREASE>

COST CENTER	ACCOUNT	ACCOUNT DESCRIPTION	BUDGET READS	BUDGET SHOULD READ	AMOUNT OF TRANSFER (+/-)
00394	799600	Insurance Loss & Refunds	177,295	277,295	100,000
					-
					-
					-
TOTAL					100,000

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: March 5, 2019

CATEGORY: Scheduled Hearings - Resource Management-8.

SUBJECT:

Appeal of the adoption of a Mitigated Negative Declaration and the approval of Use Permit 18-0003 (Fruit Growers Supply Company) by the Planning Commission in the Burney area.

DEPARTMENT: Planning Division

Supervisory District No. : 3

DEPARTMENT CONTACT: Paul A. Hellman, Director of Resource Management (530) 225-5789

STAFF REPORT APPROVED BY: Paul A. Hellman, Director

Vote Required?	General Fund Impact?
Simple Majority Vote	No Additional General Fund Impact

RECOMMENDATION

Take the following actions regarding Use Permit 18-0003, which allows Fruit Growers Supply Company to build a 20,000 square foot grocery store and accompanying facilities in the unincorporated area of Shasta County (Burney) (Assessor Parcel Number 028-370-024): (1) Conduct a public hearing; (2) close the public hearing; (3) approve the proposed amendment to Mitigation Measure IV.a.2; and (4) adopt a resolution which: (a) adopts a California Environmental Quality Act (CEQA) determination of a Mitigated Negative Declaration subject to the findings set forth in the proposed resolution; and (b) approves Use Permit 18-0003 based on the findings listed in the resolution and subject to the recommended conditions of approval.

SUMMARY

On January 10, 2019, the Planning Commission held a duly noticed public hearing to consider Use Permit 18-0003. Fruit Growers Supply Company has requested a use permit to build a 20,000-square-foot grocery store with 92 on-site parking spaces, drive aisles, a loading dock, two driveway entrances, on-site landscaping, and installation of new sidewalk along the frontage. The Commission adopted the California Environmental Quality Act (CEQA) determination of a Mitigated Negative Declaration, adopted the recommended findings listed in Planning Commission Resolution 2019-003, and approved Use Permit 18-0003, based on the recommended findings and subject to the conditions of approval listed in Planning Commission Resolution 2019-003. The Planning Commission's action was appealed to the Board of Supervisors by Mardine Matwijiw (appellant). The main issues identified by the appellant are as follows: (1) impacts of particulates on surrounding undeveloped properties and on groundwater; (2) the incompleteness of mitigation measure IV.a.2; and (3) potential noise impacts. Details regarding the Project and its potential environmental impacts can be found in the Initial Study and Mitigated Negative Declaration. These issues are addressed in the Discussion section below.

Following the public hearing for this item on February 26, 2019, the Board of Supervisors continued this item to their regularly

scheduled meeting on March 5, 2019, to provide staff with additional time to review and address the issues raised in the attached letter from Mark R. Wolfe, attorney representing the appellant, received on February 25, 2019, and to review recent legal developments that are potentially pertinent to this item.

DISCUSSION

The appellant asserts, “The Initial Study contains enough evidence to support a fair argument that there would be significant environmental impacts...” It should be noted that the Initial Study/Mitigated Negative Declaration (IS/MND) represents the independent judgment of the County. The IS/MND content and supporting documentation, both in the record and incorporated by reference, are presented as substantial evidence to support the conclusions contained therein and are the basis for the environmental findings adopted by the Shasta County Planning Commission in Resolution No. 2019-003.

Since this is an appeal related to the CEQA environmental determination, by law, the hearing requires a “de novo” review and fact finding by the Board where all issues are before the Board. In this case, to adopt a mitigated negative declaration, the Board shall find, on the basis of the whole record before it, there is no substantial evidence that the project will have a significant effect on the environment and the mitigated negative declaration reflects the Board’s independent judgment and analysis. The issues raised by the appellant and responses are as follows.

RESPONSE TO THE APPEAL

Issue #1: “Section IX of the Initial Study, subparagraph (d), lack sufficient detail regarding the potential impact of particulates on the surrounding undeveloped properties and on groundwater.”

Response: The appellant states that the areas of the site used for parking and logistical vehicle access and circulation would contribute specific particulates and synthetic chemicals to impervious surfaces that will discharge into the soil and groundwater and that no reference to this potential impact was noted in the Initial Study. The appellant does not specify any particulates and synthetic chemicals of concern, makes no assumptions regarding the potential concentration of polluted runoff that could be generated by the project, provides no information on specific soil or groundwater resources that could potentially be impacted, and/or provides no expert opinion on the potential significance of impacts from polluted runoff on soil or groundwater resources.

The Initial Study does disclose and identify grading and the parking area as potential sources of polluted runoff (see Section IX). Section IX of the Initial Study and the attached Memorandum, presented to the Planning Commission at the January 10, 2019 meeting under the section titled “Storm Water Runoff and Detention,” specifically indicate that the applicant will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) and obtain a General Permit for storm water discharges associated with construction land disturbance activities (CGP) from the Central Valley Regional Water Quality Control Board (Central Valley Water Board), a responsible and trustee agency with respect to water quality and public water resources held in trust by the State of California.

The SWPPP and CGP will require the applicant to implement storm water pollution controls during both construction and post-construction. Through adherence to construction standards, including erosion and sediment control measures, water quality and waste discharge standards will not be violated. This conclusion is further supported by early consultation comments from the Central Valley Water Board indicating the requirement of the SWPPP and CGP and the fact that the Board did not express any concerns regarding the conclusions of the IS/MND in their comment letter.

Issue #2: “Section IV, subparagraph (a), is improper as a mitigation measure, because it is indefinite and speculative.”

Response: The Biological Review for the project identified Lassen paintbrush (*Castilleja lassenensis*), with a California rare plant rank of 1B.3 in the vicinity of the project. A ranking of 1B.3 means the plant is rare, threatened, or endangered in California and elsewhere, but not very threatened in California. As indicated in the appeal letter and IS/MND, the California Department of Fish and Wildlife (CDFW) expressed concerns that the biological survey occurred in October, outside the blooming period.

The appellant states that the IS/MND should detail the range and type of mitigation measures that would be implemented.

Mitigation Measure IV.a.2 specifies that surveys for the Lassen paintbrush (*Castilleja lassenensis*) must be conducted during the appropriate blooming period (June 1st – September 30th). If the species is observed, the mitigation measure requires CDFW to be notified. Depending upon the level of impact, the noted mitigation options include purchase of another parcel where this species occurs, or redesign of the project, both of which would require CDFW approval. CDFW reviewed and agreed to the mitigation measure. As noted in CDFW's comment letter regarding the IS/MND, "All of the Department's requests and comments have been incorporated; therefore, the Department has no further comment."

As written, the mitigation measure specifies that impacts on the subject plant species would have to be avoided (redesign the project) or compensated for by the requirement to conserve this species off-site (purchase of another parcel where this species occurs). Nonetheless, and based on consultation with CDFW, a substitute mitigation measure is proposed to state that prior to issuance of a development permit(s) for the project, surveys for endangered, rare or threatened plant species, as defined in section 15380 of the CEQA Guidelines, must be conducted during the appropriate blooming period (June 1st – September 30th); and to provide greater specificity with respect to the range and type of measures to be implemented if such species are encountered. The substitute mitigation measure is equivalent to or more effective than the original mitigation measure; therefore, recirculation of the IS/MND is not necessary.

Issue #3: Three different issues regarding potential noise impacts were identified. First, there could be a significant impact from noise on wildlife. Second, potential noise impacts from delivery truck and loading dock activities, e.g., from metal gating. Third, reliance on enforcement of existing ordinances as a means of mitigation is inherently deficient under CEQA.

Response: 1) The appellant states that human habitation is not the only type of sensitive receptor, suggesting that native wildlife can be considered a sensitive receptor. The appeal does not specify any particular species of concern, makes no assumptions regarding potential noise levels that could be generated by the project, and/or provides no expert opinion on the potential significance of impacts on wildlife.

The County's General Plan Noise Element does not specify wildlife as noise-sensitive receptors or provide thresholds of significance for noise impacts on wildlife. CDFW has, for other projects in the County, identified potential noise impacts on wildlife as a concern. CDFW did not raise any concerns or provide any comments regarding potential noise impacts to wildlife associated with this project in either their early consultation letter or their IS/MND comment letter.

2) It is believed that the attached Memorandum presented to the Planning Commission at the January 10, 2019 meeting, under the section titled "Noise," has adequately addressed this concern. In addition, the Department has not received any noise complaints related to the operation of similar existing commercial retail uses in the vicinity of the project, including a retail grocery and general retail store that are situated closer to noise sensitive uses than the proposed project.

The appellant does not provide any information or references to typical intermittent or instantaneous noise levels generated by delivery truck and loading dock activities at similar businesses, makes no assumptions regarding noise levels expected to occur from these activities as result of the project, and/or provides no expert opinion on the potential significance of intermittent or instantaneous noise impacts that would be generated by the project.

3) The appellant states that the existence of an ordinance which prohibits violations of noise level standards is not a mitigation measure. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, was determined to be a less-than-significant impact. The General Plan Noise Standards have been incorporated not as a mitigation measure, but as an operational condition of approval which would allow the County to address any exceedances of said standards through the code enforcement process.

ALTERNATIVES

The Board may consider the following alternatives to the recommended action:

(1) Uphold the appeal and reject the Initial Study/Mitigated Negative Declaration and disapprove the Use Permit based on findings.

(2) Return the Initial Study/Mitigated Negative Declaration and/or Use Permit to staff for modification(s) or further analysis.

NOTE: Either of these alternatives would require that the Board continue the hearing to a future date and direct staff to prepare the desired findings, modifications or additional analysis for the Board's consideration.

OTHER AGENCY INVOLVEMENT

The Use Permit and Initial Study/Mitigated Negative Declaration were reviewed by the agencies which review all new development applications processed by the County. The Planning Commission heard and approved the Project in its entirety on January 10, 2019. County Counsel and the County Administrative Office have reviewed this recommendation.

FINANCING

There is no additional general fund impact with the recommended action.

ATTACHMENTS:

Description	Upload Date	Description
Draft Board of Supervisors Resolution/Conditions of Approval	2/27/2019	Draft Board of Supervisors Resolution/Conditions of Approval
Appeal Application	2/18/2019	Appeal Application
Planning Commission UP18-0003 Staff Report for January 10, 2019	2/18/2019	Planning Commission UP18-0003 Staff Report for January 10, 2019
Planning Commission Resolution 2019-003 with Conditions	2/18/2019	Planning Commission Resolution 2019-003 with Conditions
Memo and Comment Letter to Planning Commission for January 10, 2019	2/18/2019	Memo and Comment Letter to Planning Commission for January 10, 2019
Location Map	2/18/2019	Location Map
Project Site Aerial View	2/18/2019	Project Site Aerial View
Project Site General Plan Map	2/18/2019	Project Site General Plan Map
Project Site Zone District Map	2/18/2019	Project Site Zone District Map
Project Site Plan - Exhibit "A"	2/18/2019	Project Site Plan - Exhibit "A"
Project Elevations	2/18/2019	Project Elevations
CEQA IS/MND for UP18-0003	2/18/2019	CEQA IS/MND for UP18-0003
Public Comment Letter	2/18/2019	Public Comment Letter
CDFW Comment Letter	2/18/2019	CDFW Comment Letter
CVRWQCB Comment Letter	2/18/2019	CVRWQCB Comment Letter
Revised Mitigation Measure IV.a.2	2/18/2019	Revised Mitigation Measure IV.a.2
Mark Wolfe Letter	2/27/2019	Mark Wolfe Letter

RESOLUTION NO. 2019-

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SHASTA
TO DENY THE APPEAL AND UPHOLD THE APPROVAL BY THE PLANNING
COMMISSION OF USE PERMIT 18-0003 (FRUIT GROWERS SUPPLY COMPANY)**

WHEREAS, on January 10, 2019, the Planning Commission of the County of Shasta held a noticed public hearing to consider Use Permit 18-0003 on Assessor's Parcel Number 028-370-024, in accordance with Section 17.92.020 of the Shasta County Code; and

WHEREAS, said use permit was referred to various affected public and private agencies, County departments, and referral agencies for review and comments; and

WHEREAS, the County Environmental Review Officer had reviewed the use permit request and recommended a specific environmental finding; and

WHEREAS, following the public hearing the Planning Commission considered public comments and a report from the Planning Division before adopting the California Environmental Quality Act (CEQA) determination of a Mitigated Negative Declaration, adopting the recommended findings, and approving Use Permit 18-0003, based on the recommended findings and subject to the conditions of approval listed in Planning Commission Resolution 2019-003; and

WHEREAS, on January 15, 2019 the Planning Commission's action was appealed to the Board of Supervisors by Mardine Matwijiw ("Appellant"); and

WHEREAS, the main issues identified by the appellant are as follows: (1) impacts of particulates on surrounding undeveloped properties and on groundwater; (2) the incompleteness of Mitigation Measure IV.a.2; and, (3) potential noise impacts; and

WHEREAS, the Board of Supervisors of the County of Shasta has considered an appeal of the Planning Commission's approval of Use Permit 18-0003; and

WHEREAS, the Board of Supervisors held a noticed public hearing to receive public testimony on February 26, 2019 and to review the record of the January 10, 2019 Planning Commission hearing and the appeal filed by Mardine Matwijiw and to receive a report prepared by staff and public testimony in accordance with Section 17.92.030 of the Shasta County Code; and

WHEREAS, following the public hearing for this item on February 26, 2019, the Board of Supervisors continued this item to their regularly scheduled meeting on March 5, 2019; and

WHEREAS, the findings and determinations contained in this resolution represent the independent consideration and determinations of the Shasta County Board of Supervisors following its de novo review of the application, the CEQA determination, and the issues on appeal.

NOW, THEREFORE, BE IT RESOLVED that the Shasta County Board of Supervisors:

1. Makes the following findings and determinations:
 - A. The CEQA Initial Study adequately discloses and identifies grading and the parking area as potential sources of polluted runoff. A grading permit will be required and drainage improvements and designs will be subject to an approved grading plan and permit issued by the Shasta County Building Division. The provisions of the permit will address erosion and siltation containment on and off-site. As the project will be disturbing more than one acre of land, the applicant will be required to prepare a Storm Water Pollution Prevention Plan (SWPP) and obtain a General Construction Storm Water Permit (CGP) from the State of California Regional Water Quality Control Board. The project will be required to implement storm water pollution controls during construction and post-construction, as required by the CGP. Through adherence to construction standards, including erosion and sediment control measures, water quality and waste discharge standards will not be violated.
 - B. A substitute Mitigation Measure IV.a.2 has been developed in coordination with CDFW that will require surveys for endangered, rare or threatened plant species, as defined in section 15380 of the CEQA Guidelines, to be conducted during the appropriate blooming period (June 1st – September 30th) prior to issuance of a development permit(s) for the project. Substitute Mitigation Measure IV.a.2 also provides greater specificity with respect to the range and type of measures to be implemented if such species are encountered.
 - C. The County's General Plan Noise Element does not specify wildlife as noise-sensitive receptors or provide thresholds of significance for noise impacts on wildlife. CDFW has, for other projects in the County, identified potential noise impacts on wildlife as a concern. CDFW did not raise any concerns or provide any comments regarding potential noise impacts to wildlife associated with this project in either their early consultation letter or their IS/MND comment letter.
 - D. The project site is at the northeastern end of the community along the State Route 299E commercial corridor, where people are either exiting or entering the community, with the loading dock placed at the north end of the project site, buffered by the proposed building from the properties to the south. There are no known noise-sensitive uses in the vicinity, and the proposed use is compatible with existing commercial retail uses in the project vicinity. The Department of Resource Management has not received any noise complaints related to the operation of similar existing uses in the vicinity of the project, including a retail grocery and general retail store that are situated closer to noise sensitive uses than the proposed project.
 - E. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of

other agencies, was determined to be a less-than-significant impact. The General Plan Noise Standards have been incorporated not as a mitigation measure, but as an operational condition of approval which would allow the County to address any exceedances of said standards through the code enforcement process.

2. Makes the following environmental review findings:

- A. An Initial Study has been conducted by the Shasta County Department of Resource Management, Planning Division, to evaluate the potential for significant adverse environmental affects and there is no substantial evidence in light of the whole record before the agency that the project may have a significant adverse impact on the environment.
- B. A Mitigated Negative Declaration has been prepared and circulated to the State Clearinghouse (SCH#: 2018112075) pursuant to the California Environmental Quality Act (CEQA). The environmental documentation as considered for this project reflects the independent judgment of the approving authority.
- C. Mitigation monitoring provisions have been considered by the approving authority pursuant to County Mitigation Monitoring and Reporting Procedures. Feasible mitigation measures have been specifically identified in the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and incorporated in the Development Standards/Operational Conditions within the Use Permit. The Mitigation Monitoring and Reporting Program represents the program designed to ensure environmental compliance during project implementation. This program, as required by Public Resources Code Section 21081.6, is based on those documents and materials referred to in the Mitigated Negative Declaration, and incorporated therein by reference, which are maintained at the County Planning Division's office located at 1855 Placer Street, Suite 103, Redding, California.
- D. Substitute Mitigation Measure IV.a.2 is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment. Therefore, recirculation of the Initial Study/Mitigated Negative Declaration (IS/MND) is not necessary. The substitute Mitigation Measure IV.a.2. reads as follows:

Prior to issuance of a development permit(s) for the project, surveys for endangered, rare or threatened plant species, including the Lassen paintbrush (*Castilleja lasseensis*) and its host plant, as defined in section 15380 of the CEQA guidelines, must be conducted during the appropriate blooming period (June 1st – September 30th). If no plants are observed, no further mitigation would be needed. If a species is observed, CDFW would need to be notified and appropriate mitigation, as approved by and required by CDFW, would have to be implemented. Avoidance/mitigation measures would include, but are not limited to:

1. Avoidance Measures

- a. Fencing off the Castilleja lasseensis plant population with a minimum 5-foot buffer using:
 - i. Orange construction fencing;
 - ii. Actual fencing material (metal post, barbed wire, etc.).
- b. Transferring of development rights or placing a conservation or open space easement over the portion of the property with the Castilleja lasseensis.

2. Mitigation Measures

- a. Permanent protection of an existing offsite native population with a conservation easement.
 - i. This involves the purchase of a parcel of land with Castilleja lasseensis growing on it.
 - ii. Placing a conservation easement over the parcel once purchased. This easement could be held by CDFW or another entity, such as a land trust.
 - iii. The parcel should have at least double the population and/or double the area of the occurrence.

As the Department does not do transplanting of species, this would not be a mitigation option. All species listed as CRPR 1B – 4 observed onsite would need to be reported to the California Natural Diversity Database.

3. Adopts the CEQA determination of a Mitigated Negative Declaration.
4. Makes the following findings for the Use Permit:
 - A. The project, as conditioned, is consistent with the objectives, policies, uses, and programs of the General Plan;
 - B. The establishment, operation and maintenance of the subject use, under the circumstances of the particular case will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County.

BE IT FURTHER RESOLVED that the Shasta County Board of Supervisors hereby denies the appeal by approving the proposed amendment to Mitigation Measure IV.a.2., adopting the CEQA determination of a Mitigated Negative Declaration, and approving Use Permit 18-0003, subject to the conditions as set forth in the STATEMENT OF CONDITIONS attached hereto as Exhibit A and incorporated herein.

DULY PASSED AND ADOPTED this 5th day of March, 2019, by the Board of Supervisors of the County of Shasta by the following vote:

AYES:
NOES:
ABSENT:

ABSTAIN:
RECUSE:

LEONARD MOTY, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: _____
Deputy

Exhibit A

STATEMENT OF CONDITIONS

Project Identification
Use Permit 18-0003 (Fruit Growers Supply Company)

1. The requirements of all concerned governmental agencies having jurisdiction by law, including but not limited to the issuance of appropriate permits, shall be met.
2. This permit is granted for the following listed uses and structures which are to be located as shown on the approved plot plan (Exhibit A). Minor modifications may be approved by the Planning Director. Any substantial revisions will require either amendment to this permit or a new use permit.
 - a. A 20,000-square-foot general retail building and associated improvements.
3. This Use Permit shall become automatically revoked without further action by Shasta County if the activity or use for which the Use Permit was granted has not actively and substantially commenced within two years of the date of approval.
4. Any time the Planning Director finds that one or more grounds exist for revocation, revocation proceedings may be initiated in accordance with applicable provisions of the Shasta County Ordinance Code.
5. In no case shall the permittee allow occupancy of any building while the building is being brought into compliance with applicable building occupancy or related codes.
6. All outside trash storage and collection areas shall be enclosed by solid masonry walls, view obscuring fence or combination of those options, not less than six (6) feet in height. The maximum height of the screening shall be at least one (1) foot above the trash receptacle(s) when full.
7. All grading shall conform to the Shasta County Grading Ordinance.
8. Outdoor storage is prohibited.
9. If, in the course of development, any archaeological, historical, or paleontological resources are uncovered, discovered, or otherwise detected or observed, construction activities in the affected area shall cease and a qualified archaeologist shall be contacted to review the site and advise the County of the site's significance. If the findings are deemed significant by the Environmental Review Officer, appropriate mitigations shall be required prior to any resumption of work on the project.
10. Site development standards in the design review (DR) district shall, in the aggregate, meet or exceed the standards prescribed by the regulations for the principal district.

Hydrology/Water Quality

11. Drainage facilities shall be constructed to Shasta County Development Standards.
12. * A detention facility capable of detaining 0.3-acre-feet (13,000-cubic-feet) of storm water with an 8-inch maximum drainage discharge outlet shall be constructed to prevent any increase in downstream peak flow for the 10-year and 100-year design storm events. Minor modification of the proposed design may be approved by the Director of Resource Management provided the design is functionally equivalent to the proposed detention facility.

Noise

13. * Construction activities shall be limited to the daylight hours between 7:00 a.m. and 7:00 p.m. and be prohibited on Sundays and Federal holidays.
14. Noise levels shall not exceed 55 dB hourly Leq daytime (7 a.m. to 10 p.m.) or 50 dB hourly Leq nighttime (10 p.m. to 7 a.m.) at the property lines consistent with the Shasta County General Plan Noise Element.

Aesthetics

15. * Prior to issuance of a building permit, the applicant shall submit a photometric plan and lighting plan, including cut sheets for all exterior lighting fixtures, to the Shasta County Planning Division for review and approval. All decorative lighting fixtures shall be downward facing, shielded and designed and installed to minimize photo-pollution and spillover of light onto adjacent wildlife habitat. The photometric plan shall demonstrate that predicted light spillage on adjoining residential properties will not exceed 0.1 foot candles during the nighttime hours between 10 p.m. and 7 a.m.
16. All lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. No lighting shall be of the type or in a location such that constitutes a hazard to vehicular traffic, either on private property or on abutting streets.
17. Prior to issuance of a building permit, the applicant shall submit building elevation plans for the building to the Shasta County Planning Division for review and approval. Said building elevation plans shall be consistent with the elevation plans approved for the project.
18. Any roof-mounted equipment shall be architecturally screened from view prior to final building inspection.

Signs

19. Lighted signs shall have indirect illumination in which the light source is from within the cabinet or is from an outside fixture which distributes the light evenly on the sign.

20. Lighted signs shall be shielded in such a manner to prevent light from shining directly onto adjoining properties or streets.
21. Signs shall not flash, scintillate, revolve or change color or intensity, or emit offensive odors, fluids, noise or smoke, or contain any part or attachment which does the same.
22. The applicant shall submit a sign plan for approval by the Planning Director prior to final building inspection or initiation of the use.
23. All signage shall comply with Section 17.84 of the Shasta County Zoning Ordinance.

Landscaping

24. Provide landscaping to a depth of ten (10) feet measured from the abutting street right-of-way line, with openings for walkway or driveway purposes in accordance with County standards. Fifty percent (50%) of the required landscaped area, based on mature plant size, shall be live vegetative material such as trees, shrubs, vines, or groundcover. Trees shall be of a 15 gallon size and be spaced twenty (20) feet on center.
25. Landscape a minimum of five percent (5%) of the gross lot area used for off street parking and access thereto, exclusive of any landscaped strip abutting the street right-of-way or area used for walkways or driveways. This required landscaping shall include one (1) tree, fifteen (15) gallon size, and of a species and type suited to the area climate zone, for every eight (8) parking spaces.
26. All planted areas shall be served with an adequate and permanent watering system and all plant materials shall be maintained in a living condition throughout the term of the use.
27. All landscaped areas shall be enclosed by either a concrete curb having a minimum height of six (6) inches or a wooden frame constructed from materials such as railroad ties or other heavy lumber materials which measure no less than six (6) inches in diameter.
28. In order to provide safe sight distance at driveways and street intersections, all plant material within a 30-foot triangle at the intersection of streets and a 15-foot triangle at the intersection of driveways and streets shall be no more than two (2) feet in height above the curb level, except for trees which are trimmed so that no branches extend lower than six (6) feet above curb level.
29. A landscaping and irrigation plan showing each plant species, size, and spacing; and a preliminary landscape documentation package that meets the requirements specified within Shasta County Code Section 17.84.040 and the State of California's Model Water Efficient Landscape Ordinance (California Code of Regulations, Title 23, Division 2, Chapter 2.7) shall be submitted to and approved by the Planning Director prior to issuance of a building permit.
30. Landscaping shall be installed and maintained in accordance with the approved landscaping

plan and final landscaping documentation package that meets the requirements specified within the State of California's Model Water Efficient Landscape Ordinance (California Code of Regulations, Title 23, Division 2, Chapter 2.7). Said final landscaping documentation package shall be submitted for review and approval prior to final building inspection.

31. Landscaping in the DR district is required to provide shading over thirty percent (30%), or more, of parking and pedestrian areas within the project within ten years after completion of the project.

Parking/On-Site Access

32. On-site parking shall be provided for employees, visitors, deliveries, and other on-site personnel in areas designated for parking on Exhibit A. The on-site parking area shall be improved in accordance with Shasta County Ordinance Code Section 17.86. Improvements shall be completed prior to final building inspection.
33. A parking plan showing space location, dimensions, and total number of spaces shall be provided prior to issuance of a building permit.
34. The parking area and access shall be improved to the following standard, unless otherwise approved by the Director of Resource Management:
 - a. Surfaced with asphalt concrete paving. Asphalt concrete paving shall be type "B" with a minimum thickness of 0.14 feet placed over at least six (6) inches of compacted Class 3 aggregate base or cinders.
 - b. Parking areas shall be striped.

Loading

35. Provide one (1) off street loading space per ten thousand (10,000) square feet, plus one (1) additional loading space for each additional twenty thousand (20,000) square feet of floor area. On-site driveways and maneuvering areas may be used in lieu of providing off street loading space.
36. Off-street loading spaces shall be maintained during the existence of the building they are required to serve.
37. Each off-street loading space shall not be less than twelve (12) feet wide, thirty (30) feet long exclusive of driveways and maneuvering areas and a minimum of fifteen (15) feet high, if covered.
38. When a loading space does not adjoin a street or alley, access, at least twenty (20) feet in width, is required.
39. The required loading space(s) shall be improved to the standard specified for the required

parking area.

AIR QUALITY MANAGEMENT DISTRICT (AQMD):

40. Any person building, erecting, altering, or replacing any article, machine, equipment, or other contrivance which may cause the issuance of air contaminants, shall obtain written authority for such construction from the air pollution control officer of the Shasta County Air Quality Management District prior to issuance of a Use Permit.
41. No person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such person or the public, or which cause, or have the natural tendency to cause, injury, or damage to business or property.
42. Applicant shall apply for a permit from the Air Quality Management District and obtain any permits required by the District.
43. All activities associated with a building site for residential, commercial, or industrial use shall be conducted in a manner to control fugitive dust emissions through the use of dust palliative agents or the use of water to mitigate off-site impacts.
44. The project shall provide for the use of energy-efficient lighting (includes controls) and process systems such as water heaters, furnaces, air conditioning, and boiler units.
45. The project shall utilize a central water heating system.
46. The project shall utilize energy-efficient and automated controls for air conditioning.

PM10 Controls

47. Alternatives to open burning of vegetative material on the project site shall be used by the project applicant unless otherwise deemed infeasible by the AQMD. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
48. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely and effective manner during all phases of project development and construction.
49. All material excavated, stockpiled, or graded should be sufficiently watered to prevent fugitive dust from leaving property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily with complete site coverage, preferably in the mid-morning and after work is completed each day.
50. All areas (including unpaved roads) with vehicle traffic should be watered periodically or have dust palliatives applied for stabilization of dust emissions.

51. All on-site vehicles should be limited to a speed of 15 miles per hour on unpaved roads.
52. All land clearing, grading, earth moving or excavation activities on a project shall be suspended when winds are expected to exceed 20 miles per hour.
53. All inactive portions of the development site should be seeded and watered until a suitable grass cover is established.
54. The applicant shall be responsible for applying non-toxic soil stabilizers (according to manufacturer's specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with the Shasta County Grading Ordinance.
55. All trucks hauling dirt, sand, soil or other loose material should be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the trailer) in accordance with the requirements of CVC Section 23114. This provision shall be enforced by local law enforcement agencies.
56. All material transported off-site shall be either sufficiently watered or securely covered to prevent a public nuisance.
57. Paved streets adjacent to the development site should be swept or washed at the end of each day to remove excessive accumulations of silt and/or mud which may have accumulated as a result of activities on the development site.
58. The project shall provide for temporary traffic control as appropriate during all phases of construction to improve traffic flow as deemed appropriate by the Department of Public Works and/or Caltrans.
59. Construction activities shall be scheduled that direct traffic flow to off-peak hours as much as practicable.

ENVIRONMENTAL HEALTH DIVISION

60. A permit to install an onsite wastewater treatment system (OWTS) shall be obtained from the Shasta County Environmental Health Division. OWTS permits are written after submission of a completed application, suitable soils testing data, site plot plan, and payment of fees. Building permit(s) for project will not be issued until an OWTS permit has been issued.
61. A permit to operate a retail food facility will be required for the sales of any food or drink. The applicant shall apply for a food facility construction permit and permit to operate a food facility prior to construction of any building to be used for food preparation, storage, service or sales.
62. Applicant shall prepare and submit an updated Hazardous Materials Business Plan, if and when applicable, to Shasta County Environmental Health Division (SCEHD) if reportable

quantities of hazardous materials are stored in the proposed project areas onsite. A hazardous substance is reportable if stored at or above 55 gallons for liquids; 200 cubic feet for compressed gas; or 500 pounds for solids. Additionally, the applicant shall comply with all hazardous waste generator regulations, including reporting their status as a hazardous waste generator to SCEHD.

The business owner, business operator, or official designated representative shall submit all applicable Hazardous Materials Business Plan information to Shasta County Environmental Health Division, electronically through an electronic information management system known as the California Environmental Reporting System (CERS). All required elements in CERS must be submitted within 30-days of storing reportable quantities of hazardous materials. The web link to CERS can be located at www.cers.calepa.ca.gov.

DEPARTMENT OF FORESTRY AND FIRE PROTECTION:

63. The following are limitations or requirements for timber operations conducted under a Less Than Three Acre Conversion Exemption: (Notice, Notice of Conversion Exemption, Conversion Exemption):
 - a. Timber operations shall comply with all other applicable provisions of the Forest Practice Act and regulations, county general plans, zoning ordinances, State regulations and any implementing ordinances; copies of the state rules and regulations may be found on CAL FIRE's Web Page on the Internet at <http://www.fire.ca.gov>.
 - b. All timber operations shall be complete within one year from the date of acceptance by CAL FIRE.
 - c. All conversion activities shall be complete within two years from the date of acceptance by CAL FIRE unless under permit by local jurisdiction. Failure to complete the conversion requires compliance with stocking standards and stocking report requirements of the Forest Practice Act and Board of Forestry and Fire Protection regulations.
 - d. The timber operator shall remove or dispose of all slash or woody debris in accordance with 14 CCR § 1104.1(a)(2)(D)(1)-(9). The timberland owner may assume responsibility for the slash treatment, provided the landowner acknowledges in writing to CAL FIRE such responsibility at the time of submission of this notice. The specific requirements shall be included with the acknowledgement.
 - e. Timber operations may be conducted during the winter period. Tractor operations in the winter period are allowed under any of the conditions described in 14 CCR § 1104.1(a)(2)(E)(1-3).
 - f. No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city).
 - g. No timber operations shall be conducted until CAL FIRE's notice of acceptance is

received and a valid copy of this notice and CAL FIRE's acceptance shall be kept on site during timber operations.

- h. Operations conducted under a notice of exemption are NOT permitted in known sites of rare, candidate, threatened or endangered plants and animals if the sites will be disturbed or damaged. NO timber operations may occur within a buffer zone of a listed, or sensitive species defined by 14 CCR § 895.1
- i. If any activities related to timber operations, as defined by PRC 4527, are to include any of the following activities in any river, stream or lake, including episodic and perennial waterways, a notification to the California Department Fish and Wildlife is required pursuant to Fish and Game Code §1602: 1) A substantial alteration of the bed, bank, or channel; 2) A substantial diversion (i.e. water drafting) or obstruction of the natural flow; or 3) Use of material from or deposit of material into the watercourse. Information on the Lake and Streambed Alteration Program, as well as notification forms, may be found at the following link: <https://www.wildlife.ca.gov/conservation/lisa>.
- j. No timber operations are allowed on significant historical or archeological sites. Exception can be made if site is preserved and written concurrence is received, at time of submission of the Notice, from the Department Archeologist.
14 CCR § 1104.1(a)(2)(I)(1)(a-b)
- k. A violation of the conversion exemption, including a conversion applied for in the name of someone other than the person or entity implementing the conversion in bona fide good faith, are violations of the Forest Practice Act and penalties may accrue up to ten thousand dollars (\$10,000) for each violation pursuant to Article 8 (commencing with Section 4601).
- l. Within one month of the completion of timber operations including slash disposal the landowner shall submit to CAL FIRE a RM-71 Completion and Stocking report. Per PRC 4585 and PRC 4587.
- m. Timber operations conducted under a less than 3-acre conversion exemption shall comply with all operational provisions of the Forest Practice Act and District Forest Practice Rules applicable to "Timber Harvesting Plan," "THP," and "plan." Timber operations must conform to applicable city or county general plans, city or county implementing ordinances, and city or county zoning ordinances within which the exemption is located.

BURNEY WATER DISTRICT

- 64. All conditions as specified in the Will Serve letter of the Burney Water District dated November 8, 2018 for the provision of water service shall be complied with to the satisfaction of the Burney Water District.
- 65. The analysis assumes the proposed building is constructed in accordance with current fire sprinkler requirements and at the approximate square footages proposed. The hydraulic model

utilized to review potential demands assume water pipelines will be installed per City of Redding (COR) Construction Standards.

66. If the development plans deviate from the project that was reviewed by the District, further analysis will be required. Once the developer has final plans, final terms such as connection fees can be issued.
67. The Will Serve letter shall terminate either two years after the date of the letter (November 8, 2018) or upon termination or expiration of any building permit issued to the applicant for construction improvements to the real property which is the subject of the Will Serve letter, whichever comes first (unless connection to the District water system has been made prior to the termination or expiration of any use permit, tentative map, or parcel division approval).
68. Water service by the District will be provided contingent upon compliance with all rules, regulations, policies, resolutions, fees and specifications.
69. The District shall receive a mylar copy and electronic copy of record drawings of all on-site and off-site utilities constructed as part of the development.
70. The following conditions must be agreed upon and paid in full by the developer, prior to construction of water lines, for the development, to receive service from the District:
 - a. Assuming the commercial building is constructed with an approved sprinkler system, the existing system available fire flow of 1950 GPM during maximum day demand is acceptable per the Fire Chief. The sprinkler system must be connected to an available fire department connection for use by the fire department.
 - b. Ground restoration and permanent erosion control shall meet all county and state requirements.
 - c. Exclusive easement shall be dedicated to the District to provide operation and maintenance of the water main. The minimum easement width shall be 11 feet on both sides of the center of the pipe to allow for a minimum 10-foot separation from potential contaminants.
 - d. The size of the water main supplying the development was determined with the assumption the developed lot would be used to supply water to only the proposed building. Any changes to this shall be pre-approved by the District.
 - e. Water mains, private laterals, and fire hydrants shall be installed per COR Construction Standards, including required separation of water and non-potable pipelines and backflow prevention as required by Title 17 of the California Code of Regulations.
 - f. Water meters to be installed shall be submitted to the District for approval prior to purchase.
 - g. District inspection during construction of all utilities shall be paid for by the developer.

- h. New pipe installed for potable water shall be disinfected and pressurized per COR construction Standards. Once completed, the new piping shall be flushed and a final coliform sample taken in compliance with COR Construction Standards.
- i. Drawings shall be submitted to the District for approval prior to construction of the utilities.
- j. Developer shall provide to the District a bond for construction and performance of the utilities for one year after construction.

REGIONAL WATER QUALITY CONTROL BOARD:

- 71. Construction activity, including demolition, resulting in a land disturbance of one acre or more must obtain coverage under the General Permit for storm water discharges associated with construction and land disturbance activities (CGP).
- 72. Implementation of storm water pollution controls during and post-construction as required by the CGP shall be required.

CALIFORNIA DEPARTMENT OF TRANSPORTATION:

- 73. A Caltrans encroachment permit will be required for all work in the State highway right of way. Work will include the project driveways, curb, gutter, sidewalk, tie-in paving, any utilities, ADA certification and a drainage report.
- 74. No snow storage from the project site shall be allowed in the State highway right of way.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE:

- 75. The applicant shall pay the Shasta County Clerk (payable to the Shasta County Department of Resource Management) a documentary handling fee for posting a Notice of Determination or Notice of Exemption for this project pursuant to the California Environmental Quality Act (CEQA), section 15075. The applicant shall also pay the appropriate fees pursuant to Fish and Game Section 711.4 (AB 3158). Said fees shall be paid within five (5) days following the end of any final appeal period, or in the event of a timely appeal within five (5) days following any final decision on the appeal, before the project approval will be considered final. Failure to pay the required fees will render this contingent project approval null and void. The fees are collected at the Shasta County Department of Resource Management Permit Counter located at 1855 Placer Street, Suite 103, Redding, CA.
- 76. * Any vegetation removal or construction on the property should be conducted between September 1 - October 15 and between March 1 - March 31 to avoid the bat maternity season as well as the winter season when bats are torpor and are inactive. If vegetation removal or construction activities occur during the bat maternity season (April 1 - August 31) or the bats torpor period (October 16 - February 28) then a bat roost survey shall be conducted by a biologist qualified to identify any bat roosting sites within the property, and who shall do the following:

- a. Conduct a pre-construction bat roost survey(s) within one (1) week of vegetation removal that involves the removal of potential diurnal roosting trees.
 - b. Surveys shall be conducted within the entire area where potential diurnal roosting trees are to be removed and within 100 feet of the area.
 - c. If a maternity roost with young is observed then the biologist will map the location and establish an appropriate “no disturbance” buffer around the roost as determined by the biologist. Construction and vegetation removal activity shall be prohibited within the buffer until the young are volant (i.e. flying). Roosts shall be monitored at least once per week and a report submitted to the County Planning Division monthly.
 - d. If a roost is observed without young then the biologist should establish a “no disturbance” buffer until the bats are excluded from the roost or there are no roosting bats present.
77. * Prior to issuance of a development permit(s) for the project, surveys for endangered, rare or threatened plant species, including the Lassen paintbrush (*Castilleja lasseensis*) and its host plant, as defined in section 15380 of the CEQA guidelines, must be conducted during the appropriate blooming period (June 1st – September 30th). If no plants are observed, no further mitigation would be needed. If a species is observed, CDFW would need to be notified and appropriate mitigation, as approved by and required by CDFW, would have to be implemented. Avoidance/mitigation measures would include, but are not limited to:
1. Avoidance Measures
 - a. Fencing off the *Castilleja lasseensis* plant population with a 5-foot buffer using:
 - i. Orange construction fencing;
 - ii. Actual fencing material (metal post, barbed wire, etc.).
 - b. Transferring of development rights or placing a conservation or open space easement over the portion of the property with the *Castilleja lasseensis*.
 2. Mitigation Measures
 - b. Permanent protection of an existing offsite native population with a conservation easement.
 - iv. This involves the purchase of a parcel of land with *Castilleja lasseensis* growing on it.
 - v. Placing a conservation easement over the parcel once purchased. This easement could be held by CDFW or another entity, such as a land trust.
 - vi. The parcel should have at least double the population and/or double the area of the occurrence.

As the Department does not do transplanting of species, this would not be a mitigation option. All species listed as CRPR 1B – 4 observed onsite would need to be reported to the California Natural Diversity Database.

78. * In order to avoid impacts to nesting migratory birds and/or raptors protected under federal Migratory Bird Treaty Act and California Fish and Game Code Section 3503 and Section 3503.5, including their nests and eggs, one of the following shall be implemented:

- a. Vegetation removal and other ground-disturbance activities associated with construction shall occur between September 1 and January 31 when birds are not nesting; or
- b. If vegetation removal or ground disturbance activities occur during the nesting season, a pre-construction nesting survey shall be conducted by a qualified biologist to identify active nests in and adjacent to the work area. The survey shall be conducted no more than one week prior to the initiation of construction. If construction activities are delayed or suspended for more than two weeks after the pre-construction survey, the site shall be resurveyed.

If nesting birds are found, the nest sites shall not be disturbed until after the young have fledged, as determined through additional monitoring by a qualified biologist. Further, to prevent nest abandonment and mortality of chicks and eggs, no construction activities shall occur within 500 feet of an active nest, unless a smaller buffer zone is authorized by a qualified biologist in consultation the CDFW and the USFWS (the size of the construction buffer zone may vary depending on the species of nesting birds present). A qualified biologist shall delineate the buffer zone with construction tape or pin flags that shall remain in place until the young have fledged, as determined through additional monitoring by a qualified biologist.

The biologist shall monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. Guidance from CDFW will be requested if the nestlings within the active nest appear disturbed. The monitoring biologist shall have the authority to stop any work determined to be adversely affecting the nesting activity. The monitoring biologist shall report any "take" of active nests to CDFW.

ADVISORY NOTES:

- A. This Use Permit expires and is null and void without further action by the County if the activity or the use for which the variance or Use Permit was granted has not been actively and substantially commenced within two years of the date of its approval. The planning commission may extend the time for commencement of the use or activity when the variance or Use Permit is approved, or during the two years following approval or affirmation of approval of the variance or use permit, if an application for an extension of time is made to the planning division prior to expiration of the variance or use permit.
- B. The project is located in an area designated as a "VERY HIGH" Fire Hazard Severity Zone under Section 4203 of the Public Resources Code of the State of California.
- C. The Board of Supervisors has determined that oak woodlands are valuable as wildlife habitat as well as for shade, aesthetic and scenic values. If your property contains oak trees you are encouraged to consult the oak woodland management guidelines, Resolution No. 95-157, for

guidance regarding use and protection of oak trees.

* Denotes mitigation measures of the mitigated negative declaration.



Shasta County Board of Supervisors

**APPEAL FORM
ACTION TAKEN BY PLANNING
COMMISSION**

FOR OFFICE USE ONLY

Date Rec.

Fee:

Distribution

Hearing

Date

RECEIVED**JAN 15 2019****CLERK OF THE BOARD**

APPELLANT NAME: _____

Planning Commission Date: 1/10/2019

Agenda Item No. R5 _____

1. ● Tract Map No./Name _____

x Use Permit No./Name 18-0003

● Administrative Permit No./Name _____

● Zone Amendment No./Name _____

● General Plan Amendment No./Name _____

2. Filer wishes to appeal (check all that apply):

x Approval by Planning Commission

● Denial by Planning Commission

●

Other

(explain):

State the reason for your appeal. Please outline the facts which support your position. If you need additional space, please attach additional sheets of paper. SEE

ATTACHED**NOTE: Grounds for appeal not set forth above may not be heard by the Board of Supervisors.**

Appellant's

Signature:

Name

type):

Address:

Phone

Number:

Email address:

DEADLINES FOR FILING APPEALS: Zoning (denials only), Use Permit, or Variance: 5 calendar days. Land Division/Subdivision Map/Tract Map: 10 days. A hearing before the Board of Supervisors is to be set within 30 calendar days of receipt of an appeal.

RETURN FORM TO: Shasta County Clerk of the Board, 1450 Court Street, Suite 308b, Redding, CA 96001.

PROPER FEE MUST ACCOMPANY APPEAL.

Please state the reason for your appeal. Please outline the facts which support your position. If you need additional space, please attach additional sheets of paper:

Appellants named above wish to appeal the decision of the Planning Commission to approve Item R5 of the January 10, 2019 Planning Commission, to adopt findings for a mitigated negative declaration for a proposed commercial development, the mitigated negative declaration (MND) itself, and therefore the use permit approved in association with that MND.

The Initial Study contains enough evidence to support a fair argument that there would be significant environmental impacts, and at a minimum, more study is necessary.

Section IX of the Initial Study, subparagraph (d), lack sufficient detail regarding the potential impact of particulates on the surrounding undeveloped properties and on groundwater. The Initial Study states that the proposed commercial structure would comprise approximately 20,000 of 53,000 total square feet of new impervious surface, with the remainder to be used for parking and logistical vehicle access and circulation. These uses contribute specific particulates and synthetic chemicals to the impervious surface, and the related runoff from impervious surface can discharge into the soil and groundwater. No study of or even reference to this potential impact is made. Unless and until study of potential discharge of particulars and synthetic by-product chemicals is made evaluated and deemed less-than-significant, the Initial Study is either inadequate as an information document, or lacks sufficient evidence to overcome the impacts of these particulates in stormwater runoff.

Section IV, subparagraph (a), is improper as a mitigation measure, because it is indefinite and speculative. The Initial Study details how a state agency, the California Department of Fish and Wildlife (CDFW) raised concerns about the inadequacy of the study period because study was conducted outside of the bloom period for a relevant species, the Lassen paintbrush. While it may not have been convenient to conduct the study during the appropriate period, any contingent mitigation measure should be definite, not speculative. The current mitigation measure states that an appropriate mitigation measure as approved by CDFW would need to be implemented. Instead, the MND should detail the range and type of mitigation measures that would be implemented, to give the public and decision makers adequate information to make a determination as to the feasibility and effectiveness of the proposed mitigation measures.

In a response to a comment letter submitted regarding the potential for noise impacts, Staff suggests that noise impacts will be less than significant due to the undeveloped nature of surrounding properties, and the requirement of compliance with the County noise ordinance. These are improper grounds for adoption of a MND for three reasons: first, human habitation is not the only type of sensitive receptor. Given the native wildlife identified in Section IV of the Initial Study, there is a fair argument supporting the conclusion that there could be a significant impact from noise on wildlife.

Secondly, the Staff response to this comment does not bear on the potential differential noise from delivery truck and loading dock noise, e.g., from metal gating. These types of noise impacts should be studied separately, for example at similar commercial structures. These noise impacts are substantially different from the typical ambient noises associated with commercial development and routine customer and traffic noise. To be complete as an informational document, environmental review should include information regarding specifics about the potential decibel levels related to these types of impacts.

Finally, reliance on enforcement of existing ordinances as a means of mitigation is inherently deficient under CEQA. The fact that an ordinance prohibits violation of excessive noise levels is not, standing alone, a mitigation measure, particularly when it is unknown if potential noise impacts *can* regularly exceed these levels, i.e., if the noise impacts from delivery trucks and loading docks regularly exceed the maximum levels prohibited by ordinance.

BOARD OF SUPERVISORS REGULAR MEETING - March 5, 2019
On the Planning Commission's decision to adopt a MND and the related findings, and related the use permit, and instruct the Planning Commission and its staff to conduct further study.

Shasta County Clerk of the Board • (530) 225-5550 • clerkoftheboard@co.shasta.ca.us

REPORT TO THE SHASTA COUNTY PLANNING COMMISSION

<u>PROJECT IDENTIFICATION:</u>	<u>REGULAR AGENDA</u>	MEETING DATE	AGENDA ITEM #
USE PERMIT 18-0003 (FRUIT GROWERS SUPPLY COMPANY) BURNEY AREA		01/10/19	R5

RECOMMENDATION: That the Planning Commission:

1. Conduct a public hearing.
2. Close the public hearing.
3. Adopt a resolution to: a) adopt the California Environmental Quality Act (CEQA) determination of a Mitigated Negative Declaration; b) adopt the recommended findings listed in Resolution 2019-003; and c) approve Use Permit 18-0003, based on the recommended findings and subject to the conditions of approval listed in Planning Commission Resolution 2019-003.

SUMMARY: The project is located in the Burney area on a 2.07-acre parcel, adjacent to and east of State Highway 299E, approximately 0.1 miles northeast of the intersection of State Highway 299E and Commerce Way (APN: 028-370-024). Fruit Growers Supply Company has requested a use permit to build a 20,000-square-foot grocery store with 92 on-site parking spaces, drive aisles, a loading dock, two driveway entrances, on-site landscaping, and installation of new sidewalk along the frontage. Staff Planner: Luis A. Topete / District 3 / Proposed CEQA Determination: Mitigated Negative Declaration.

BACKGROUND AND DISCUSSION: General Plan & Zoning - The property is in the Commercial (C) General Plan land use designation and the Community Commercial combined with Design Review (C-2-DR) zone district. The Commercial (C) General Plan land use designation provides for a range of commercial activities. When applied to the General Plan's land use maps, this designation identifies the locations most suitable for commercial activities, but does not contain the level of detail needed to identify the range of commercial uses most appropriate for a specific location. Such specificity is provided by zoning and/or specific plans which include a series of zone districts. The purpose of the C-2 zone district is to provide for a wide range of facilities for the sale of goods and provision of personal services. The DR district is intended to be combined with any principal district to achieve several purposes, which includes, but is not limited to, protecting areas having unique environmental, physical, historical or scenic features, to promote development which features a variety of amenities and design features, and to ensure compatibility with surrounding land uses.

Access and Services - The project site is accessed from State Highway 299E. Sewage disposal would be provided by an on-site sewage disposal system. Water would be provided by the Burney Water District. Police protection is provided by the Shasta County Sheriff and fire protection services are provided by the Shasta County Fire Department. Electric and gas service is provided by Pacific Gas and Electric Company. Waste Management provides solid waste disposal service to the area.

Project Analysis - The project is a request to build a 20,000-square-foot grocery store with 92 on-site parking spaces, drive aisles, a loading dock, two driveway entrances, on-site landscaping, and installation of new sidewalk along the frontage. The property is currently undeveloped with an overstory of ponderosa pine with a shrub mid-story and annual grass understory. The project has been approved by the Shasta County Fire Department for a "Less Than Three Acre Conversion Exemption" under Title 14, California Code of Regulations, Section 1104.1. This conversion exemption is applicable to a conversion of timberland to a non-timber growing use, of less than three acres in one contiguous ownership, and exempts the timber harvest operations on this parcel from a conversion permit and timber harvest plan requirements. Runoff from the site ultimately drains to Burney Creek with no defined drainage course. An on-site detention of 0.3-acre-feet (13,000-cubic-feet) with an 8-inch drainage outlet will be constructed to prevent any downstream flow increases for the 10-year and 100-year design storm

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events. Storm water detention has been incorporated into the project design on the east side of the project under the proposed parking lot and drive-aisle.

Surrounding land uses include undeveloped properties to the south, east and northeast. Across Highway 299E to the northwest and west are existing commercial businesses, including Custom Audio Sound, Burney Disposal and Superior Avenue Steel Supply. The Intermountain Community Center is approximately 300 feet south of the project site and the Rite Aid commercial complex is approximately 0.15 miles south of the project.

Environmental Determination - An Initial Study and proposed Mitigated Negative Declaration (IS/MND) were prepared for the project and circulated for public review.

ISSUES: The Department has received one public comment letter from the Intermountain Community Center (attached). The comment letter has expressed general concerns regarding safety for people entering/exiting their property at 34744 Main Street, placement of driveways as far east as possible to diminish possible congestion, and installation of safety barriers on the west end of the property. The community center is two properties away from the project site to the south, approximately 110 feet from the edge of the project site to the edge of their property. The distance of the community center from the project site, project landscaping, and the placement of parking on the south side of the project site with the store located to the north end of the project, will serve to buffer the retail use from their location.

Per correspondence with the California Department of Transportation (Caltrans), the project did not warrant a traffic study as no operational issues on Highway 299E are anticipated. It was also determined by Caltrans that the existing center turn lane should address turning issues into the development, no deceleration/acceleration lanes were needed, and although a single driveway to minimize conflict points is preferred, two driveways are acceptable provided they are located strategically with road connections on the other side of the highway. A Caltrans encroachment permit will be required for all work in the State highway right of way, which will include the project driveways and tie-in paving. The project is in a 45-mph speed limit zone. The proposed use is compatible with existing uses in the project vicinity and the project would not substantially increase hazards due to a design feature or incompatible uses. The concerns raised have been analyzed and considered. No safety concerns are foreseen and no change to the project has been made as a result of the letter.

The Department received three phone calls from community members expressing support for the project.

ALTERNATIVES: The following alternatives are available:

1. Modify the conditions of approval of the Use Permit.
2. Continue the public hearing to request additional information.
3. Deny the Use Permit. The Commission would need to make findings that the Use Permit is inconsistent with the General Plan or Zoning Plan, or that the establishment, operation or maintenance of the subject use, building or facilities would, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County.

CONCLUSION: Based on the information supplied by the applicant, data available to Planning staff, and the recommended development conditions, staff is of the opinion that the project is consistent with the General Plan policies and zoning standards for the area, and meets the findings required for approval of a Use Permit.

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PAUL A. HELLMAN

Director of Resource Management

Staff Author: Luis A. Topete, Associate Planner

LAT/jcp/District 3

Copies:

- (M) Fruit Growers Supply Company, 27770 N. Entertainment Drive, Valencia, CA 91355
- (E) Best Development Group, 2580 Sierra Boulevard, Suite E, Sacramento, CA 95825
- (M) California Department of Fish and Wildlife, 601 Locust Street, Redding, CA 96001
- (M) State of California Regional Water Quality Control Board, 364 Knollcrest Drive, Suite 205, Redding, CA 96002
- (M) Caltrans District 2, 1657 Riverside Drive, Redding, CA 96001-0536

Project File

Attach:

- 1. Draft Resolution 2019-003 and Conditions
- 2. Location Map
- 3. Project Aerial
- 4. General Plan Map
- 5. Zone District Map
- 6. Site Plan - Exhibit "A"
- 7. Elevations
- 8. Initial Study and Mitigated Negative Declaration
- 9. Public Comment Letter

RESOLUTION NO. 2019-003

**A RESOLUTION OF THE SHASTA COUNTY PLANNING COMMISSION
APPROVING USE PERMIT 18-0003 (FRUIT GROWERS SUPPLY COMPANY)**

WHEREAS, the Planning Commission of the County of Shasta has considered Use Permit 18-0003, filed by Fruit Growers Supply Company, on Assessor's Parcel Number 028-370-024, in accordance with Section 17.92.020 of the Shasta County Ordinance Code; and

WHEREAS, said use permit was referred to various affected public and private agencies, County departments, and referral agencies for review and comments; and

WHEREAS, the County Environmental Review Officer has reviewed the use permit request and recommends a specific environmental finding; and

WHEREAS, a public hearing was held on January 10, 2019; and

WHEREAS, the Shasta County Planning Commission has considered public comments and a report from the Planning Division.

NOW, THEREFORE, BE IT RESOLVED that the Shasta County Planning Commission:

1. Makes the following environmental review findings:
 - A. An Initial Study has been conducted by the Shasta County Department of Resource Management, Planning Division, to evaluate the potential for significant adverse environmental affects and there is no substantial evidence in light of the whole record before the agency that the project may have a significant adverse impact on the environment; and
 - B. A Mitigated Negative Declaration has been prepared and circulated to the State Clearinghouse (SCH#: 2018112075) pursuant to the California Environmental Quality Act (CEQA). The environmental documentation as considered for this project reflects the independent judgment of the approving authority; and
 - C. Mitigation monitoring provisions have been considered by the approving authority pursuant to County Mitigation Monitoring and Reporting Procedures. Feasible mitigation measures have been specifically identified in the Initial Study / Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and incorporated in the Development Standards / Operational Conditions within the Use Permit. The Mitigation Monitoring and Reporting Program represents the program designed to ensure environmental compliance during project implementation. This program, as required by Public Resources Code Section 21081.6, is based on those documents and materials referred to in the Mitigated Negative Declaration, and incorporated therein by reference, which are maintained at the County Planning Division's office located at 1855 Placer Street, Suite 103, Redding, California.

2. Adopts the CEQA determination of a Mitigated Negative Declaration.
3. Makes the following findings for the Use Permit:
 - A. The project, as conditioned, is consistent with the objectives, policies, uses, and programs of the General Plan;
 - B. The establishment, operation and maintenance of the subject use, under the circumstances of the particular case will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County.
4. Approves Use Permit 18-0003, subject to the conditions as set forth in the attachment to this Resolution.

DULY PASSED AND ADOPTED this 10th day of January 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

JAMES CHAPIN, Chairman
Planning Commission
County of Shasta, State of California

ATTEST:

PAUL A. HELLMAN, Secretary
Planning Commission
County of Shasta, State of California

Attachment A to Resolution 2019-003

STATEMENT OF CONDITIONS

Project Identification
Use Permit 18-0003 (Fruit Growers Supply Company)

1. The requirements of all concerned governmental agencies having jurisdiction by law, including but not limited to the issuance of appropriate permits, shall be met.
2. This permit is granted for the following listed uses and structures which are to be located as shown on the approved plot plan (Exhibit A). Minor modifications may be approved by the Planning Director. Any substantial revisions will require either amendment to this permit or a new use permit.
 - a. A 20,000-square-foot general retail building and associated improvements.
3. This Use Permit shall become automatically revoked without further action by Shasta County if the activity or use for which the Use Permit was granted has not actively and substantially commenced within two years of the date of approval.
4. Any time the Planning Director finds that one or more grounds exist for revocation, revocation proceedings may be initiated in accordance with applicable provisions of the Shasta County Ordinance Code.
5. In no case shall the permittee allow occupancy of any building while the building is being brought into compliance with applicable building occupancy or related codes.
6. All outside trash storage and collection areas shall be enclosed by solid masonry walls, view obscuring fence or combination of those options, not less than six (6) feet in height. The maximum height of the screening shall be at least one (1) foot above the trash receptacle(s) when full.
7. All grading shall conform to the Shasta County Grading Ordinance.
8. Outdoor storage is prohibited.
9. If, in the course of development, any archaeological, historical, or paleontological resources are uncovered, discovered, or otherwise detected or observed, construction activities in the affected area shall cease and a qualified archaeologist shall be contacted to review the site and advise the County of the site's significance. If the findings are deemed significant by the Environmental Review Officer, appropriate mitigations shall be required prior to any resumption of work on

Use Permit 18-0003

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the project.

10. Site development standards in the design review (DR) district shall, in the aggregate, meet or exceed the standards prescribed by the regulations for the principal district.

Hydrology/Water Quality

11. Drainage facilities shall be constructed to Shasta County Development Standards.
12. * A detention facility capable of detaining 0.3-acre-feet (13,000-cubic-feet) of storm water with an 8-inch maximum drainage discharge outlet shall be constructed to prevent any increase in downstream peak flow for the 10-year and 100-year design storm events. Minor modification of the proposed design may be approved by the Director of Resource Management provided the design is functionally equivalent to the proposed detention facility.

Noise

13. * Construction activities shall be limited to the daylight hours between 7:00 a.m. and 7:00 p.m. and be prohibited on Sundays and Federal holidays.
14. Noise levels shall not exceed 55 dB hourly Leq daytime (7 a.m. to 10 p.m.) or 50 dB hourly Leq nighttime (10 p.m. to 7 a.m.) at the property lines consistent with the Shasta County General Plan Noise Element.

Aesthetics

15. * Prior to issuance of a building permit, the applicant shall submit a photometric plan and lighting plan, including cut sheets for all exterior lighting fixtures, to the Shasta County Planning Division for review and approval. All decorative lighting fixtures shall be downward facing, shielded and designed and installed to minimize photo-pollution and spillover of light onto adjacent wildlife habitat. The photometric plan shall demonstrate that predicted light spillage on adjoining residential properties will not exceed 0.1 foot candles during the nighttime hours between 10 p.m. and 7 a.m.
16. All lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. No lighting shall be of the type or in a location such that constitutes a hazard to vehicular traffic, either on private property or on abutting streets.
17. Prior to issuance of a building permit, the applicant shall submit building elevation plans for the building to the Shasta County Planning Division for review and approval. Said building elevation plans shall be consistent with the elevation plans approved for the project.

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18. Any roof-mounted equipment shall be architecturally screened from view prior to final building inspection.

Signs

19. Lighted signs shall have indirect illumination in which the light source is from within the cabinet or is from an outside fixture which distributes the light evenly on the sign.
20. Lighted signs shall be shielded in such a manner to prevent light from shining directly onto adjoining properties or streets.
21. Signs shall not flash, scintillate, revolve or change color or intensity, or emit offensive odors, fluids, noise or smoke, or contain any part or attachment which does the same.
22. The applicant shall submit a sign plan for approval by the Planning Director prior to final building inspection or initiation of the use.
23. All signage shall comply with Section 17.84 of the Shasta County Zoning Ordinance.

Landscaping

24. Provide landscaping to a depth of ten (10) feet measured from the abutting street right-of-way line, with openings for walkway or driveway purposes in accordance with County standards. Fifty percent (50%) of the required landscaped area, based on mature plant size, shall be live vegetative material such as trees, shrubs, vines, or groundcover. Trees shall be of a 15 gallon size and be spaced twenty (20) feet on center.
25. Landscape a minimum of five percent (5%) of the gross lot area used for off street parking and access thereto, exclusive of any landscaped strip abutting the street right-of-way or area used for walkways or driveways. This required landscaping shall include one (1) tree, fifteen (15) gallon size, and of a species and type suited to the area climate zone, for every eight (8) parking spaces.
26. All planted areas shall be served with an adequate and permanent watering system and all plant materials shall be maintained in a living condition throughout the term of the use.
27. All landscaped areas shall be enclosed by either a concrete curb having a minimum height of six (6) inches or a wooden frame constructed from materials such as railroad ties or other heavy lumber materials which measure no less than six (6) inches in diameter.
28. In order to provide safe sight distance at driveways and street intersections, all plant material within a 30-foot triangle at the intersection of streets and a 15-foot triangle at the intersection of

driveways and streets shall be no more than two (2) feet in height above the curb level, except for trees which are trimmed so that no branches extend lower than six (6) feet above curb level.

29. A landscaping and irrigation plan showing each plant species, size, and spacing; and a preliminary landscape documentation package that meets the requirements specified within Shasta County Code Section 17.84.040 and the State of California's Model Water Efficient Landscape Ordinance (California Code of Regulations, Title 23, Division 2, Chapter 2.7) shall be submitted to and approved by the Planning Director prior to issuance of a building permit.
30. Landscaping shall be installed and maintained in accordance with the approved landscaping plan and final landscaping documentation package that meets the requirements specified within the State of California's Model Water Efficient Landscape Ordinance (California Code of Regulations, Title 23, Division 2, Chapter 2.7). Said final landscaping documentation package shall be submitted for review and approval prior to final building inspection.
31. Landscaping in the DR district is required to provide shading over thirty percent (30%), or more, of parking and pedestrian areas within the project within ten years after completion of the project.

Parking/On-Site Access

32. On-site parking shall be provided for employees, visitors, deliveries, and other on-site personnel in areas designated for parking on Exhibit A. The on-site parking area shall be improved in accordance with Shasta County Ordinance Code Section 17.86. Improvements shall be completed prior to final building inspection.
33. A parking plan showing space location, dimensions, and total number of spaces shall be provided prior to issuance of a building permit.
34. The parking area and access shall be improved to the following standard, unless otherwise approved by the Director of Resource Management:
 - a. Surfaced with asphalt concrete paving. Asphalt concrete paving shall be type "B" with a minimum thickness of 0.14 feet placed over at least six (6) inches of compacted Class 3 aggregate base or cinders.
 - b. Parking areas shall be striped.

Loading

35. Provide one (1) off street loading space per ten thousand (10,000) square feet, plus one (1) additional loading space for each additional twenty thousand (20,000) square feet of floor area.

Use Permit 18-0003

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On-site driveways and maneuvering areas may be used in lieu of providing off street loading space.

36. Off-street loading spaces shall be maintained during the existence of the building they are required to serve.
37. Each off-street loading space shall not be less than twelve (12) feet wide, thirty (30) feet long exclusive of driveways and maneuvering areas and a minimum of fifteen (15) feet high, if covered.
38. When a loading space does not adjoin a street or alley, access, at least twenty (20) feet in width, is required.
39. The required loading space(s) shall be improved to the standard specified for the required parking area.

AIR QUALITY MANAGEMENT DISTRICT (AQMD):

40. Any person building, erecting, altering, or replacing any article, machine, equipment, or other contrivance which may cause the issuance of air contaminants, shall obtain written authority for such construction from the air pollution control officer of the Shasta County Air Quality Management District prior to issuance of a Use Permit.
41. No person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such person or the public, or which cause, or have the natural tendency to cause, injury, or damage to business or property.
42. Applicant shall apply for a permit from the Air Quality Management District and obtain any permits required by the District.
43. All activities associated with a building site for residential, commercial, or industrial use shall be conducted in a manner to control fugitive dust emissions through the use of dust palliative agents or the use of water to mitigate off-site impacts.
44. The project shall provide for the use of energy-efficient lighting (includes controls) and process systems such as water heaters, furnaces, air conditioning, and boiler units.
45. The project shall utilize a central water heating system.
46. The project shall utilize energy-efficient and automated controls for air conditioning.

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PM10 Controls

47. Alternatives to open burning of vegetative material on the project site shall be used by the project applicant unless otherwise deemed infeasible by the AQMD. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
48. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely and effective manner during all phases of project development and construction.
49. All material excavated, stockpiled, or graded should be sufficiently watered to prevent fugitive dust from leaving property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily with complete site coverage, preferably in the mid-morning and after work is completed each day.
50. All areas (including unpaved roads) with vehicle traffic should be watered periodically or have dust palliatives applied for stabilization of dust emissions.
51. All on-site vehicles should be limited to a speed of 15 miles per hour on unpaved roads.
52. All land clearing, grading, earth moving or excavation activities on a project shall be suspended when winds are expected to exceed 20 miles per hour.
53. All inactive portions of the development site should be seeded and watered until a suitable grass cover is established.
54. The applicant shall be responsible for applying non-toxic soil stabilizers (according to manufacturer's specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with the Shasta County Grading Ordinance.
55. All trucks hauling dirt, sand, soil or other loose material should be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the trailer) in accordance with the requirements of CVC Section 23114. This provision shall be enforced by local law enforcement agencies.
56. All material transported off-site shall be either sufficiently watered or securely covered to prevent a public nuisance.
57. Paved streets adjacent to the development site should be swept or washed at the end of each day to remove excessive accumulations of silt and/or mud which may have accumulated as a result of activities on the development site.

Use Permit 18-0003

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58. The project shall provide for temporary traffic control as appropriate during all phases of construction to improve traffic flow as deemed appropriate by the Department of Public Works and/or Caltrans.
59. Construction activities shall be scheduled that direct traffic flow to off-peak hours as much as practicable.

ENVIRONMENTAL HEALTH DIVISION

60. A permit to install an onsite wastewater treatment system (OWTS) shall be obtained from the Shasta County Environmental Health Division. OWTS permits are written after submission of a completed application, suitable soils testing data, site plot plan, and payment of fees. Building permit(s) for project will not be issued until an OWTS permit has been issued.
61. A permit to operate a retail food facility will be required for the sales of any food or drink. The applicant shall apply for a food facility construction permit and permit to operate a food facility prior to construction of any building to be used for food preparation, storage, service or sales.
62. Applicant shall prepare and submit an updated Hazardous Materials Business Plan, if and when applicable, to Shasta County Environmental Health Division (SCEHD) if reportable quantities of hazardous materials are stored in the proposed project areas onsite. A hazardous substance is reportable if stored at or above 55 gallons for liquids; 200 cubic feet for compressed gas; or 500 pounds for solids. Additionally, the applicant shall comply with all hazardous waste generator regulations, including reporting their status as a hazardous waste generator to SCEHD.

The business owner, business operator, or official designated representative shall submit all applicable Hazardous Materials Business Plan information to Shasta County Environmental Health Division, electronically through an electronic information management system known as the California Environmental Reporting System (CERS). All required elements in CERS must be submitted within 30-days of storing reportable quantities of hazardous materials. The web link to CERS can be located at www.cers.calepa.ca.gov.

DEPARTMENT OF FORESTRY AND FIRE PROTECTION:

63. The following are limitations or requirements for timber operations conducted under a Less Than Three Acre Conversion Exemption: (Notice, Notice of Conversion Exemption, Conversion Exemption):
 - a. Timber operations shall comply with all other applicable provisions of the Forest Practice Act and regulations, county general plans, zoning ordinances, State regulations and any implementing ordinances; copies of the state rules and regulations may be found on CAL

Use Permit 18-0003

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FIRE's Web Page on the Internet at <http://www.fire.ca.gov>.

- b. All timber operations shall be complete within one year from the date of acceptance by CAL FIRE.
- c. All conversion activities shall be complete within two years from the date of acceptance by CAL FIRE unless under permit by local jurisdiction. Failure to complete the conversion requires compliance with stocking standards and stocking report requirements of the Forest Practice Act and Board of Forestry and Fire Protection regulations.
- d. The timber operator shall remove or dispose of all slash or woody debris in accordance with 14 CCR § 1104.1(a)(2)(D)(1)-(9). The timberland owner may assume responsibility for the slash treatment, provided the landowner acknowledges in writing to CAL FIRE such responsibility at the time of submission of this notice. The specific requirements shall be included with the acknowledgement.
- e. Timber operations may be conducted during the winter period. Tractor operations in the winter period are allowed under any of the conditions described in 14 CCR § 1104.1(a)(2)(E)(1-3).
- f. No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city).
- g. No timber operations shall be conducted until CAL FIRE's notice of acceptance is received and a valid copy of this notice and CAL FIRE's acceptance shall be kept on site during timber operations.
- h. Operations conducted under a notice of exemption are NOT permitted in known sites of rare, candidate, threatened or endangered plants and animals if the sites will be disturbed or damaged. NO timber operations may occur within a buffer zone of a listed, or sensitive species defined by 14 CCR § 895.1
- i. If any activities related to timber operations, as defined by PRC 4527, are to include any of the following activities in any river, stream or lake, including episodic and perennial waterways, a notification to the California Department Fish and Wildlife is required pursuant to Fish and Game Code §1602: 1) A substantial alteration of the bed, bank, or channel; 2) A substantial diversion (i.e. water drafting) or obstruction of the natural flow; or 3) Use of material from or deposit of material into the watercourse. Information on the Lake and Streambed Alteration Program, as well as notification forms, may be found at the following link: <https://www.wildlife.ca.gov/conservation/lisa>.
- j. No timber operations are allowed on significant historical or archeological sites. Exception

can be made if site is preserved and written concurrence is received, at time of submission of the Notice, from the Department Archeologist.

14 CCR § 1104.1(a)(2)(I)(1)(a-b)

- k. A violation of the conversion exemption, including a conversion applied for in the name of someone other than the person or entity implementing the conversion in bona fide good faith, are violations of the Forest Practice Act and penalties may accrue up to ten thousand dollars (\$10,000) for each violation pursuant to Article 8 (commencing with Section 4601).
- l. Within one month of the completion of timber operations including slash disposal the landowner shall submit to CAL FIRE a RM-71 Completion and Stocking report. Per PRC 4585 and PRC 4587.
- m. Timber operations conducted under a less than 3-acre conversion exemption shall comply with all operational provisions of the Forest Practice Act and District Forest Practice Rules applicable to "Timber Harvesting Plan," "THP," and "plan." Timber operations must conform to applicable city or county general plans, city or county implementing ordinances, and city or county zoning ordinances within which the exemption is located.

BURNEY WATER DISTRICT

- 64. All conditions as specified in the Will Serve letter of the Burney Water District dated November 8, 2018 for the provision of water service shall be complied with to the satisfaction of the Burney Water District.
- 65. The analysis assumes the proposed building is constructed in accordance with current fire sprinkler requirements and at the approximate square footages proposed. The hydraulic model utilized to review potential demands assume water pipelines will be installed per City of Redding (COR) Construction Standards.
- 66. If the development plans deviate from the project that was reviewed by the District, further analysis will be required. Once the developer has final plans, final terms such as connection fees can be issued.
- 67. The Will Serve letter shall terminate either two years after the date of the letter (November 8, 2018) or upon termination or expiration of any building permit issued to the applicant for construction improvements to the real property which is the subject of the Will Serve letter, whichever comes first (unless connection to the District water system has been made prior to the termination or expiration of any use permit, tentative map, or parcel division approval).
- 68. Water service by the District will be provided contingent upon compliance with all rules, regulations, policies, resolutions, fees and specifications.

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69. The District shall receive a mylar copy and electronic copy of record drawings of all on-site and off-site utilities constructed as part of the development.
70. The following conditions must be agreed upon and paid in full by the developer, prior to construction of water lines, for the development, to receive service from the District:
 - a. Assuming the commercial building is constructed with an approved sprinkler system, the existing system available fire flow of 1950 GPM during maximum day demand is acceptable per the Fire Chief. The sprinkler system must be connected to an available fire department connection for use by the fire department.
 - b. Ground restoration and permanent erosion control shall meet all county and state requirements.
 - c. Exclusive easement shall be dedicated to the District to provide operation and maintenance of the water main. The minimum easement width shall be 11 feet on both sides of the center of the pipe to allow for a minimum 10-foot separation from potential contaminants.
 - d. The size of the water main supplying the development was determined with the assumption the developed lot would be used to supply water to only the proposed building. Any changes to this shall be pre-approved by the District.
 - e. Water mains, private laterals, and fire hydrants shall be installed per COR Construction Standards, including required separation of water and non-potable pipelines and backflow prevention as required by Title 17 of the California Code of Regulations.
 - f. Water meters to be installed shall be submitted to the District for approval prior to purchase.
 - g. District inspection during construction of all utilities shall be paid for by the developer.
 - h. New pipe installed for potable water shall be disinfected and pressurized per COR construction Standards. Once completed, the new piping shall be flushed and a final coliform sample taken in compliance with COR Construction Standards.
 - i. Drawings shall be submitted to the District for approval prior to construction of the utilities.
 - j. Developer shall provide to the District a bond for construction and performance of the utilities for one year after construction.

REGIONAL WATER QUALITY CONTROL BOARD:

71. Construction activity, including demolition, resulting in a land disturbance of one acre or more

Use Permit 18-0003

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must obtain coverage under the General Permit for storm water discharges associated with construction and land disturbance activities (CGP).

72. Implementation of storm water pollution controls during and post-construction as required by the CGP shall be required.

CALIFORNIA DEPARTMENT OF TRANSPORTATION:

73. A Caltrans encroachment permit will be required for all work in the State highway right of way. Work will include the project driveways, curb, gutter, sidewalk, tie-in paving, any utilities, ADA certification and a drainage report.
74. No snow storage from the project site shall be allowed in the State highway right of way.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE:

75. The applicant shall pay the Shasta County Clerk (payable to the Shasta County Department of Resource Management) a documentary handling fee for posting a Notice of Determination or Notice of Exemption for this project pursuant to the California Environmental Quality Act (CEQA), section 15075. The applicant shall also pay the appropriate fees pursuant to Fish and Game Section 711.4 (AB 3158). Said fees shall be paid within five (5) days following the end of any final appeal period, or in the event of a timely appeal within five (5) days following any final decision on the appeal, before the project approval will be considered final. Failure to pay the required fees will render this contingent project approval null and void. The fees are collected at the Shasta County Department of Resource Management Permit Counter located at 1855 Placer Street, Suite 103, Redding, CA.
76. * Any vegetation removal or construction on the property should be conducted between September 1 - October 15 and between March 1 - March 31 to avoid the bat maternity season as well as the winter season when bats are torpor and are inactive. If vegetation removal or construction activities occur during the bat maternity season (April 1 - August 31) or the bats torpor period (October 16 - February 28) then a bat roost survey shall be conducted by a biologist qualified to identify any bat roosting sites within the property, and who shall do the following:
 - a. Conduct a pre-construction bat roost survey(s) within one (1) week of vegetation removal that involves the removal of potential diurnal roosting trees.
 - b. Surveys shall be conducted within the entire area where potential diurnal roosting trees are to be removed and within 100 feet of the area.
 - c. If a maternity roost with young is observed then the biologist will map the location and

establish an appropriate “no disturbance” buffer around the roost as determined by the biologist. Construction and vegetation removal activity shall be prohibited within the buffer until the young are volant (i.e. flying). Roosts shall be monitored at least once per week and a report submitted to the County Planning Division monthly.

- d. If a roost is observed without young then the biologist should establish a “no disturbance” buffer until the bats are excluded from the roost or there are no roosting bats present.
77. * The Project Applicant must do surveys for the *Castilleja lasenensis* during the appropriate blooming period. If no plants are observed, no further mitigation would be needed. If the species is observed, CDFW would need to be notified and appropriate mitigation, as approved by CDFW, would be required. Depending upon the level of impact, the mitigation could include purchasing another parcel with that species on it or redesigning the project. As the Department does not do transplanting of species, this would not be a mitigation option. All species listed as CRPR 1B – 4 observed onsite would need to be reported to the California Natural Diversity Database.
78. * In order to avoid impacts to nesting migratory birds and/or raptors protected under federal Migratory Bird Treaty Act and California Fish and Game Code Section 3503 and Section 3503.5, including their nests and eggs, one of the following shall be implemented:
- a. Vegetation removal and other ground-disturbance activities associated with construction shall occur between September 1 and January 31 when birds are not nesting; or
 - b. If vegetation removal or ground disturbance activities occur during the nesting season, a pre-construction nesting survey shall be conducted by a qualified biologist to identify active nests in and adjacent to the work area. The survey shall be conducted no more than one week prior to the initiation of construction. If construction activities are delayed or suspended for more than two weeks after the pre-construction survey, the site shall be resurveyed.

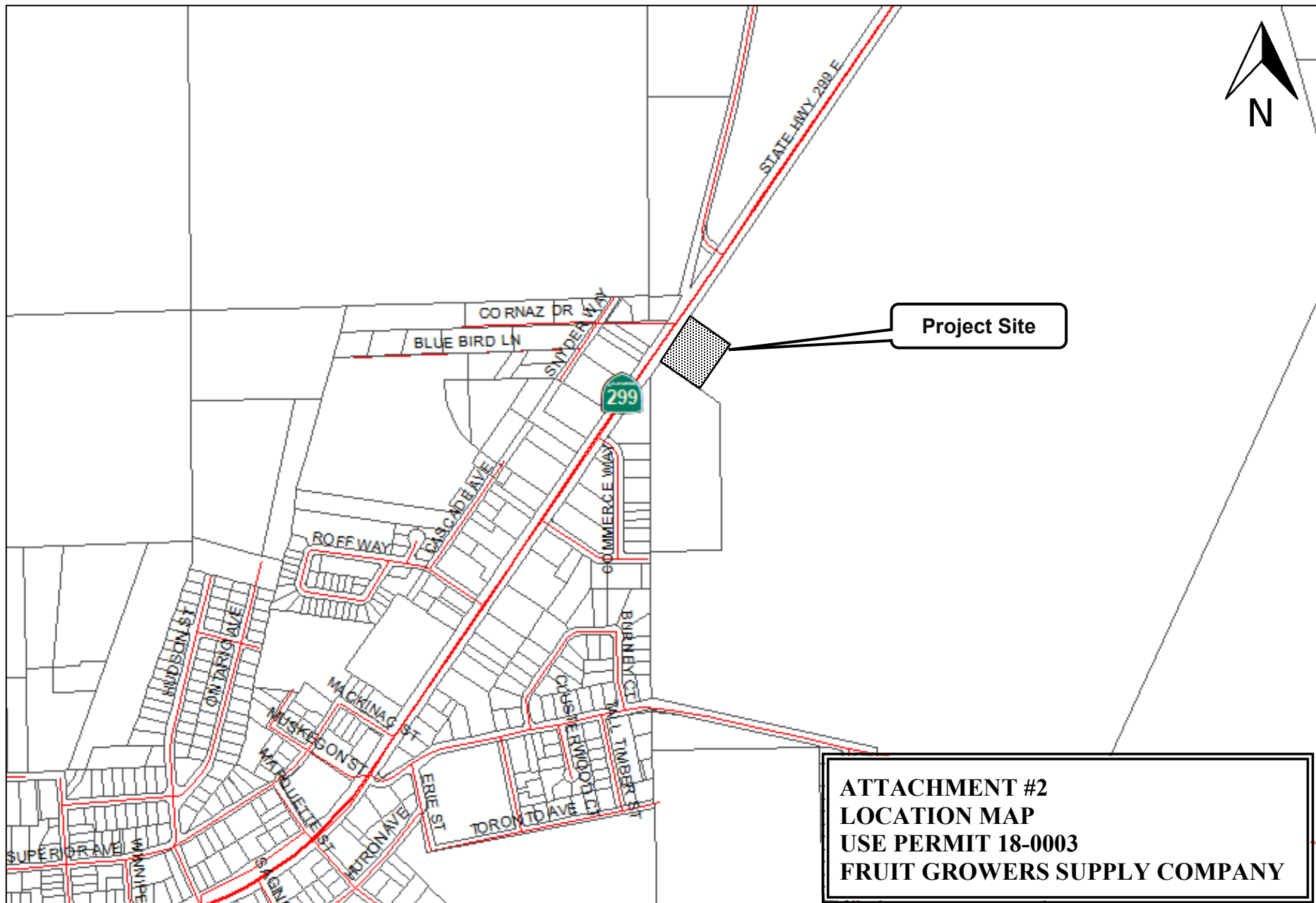
If nesting birds are found, the nest sites shall not be disturbed until after the young have fledged, as determined through additional monitoring by a qualified biologist. Further, to prevent nest abandonment and mortality of chicks and eggs, no construction activities shall occur within 500 feet of an active nest, unless a smaller buffer zone is authorized by a qualified biologist in consultation the CDFW and the USFWS (the size of the construction buffer zone may vary depending on the species of nesting birds present). A qualified biologist shall delineate the buffer zone with construction tape or pin flags that shall remain in place until the young have fledged, as determined through additional monitoring by a qualified biologist.

The biologist shall monitor nests weekly during construction to evaluate potential nesting

disturbance by construction activities. Guidance from CDFW will be requested if the nestlings within the active nest appear disturbed. The monitoring biologist shall have the authority to stop any work determined to be adversely affecting the nesting activity. The monitoring biologist shall report any "take" of active nests to CDFW.

ADVISORY NOTES:

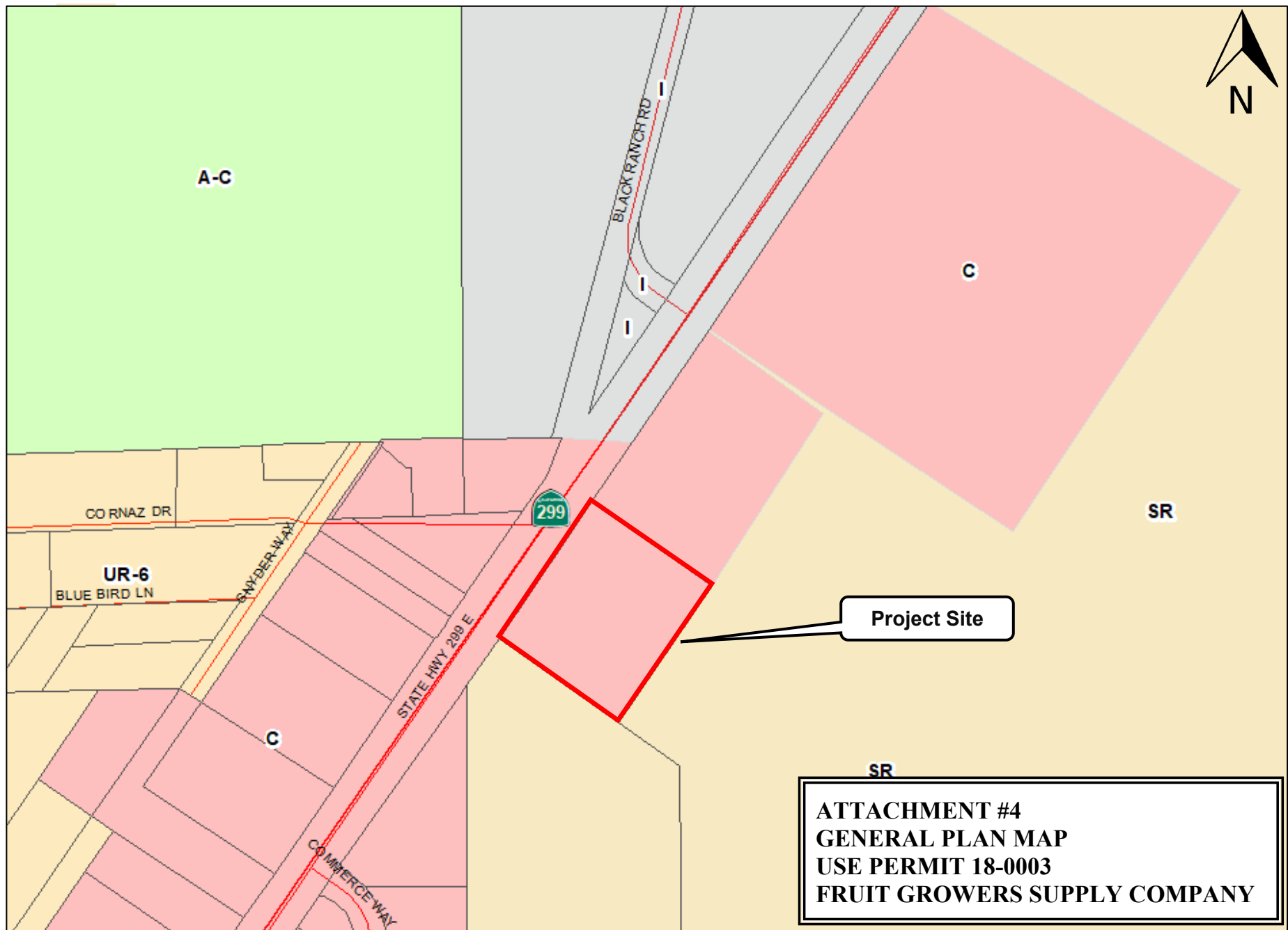
- A. This Use Permit expires and is null and void without further action by the County if the activity or the use for which the variance or Use Permit was granted has not been actively and substantially commenced within two years of the date of its approval. The planning commission may extend the time for commencement of the use or activity when the variance or Use Permit is approved, or during the two years following approval or affirmation of approval of the variance or use permit, if an application for an extension of time is made to the planning division prior to expiration of the variance or use permit.
 - B. The project is located in an area designated as a "VERY HIGH" Fire Hazard Severity Zone under Section 4203 of the Public Resources Code of the State of California.
 - C. The Board of Supervisors has determined that oak woodlands are valuable as wildlife habitat as well as for shade, aesthetic and scenic values. If your property contains oak trees you are encouraged to consult the oak woodland management guidelines, Resolution No. 95-157, for guidance regarding use and protection of oak trees.
- * Denotes mitigation measures of the mitigated negative declaration.

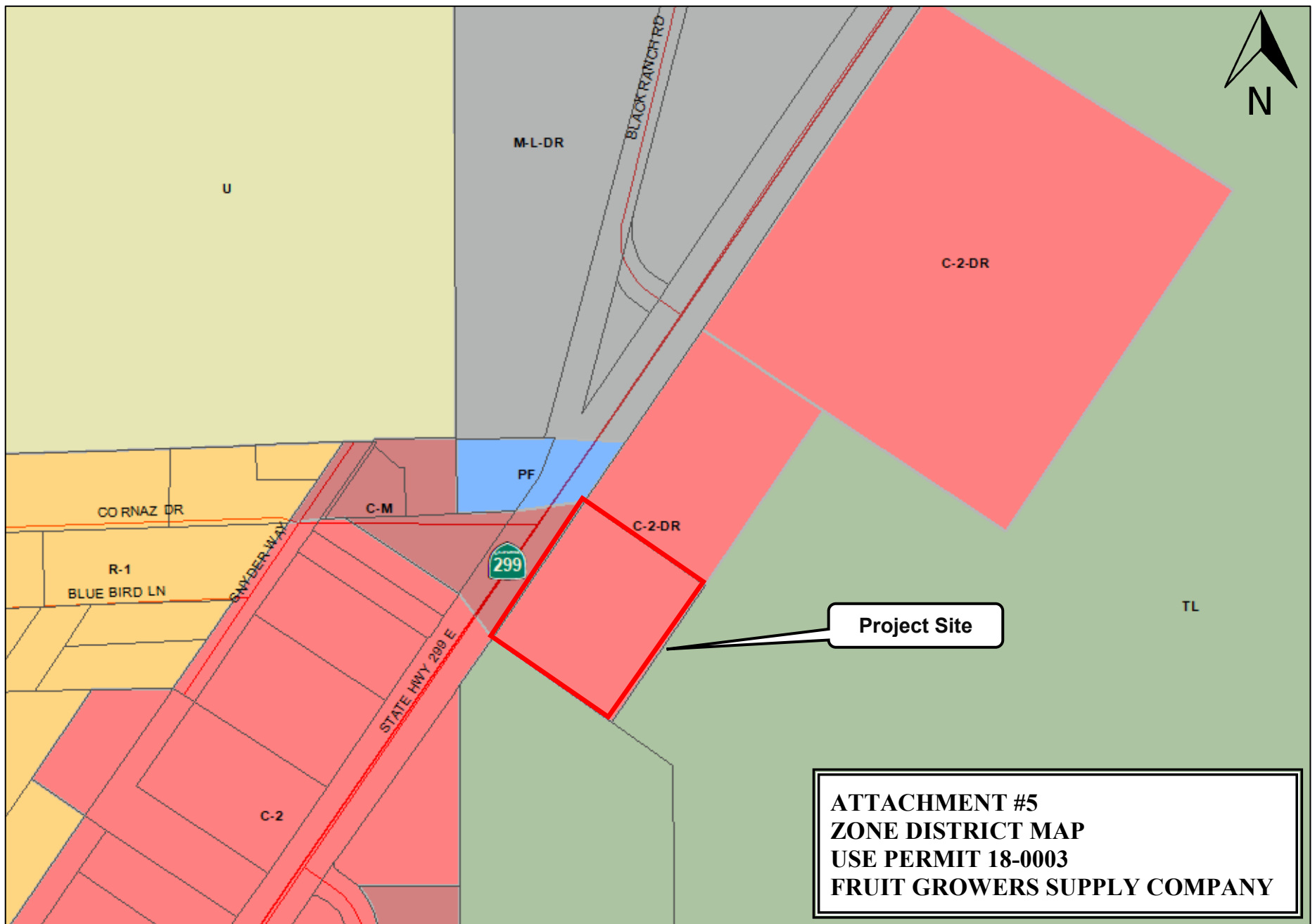




Project Site

**ATTACHMENT #3
PROJECT AERIAL
USE PERMIT 18-0003
FRUIT GROWERS SUPPLY COMPANY**





Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # _____**Project Title:** Use Permit 18-0003 (Fruit Growers Supply Company)

Lead Agency: Shasta County Department of Resource Management – Planning Division Contact Person: Luis A. Topete, Associate Planner

Mailing Address: 1855 Placer Street, Suite 103

Phone: (530) 225-5532

City: Redding, CA

Zip: 96001

County: Shasta

Project Location: County: Shasta City/Nearest Community: Burney

Cross Streets: Adjacent to and east of Hwy 299, approximately 0.1 miles north of the intersection of Hwy 299 and Commerce Way Zip Code: 96013

Lat. / Long.: 40° 53' 28.11" N/ 121° 39' 3.80" W

Total Acres: 2.07

Assessor's Parcel No.: 028-370-024

Section: 16/17

Twp.: 35N

Range: 3E

Base: MDB&M

Within 2 Miles: State Hwy #: 299 Airports: N/A Railways: N/A Waterways: Burney Creek

Schools: Mountain View Continuation, Burney Elementary, E Burney Elementary, Intermountain Community Center, Burney Jr/Sr High, Mount Burney Education Center

Document Type:

CEQA: ☐ NOP ☐ Draft EIR NEPA: ☐ NOI Other: ☐ Joint Document
☐ Early Cons ☐ Supplement/Subsequent EIR ☐ EA ☐ Final Document
☐ Neg Dec (Prior SCH No.) ☐ Draft EIS ☐ Other _____
☒ Mit Neg Dec Other _____ ☐ FONSI

Local Action Type:

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment
☐ General Plan Element ☐ Planned Unit Development ☒ Use Permit ☐ Coastal Permit
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, etc.) ☐ Other _____

Development Type:

☐ Residential: Units _____ Acres _____ ☐ Water Facilities: Type _____ MGD _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____ ☐ Transportation: Type _____
☒ Commercial: Sq.ft. 20,000 Acres _____ Employees 20 ☐ Mining: Mineral _____
☐ Industrial: Sq.ft. _____ Acres _____ Employees _____ ☐ Power: Type _____ MW _____
☐ Educational _____ ☐ Waste Treatment: Type _____ MGD _____
☐ Recreational _____ ☐ Hazardous Waste: Type _____
☐ Other: _____

Project Issues Discussed in Document:

☒ Aesthetic/Visual ☐ Flood Plain/Flooding ☐ Recreation/Parks ☐ Vegetation
☒ Agricultural Land ☒ Forest Land/Fire Hazard ☐ Schools/Universities ☐ Water Quality
☒ Air Quality ☐ Geologic/Seismic ☐ Septic Systems ☒ Water Supply/Groundwater
☐ Archeological/Historical ☒ Greenhouse Gas Emissions ☐ Sewer Capacity ☐ Wetland/Riparian
☒ Biological Resources ☐ Minerals ☐ Soil Erosion/Compaction/Grading ☒ Wildlife
☐ Coastal Zone ☒ Noise ☐ Solid Waste ☒ Growth Inducing
☒ Drainage/Absorption ☒ Population/Housing Balance ☒ Toxic/Hazardous ☐ Land Use
☐ Economic/Jobs ☒ Public Services/Facilities ☒ Traffic/Circulation ☒ Cumulative Effects
☐ Other _____

Present Land Use/Zoning/General Plan Designation:

The property is currently undeveloped. The Zoning is Community Commercial combined with Design Review (C-2-DR). The General Plan land use designation is Commercial (C).

Project Description: (please use a separate page if necessary)

The project is a use permit application to allow the use of an undeveloped 2.07-acre parcel for construction and operation of a new 20,000-square-foot grocery store with 92 on-site parking spaces, drive aisles, loading dock, two driveway entrances, on-site landscaping, and installation of new sidewalk along the project frontage.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Emergency Services
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> CalFire	<input type="checkbox"/> Parks & Recreation
S <input type="checkbox"/> Caltrans District # 2	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Planning (Headquarters)	S <input type="checkbox"/> Regional WQCB # 5
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Coachella Valley Mountains Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Commission
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers and Mtns Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mountains Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
S <input type="checkbox"/> Fish & Game Region # 1	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> Health Services, Department of	
<input type="checkbox"/> Housing & Community Development	<input type="checkbox"/> Other _____
<input type="checkbox"/> Integrated Waste Management Board	<input type="checkbox"/> Other _____
<input type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date: November 30, 2018 Ending Date: January 3, 2019

Lead Agency (Complete if applicable):

Consulting Firm: <u>Best Development Group</u>	Applicant: <u>Fruit Growers Supply Company</u>
Address: <u>2580 Sierra Blvd, Suite E</u>	Address: <u>27770 N. Entertainment Drive</u>
City/State/Zip: <u>Sacramento, CA 95825</u>	City/State/Zip: <u>Valencia, CA 91355</u>
Contact: <u>Terry Johnson</u>	Phone: _____
Phone: <u>916-482-8330</u>	

Signature of Lead Agency Representative: Paul C. HallDate: 11/28/18

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

ENVIRONMENTAL INITIAL STUDY & MITIGATED NEGATIVE DECLARATION

Use Permit 18-0003
Fruit Growers Supply Company

November 30, 2018

ENVIRONMENTAL INITIAL STUDY &
MITIGATED NEGATIVE DECLARATION
WITH
References and Documentation

Prepared by
SHASTA COUNTY DEPARTMENT OF RESOURCE MANAGEMENT
PLANNING DIVISION
1855 Placer Street, Suite 103
Redding, California 96001

**SHASTA COUNTY
ENVIRONMENTAL CHECKLIST FORM
INITIAL STUDY & MITIGATED NEGATIVE DECLARATION**

- 1. Project Title:**
Use Permit 18-0003 (Fruit Growers Supply Company)
- 2. Lead agency name and address:**
Shasta County Department of Resource Management, Planning Division
1855 Placer Street, Suite 103
Redding, CA 96001-1759
- 3. Contact Person and Phone Number:**
Luis Topete, Associate Planner (530) 225-5532
- 4. Project Location:**
The project is located in the Burney area on a 2.07-acre parcel, adjacent to and east of State Highway 299 E, approximately 0.1 miles northeast of the intersection of State Highway 299 E and Commerce Way (Assessor Parcel Number 028-370-024).
- 5. Owner/Applicant Name and Address:**
Fruit Growers Supply Company
27770 N. Entertainment Drive
Valencia, CA 91355
- 6. Representative Name and Address:**
Best Development Group
2580 Sierra Boulevard, Suite E
Sacramento, CA 95825
- 7. General Plan Designation:**
Commercial (C)
- 8. Zoning:**
Community Commercial combined with Design Review (C-2-DR)
- 9. Description of Project:**
The project is a use permit application to allow the use of an undeveloped 2.07-acre parcel for construction and operation of a 20,000-square-foot grocery store with 92 on-site parking spaces, drive aisles, loading dock, two driveway entrances, on-site landscaping, and installation of new sidewalk along the project frontage.
- 10. Surrounding Land Uses and Setting:**
Surrounding land uses include undeveloped timberland designated properties to the east and south; and an undeveloped commercially designated property to the northeast. Across Highway 299 E to the northwest and west are existing commercial businesses, including Custom Audio Sound, Burney Disposal and Superior Avenue Steel Supply. Calvary Chapel Burney Falls is approximately 300-feet south of the project site and the Rite Aid commercial complex is approximately 0.15 miles south of the project.

The project site is undeveloped. Vegetation at the site is composed of a ponderosa pine overstory with shrubs and annual grasses in the mid and understory. The topography of the site is predominantly flat with gentle slopes. The project is in the Pit River-Burney watershed. No streams or other waterbodies are present within the project site.

11. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):**
Burney Fire Protection District
Burney Water District
California Department of Transportation (Caltrans)
State Water Resources Control Board

12. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?**
In accordance with Public Resources Code (PRC) Section 21080.3.1, the Pit River Tribe (Tribe) filed and Shasta County received a request for formal notification of proposed projects within an area of Shasta County that is traditionally and culturally affiliated with the Tribe. Pursuant to PRC §21080.3.1 the Department of Resource Management sent a certified letter to notify the Tribe that the project was under review and to provide the Tribe 30 days from the receipt of the letter to request consultation on the project in writing. To date, no response has been received.

NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

	Aesthetics		Agricultural Resources		Air Quality
	Biological Resources		Cultural Resources		Geology / Soils
	Greenhouse Gas Emissions		Hazards & Hazardous Materials		Hydrology / Water Quality
	Land Use / Planning		Mineral Resources		Noise
	Population / Housing		Public Services		Recreation
	Transportation / Traffic		Tribal Cultural Resources		Utilities / Service Systems
	Mandatory Findings of Significance				

DETERMINATION: (To be completed by the Lead Agency)

On the basis of the initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

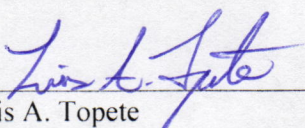
☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

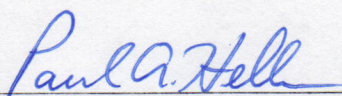
☐ I find that although the proposed project could have a significant effect on the environment because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Copies of the Initial Study and related materials and documentation may be obtained at the Planning Division of the Department of Resource Management, 1855 Placer Street, Suite 103, Redding, CA 96001. Contact Luis A. Topete, Associate Planner at (530) 225-5532.



Luis A. Topete
Associate Planner

11/28/2018
Date



Paul A. Hellman
Director of Resource Management

11/28/18
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parenthesis following each question. A “No Impact” answer is adequately supported if all the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less-than-significant with mitigation, or less-than-significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more, “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less-than-significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-than-significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from Section XVIII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures: For effects that are “Less-than-significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. General Plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify the following:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less-than-significant.

I. <u>AESTHETICS</u>: Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			✓	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?				✓
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			✓	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		✓		

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) Views of the project site are characterized by the surrounding forest environment and existing commercial development in the vicinity. The proposed single-story building would not significantly obstruct any view from surrounding properties. There is no view of the project site which includes a unique or aesthetically significant scenic vista. Thus, the project would not result in a substantial adverse effect on a scenic vista.
- b) The project would not substantially damage any scenic resource. The project site is not visible from a designated scenic highway or State route eligible for official scenic highway designation. The project site is located in a corridor in which the natural and man-made environment contrast as shown on the Shasta County General Plan Scenic Highways map. The proposed retail store and related improvements would be aesthetically consistent with the General Plan description of development located within the subject corridor.
- c) The project would not substantially degrade the existing visual character or quality of the site and its surroundings. The project surroundings include undeveloped properties to the south, east and northeast. Across Highway 299 E to the northwest and west are existing commercial businesses, including Custom Audio Sound, Burney Disposal and Superior Avenue Steel Supply. This DR district does not have specific design guidelines that have been adopted. As proposed, the development complies with the general development standards of the Zoning Plan, including the general development standards of the DR zone district.
- d) The County Zoning Plan requires that all lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. The California Department of Fish and Wildlife has expressed concerns of the adverse effects that the new source of artificial lighting from the project could have on birds and other nocturnal species on the adjacent wildlife habitat. The proposed on-site fixtures would directly illuminate areas within the project, but some light from the fixtures will spill onto the adjoining commercial and timberland properties.

In order to minimize potential impacts of project lighting it is recommended that all decorative lighting fixtures be downward facing, shielded and designed and installed to minimize photo-pollution and spillover of light onto adjacent wildlife habitat, and that a photometric plan indicating that predicted light spillage on adjoining residential properties will not exceed the moon's potential ambient illumination of one-tenth (0.1) of a foot-candle during the nighttime hours between 10 p.m. and 7 a.m.. With the incorporation of these measures, the project would not create a significant new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Mitigation/Monitoring: With the following proposed mitigation measures being proposed, the aesthetic impacts of the project will be less-than-significant.

- I.d.1) Prior to issuance of a building permit, the applicant shall submit a photometric plan and lighting plan, including cut sheets for all exterior lighting fixtures, to the Shasta County Planning Division for review and approval. All decorative lighting fixtures shall be downward facing, shielded and designed and installed to minimize photo-pollution and spillover of light onto adjacent wildlife habitat. The photometric plan shall demonstrate that predicted light spillage on adjoining residential properties will not exceed 0.1 foot candles during the nighttime hours between 10 p.m. and 7 a.m.

II. AGRICULTURE AND FORESTRY RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?				✓
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓
d) Result in the loss of forest land or conversion of forest land to non-forest use?			✓	
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			✓	

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- The subject property is not identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the map titled Shasta County Important Farmland 2014.
- Neither this property nor the surrounding properties are zoned for agricultural use nor are they in a Williamson Act Contract.
- The project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). The project site is not zoned for, nor would the project cause the rezoning of forest land, timberland, or timberland zoned Timberland production. The project site is zoned Community Commercial combined with Design Review (C-2-DR).
- The project would convert forestland, as defined by Title 14, Chapter 4 of the California Code of Regulations (Forest Practices), to a non-forest use. Cal Fire has determined the project exempt from timberland conversion and timber harvest plan requirements pursuant to Forest Practices, Section 1104.1. This "Less Than Three Acre Conversion Exemption" is applicable to a conversion of timberland to a non-timber use only, of less than three acres in one contiguous ownership, and exempts the timber harvest operations on this parcel from conversion permit and timber harvest plan requirements. Timber operations shall comply with all provisions of the exemption and all other applicable provisions of the Z'berg-Nejedly Forest Practice Act, regulations of the Board and currently effective provisions of the County's general plan, zoning ordinances and any implementing ordinances.

- e) The project would not result in any other changes in the existing environment that could result in conversion of Farmland to non-agricultural use, or conversion of forest land to non-forest use other than what is discussed under II.d above.

Mitigation/Monitoring: None proposed.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				✓
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			✓	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emission which exceed quantitative thresholds for ozone precursors)?			✓	
d) Expose sensitive receptors to substantial pollutant concentrations?			✓	
e) Create objectionable odors affecting a substantial number of people?			✓	

Discussion: Based on related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a-c) The project would not conflict with or obstruct implementation of the Northern Sacramento Valley Planning Area (NSVPA) 2015 Triennial Air Quality Attainment Plan for the Northern Sacramento Valley Air Basin as adopted by Shasta County, or any other applicable air quality plan. Using ITE Trip Generation Manual, 10th Edition, Land Use Code 854 for “Discount Supermarket” the project is anticipated to generate 168 additional PM peak hour trips. Of these trips 60% are assumed to be “pass-by” trips (vehicles that were already in route to other destinations) for a total of approximately 67 new PM peak hour trips per day with the proposed project as their primary destination.

According to the California Air Pollution Officers Association’s Threshold 2.3, the California Air Resources Board Reporting Threshold of 10,000 metric tons of carbon-dioxide equivalents per year (mtCO₂eq/yr) is recommended as a quantitative non-zero threshold. This threshold would be the operational equivalent of 550 dwelling units, 400,000 square feet of office use, 120,000 square feet of retail, or 70,000 square feet of supermarket use. Thus, this project will have a less than significant increase in traffic with regards to air quality impacts.

The NSVPA Air Quality Attainment Plan (2015) designates Shasta County as an area of Nonattainment with respect to the established ozone California ambient air quality standards. Nitrogen oxides (NO_x) are a group of highly reactive gasses and are also known as “oxides of nitrogen.” Because NO_x is an ingredient in the formation of ozone, it is referred to as an ozone precursor. NO_x is emitted from combustion sources such as cars, trucks and buses, power plants, and off-road equipment. Construction equipment and activities associated with making probable improvements would generate air contaminants, including oxides of nitrogen (NO_x), reactive organic gases (ROG), carbon dioxide (CO₂) and particulate matter (PM₁₀), in the form of engine exhaust and fugitive dust. However, the emissions emitted during construction would be limited and temporary.

The project is consistent with the air quality attainment plan. In addition, the Shasta County General Plan requires Standard Mitigation Measures and Best Available Mitigation Measures on all discretionary land use applications as recommended by the AQMD in order to mitigate both direct and indirect emissions of non-attainment pollutants. The project will not significantly violate any air quality standard or contribute substantially to an existing or projected air quality violation increase in any criteria pollutant, including ozone, ozone pre-cursors or PM₁₀ (particulate matter), and would not conflict with or obstruct implementation of the NSVPA Air Quality Attainment Plan (2015) as adopted by Shasta County, or any other applicable air quality plan.

- d-e) The project is not anticipated to expose sensitive receptors to substantial pollutant concentrations or create objectionable odors affecting a substantial number of people. Equipment used to construct the proposed improvements would produce emissions that

some may find objectionable. Potential impacts from exhaust odor during construction and from delivery trucks would depend on the degree of transport, relative concentration upon arrival at the project site, and/or sensitivity of the receiving party. Surrounding land uses include undeveloped properties to the south, east and northeast. Across Highway 299 E to the northwest and west are existing commercial businesses; Calvary Chapel Burney Falls is approximately 300-feet south of the project site and there appears to be a residential structure approximately 350-feet from the project in a C-2 zone district. Mobile equipment operators and delivery truck drivers would be subject to Air Quality Management District and State diesel idling rules which minimizes the length of time that a diesel engine can remain idle.

Mitigation/Monitoring: None proposed.

IV. <u>BIOLOGICAL RESOURCES:</u> Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Have a substantial effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		✓		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✓
c) Have a substantial adverse effect on Federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		✓		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community, Conservation Plan, or other approved local, regional, or State habitat conservation plan?				✓

Discussion: Based on related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, and a Biological Review prepared by Wildlife Resource Managers (2018), the following findings can be made:

- a) No species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or the U.S. Fish and Wildlife Service have been identified on the project site. The lack of water exclude wetland habitat features and associated flora and fauna. The California Natural Diversity Database for the Burney, Cassel, East Burney and West Burney quadrangles which surround the project area was reviewed. The query yielded 22 animal species and 27 plant species. For nearly all species, suitable habitat does not exist within the project area. The exceptions include one mammal species, the Townsend's big eared bat which roosts in snags and four plant species, Bidwell's knotweed, Susanville milk vetch, Baker's globe mallow and Shasta beartongue. None of these species were observed on the project site. However, the occasional snag within the project area may be suitable habitat for this species.

The project would result in the removal of habitat, that among other values, may provide roosting and nesting habitat for special

status bat species and migratory birds. The loss of potential roosting and nesting habitat would be less-than-significant and not cumulatively considerable given the extent of suitable roosting and nesting habitat in the vicinity of the project site, but potential direct impacts on individual roosting or nesting bats or birds would be considered potentially significant. In order to avoid, reduce, and/or minimize the potential direct impacts on individual roosting or nesting bats or birds it is proposed that pre-construction surveys for the presence of roosting bats and/or nesting birds be conducted prior to any tree removal.

CDFW expressed concerns that the biological survey occurred in October, outside the blooming period. The Biological Review identified Lassen paintbrush (*Castilleja lasseensis*), with a California rare plant rank of 1B.3, which are plants rare, threatened, or endangered in California and elsewhere, but not very threatened in California, within the quadrangle query. With a satisfactory precipitation rate, the project area may provide suitable habitat for this species. In order to avoid, reduce, and/or minimize the potential on this plant species, it is proposed that surveys be conducted during the appropriate blooming period. If no plants are observed, no further mitigation would be needed. If the species is observed, CDFW would need to be notified and appropriate mitigation, as approved by CDFW, would be required.

- b) There is no riparian habitat or other sensitive natural community on the project site or in the project area.
- c) There are no vernal pools or wetlands identified on the subject property based on the field survey conducted by Wildlife Resource Managers and based on the Vernal Pools, Wetlands, and Waterways Map of Shasta County prepared by the Geographic Information Center, California State University, Chico, on August 24, 1996. There is one area identified on the project site that does hold water for a short duration after a storm event but does not meet the Army Corps of Engineers or US Fish and Wildlife Service definitions of a wetland feature. The feature may be classified as a road-side ditch, which are not considered a feature by the Army Corps of Engineers. There are no ephemeral, intermittent, perennial streams, or drainage ditches or other wetlands on the project site.
- d) The field surveyed conducted on October 16, 2018 showed no evidence of nesting raptors and passerine species were nearly absent when the area was surveyed. Mid-story browse species showed little evidence of browsing while being in a vigorous growth condition. No large nests were found in the tree canopy and no deer trails or pellets were observed. However, the presence of species protected under the federal Migratory Bird Treaty Act remains possible due to the potential nesting habitat on-site. In order to avoid potential impacts to nesting migratory birds and/or raptors protected under federal Migratory Bird Treaty Act and California Fish and Game Code Section 3503 and Section 3503.5, including their nests and eggs, implementation of one of the following mitigation measures shall be required to ensure these species are not affected by the development of the site: 1) vegetation removal and other ground-disturbance activities shall occur during the non-nesting season (September 1 thru January 31); or 2) if vegetation removal or ground disturbance activities occur during the nesting season (February 1 thru August 31), a pre-construction nesting survey shall be conducted by a qualified biologist to identify active nests in and adjacent to the work area. Therefore, the project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- e) Second growth ponderosa pine dominates the overstory at the project site which is otherwise interspersed with black oak, Oregon white oak and western juniper. Shasta County encourages the retention of native vegetation where feasible. The project would not conflict with any ordinances or policies which protect biological resources. Shasta County Board of Supervisors' Resolution No. 95-157 provides guidance regarding use and protection of oak trees on a voluntary basis. While two species of oak trees are present at the project site, as a whole, vegetation at the project site is representative of the conifer forest type. Therefore, the project would have no impact on oak woodlands.
- f) There are no adopted Habitat Conservation Plan, Natural Community, Conservation Plan, or other approved local, regional, or State habitat conservation plans for the project site or project area.

Mitigation/Monitoring: With the mitigation measures being proposed, the impacts will be less-than-significant.

- IV.a.1) Any vegetation removal or construction on the property should be conducted between September 1 - October 15 and between March 1 - March 31 to avoid the bat maternity season as well as the winter season when bats are torpor and are inactive. If vegetation removal or construction activities occur during the bat maternity season (April 1 - August 31) or the bats torpor period (October 16 - February 28) then a bat roost survey shall be conducted by a biologist qualified to identify any bat roosting sites within the property, and who shall do the following:
 - a. Conduct a pre-construction bat roost survey(s) within one (1) week of vegetation removal that involves the removal of potential diurnal roosting trees.
 - b. Surveys shall be conducted within the entire area where potential diurnal roosting trees are to be removed and within 100 feet of the area.

- c. If a maternity roost with young is observed then the biologist will map the location and establish an appropriate “no disturbance” buffer around the roost as determined by the biologist. Construction and vegetation removal activity shall be prohibited within the buffer until the young are volant (i.e. flying). Roosts shall be monitored at least once per week and a report submitted to the County Planning Division monthly.
- d. If a roost is observed without young then the biologist should establish a “no disturbance” buffer until the bats are excluded from the roost or there are no roosting bats present.

IV.a.2) The Project Applicant must do surveys for the Lassen paintbrush (*Castilleja lasenensis*) during the appropriate blooming period (June 1st – September 30th). If no plants are observed, no further mitigation would be needed. If the species is observed, CDFW would need to be notified and appropriate mitigation, as approved by CDFW, would be required. Depending upon the level of impact, the mitigation could include purchasing another parcel with that species on it or redesigning the project. As the Department does not do transplanting of species, this would not be a mitigation option. All species listed as CRPR 1B – 4 observed onsite would need to be reported to the California Natural Diversity Database.

IV.d.1) In order to avoid impacts to nesting migratory birds and/or raptors protected under federal Migratory Bird Treaty Act and California Fish and Game Code Section 3503 and Section 3503.5, including their nests and eggs, one of the following shall be implemented:

- a. Vegetation removal and other ground-disturbance activities associated with construction shall occur between September 1 and January 31 when birds are not nesting; or
- b. If vegetation removal or ground disturbance activities occur during the nesting season, a pre-construction nesting survey shall be conducted by a qualified biologist to identify active nests in and adjacent to the work area. The survey shall be conducted no more than one week prior to the initiation of construction. If construction activities are delayed or suspended for more than two weeks after the pre-construction survey, the site shall be resurveyed.

If nesting birds are found, the nest sites shall not be disturbed until after the young have fledged, as determined through additional monitoring by a qualified biologist. Further, to prevent nest abandonment and mortality of chicks and eggs, no construction activities shall occur within 500 feet of an active nest, unless a smaller buffer zone is authorized by a qualified biologist in consultation the CDFW and the USFWS (the size of the construction buffer zone may vary depending on the species of nesting birds present). A qualified biologist shall delineate the buffer zone with construction tape or pin flags that shall remain in place until the young have fledged, as determined through additional monitoring by a qualified biologist.

The biologist shall monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. Guidance from CDFW will be requested if the nestlings within the active nest appear disturbed. The monitoring biologist shall have the authority to stop any work determined to be adversely affecting the nesting activity. The monitoring biologist shall report any “take” of active nests to CDFW.

<u>V. CULTURAL RESOURCES:</u> Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				✓
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				✓
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓
d) Disturb any human remains, including those interred outside of formal cemeteries?				✓

Discussion: Based on related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, and a Cultural Resources Investigation prepared by Sub Terra Consulting (2018), the following findings can be made:

- a-b) The project would not cause a substantial adverse change in the significance of any historical resource or an archeological resource.

According to the Cultural Resources Investigation prepared by Sub Terra Consulting (2018), a records search and document review was conducted at the California Office of Historic Preservation (CalOHP) Northeast Information Center of the California Historical Resources Inventory System (NEIC) on July 23, 2018. No previously recorded cultural resources were identified within the boundaries or within a 1.0 mile radius of the project site. A Sacred Lands File and Native American Contacts List Request was submitted to the California Native American Heritage Commission (NAHC) on July 31, 2018, and a response was received on August 1, 2018. No previously recorded sacred lands were identified in the vicinity of the project site. Coordination letters containing a project description, a map location of the project site, and a request for information were sent to 11 additional recommended tribal contacts on August 11, 2018. No responses have been received. Additionally, an intensive archeological field survey was conducted on August 16, 2018. No cultural resources, prehistoric or historical artifacts or features were identified by the field survey. The report concluded that no specific cultural resource treatment measures are necessary.

- c) Upon review of the Minerals Element of the General Plan, there is no evidence to suggest that the project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- d) The project site is not on or adjacent to any known cemetery or burial area. Therefore, there is no evidence to suggest that the project would disturb any human remains.

Although there is no evidence to suggest that the project would result in any significant effect to historical, archeological, paleontological, or unique geologic resource, or human remains, there is always the possibility that such resources or remains could be encountered. Therefore, if, in the course of development, any archaeological, historical, or paleontological resources are uncovered, discovered or otherwise detected or observed, ground disturbance activities in the affected area shall cease and a qualified archaeologist shall be contacted to review the site and advise the County of the site's significance. If the findings are deemed significant by the Environmental Review Officer, appropriate mitigation shall be required.

Mitigation/Monitoring: None proposed.

<u>VI. GEOLOGY AND SOILS:</u> Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> i) Rupture of a known earthquake, fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publications 42. ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction? iv) Landslides? 				✓
b) Result in substantial soil erosion or the loss of topsoil?				✓

<u>VI. GEOLOGY AND SOILS:</u> Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?				✓
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				✓
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?				✓

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity and percolation tests completed by Barrett Consulting, the following findings can be made:

- a) The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault;

According to the Alquist-Priolo Earthquake Fault Zoning Maps for Shasta County, there is no known earthquake fault on the project site.

- ii) Strong seismic ground shaking;

According to the Shasta County General Plan Section 5.1, Shasta County has a low level of historic seismic activity. The entire County is in Seismic Design Category D. All structures shall be constructed according to the seismic requirements of the currently adopted seismic standards of California Building Standards Code.

- iii) Seismic-related ground failure, including liquefaction;

The California Building Standards Code (Code) enforced by Shasta County requires a soils report be prepared and submitted with building permit applications for commercial structures. The report must be prepared by a California Licensed Engineer. As previously noted, Shasta County has a low level of historic seismic activity. In addition, it is likely that the conditions at the site are suitable for construction as evidenced by development of properties in the immediate vicinity. There is no evidence of seismic-related ground failure, including liquefaction on or near the project site.

- iv) Landslides.

There is no evidence of landslides on the subject property or the surrounding area. The project site is flat and is not located at top or toe of any significant slope. Therefore, impacts from landslides are considered to be less-than-significant.

- b) The project would not result in substantial soil erosion or the loss of topsoil. The Soil Survey of Intermountain Area, California, published by U.S. Department of Agriculture, Natural Resource Conservation Service and Forest Service; the California Department of Forestry, Soil Vegetation Survey; the University of California Agricultural Experiment Station; and the United States Department of the Interior, Bureau of Land Management, 1994, identified the project site as Burney-Arkrigh complex soil map unit with a hazard of erosion low to moderate. A grading permit is required prior to any grading activities. The grading permit includes requirements for erosion and sediment control, including retention of topsoil.
- c) Topography on the site is predominantly level, with small undulations. According to the Shasta County General Plan Section 5.1, Shasta County has a low level of historic seismic activity. Based on a review of the Soil Survey of Intermountain Area, California and discussion in Sections VI.a and VI.b above, the threat of landslides, lateral spreading, subsidence, liquefaction, or collapse is less than significant.
- d) The site soils are not described as expansive soils in the “Soil Survey of Intermountain Area, California.”

- e) The project does not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. A permit to install an onsite wastewater treatment system (OWTS) shall be obtained from the Shasta County Environmental Health Division. OWTS permits are written after submission of a completed application, suitable soils testing data, site plot plan, and payment of fees. Building permit(s) for project will not be issued until an OWTS permit has been issued.

Mitigation/Monitoring: None proposed.

VII. <u>GREENHOUSE GAS EMISSIONS:</u> Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	

Discussion: Based on these comments, the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

a-b) In 2005, the Governor of California signed Executive Order S-3-05, establishing that it is the State of California's goal to reduce statewide greenhouse gas (GHG) emission levels. Subsequently, in 2006, the California State Legislature adopted Assembly Bill AB 32, the California Global Warming Solutions Act. In part, AB 32 requires the California Air Resources Board to develop and adopt regulations to achieve a reduction in the State's GHG emissions to year 1990 levels by year 2020.

California Senate Bill 97 established that an individual project's effect on GHG emission levels and global warming must be assessed under CEQA. SB 97 further directed that the State Office of Planning and Research (OPR) develop guidelines for the assessment of a project's GHG emissions. Those guidelines for GHG emissions were subsequently included as amendments to the CEQA Guidelines. The guidelines did not establish thresholds of significance and there are currently no state, regional, county, or city guidelines or thresholds with which to direct project-level CEQA review. As a result, Shasta County reserves the right to use a qualitative and/or quantitative threshold of significance until a specific quantitative threshold is adopted by the state or regional air district.

The City of Redding currently utilizes a quantitative non-zero project-specific threshold based on a methodology recommended by the California Air Pollution Officers Association (CAPCOA) and accepted by the California Air Resources Board. According to CAPCOA's Threshold 2.3, CARB Reporting Threshold, 10,000 metric tons of carbon-dioxide equivalents per year (mtCO₂eq/yr) is recommended as a quantitative non-zero threshold. This threshold would be the operational equivalent of 550 dwelling units, 400,000 square feet of office use, 120,000 square feet of retail, or 70,000 square feet of supermarket use. This approach is estimated to capture over half the future residential and commercial development projects in the State of California and is designed to support the goals of AB 32 and not hinder it. The use of this quantitative non-zero project-specific threshold by Shasta County, as lead agency, would be consistent with certain practices of other lead agencies in the County and throughout the State of California.

The United States Environmental Protection Agency (EPA) identifies four primary constituents that are most representative of the GHG emissions. They are:

- Carbon Dioxide (CO₂): Emitted primarily through the burning of fossil fuels. Other sources include the burning of solid waste and wood and/or wood products and cement manufacturing.
- Methane (CH₄): Emissions occur during the production and transport of fuels, such as coal and natural gas. Additional emissions are generated by livestock and agricultural land uses, as well as the decomposition of solid waste.
- Nitrous Oxide (N₂O): The principal emitters include agricultural and industrial land uses and fossil fuel and waste combustion.
- Fluorinated Gases: These can be emitted during some industrial activities. Also, many of these gases are substitutes for ozone-depleting substances, such as CFC's, which have been used historically as refrigerants. Collectively, these gases are often referred to as "high global-warming potential" gases.

The primary generators of GHG emissions in the United States are electricity generation and transportation. The EPA estimates that nearly 85 percent of the nation's GHG emissions are comprised of carbon dioxide (CO₂). The majority of CO₂ is generated by petroleum consumption associated with transportation and coal consumption associated with electricity generation. The remaining emissions are predominately the result of natural-gas consumption associated with a variety of uses.

The project would involve the construction of a new 20,000-square-foot grocery store with 92 on-site parking spaces, drive aisles, loading dock, two driveway entrances, on-site landscaping, and installation of new sidewalk along the frontage. The anticipated vehicle

trip generation is described in Section III (Air Quality). Construction equipment and activities associated with making the proposed improvements would generate greenhouse gas emissions, including carbon dioxide. However, the emissions emitted during construction would be limited and temporary. Based on the thresholds discussed above, the potential impact of this project for both construction and operational emissions would be less than significant.

Mitigation/Monitoring: None proposed.

VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				✓
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas, or where residences are intermixed with wildlands?			✓	

Discussion: Based on these comments, the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) The use resulting from the project would be a retail grocery store. No routine transport, use, or disposal of hazardous materials is anticipated as a result of the project.
- b) Hazardous materials such as industrial fuels, oils, and solvents may be stored at the site during construction. If it is necessary to store such material in reportable quantities, the operator and/or contractor would have to prepare and submit a hazardous materials business plan to the Shasta County Environmental Health Division for review and approval. The conditions of approval for the project would include a standard condition requiring compliance with this regulatory requirement. Therefore, the project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- c) The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d) The project is not located on a site which is included on a list of hazardous materials sites compiled by the California Department

of Toxic Substances Control pursuant to Government Code Section 65962.5.

- e) The project is not located within an airport land use plan or within two miles of a public airport or public use airport.
- f) The project is not located within the vicinity of a private airstrip.
- g) A review of the project and the Shasta County and City of Anderson Multi-Jurisdictional Hazard Mitigation Plan, and the Shasta County Emergency Operations Plan, indicates that the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.
- h) The project is located in an area designated as “Very High” fire hazard severity zone. All roadways, driveways and for the proposed project will be required to be constructed in accordance with the Shasta County Fire Safety Standards. These standards also require the clearing of combustible vegetation around all structures for a distance of not less than 30 feet on each side or to the property line. The California Public Resources Code Section 4291 includes a “Defensible Space” requirement of clearing 100 feet around all buildings or to the property line, whichever is less.

Mitigation/Monitoring: None proposed.

IX. <u>HYDROLOGY AND WATER QUALITY:</u> Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				✓
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a new deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			✓	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			✓	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?		✓		
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				✓
f) Otherwise substantially degrade water quality?				✓
g) Place housing within 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				✓
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓
j) Inundation by seiche, tsunami, or mudflow?				✓

Discussion: Based on these comments, the related documents listed in the Sources of Documentation for Initial Study Checklist, staff

review of the project, observations on the project site and in the vicinity, and a Hydrology Study for Detention Requirement prepared by Hydmet Consulting (2018), the following findings can be made:

- a) The project would not violate any water quality standards or waste discharge requirements. Grading will be needed for this project. A grading permit will be required. The provisions of the permit will address erosion and siltation containment on-and off-site. In addition, the project will disturb more than an acre of land. Therefore the applicant will also be required to prepare a Storm Water Pollution Prevention Plan (SWPP) and obtain a General Construction Storm Water Permit (SWP) from the State of California Regional Water Quality Control Board. The SWPP and SWP would include specific erosion control measures and monitoring requirements. Through adherence to construction standards; including erosion and sediment control measures, water quality and waste discharge standards will not be violated.
- b) Water service for the proposed development will be provided by the Burney Water District. The District is responsible for review of groundwater supplies prior to approving the water supply for the project. The District has indicated they will provide water service to the proposed project, subject to the conditions in the Will Serve letter dated November 5, 2018. The retailer that would occupy the proposed building would, on a typical day, have a total of 20 employees working at the site over two shifts, approximately 8-10 employees per shift. Per the U.S. EPA, use of 20-35 gallons, per employee, per day, are estimated in commercial settings. This level of staffing would result in the use of approximately 700 gallons per day. Landscaping required for the project would have to comply with water efficiency standards of the model Water Efficient Landscape Ordinance and would therefore be designed to minimize water usage. Therefore, the project is unlikely to result in a substantial depletion of groundwater supplies or interfere substantially with groundwater recharge.
- c) Drainage improvements and designs will be subject to an approved grading plan and permit issued by the Shasta County Building Division. The grading permit includes requirements for erosion and sediment control, including retention of topsoil. In addition, the applicant will be required to obtain a Construction General Permit (CGP) from the State Water Resources Control Board for storm water associated with construction activity. The project will be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP. Therefore, the project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.
- d) The project site is 2.07-acres in size, with 20,000-square-feet of building area, approximately 50,885-square-feet of other non-permeable surfaces (parking stalls, drive aisles and pedestrian walkways), and 14,492-square-feet of landscaping. Runoff from the site ultimately drains into Burney Creek with no defined drainage course. If undeveloped areas of the project site are converted to impervious surfaces as proposed, peak storm water discharge rates from the project site would increase. Increased peak discharge rates from the site would increase peak flows in downstream conveyances (ditches, drainages, creeks, etc) which could result in or contribute to potential downstream flooding. A hydrology study was prepared by Hydmet Consulting to determine the amount of on-site storm water detention needed to reduce potential post construction project discharge rates to levels equal to discharge rates modeled for the undeveloped project site. It was determined that an on-site detention area of 0.3-acre-feet (13,000-cubic-feet) with an 8-inch discharge outlet is required to prevent increased downstream peak flows for the 10-year and 100-year design storm events. Subsurface storm water detention has been incorporated into the project design. The subsurface detention basin would be located on the east side of the project under the proposed parking and drive-aisle. Ensuring the 0.3-acre-feet storm water detention is incorporated into the project would mitigate to a less-than-significant level those impacts associated with the project's potential to substantially increase the rate or amount of surface runoff.
- e-f) Impervious surface area created by the project would increase the volume and rate runoff from the site. Runoff generated from the site may pick up grease and oils from driveways and parking stalls at the facility, but pollutants deposited on the driveways would not be a substantial additional source of polluted runoff. Runoff would be captured on-site in the new storm water detention area which will restrict runoff to post-construction project discharge rates. Additionally, the grading permit includes requirements for erosion and sediment control, and the required Construction General Permit (CGP) from the State Water Resources Control Board requires storm water pollution controls during construction and post-construction. Therefore, the project would not otherwise substantially degrade water quality nor would it create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.
- g) The project would not place housing within the 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. The project site is not located within a flood hazard area nor is housing proposed for this project.
- h) The project would not place within a 100-year flood hazard area structures which would impede or redirect flood flows. The project site is not located within a flood hazard area.
- i) The project would not expose people or structures to a significant risk of loss, injury, or death involving flooding. There are no levees, dams, or impoundments within or upstream from the project area which would create flooding in the event of levee or dam failure.
- j) The project would not result in inundation by seiche, tsunami, or mudflow. The project is not located near a large lake or the ocean so would not be subject to seiche or tsunami. It is not located on or near a mountainside or hillside which is subject to mudflows.

Mitigation/Monitoring: With the mitigation measures being proposed, the noise impacts from the project will be less-than-significant.

- IX.d.1) A detention facility capable of detaining 0.3-acre-feet (13,000-cubic-feet) of stormwater with an 8-inch maximum discharge outlet shall be constructed to prevent any increase in downstream peak flow for the 10-year and 100-year design storm events. Minor modification of the proposed design may be approved by the Director of Resource Management provided the modified design is functionally equivalent to the proposed detention facility.

X. LAND USE AND PLANNING: Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Physically divide an established community?				✓
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) The project does not include the creation of any road, ditch, wall, or other feature which would physically divide an established community.
- b) The project is consistent with the Community Commercial combined with Design Review (C-2-DR) zone district and Commercial (C) General Plan land use designation of the project site. The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.
- c) The project would not conflict with any applicable habitat conservation plan or natural community conservation plan. There is no adopted Habitat Conservation Plan, Natural Community, Conservation Plan, or other approved local, regional, or State habitat conservation plan for the project site or project area.

Mitigation/Monitoring: None proposed.

XI. MINERAL RESOURCES: Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?				✓
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, specific plan or other land use plan?				✓

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) The project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State. There are no known mineral resources of regional value located on or near the project site.
- b) The project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. The project site is not identified in the General Plan Minerals Element as

containing a locally-important mineral resource. There is no other land use plan which addresses minerals.

Mitigation/Monitoring: None proposed.

<u>XII. NOISE:</u> Would the project result in:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				✓
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels				✓
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		✓		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- The General Plan Noise Standards for projects, including new non-transportation noise sources, is 55 dBA Leq, (hourly average noise level in decibels) daytime (7:00 a.m. to 10 p.m.), and 50 dBA Leq, nighttime (10:00 p.m. to 7:00 a.m.) at a point 100-feet from residences in a rural area. Primary project noise sources would include vehicular traffic, pedestrian activity and roof mounted HVAC. Noise generated from the roof mounted HVAC, vehicular traffic and pedestrian activity would be similar in volume and character to that of the other commercial uses in the vicinity. The intermittent nature and limited duration of noise generated by on-site customer vehicles and pedestrian activity is unlikely to create significant noise concerns or exceed General Plan noise standards.
- The type of equipment necessary for a construction project of this scope is not expected to generate excessive groundborne vibration or groundborne noise that would result in significant exposure to persons in the vicinity. Therefore, the project would not result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.
- As discussed above, it is unlikely that the project will produce significant noise concerns or noise in excess of General Plan standards, particularly from vehicular traffic or pedestrian movements. The project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- Noise from construction of the improvements would temporarily increase ambient noise levels in the vicinity. In order to reduce potential impacts from construction noise it is recommended that construction activities be limited to the daylight hours between 7:00 a.m. and 7:00 p.m. and be prohibited on Sundays and Federal holidays. This measure would reduce temporary increases in ambient noise levels in the project vicinity to a less-than-significant level.
- The project is not located within an airport land use plan or within two miles of a public airport or public use airport.
- The project is not located within the vicinity of a private airstrip.

Mitigation/Monitoring: With the mitigation measures being proposed, the noise impacts from the project will be less-than-significant.

XII.d.1) Construction activities shall be limited to the daylight hours between 7:00 a.m. and 7:00 p.m. and be prohibited on Sundays

and Federal holidays.

<u>XIII. POPULATION AND HOUSING:</u> Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			✓	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) The applicant has indicated that the project would create 20 jobs with approximately 8 to 10 employees per shift when complete and in operation. Some temporary employment may be created during the construction phase. Using data from the Bureau of Labor Statistics, as of July of 2018, Burney has an unemployment rate of 4.5%. Some or most of the permanent jobs would likely be filled by current residents of the area. Overall the project would not create temporary or permanent jobs in numbers that would be expected to induce substantial population growth in an area, either directly or indirectly.
- b) The project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. The project does not include destruction of any existing housing.
- c) The project would not displace any number of people.

Mitigation/Monitoring: None proposed.

<u>XIV. PUBLIC SERVICES:</u> Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
Fire Protection?			✓	
Police Protection?			✓	
Schools?				✓
Parks?				✓
Other public facilities?			✓	

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for:

Fire Protection:

The project is located in an area which is designated as a “Very High” fire hazard severity zone. However, no significant additional level of fire protection is necessary. Additional fire hydrants will be installed according to the County Fire Safety Standards. Potential

impacts to fire protection will be mitigated through the payment of applicable development impact fees prior to the issuance of a Certificate of Occupancy.

Police Protection:

The County has a total of 147 sworn and 119 non-sworn County peace officers (Sheriff's deputies) for the County population of 67,116 (California Department of Finance 2017) persons in the unincorporated area of the County. That is a ratio of one officer per 252 persons. The project is not expected to induce substantial growth in the area. No significant additional level of police protection is necessary. Additionally, potential impacts to police protection will be mitigated through the payment of applicable development impact fees prior to the issuance of a Certificate of Occupancy.

Schools:

Potential impacts to schools will be mitigated through the payment of applicable development impact fees prior to the issuance of a Certificate of Occupancy.

Parks:

The project is located in the unincorporated portion of Shasta County which does not have a formal park and recreation program normally found within incorporated cities.

Other public facilities:

Potential impacts to general government services, public health, the library system, and animal control will be mitigated through the payment of applicable development impact fees prior to the issuance of a Certificate of Occupancy.

Mitigation/Monitoring: None proposed.

XV. <u>RECREATION:</u>	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✓
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The County does not have a neighborhood or regional parks system or other recreational facilities.
- b) The project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Mitigation/Monitoring: None proposed.

XVI. <u>TRANSPORTATION/TRAFFIC</u>: Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			✓	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				✓
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✓	
e) Result in inadequate emergency access?				✓
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				✓

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) The project would not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system. Using ITE Trip Generation Manual, 10th Edition, Land Use Code 854 for “Discount Supermarket” the project is anticipated to generate 168 additional PM peak hour trips. Of these trips 60% are assumed to be “pass-by” trips (vehicles that were already in route to other destinations) for a total of approximately 67 new PM peak hour trips per day with the proposed project as their primary destination. Per correspondence with the California Department of Transportation, the project did not warrant a traffic study as no operational issues on Highway 299 are anticipated. The project would not generate enough traffic to significantly reduce the volume-to-capacity ratio of the adjacent roadway to a reduced level of service.
- b) The project would not exceed, either individually or cumulatively, a level-of-service standard established by the County congestion management agency for designated roads or highway. There is no County congestion management agency, and no level-of-service established by such an agency.
- c) The project would not result in a change in air traffic patterns.
- d) Per correspondence with the California Department of Transportation (Caltrans), the project did not warrant a traffic study as no operational issues on Highway 299 are anticipated. It was also determined by Caltrans that the existing center turn lane should address turning issues into the development, no deceleration/acceleration lanes were needed, and although a single driveway to minimize conflict points is preferred, two driveways are acceptable provided they are located strategically with road connections on the other side of the highway. A Caltrans encroachment permit will be required for all work in the State highway right of way, which will include the project driveways and tie-in paving. The project is in a 45-mph speed limit zone. The proposed use is compatible with existing uses in the project vicinity. The project would not substantially increase hazards due to a design feature or incompatible uses.
- e) The project has been reviewed by the Burney Fire Department which has determined that there is adequate emergency access. The project would not result in inadequate emergency access. Emergency access to the project is provided by State Highway 44.

- f) The project would not conflict with adopted policies, plans or programs supporting alternative transportation.

Mitigation/Monitoring: None proposed.

XVII. TRIBAL CULTURAL RESOURCES: Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<p>a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p> <p>i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</p> <p>ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>				✓

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) The project would not cause a substantial adverse change in the significance of a tribal cultural resource as there is no evidence of historical resources at the site that are listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources; or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. Formal notification of determination that a project application is complete, pursuant to Public Resources Code (PRC) § 21080.3.1 was sent to the Pit River Tribe. No response was received by the County.

Mitigation/Monitoring: None proposed.

XVIII. UTILITIES AND SERVICE SYSTEMS: Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	

XVIII. UTILITIES AND SERVICE SYSTEMS: Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project which serves or may serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			✓	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓
g) Comply with Federal, State, and local statutes and regulations related to solid waste?				✓

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) The project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. On-site septic systems will be used. The project has an identified site for sewage disposal. A permit to install an onsite wastewater treatment system (OWTS) shall be obtained from the Shasta County Environmental Health Division. OWTS permits are written after submission of a completed application, suitable soils testing data, site plot plan, and payment of fees. Building permit(s) for the project will not be issued until an OWTS permit has been issued. No other wastewater treatment system would be affected by the project.
- b) The project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. The project will be served by the Burney Water District. The Burney Water District has indicated that it has adequate capacity to serve the project without the need for construction of new water treatment facilities, or expansion of existing facilities.

An on-site septic system will be used. The project has an identified site for sewage disposal. A permit to install an onsite wastewater treatment system (OWTS) shall be obtained from the Shasta County Environmental Health Division. OWTS permits are written after submission of a completed application, suitable soils testing data, site plot plan, and payment of fees. Building permit(s) for the project will not be issued until an OWTS permit has been issued. No other wastewater treatment system would be affected by the project. No other wastewater treatment system would be affected by the project.

- c) The project would result in the construction of new on-site drainage facilities, including paved drive aisles and parking areas, curbs, and storm drains which would flow to the 0.3-acre-feet of on-site detention at the east side of the project under the proposed parking and drive-aisle. No new off-site storm water drainage facilities or expansion of existing facilities are required or proposed. The construction of these on-site facilities is not expected to create significant impacts.
- d) The project would have sufficient water supplies available to serve the project which serves or may serve the project from existing entitlements and resources, nor are new or expanded entitlements needed. The project will be served by the Burney Water District. The Burney Water District has indicated that it has adequate water supplies available to serve this project.
- e) An on-site septic system will be used. The project has an identified site for sewage disposal. A permit to install an onsite wastewater treatment system (OWTS) shall be obtained from the Shasta County Environmental Health Division. OWTS permits are written after submission of a completed application, suitable soils testing data, site plot plan, and payment of fees. Building permit(s) for the project will not be issued until an OWTS permit has been issued. No other wastewater treatment system would be affected by the project. No other wastewater treatment system would be affected by the project.
- f) The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. The West Central Landfill has sufficient capacity to accommodate the project and is in compliance with Federal, State, and local statutes and regulations related to solid waste. The maximum permitted capacity at this facility is 13,115,844 cubic yards, with a remaining capacity of approximately 6,589,044 cubic yards.
- g) The project would comply with Federal, State, and local statutes and regulations related to solid waste. The Burney Disposal transfer station and recycling center is located within a mile of the project site.

Mitigation/Monitoring: None proposed.

XIX. <u>MANDATORY FINDINGS OF SIGNIFICANCE:</u>	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below the self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			✓	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			✓	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		✓		

Discussion:

- a) Based on the discussion and findings in Section I. Aesthetics, and Section IV. Biological Resources, there is evidence to support a finding that the project would have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below the self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal.

With the incorporation of mitigation measures into the project specified in Section I. Aesthetics, and Section IV. Biological Resources, the impacts will be less-than-significant.

Based on the discussion and findings in Section V. Cultural Resources, there is no evidence to support a finding that the project would have the potential to eliminate important examples of the major periods of California history or prehistory.

- b) Based on the discussion and findings in all Sections above, there is no evidence to suggest that the project would have impacts that are cumulatively considerable.
- c) Based on the discussion and findings in all Sections above, there is evidence to support a finding that the project would have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.

With the incorporation of the recommended mitigation measures into the project specified in Section I. Aesthetics, Section IX. Hydrology and Water Quality, and Section XII. Noise, the impacts of the project will be less-than-significant.

Mitigation/Monitoring: With the mitigation measures being proposed, the impacts will be less-than-significant. See the attached Mitigation Monitoring Program (MMP) for a complete listing of the proposed mitigation measures, timing/implementation of the measures, and enforcement/monitoring agent.

INITIAL STUDY COMMENTS

PROJECT NUMBER Use Permit 18-0003 – Fruit Growers Supply Company

GENERAL COMMENTS:

Special Studies: The following project-specific studies have been completed for the proposal and will be considered as part of the record of decision for the Mitigated Negative Declaration. These studies are available for review through the Shasta County Planning Division.

1. Biological Review, Wildland Resource Managers, October, 2018
2. Cultural Resources Investigation, Sub Terra Consulting, August 23, 2018
3. Hydrology Study for Detention Requirement, Hydmet Consulting, May 1, 2018

Agency Referrals: Prior to an environmental recommendation, referrals for this project were sent to agencies thought to have responsible agency or reviewing agency authority. The responses to those referrals (attached), where appropriate, have been incorporated into this document and will be considered as part of the record of decision for the Mitigated Negative Declaration. Copies of all referral comments may be reviewed through the Shasta County Planning Division. To date, referral comments have been received from the following State agencies or any other agencies which have identified CEQA concerns:

1. Department of Fish and Wildlife, Region 1 – Northern

Conclusion/Summary: Based on a field review by the Planning Division and other agency staff, early consultation review comments from other agencies, information provided by the applicant, and existing information available to the Planning Division, the project, as revised and mitigated, is not anticipated to result in any significant environmental impacts.

SOURCES OF DOCUMENTATION FOR INITIAL STUDY CHECKLIST

All headings of this source document correspond to the headings of the initial study checklist. In addition to the resources listed below, initial study analysis may also be based on field observations by the staff person responsible for completing the initial study. Most resource materials are on file in the office of the Shasta County Department of Resource Management, Planning Division, 1855 Placer Street, Suite 103, Redding, CA 96001, Phone: (530) 225-5532.

GENERAL PLAN AND ZONING

1. Shasta County General Plan and land use designation maps.
2. Applicable community plans, airport plans and specific plans.
3. Shasta County Zoning Ordinance (Shasta County Code Title 17) and zone district maps.

ENVIRONMENTAL IMPACTS

I. AESTHETICS

1. Shasta County General Plan, Section 6.8 Scenic Highways, and Section 7.6 Design Review.
2. Zoning Standards per Shasta County Code, Title 17.

II. AGRICULTURAL AND FORESTRY RESOURCES

1. Shasta County General Plan, Section 6.1 Agricultural Lands.
2. Shasta County General Plan, Section 6.2 Timber Lands.
3. Soil Survey of Shasta County Area, California, published by U.S. Department of Agriculture, Soil Conservation Service and Forest Service, August 1974.

III. AIR QUALITY

1. Shasta County General Plan Section, 6.5 Air Quality.
2. Northern Sacramento Valley Air Basin, 2015 Triennial Air Quality Attainment Plan.
3. Records of, or consultation with, the Shasta County Department of Resource Management, Air Quality Management District.

IV. BIOLOGICAL RESOURCES

1. Shasta County General Plan, Section 6.2 Timberlands, and Section 6.7 Fish and Wildlife Habitat.
2. Designated Endangered, Threatened, or Rare Plants and Candidates with Official Listing Dates, published by the California Department of Fish and Wildlife.
3. Natural Diversity Data Base Records of the California Department of Fish and Wildlife.
4. Federal Listing of Rare and Endangered Species.
5. Shasta County General Plan, Section 6.7 Fish and Wildlife Habitat.
6. State and Federal List of Endangered and Threatened Animals of California, published by the California Department of Fish and Wildlife.
7. Natural Diversity Data Base Records of the California Department of Fish and Wildlife.

V. CULTURAL RESOURCES

1. Shasta County General Plan, Section 6.10 Heritage Resources.
2. Records of, or consultation with, the following:
 - a. The Northeast Information Center of the California Historical Resources Information System, Department of Anthropology, California State University, Chico.
 - b. State Office of Historic Preservation.
 - c. Local Native American representatives.
 - d. Shasta Historical Society.

VI. GEOLOGY AND SOILS

1. Shasta County General Plan, Section 5.1 Seismic and Geologic Hazards, Section 6.1 Agricultural Lands, and Section 6.3 Minerals.
2. County of Shasta, Erosion and Sediment Control Standards, Design Manual.
3. Soil Survey of Shasta County Area, California, published by U.S. Department of Agriculture, Soil Conservation Service and Forest Service, August 1974.
4. Soil Survey of Intermountain Area, California, published by U.S. Department of Agriculture, Natural Resource Conservation Service and Forest Service; the California Department of Forestry, Soil Vegetation Survey; the University of California Agricultural Experiment Station; and the United States Department of the Interior, Bureau of Land Management, 1994.
5. Alquist - Priolo, Earthquake Fault Zoning Maps.
6. Shasta County and City of Anderson Multi-Jurisdictional Hazard Mitigation Plan.

VII. GREENHOUSE GAS EMISSIONS

1. Shasta Regional Climate Action Plan.
2. California Air Pollution Control Officers Association (White Paper) CEQA & Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act.

VIII. HAZARDS AND HAZARDOUS MATERIALS

1. Shasta County General Plan, Section 5.4 Fire Safety and Sheriff Protection, and Section 5.6 Hazardous Materials.
2. Shasta County and City of Anderson Multi-Jurisdictional Hazard Mitigation Plan.
3. Shasta County Emergency Operations Plan.
4. Records of, or consultation with, the following:
 - a. Shasta County Department of Resource Management, Environmental Health Division.
 - b. Shasta County Fire Prevention Officer.
 - c. Shasta County Sheriff's Department, Office of Emergency Services.
 - d. Shasta County Department of Public Works.
 - e. California Environmental Protection Agency.
 - f. California Regional Water Quality Control Board, Central Valley Region.

IX. HYDROLOGY AND WATER QUALITY

1. Shasta County General Plan, Section 5.2 Flood Protection, Section 5.3 Dam Failure Inundation, and Section 6.6 Water Resources and Water Quality.
2. Flood Boundary and Floodway Maps and Flood Insurance Rate Maps for Shasta County prepared by the Federal Emergency Management Agency, as revised to date.
3. Records of, or consultation with, the Shasta County Department of Public Works acting as the Flood Control Agency and Community Water Systems manager.

X. LAND USE AND PLANNING

1. Shasta County General Plan land use designation maps and zone district maps.
2. Shasta County Assessor's Office land use data.

XI. MINERAL RESOURCES

1. Shasta County General Plan Section 6.3 Minerals.

XII. NOISE

1. Shasta County General Plan, Section 5.5 Noise and Technical Appendix B.

XIII. POPULATION AND HOUSING

1. Shasta County General Plan, Section 7.1 Community Organization and Development Patterns.
2. Census data from U.S. Department of Commerce, Bureau of the Census.
3. Census data from the California Department of Finance.
4. Shasta County General Plan, Section 7.3 Housing Element.
5. Shasta County Department of Housing and Community Action Programs.

XIV. PUBLIC SERVICES

1. Shasta County General Plan, Section 7.5 Public Facilities.
2. Records of, or consultation with, the following:
 - a. Shasta County Fire Prevention Officer.
 - b. Shasta County Sheriff's Department.
 - c. Shasta County Office of Education.
 - d. Shasta County Department of Public Works.

XV. RECREATION

1. Shasta County General Plan, Section 6.9 Open Space and Recreation.

XVI. TRANSPORTATION/TRAFFIC

1. Shasta County General Plan, Section 7.4 Circulation.
2. Records of, or consultation with, the following:
 - a. Shasta County Department of Public Works.
 - b. Shasta County Regional Transportation Planning Agency.
 - c. Shasta County Congestion Management Plan/Transit Development Plan.
3. Institute of Transportation Engineers, Trip Generation Rates.

XVII. TRIBAL CULTURAL RESOURCES

1. Tribal Consultation in accordance with Public Resources Code section 21080.3.1.

XVIII. UTILITIES AND SERVICE SYSTEMS

1. Records of, or consultation with, the following:
 - a. Pacific Gas and Electric Company.
 - b. Pacific Power and Light Company.
 - c. Pacific Bell Telephone Company.
 - d. Citizens Utilities Company.
 - e. T.C.I.

- f. Marks Cablevision.
- g. Shasta County Department of Resource Management, Environmental Health Division.
- h. Shasta County Department of Public Works.
- i. CalRecycle – Facility/Site Summary Details.

**MITIGATION MONITORING PROGRAM (MMP)
FOR USE PERMIT 18-0003 (FRUIT GROWERS SUPPLY COMPANY)**

Mitigation Measure/Condition	Timing/Implementation	Enforcement/Monitoring	Verification (Date & Initials)
Section I. Aesthetics I.d.1) Prior to issuance of a building permit, the applicant shall submit a photometric plan and lighting plan, including cut sheets for all exterior lighting fixtures, to the Shasta County Planning Division for review and approval. All decorative lighting fixtures shall be downward facing, shielded and designed and installed to minimize photo-pollution and spillover of light onto adjacent wildlife habitat. The photometric plan shall demonstrate that predicted light spillage on adjoining residential properties will not exceed 0.1 foot candles during the nighttime hours between 10 p.m. and 7 a.m.	Prior to Issuance of Building Permit Final Inspection of Building Permit In Perpetuity	Resource Management, Planning Division	
Section IV. Biological Resources IV.a.1) Any vegetation removal or construction on the property should be conducted between September 1 - October 15 and between March 1 - March 31 to avoid the bat maternity season as well as the winter season when bats are torpor and are inactive. If vegetation removal or construction activities occur during the bat maternity season (April 1 - August 31) or the bats torpor period (October 16 - February 28) then a bat roost survey shall be conducted by a biologist qualified to identify any bat roosting sites within the property, and who shall do the following: a. Conduct a pre-construction bat roost survey(s) within one (1) week of vegetation removal that involves the removal of potential diurnal roosting trees. b. Surveys shall be conducted within the entire area where potential diurnal roosting trees are to be removed and within 100 feet of the area. c. If a maternity roost with young is observed then the biologist will map the location and establish an appropriate “no disturbance” buffer around the roost as determined by the biologist.	Prior to Issuance of Building Permit Final Inspection of Building Permit For the Life of the Use Permit	Resource Management, Planning Division / California Department of Fish and Wildlife	

Mitigation Measure/Condition	Timing/Implementation	Enforcement/Monitoring	Verification (Date & Initials)
<p>Construction and vegetation removal activity shall be prohibited within the buffer until the young are volant (i.e. flying). Roosts shall be monitored at least once per week and a report submitted to the County Planning Division monthly.</p> <p>d. If a roost is observed without young then the biologist should establish a “no disturbance” buffer until the bats are excluded from the roost or there are no roosting bats present.</p>			
<p>IV.a.2) The Project Applicant must do surveys for the Lassen paintbrush (<i>Castilleja lasseensis</i>) during the appropriate blooming period (June 1st – September 30th). If no plants are observed, no further mitigation would be needed. If the species is observed, CDFW would need to be notified and appropriate mitigation, as approved by CDFW, would be required. Depending upon the level of impact, the mitigation could include purchasing another parcel with that species on it or redesigning the project. As the Department does not do transplanting of species, this would not be a mitigation option. All species listed as CRPR 1B – 4 observed onsite would need to be reported to the California Natural Diversity Database.</p>	<p>Prior to Issuance of Building Permit Final Inspection of Building Permit For the Life of the Use Permit</p>	<p>Resource Management, Planning Division / California Department of Fish and Wildlife</p>	
<p>IV.d.1) In order to avoid impacts to nesting migratory birds and/or raptors protected under federal Migratory Bird Treaty Act and California Fish and Game Code Section 3503 and Section 3503.5, including their nests and eggs, one of the following shall be implemented:</p> <p>a. Vegetation removal and other ground-disturbance activities associated with construction shall occur between September 1 and January 31 when birds are not nesting; or</p> <p>b. If vegetation removal or ground disturbance activities occur during the nesting season, a pre-construction nesting survey shall be conducted by a qualified biologist to identify active nests in and adjacent to the work area. The survey shall be conducted no more than one week prior to the initiation of construction. If construction activities are delayed or suspended for more than two weeks after the pre-construction survey, the site shall be resurveyed.</p>	<p>Prior to Issuance of Building Permit Final Inspection of Building Permit For the Life of the Use Permit</p>	<p>Resource Management, Planning Division / California Department of Fish and Wildlife</p>	

Mitigation Measure/Condition	Timing/Implementation	Enforcement/Monitoring	Verification (Date & Initials)
<p>If nesting birds are found, the nest sites shall not be disturbed until after the young have fledged, as determined through additional monitoring by a qualified biologist. Further, to prevent nest abandonment and mortality of chicks and eggs, no construction activities shall occur within 500 feet of an active nest, unless a smaller buffer zone is authorized by a qualified biologist in consultation the CDFW and the USFWS (the size of the construction buffer zone may vary depending on the species of nesting birds present). A qualified biologist shall delineate the buffer zone with construction tape or pin flags that shall remain in place until the young have fledged, as determined through additional monitoring by a qualified biologist.</p> <p>The biologist shall monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. Guidance from CDFW will be requested if the nestlings within the active nest appear disturbed. The monitoring biologist shall have the authority to stop any work determined to be adversely affecting the nesting activity. The monitoring biologist shall report any “take” of active nests to CDFW.</p>			
<p>Section IX. Hydrology and Water Quality</p> <p>IX.d.1) A detention facility capable of detaining 0.3-acre-feet (13,000-cubic-feet) of storm water with an 8-inch maximum drainage discharge outlet shall be constructed to prevent any increase in downstream peak flow increase for the 10-year and 100-year design storm events. Minor modification of the proposed design may be approved by the Director of Resource Management provided the design is functionally equivalent to the proposed detention facility.</p>	<p>Prior to Issuance of Building Permit Final Inspection of Building Permit In Perpetuity</p>	<p>Resource Management, Planning Division</p>	
<p>Section XI. Noise</p> <p>XI.d.1) Construction activities shall be limited to the daylight hours between 7:00 a.m. and 7:00 p.m. and be prohibited on Sundays and Federal holidays.</p>	<p>For the Life of the Use Permit</p>	<p>Resource Management, Planning Division</p>	



Tri County Community Network, Inc.

Committed to providing programs and services that enhance and impact the quality of life in
the Intermountain Area

Intermountain Community Center

37477 Main Street - Burney, CA 96013

530 335 4600 tccn@windjammercable.net 530 335 4608 (fax)

BurneyTCCN.org

December 14, 2018

RECEIVED
SHASTA COUNTY

DEC 19 2018

DEPT OF RESOURCE MGMT
PLANNING DIVISION

Secretary of the Planning Commission
Department of Resource Management, Planning Division
1855 Placer Street, Suite 103
Redding, CA 96001

Re: Best Development Group Use Permit (UP 18-0003)
Assessor's Parcel Number 028-370-024

Dear Secretary of the Planning Commission:

We are the neighbor nearest the above referenced proposed project. We provide a variety of human services including care and education to children ages 2.5 to 12 years old and meals and socialization benefiting elderly residents. While we do not oppose the project, we are interested in calling to your attention our concerns in order that the potential to cause harm is mitigated.

It is our hope that the Planning Commission will incorporate our concerns when approving project design:

- Consideration for the safety of the seniors and families with children as they enter and exit our property;
- Consideration of placing the entrance/exit of the proposed project as far east of the property as possible to mitigate possible congestion; and
- Installing a safety barrier between the west end of the proposed project property and the playground which is located at the east end of our property.

We appreciate your consideration as you move forward on this project.

Sincerely,

CINDY DODDS, Executive Director

RESOLUTION NO. 2019-003

**A RESOLUTION OF THE SHASTA COUNTY PLANNING COMMISSION
APPROVING USE PERMIT 18-0003 (FRUIT GROWERS SUPPLY COMPANY)**

WHEREAS, the Planning Commission of the County of Shasta has considered Use Permit 18-0003, filed by Fruit Growers Supply Company, on Assessor's Parcel Number 028-370-024, in accordance with Section 17.92.020 of the Shasta County Ordinance Code; and

WHEREAS, said use permit was referred to various affected public and private agencies, County departments, and referral agencies for review and comments; and

WHEREAS, the County Environmental Review Officer has reviewed the use permit request and recommends a specific environmental finding; and

WHEREAS, a public hearing was held on January 10, 2019; and

WHEREAS, the Shasta County Planning Commission has considered public comments and a report from the Planning Division.

NOW, THEREFORE, BE IT RESOLVED that the Shasta County Planning Commission:

1. Makes the following environmental review findings:
 - A. An Initial Study has been conducted by the Shasta County Department of Resource Management, Planning Division, to evaluate the potential for significant adverse environmental affects and there is no substantial evidence in light of the whole record before the agency that the project may have a significant adverse impact on the environment; and
 - B. A Mitigated Negative Declaration has been prepared and circulated to the State Clearinghouse (SCH#: 2018112075) pursuant to the California Environmental Quality Act (CEQA). The environmental documentation as considered for this project reflects the independent judgment of the approving authority; and
 - C. Mitigation monitoring provisions have been considered by the approving authority pursuant to County Mitigation Monitoring and Reporting Procedures. Feasible mitigation measures have been specifically identified in the Initial Study / Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and incorporated in the Development Standards / Operational Conditions within the Use Permit. The Mitigation Monitoring and Reporting Program represents the program designed to ensure environmental compliance during project implementation. This program, as required by Public Resources Code Section 21081.6, is based on those documents and materials referred to in the Mitigated Negative Declaration, and incorporated therein by reference, which are maintained at the County Planning Division's office located at 1855 Placer Street, Suite 103, Redding, California.

2. Adopts the CEQA determination of a Mitigated Negative Declaration.
3. Makes the following findings for the Use Permit:
 - A. The project, as conditioned, is consistent with the objectives, policies, uses, and programs of the General Plan;
 - B. The establishment, operation and maintenance of the subject use, under the circumstances of the particular case will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County.
4. Approves Use Permit 18-0003, subject to the conditions as set forth in the attachment to this Resolution.

DULY PASSED AND ADOPTED this 10th day of January 2019, by the following vote:

AYES: MACLEAN, RAMSEY, WALLNER

NOES:

ABSENT:

ABSTAIN:

RECUSE: CHAPIN, KERNS



TIM MACLEAN, Acting Chairman
Planning Commission
County of Shasta, State of California

ATTEST:



PAUL A. HELLMAN, Secretary
Planning Commission
County of Shasta, State of California

Attachment A to Resolution 2019-003

STATEMENT OF CONDITIONS

Project Identification
Use Permit 18-0003 (Fruit Growers Supply Company)

1. The requirements of all concerned governmental agencies having jurisdiction by law, including but not limited to the issuance of appropriate permits, shall be met.
2. This permit is granted for the following listed uses and structures which are to be located as shown on the approved plot plan (Exhibit A). Minor modifications may be approved by the Planning Director. Any substantial revisions will require either amendment to this permit or a new use permit.
 - a. A 20,000-square-foot general retail building and associated improvements.
3. This Use Permit shall become automatically revoked without further action by Shasta County if the activity or use for which the Use Permit was granted has not actively and substantially commenced within two years of the date of approval.
4. Any time the Planning Director finds that one or more grounds exist for revocation, revocation proceedings may be initiated in accordance with applicable provisions of the Shasta County Ordinance Code.
5. In no case shall the permittee allow occupancy of any building while the building is being brought into compliance with applicable building occupancy or related codes.
6. All outside trash storage and collection areas shall be enclosed by solid masonry walls, view obscuring fence or combination of those options, not less than six (6) feet in height. The maximum height of the screening shall be at least one (1) foot above the trash receptacle(s) when full.
7. All grading shall conform to the Shasta County Grading Ordinance.
8. Outdoor storage is prohibited.
9. If, in the course of development, any archaeological, historical, or paleontological resources are uncovered, discovered, or otherwise detected or observed, construction activities in the affected area shall cease and a qualified archaeologist shall be contacted to review the site and advise the County of the site's significance. If the findings are deemed significant by the Environmental Review Officer, appropriate mitigations shall be required prior to any resumption of work on

Use Permit 18-0003

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the project.

10. Site development standards in the design review (DR) district shall, in the aggregate, meet or exceed the standards prescribed by the regulations for the principal district.

Hydrology/Water Quality

11. Drainage facilities shall be constructed to Shasta County Development Standards.
12. * A detention facility capable of detaining 0.3-acre-feet (13,000-cubic-feet) of storm water with an 8-inch maximum drainage discharge outlet shall be constructed to prevent any increase in downstream peak flow for the 10-year and 100-year design storm events. Minor modification of the proposed design may be approved by the Director of Resource Management provided the design is functionally equivalent to the proposed detention facility.

Noise

13. * Construction activities shall be limited to the daylight hours between 7:00 a.m. and 7:00 p.m. and be prohibited on Sundays and Federal holidays.
14. Noise levels shall not exceed 55 dB hourly Leq daytime (7 a.m. to 10 p.m.) or 50 dB hourly Leq nighttime (10 p.m. to 7 a.m.) at the property lines consistent with the Shasta County General Plan Noise Element.

Aesthetics

15. * Prior to issuance of a building permit, the applicant shall submit a photometric plan and lighting plan, including cut sheets for all exterior lighting fixtures, to the Shasta County Planning Division for review and approval. All decorative lighting fixtures shall be downward facing, shielded and designed and installed to minimize photo-pollution and spillover of light onto adjacent wildlife habitat. The photometric plan shall demonstrate that predicted light spillage on adjoining residential properties will not exceed 0.1 foot candles during the nighttime hours between 10 p.m. and 7 a.m.
16. All lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. No lighting shall be of the type or in a location such that constitutes a hazard to vehicular traffic, either on private property or on abutting streets.
17. Prior to issuance of a building permit, the applicant shall submit building elevation plans for the building to the Shasta County Planning Division for review and approval. Said building elevation plans shall be consistent with the elevation plans approved for the project.

Use Permit 18-0003

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18. Any roof-mounted equipment shall be architecturally screened from view prior to final building inspection.

Signs

19. Lighted signs shall have indirect illumination in which the light source is from within the cabinet or is from an outside fixture which distributes the light evenly on the sign.
20. Lighted signs shall be shielded in such a manner to prevent light from shining directly onto adjoining properties or streets.
21. Signs shall not flash, scintillate, revolve or change color or intensity, or emit offensive odors, fluids, noise or smoke, or contain any part or attachment which does the same.
22. The applicant shall submit a sign plan for approval by the Planning Director prior to final building inspection or initiation of the use.
23. All signage shall comply with Section 17.84 of the Shasta County Zoning Ordinance.

Landscaping

24. Provide landscaping to a depth of ten (10) feet measured from the abutting street right-of-way line, with openings for walkway or driveway purposes in accordance with County standards. Fifty percent (50%) of the required landscaped area, based on mature plant size, shall be live vegetative material such as trees, shrubs, vines, or groundcover. Trees shall be of a 15 gallon size and be spaced twenty (20) feet on center.
25. Landscape a minimum of five percent (5%) of the gross lot area used for off street parking and access thereto, exclusive of any landscaped strip abutting the street right-of-way or area used for walkways or driveways. This required landscaping shall include one (1) tree, fifteen (15) gallon size, and of a species and type suited to the area climate zone, for every eight (8) parking spaces.
26. All planted areas shall be served with an adequate and permanent watering system and all plant materials shall be maintained in a living condition throughout the term of the use.
27. All landscaped areas shall be enclosed by either a concrete curb having a minimum height of six (6) inches or a wooden frame constructed from materials such as railroad ties or other heavy lumber materials which measure no less than six (6) inches in diameter.
28. In order to provide safe sight distance at driveways and street intersections, all plant material within a 30-foot triangle at the intersection of streets and a 15-foot triangle at the intersection of

driveways and streets shall be no more than two (2) feet in height above the curb level, except for trees which are trimmed so that no branches extend lower than six (6) feet above curb level.

29. A landscaping and irrigation plan showing each plant species, size, and spacing; and a preliminary landscape documentation package that meets the requirements specified within Shasta County Code Section 17.84.040 and the State of California's Model Water Efficient Landscape Ordinance (California Code of Regulations, Title 23, Division 2, Chapter 2.7) shall be submitted to and approved by the Planning Director prior to issuance of a building permit.
30. Landscaping shall be installed and maintained in accordance with the approved landscaping plan and final landscaping documentation package that meets the requirements specified within the State of California's Model Water Efficient Landscape Ordinance (California Code of Regulations, Title 23, Division 2, Chapter 2.7). Said final landscaping documentation package shall be submitted for review and approval prior to final building inspection.
31. Landscaping in the DR district is required to provide shading over thirty percent (30%), or more, of parking and pedestrian areas within the project within ten years after completion of the project.

Parking/On-Site Access

32. On-site parking shall be provided for employees, visitors, deliveries, and other on-site personnel in areas designated for parking on Exhibit A. The on-site parking area shall be improved in accordance with Shasta County Ordinance Code Section 17.86. Improvements shall be completed prior to final building inspection.
33. A parking plan showing space location, dimensions, and total number of spaces shall be provided prior to issuance of a building permit.
34. The parking area and access shall be improved to the following standard, unless otherwise approved by the Director of Resource Management:
 - a. Surfaced with asphalt concrete paving. Asphalt concrete paving shall be type "B" with a minimum thickness of 0.14 feet placed over at least six (6) inches of compacted Class 3 aggregate base or cinders.
 - b. Parking areas shall be striped.

Loading

35. Provide one (1) off street loading space per ten thousand (10,000) square feet, plus one (1) additional loading space for each additional twenty thousand (20,000) square feet of floor area.

Use Permit 18-0003

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On-site driveways and maneuvering areas may be used in lieu of providing off street loading space.

36. Off-street loading spaces shall be maintained during the existence of the building they are required to serve.
37. Each off-street loading space shall not be less than twelve (12) feet wide, thirty (30) feet long exclusive of driveways and maneuvering areas and a minimum of fifteen (15) feet high, if covered.
38. When a loading space does not adjoin a street or alley, access, at least twenty (20) feet in width, is required.
39. The required loading space(s) shall be improved to the standard specified for the required parking area.

AIR QUALITY MANAGEMENT DISTRICT (AQMD):

40. Any person building, erecting, altering, or replacing any article, machine, equipment, or other contrivance which may cause the issuance of air contaminants, shall obtain written authority for such construction from the air pollution control officer of the Shasta County Air Quality Management District prior to issuance of a Use Permit.
41. No person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such person or the public, or which cause, or have the natural tendency to cause, injury, or damage to business or property.
42. Applicant shall apply for a permit from the Air Quality Management District and obtain any permits required by the District.
43. All activities associated with a building site for residential, commercial, or industrial use shall be conducted in a manner to control fugitive dust emissions through the use of dust palliative agents or the use of water to mitigate off-site impacts.
44. The project shall provide for the use of energy-efficient lighting (includes controls) and process systems such as water heaters, furnaces, air conditioning, and boiler units.
45. The project shall utilize a central water heating system.
46. The project shall utilize energy-efficient and automated controls for air conditioning.

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PM10 Controls

47. Alternatives to open burning of vegetative material on the project site shall be used by the project applicant unless otherwise deemed infeasible by the AQMD. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
48. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely and effective manner during all phases of project development and construction.
49. All material excavated, stockpiled, or graded should be sufficiently watered to prevent fugitive dust from leaving property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily with complete site coverage, preferably in the mid-morning and after work is completed each day.
50. All areas (including unpaved roads) with vehicle traffic should be watered periodically or have dust palliatives applied for stabilization of dust emissions.
51. All on-site vehicles should be limited to a speed of 15 miles per hour on unpaved roads.
52. All land clearing, grading, earth moving or excavation activities on a project shall be suspended when winds are expected to exceed 20 miles per hour.
53. All inactive portions of the development site should be seeded and watered until a suitable grass cover is established.
54. The applicant shall be responsible for applying non-toxic soil stabilizers (according to manufacturer's specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with the Shasta County Grading Ordinance.
55. All trucks hauling dirt, sand, soil or other loose material should be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the trailer) in accordance with the requirements of CVC Section 23114. This provision shall be enforced by local law enforcement agencies.
56. All material transported off-site shall be either sufficiently watered or securely covered to prevent a public nuisance.
57. Paved streets adjacent to the development site should be swept or washed at the end of each day to remove excessive accumulations of silt and/or mud which may have accumulated as a result of activities on the development site.

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58. The project shall provide for temporary traffic control as appropriate during all phases of construction to improve traffic flow as deemed appropriate by the Department of Public Works and/or Caltrans.
59. Construction activities shall be scheduled that direct traffic flow to off-peak hours as much as practicable.

ENVIRONMENTAL HEALTH DIVISION

60. A permit to install an onsite wastewater treatment system (OWTS) shall be obtained from the Shasta County Environmental Health Division. OWTS permits are written after submission of a completed application, suitable soils testing data, site plot plan, and payment of fees. Building permit(s) for project will not be issued until an OWTS permit has been issued.
61. A permit to operate a retail food facility will be required for the sales of any food or drink. The applicant shall apply for a food facility construction permit and permit to operate a food facility prior to construction of any building to be used for food preparation, storage, service or sales.
62. Applicant shall prepare and submit an updated Hazardous Materials Business Plan, if and when applicable, to Shasta County Environmental Health Division (SCEHD) if reportable quantities of hazardous materials are stored in the proposed project areas onsite. A hazardous substance is reportable if stored at or above 55 gallons for liquids; 200 cubic feet for compressed gas; or 500 pounds for solids. Additionally, the applicant shall comply with all hazardous waste generator regulations, including reporting their status as a hazardous waste generator to SCEHD.

The business owner, business operator, or official designated representative shall submit all applicable Hazardous Materials Business Plan information to Shasta County Environmental Health Division, electronically through an electronic information management system known as the California Environmental Reporting System (CERS). All required elements in CERS must be submitted within 30-days of storing reportable quantities of hazardous materials. The web link to CERS can be located at www.cers.calepa.ca.gov.

DEPARTMENT OF FORESTRY AND FIRE PROTECTION:

63. The following are limitations or requirements for timber operations conducted under a Less Than Three Acre Conversion Exemption: (Notice, Notice of Conversion Exemption, Conversion Exemption):
 - a. Timber operations shall comply with all other applicable provisions of the Forest Practice Act and regulations, county general plans, zoning ordinances, State regulations and any implementing ordinances; copies of the state rules and regulations may be found on CAL

Use Permit 18-0003

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FIRE's Web Page on the Internet at <http://www.fire.ca.gov>.

- b. All timber operations shall be complete within one year from the date of acceptance by CAL FIRE.
- c. All conversion activities shall be complete within two years from the date of acceptance by CAL FIRE unless under permit by local jurisdiction. Failure to complete the conversion requires compliance with stocking standards and stocking report requirements of the Forest Practice Act and Board of Forestry and Fire Protection regulations.
- d. The timber operator shall remove or dispose of all slash or woody debris in accordance with 14 CCR § 1104.1(a)(2)(D)(1)-(9). The timberland owner may assume responsibility for the slash treatment, provided the landowner acknowledges in writing to CAL FIRE such responsibility at the time of submission of this notice. The specific requirements shall be included with the acknowledgement.
- e. Timber operations may be conducted during the winter period. Tractor operations in the winter period are allowed under any of the conditions described in 14 CCR § 1104.1(a)(2)(E)(1-3).
- f. No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city).
- g. No timber operations shall be conducted until CAL FIRE's notice of acceptance is received and a valid copy of this notice and CAL FIRE's acceptance shall be kept on site during timber operations.
- h. Operations conducted under a notice of exemption are NOT permitted in known sites of rare, candidate, threatened or endangered plants and animals if the sites will be disturbed or damaged. NO timber operations may occur within a buffer zone of a listed, or sensitive species defined by 14 CCR § 895.1
- i. If any activities related to timber operations, as defined by PRC 4527, are to include any of the following activities in any river, stream or lake, including episodic and perennial waterways, a notification to the California Department Fish and Wildlife is required pursuant to Fish and Game Code §1602: 1) A substantial alteration of the bed, bank, or channel; 2) A substantial diversion (i.e. water drafting) or obstruction of the natural flow; or 3) Use of material from or deposit of material into the watercourse. Information on the Lake and Streambed Alteration Program, as well as notification forms, may be found at the following link: <https://www.wildlife.ca.gov/conservation/lisa>.
- j. No timber operations are allowed on significant historical or archeological sites. Exception

can be made if site is preserved and written concurrence is received, at time of submission of the Notice, from the Department Archeologist.

14 CCR § 1104.1(a)(2)(I)(1)(a-b)

- k. A violation of the conversion exemption, including a conversion applied for in the name of someone other than the person or entity implementing the conversion in bona fide good faith, are violations of the Forest Practice Act and penalties may accrue up to ten thousand dollars (\$10,000) for each violation pursuant to Article 8 (commencing with Section 4601).
- l. Within one month of the completion of timber operations including slash disposal the landowner shall submit to CAL FIRE a RM-71 Completion and Stocking report. Per PRC 4585 and PRC 4587.
- m. Timber operations conducted under a less than 3-acre conversion exemption shall comply with all operational provisions of the Forest Practice Act and District Forest Practice Rules applicable to "Timber Harvesting Plan," "THP," and "plan." Timber operations must conform to applicable city or county general plans, city or county implementing ordinances, and city or county zoning ordinances within which the exemption is located.

BURNEY WATER DISTRICT

- 64. All conditions as specified in the Will Serve letter of the Burney Water District dated November 8, 2018 for the provision of water service shall be complied with to the satisfaction of the Burney Water District.
- 65. The analysis assumes the proposed building is constructed in accordance with current fire sprinkler requirements and at the approximate square footages proposed. The hydraulic model utilized to review potential demands assume water pipelines will be installed per City of Redding (COR) Construction Standards.
- 66. If the development plans deviate from the project that was reviewed by the District, further analysis will be required. Once the developer has final plans, final terms such as connection fees can be issued.
- 67. The Will Serve letter shall terminate either two years after the date of the letter (November 8, 2018) or upon termination or expiration of any building permit issued to the applicant for construction improvements to the real property which is the subject of the Will Serve letter, whichever comes first (unless connection to the District water system has been made prior to the termination or expiration of any use permit, tentative map, or parcel division approval).
- 68. Water service by the District will be provided contingent upon compliance with all rules, regulations, policies, resolutions, fees and specifications.

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69. The District shall receive a mylar copy and electronic copy of record drawings of all on-site and off-site utilities constructed as part of the development.
70. The following conditions must be agreed upon and paid in full by the developer, prior to construction of water lines, for the development, to receive service from the District:
 - a. Assuming the commercial building is constructed with an approved sprinkler system, the existing system available fire flow of 1950 GPM during maximum day demand is acceptable per the Fire Chief. The sprinkler system must be connected to an available fire department connection for use by the fire department.
 - b. Ground restoration and permanent erosion control shall meet all county and state requirements.
 - c. Exclusive easement shall be dedicated to the District to provide operation and maintenance of the water main. The minimum easement width shall be 11 feet on both sides of the center of the pipe to allow for a minimum 10-foot separation from potential contaminants.
 - d. The size of the water main supplying the development was determined with the assumption the developed lot would be used to supply water to only the proposed building. Any changes to this shall be pre-approved by the District.
 - e. Water mains, private laterals, and fire hydrants shall be installed per COR Construction Standards, including required separation of water and non-potable pipelines and backflow prevention as required by Title 17 of the California Code of Regulations.
 - f. Water meters to be installed shall be submitted to the District for approval prior to purchase.
 - g. District inspection during construction of all utilities shall be paid for by the developer.
 - h. New pipe installed for potable water shall be disinfected and pressurized per COR construction Standards. Once completed, the new piping shall be flushed and a final coliform sample taken in compliance with COR Construction Standards.
 - i. Drawings shall be submitted to the District for approval prior to construction of the utilities.
 - j. Developer shall provide to the District a bond for construction and performance of the utilities for one year after construction.

REGIONAL WATER QUALITY CONTROL BOARD:

71. Construction activity, including demolition, resulting in a land disturbance of one acre or more

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must obtain coverage under the General Permit for storm water discharges associated with construction and land disturbance activities (CGP).

72. Implementation of storm water pollution controls during and post-construction as required by the CGP shall be required.

CALIFORNIA DEPARTMENT OF TRANSPORTATION:

73. A Caltrans encroachment permit will be required for all work in the State highway right of way. Work will include the project driveways, curb, gutter, sidewalk, tie-in paving, any utilities, ADA certification and a drainage report.
74. No snow storage from the project site shall be allowed in the State highway right of way.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE:

75. The applicant shall pay the Shasta County Clerk (payable to the Shasta County Department of Resource Management) a documentary handling fee for posting a Notice of Determination or Notice of Exemption for this project pursuant to the California Environmental Quality Act (CEQA), section 15075. The applicant shall also pay the appropriate fees pursuant to Fish and Game Section 711.4 (AB 3158). Said fees shall be paid within five (5) days following the end of any final appeal period, or in the event of a timely appeal within five (5) days following any final decision on the appeal, before the project approval will be considered final. Failure to pay the required fees will render this contingent project approval null and void. The fees are collected at the Shasta County Department of Resource Management Permit Counter located at 1855 Placer Street, Suite 103, Redding, CA.
76. * Any vegetation removal or construction on the property should be conducted between September 1 - October 15 and between March 1 - March 31 to avoid the bat maternity season as well as the winter season when bats are torpor and are inactive. If vegetation removal or construction activities occur during the bat maternity season (April 1 - August 31) or the bats torpor period (October 16 - February 28) then a bat roost survey shall be conducted by a biologist qualified to identify any bat roosting sites within the property, and who shall do the following:
 - a. Conduct a pre-construction bat roost survey(s) within one (1) week of vegetation removal that involves the removal of potential diurnal roosting trees.
 - b. Surveys shall be conducted within the entire area where potential diurnal roosting trees are to be removed and within 100 feet of the area.
 - c. If a maternity roost with young is observed then the biologist will map the location and

establish an appropriate “no disturbance” buffer around the roost as determined by the biologist. Construction and vegetation removal activity shall be prohibited within the buffer until the young are volant (i.e. flying). Roosts shall be monitored at least once per week and a report submitted to the County Planning Division monthly.

- d. If a roost is observed without young then the biologist should establish a “no disturbance” buffer until the bats are excluded from the roost or there are no roosting bats present.
77. * The Project Applicant must do surveys for the *Castilleja lasenensis* during the appropriate blooming period. If no plants are observed, no further mitigation would be needed. If the species is observed, CDFW would need to be notified and appropriate mitigation, as approved by CDFW, would be required. Depending upon the level of impact, the mitigation could include purchasing another parcel with that species on it or redesigning the project. As the Department does not do transplanting of species, this would not be a mitigation option. All species listed as CRPR 1B – 4 observed onsite would need to be reported to the California Natural Diversity Database.
78. * In order to avoid impacts to nesting migratory birds and/or raptors protected under federal Migratory Bird Treaty Act and California Fish and Game Code Section 3503 and Section 3503.5, including their nests and eggs, one of the following shall be implemented:
- a. Vegetation removal and other ground-disturbance activities associated with construction shall occur between September 1 and January 31 when birds are not nesting; or
 - b. If vegetation removal or ground disturbance activities occur during the nesting season, a pre-construction nesting survey shall be conducted by a qualified biologist to identify active nests in and adjacent to the work area. The survey shall be conducted no more than one week prior to the initiation of construction. If construction activities are delayed or suspended for more than two weeks after the pre-construction survey, the site shall be resurveyed.

If nesting birds are found, the nest sites shall not be disturbed until after the young have fledged, as determined through additional monitoring by a qualified biologist. Further, to prevent nest abandonment and mortality of chicks and eggs, no construction activities shall occur within 500 feet of an active nest, unless a smaller buffer zone is authorized by a qualified biologist in consultation the CDFW and the USFWS (the size of the construction buffer zone may vary depending on the species of nesting birds present). A qualified biologist shall delineate the buffer zone with construction tape or pin flags that shall remain in place until the young have fledged, as determined through additional monitoring by a qualified biologist.

The biologist shall monitor nests weekly during construction to evaluate potential nesting

disturbance by construction activities. Guidance from CDFW will be requested if the nestlings within the active nest appear disturbed. The monitoring biologist shall have the authority to stop any work determined to be adversely affecting the nesting activity. The monitoring biologist shall report any "take" of active nests to CDFW.

ADVISORY NOTES:

- A. This Use Permit expires and is null and void without further action by the County if the activity or the use for which the variance or Use Permit was granted has not been actively and substantially commenced within two years of the date of its approval. The planning commission may extend the time for commencement of the use or activity when the variance or Use Permit is approved, or during the two years following approval or affirmation of approval of the variance or use permit, if an application for an extension of time is made to the planning division prior to expiration of the variance or use permit.
- B. The project is located in an area designated as a "VERY HIGH" Fire Hazard Severity Zone under Section 4203 of the Public Resources Code of the State of California.
- C. The Board of Supervisors has determined that oak woodlands are valuable as wildlife habitat as well as for shade, aesthetic and scenic values. If your property contains oak trees you are encouraged to consult the oak woodland management guidelines, Resolution No. 95-157, for guidance regarding use and protection of oak trees.

* Denotes mitigation measures of the mitigated negative declaration.

MEMORANDUM

SHASTA COUNTY DEPARTMENT OF RESOURCE MANAGEMENT 1855 Placer Street, Redding, CA 96001

Environmental Health

Suite 201
225-5787

Air Quality Management

Suite 101
225-5674

Planning Division

Suite 103
225-5532

Administration & Community Education Section

Suite 200
225-5789

Building Division

Suite 102
225-5761

TO: James Chapin, Chairman, and Shasta County Planning Commissioners

FROM: Paul A. Hellman, Director of Resource Management

DATE: January 10, 2019

SUBJECT: R5- Use Permit 18-0003 (Fruit Growers Supply Company)

The Department has received the attached comment letter expressing concerns that the Initial Study and proposed Mitigated Negative Declaration did not adequately address potential impacts regarding noise and storm water runoff and detention. A response to the expressed concerns is outlined below.

Noise:

Surrounding land uses include undeveloped timberland designated properties to the east and south; and an undeveloped commercially designated property to the northeast. Across Highway 299 E to the northwest and west are existing commercial businesses, including Custom Audio Sound, Burney Disposal and Superior Avenue Steel Supply. Intermountain Community Center is approximately 300 feet south of the project site and the Rite Aid commercial complex is approximately 0.15 miles south of the project site. The project site is at the northeastern end of the community along the State Route 299E commercial corridor, where people are either exiting or entering the community, with the loading dock placed at the north end of the project site, buffered by the proposed building from the properties to the south. There are no known noise-sensitive uses in the vicinity, and the proposed use is compatible with existing uses in the project vicinity and along this commercial corridor.

Noise levels contributed by the proposed project would include construction noise during future build-out of the project and from typical business operations of the store, consistent with businesses anticipated in a C-2 district adjacent to a State highway. Construction noises associated with development of the project would primarily be from the temporary use of heavy equipment and would involve temporary sources of groundborne vibration and groundborne noise during construction from the operation of heavy equipment. However, the duration of impact would be brief and would occur during less sensitive daytime hours (between 7:00 a.m. and 7:00 p.m.), and no

Use Permit 18-0003 (Fruit Growers Supply Company)
PC Memo January 10, 2019
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construction is permitted on Sundays and Federal holidays. The project has also been conditioned to require that noise levels shall not exceed 55dB hourly Leq daytime (7 a.m. to 10 p.m.) or 50 dB hourly Leq nighttime (10 p.m. to 7 a.m.) at the property lines consistent with the Shasta County General Plan Noise Element.

Storm Water Runoff and Detention:

As grading will be needed for this project, a grading permit will be required. Drainage improvements and designs will be subject to an approved grading plan and permit issued by the Shasta County Building Division. The provisions of the permit will address erosion and siltation containment on and off-site. As the project will be disturbing more than one acre of land, the applicant will be required to prepare a Storm Water Pollution Prevention Plan (SWPP) and obtain a General Construction Storm Water Permit (CGP) from the State of California Regional Water Quality Control Board. The project will be required to implement storm water pollution controls during construction and post-construction, as required by the CGP. Through adherence to construction standards, including erosion and sediment control measures, water quality and waste discharge standards will not be violated.

As identified in the IS/MND, a hydrology study for detention requirement was prepared by Hydmet Consulting (2018). It was determined that an on-site detention area of 0.3-acre-feet (13,000-cubic-feet) with an 8-inch discharge outlet is required to prevent increased downstream peak flows for the 10-year and 100-year design storm events. Subsurface storm water detention has been incorporated into the project design. Runoff generated from the site may pick up grease and oils from driveways and parking stalls at the facility, but pollutants deposited on the driveways would not be a substantial additional source of polluted runoff. Runoff would be captured on-site in the new storm water detention area which will restrict runoff to post-construction project discharge rates and meet all water quality standards required by the CGP, including storm water pollution controls during construction and post-construction.

Post-construction storm water performance standards in the CGP specifically address water quality. The requirement for all construction sites to match pre-project hydrology will help ensure that the physical and biological integrity of aquatic ecosystems are sustained. Per the State Water Resources Control Board Order No. 2009-0009-DWQ, "This "runoff reduction" approach is analogous in principle to Low Impact Development (LID) and will serve to protect related watersheds and waterbodies from both hydrologic-based and pollution impacts associated with the post-construction landscape." All dischargers are required to implement Best Management Practices (BMPs) to reduce pollutants in storm water discharges that are reasonably foreseeable after all construction phases have been completed at the site (Post-construction BMPs), which can be structural and non-structural controls which detain, retain, or filter the release of pollutants to receiving waters after final stabilization is attained.

Conclusion:

The concerns raised have been analyzed and considered. No significant impacts related to noise, storm water or pollutant discharge are foreseen and no change to the project has been made as a result of the letter.

PH/lat

Luis A. Topete, Associate Planner
Shasta County Department of Resource Management – Planning Division
1855 Placer Street, Suite 103
Redding, CA 96001

RE: Use Permit 18-0003, Mitigated Negative Declaration

Dear Mr. Topete,

This letter is submitted in regards to the proposed use permit for a proposed development of a Fruit Growers Supply Company at Highway 299 and Commerce Way. We would like to thank you for your office's attention to this project.

The developer is proposing developing and operating a 20,000 square foot grocery store with 92 parking spaces, adding significant impervious surface to a currently undeveloped property in the Pit River watershed. There is currently significant vegetation on the site in the form of Ponderosa Pine trees.

As you are aware, a mitigated negative declaration is permitted only if the initial study identified potential significant effects on the environment but revisions in the project plans "would avoid or mitigate the effects to a point where clearly no significant effect on the environment would occur" and there is no substantial evidence that the project may have a significant effect on the environment. The courts in California have therefore limited the scenarios in which a Mitigated Negative Declaration, as opposed to an Environmental Impact Review ("EIR") can be prepared, for example in Architectural Heritage Assn. v. County of Monterey (2004) 122 Cal App.4th 1095.

We are concerned about the potential for significant impacts arising from the addition of so much impervious surface to the project site, as well as the potential of greater than significant impacts from noise.

As you are aware, high-activity retail sites, in particular groceries, can generate high levels of noise at hours when noise levels are required to be lowest, i.e., in the early morning and late evening hours. This typically results from logistical causes, such as truck deliveries, truck braking, truck engine noises and back-up warning beeps, as well as dock facilities, specifically exterior HVAC equipment, metal doors on docks, and related noises. The potential for these noises to exceed ordinance requirements is not insignificant; given the hours in the day when deliveries occur for groceries in particular, there is a strong likelihood of excessive noise impact.

Absent an intensive noise study, noise impacts from grocery sites can be significant, even for relatively distant receptors; this is particularly true where grading is intended to level gentle hills, as is proposed for the project site. Without noise impact studies, it is impossible to know what appropriate mitigation measures should be; this is because the appropriate sizing and design of, for example, sound walls cannot be known if the approximate decibel levels of generated noise is known.

Impacts XII(a) and (c) do not mention several of the above-mentioned sources of noise, i.e., truck beeping, loading dock-associated noises, and truck engines and exhaust noises. These are intermittent, but likely could exceed the decibel levels permitted under the General Plan of 50 decibels; in comparable studies, noise levels at between 50 and 100 feet from these sources, in particular truck beeping, can reach as much as 70 decibels. Again, since these deliveries typically happen in the early morning hours, this would represent a significant excess above the level permissible under the General Plan. At a minimum, the County should not adopt a mitigated negative declaration until such time as a proper noise study can be performed to ascertain the actual decibel levels and the amount of attenuation that can be expected at the appropriate distances to allow for a proper analysis of whether the anticipated and likely noise sources will have a significant impact.

Currently, the sources of documentation for the Initial Study Checklist lacks any reference to an independent noise study. We would ask the County not to adopt the MND and conduct an independent noise study.

The current mitigation measures proposed for the stormwater runoff and detention are currently inadequate as proposed. Specifically, the MND relies on assumptions regarding the

amount of discharge and the ability of the system to handle that runoff that are not supported by any particular documentation or study. This is of particular concern because of the nature of stormwater runoff from impervious surfaces, which tends to gather particulates, including automotive oil and other pollutants, which can then discharge into the groundwater. The potential rate of particulate discharge into the groundwater and soils surrounding the project site needs to be analyzed with specificity, rather than merely based on a conclusion about how much stormwater the detention system can retain. This is because of the nature of the surrounding sites and the likelihood of direct discharge of pollutants into soils and water, rather than, e.g., into a stormwater or sewage system meant to carry polluted runoff waters away.

We would urge the County to fully study the likelihood of accumulation of pollutant discharge into the surrounding soil and into the groundwater prior to adopting an MND. Thank you again for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cory Hays".



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



December 17, 2018

Luis A. Topete, Associate Planner
Planning Division
Department of Resource Management
1855 Placer Street, Suite 103
Redding, CA 96001

Subject: Review of the Mitigated Negative Declaration for Use Permit 18-0003 (Fruit Growers Supply Company), Assessor Parcel Number 028-370-024, Community of Burney, Shasta County

Dear Mr. Topete:

The California Department of Fish and Wildlife (Department) has reviewed the Mitigated Negative Declaration for Use Permit 18-0003 dated November 30, 2018, for the above-referenced project (Project). The Department's review of this Project is pursuant to our role as the State's trustee and responsible agency for fish and wildlife resources under the California Environmental Quality Act, California Public Resources Code section 21000 et seq. The Project as proposed is to build a new 20,000-square-foot grocery store with 92 on-site parking spaces, drive aisles, loading dock, two driveway entrances, on-site landscaping, and installation of new sidewalk along the Project frontage. The Project is located in the Community of Burney on a 2.07-acre parcel. The Department commented on this Project during the early consultation process on September 17, 2018. All of the Department's requests and comments have been incorporated; therefore, the Department has no further comment. If the Project description changes in any way or additional biological resource information becomes available, the Department should be notified and provided an opportunity to offer comments regarding the updated information.

We appreciate the opportunity to review this Project. If you have any questions, please contact Amy Henderson, Environmental Scientist, at (530) 225-2779, or by email at Amy.Henderson@wildlife.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam McKannay".

Adam McKannay
Senior Environmental Scientist - Supervisor
Interior Cannabis and LSA Permitting

Conserving California's Wildlife Since 1870

Luis A. Topete, Associate Planner
December 17, 2018
Page 2

cc: Luis A. Topete, Associate Planner
ltopete@co.shasta.ca.us

State Clearinghouse
State.clearinghouse@opr.ca.gov

Amy Henderson
California Department of Fish and Wildlife
Amy.Henderson@wildlife.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

7 December 2018

Luis A. Topete, Associate Planner
Shasta County Department of Resource Management – Planning Division
1855 Placer Street, Suite 103
Redding, CA 96001

COMMENTS ON THE ENVIRONMENTAL INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE USE PERMIT 18-0003 (FRUIT GROWERS SUPPLY COMPANY) PROJECT, ASSESSOR PARCEL NUMBER 028-370-024, REDDING, SHASTA COUNTY

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 3 December 2018, we received your request for comments on the Environmental Initial Study and Mitigated Negative Declaration for the Use Permit 18-0003 (Fruit Growers Supply Company) Project.

The project is a use permit application to allow the use of an underdeveloped 2.07-acre parcel for construction and operation of a new 20,000-square-foot grocery store with 92 on-site parking spaces, drive aisles, loading dock, two driveway entrances, on-site landscaping, and installation of new sidewalk along the project frontage. The project site is located in the Burney area on a 2.07-acre parcel, adjacent to and east of the State Highway 299 E, approximately 0.1 miles northeast of the intersection of State Highway 299 E and Commerce Way.

Based on our review of the information submitted for the proposed project, we have the following comments:

General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP)

Construction activity, including demolition, resulting in a land disturbance of one acre or more must obtain coverage under the CGP. The Use Permit 18-0003 (Fruit Growers Supply Company) Project must be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP. To apply for coverage under the CGP the property owner must submit Permit Registration Documents electronically prior to construction. Detailed information on the CGP can be found on the State Water Board website:

https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESO., EXECUTIVE OFFICER

364 Knollcrest Drive, Suite 205, Redding, CA 96002 | www.waterboards.ca.gov/centralvalley



Use Permit 18-0003
(Fruit Growers Supply Company) Project

- 2 -

7 December 2018

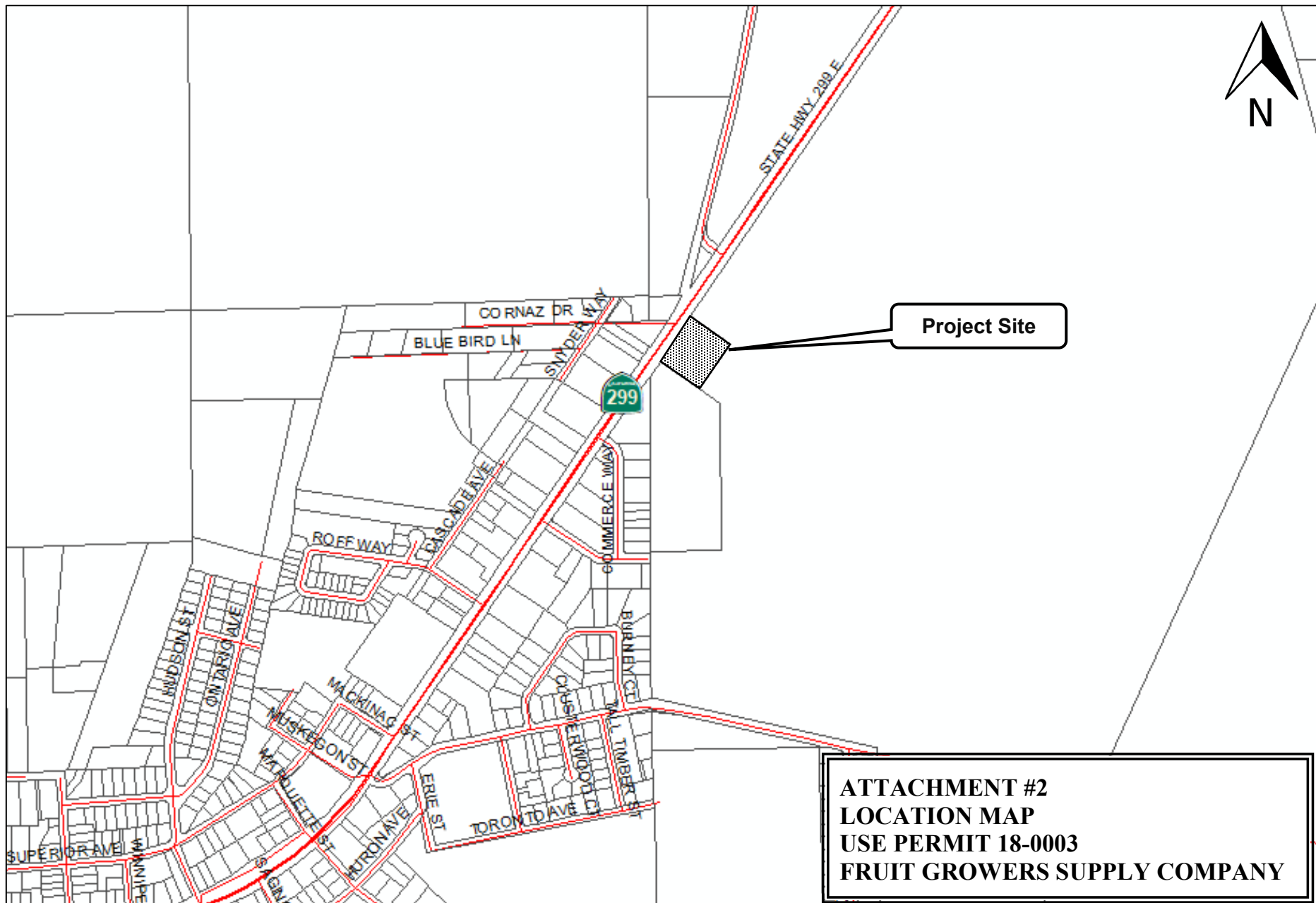
If you have any questions or comments regarding this matter, please contact me at (530) 224-4783 or by email at Dannas.Berchtold@waterboards.ca.gov.

Dannas Berchtold for

Dannas J. Berchtold
Engineering Associate
Storm Water & Water Quality Certification Unit

DJB: ch

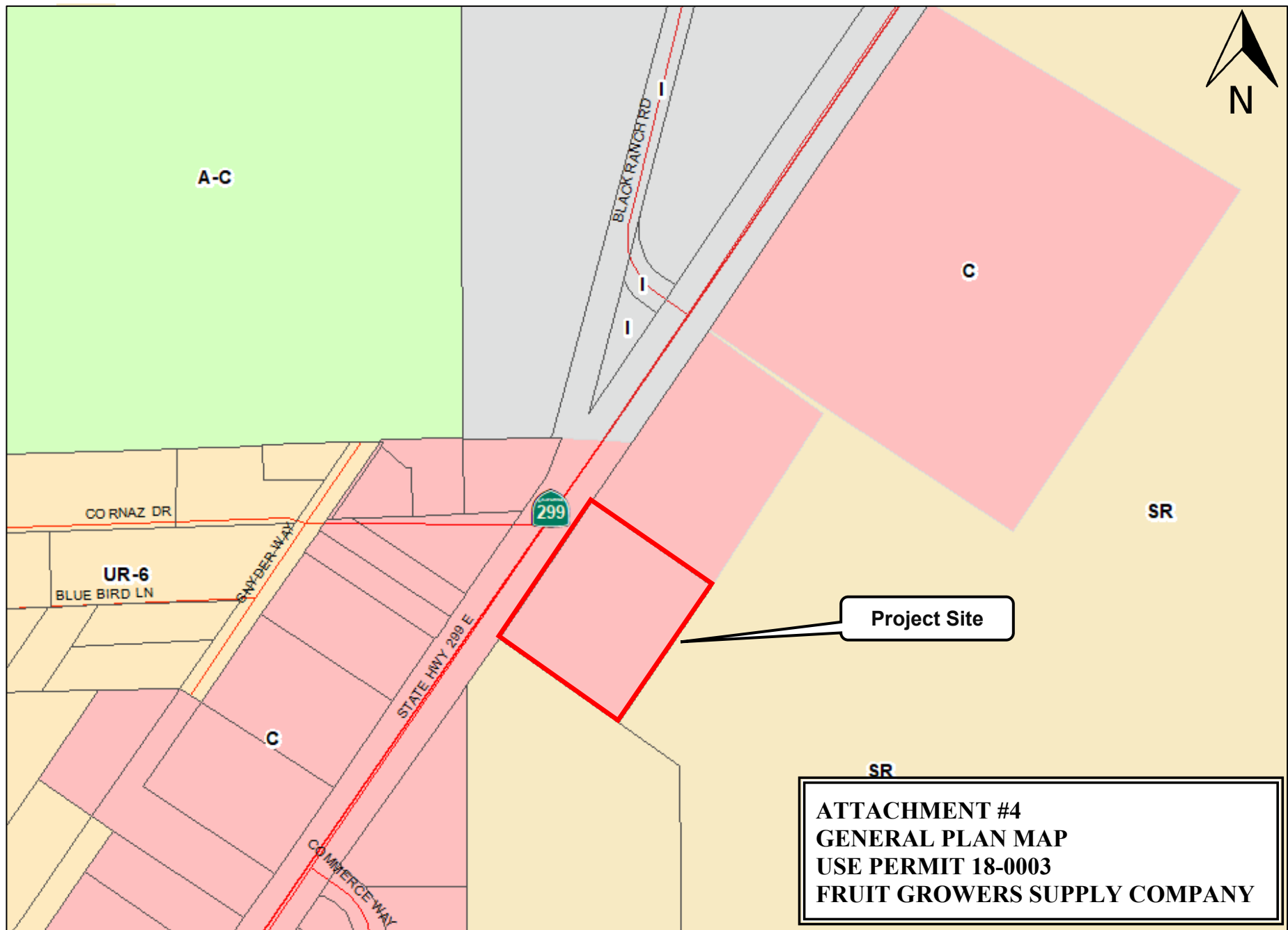
cc: Mr. Matt Kelley, U.S. Army Corps of Engineers, Redding
Ms. Donna Cobb, Department of Fish and Wildlife, Region 1, Redding
Fruit Growers Supply Company, Valencia
Terry Johnson, Best Development Group, Sacramento

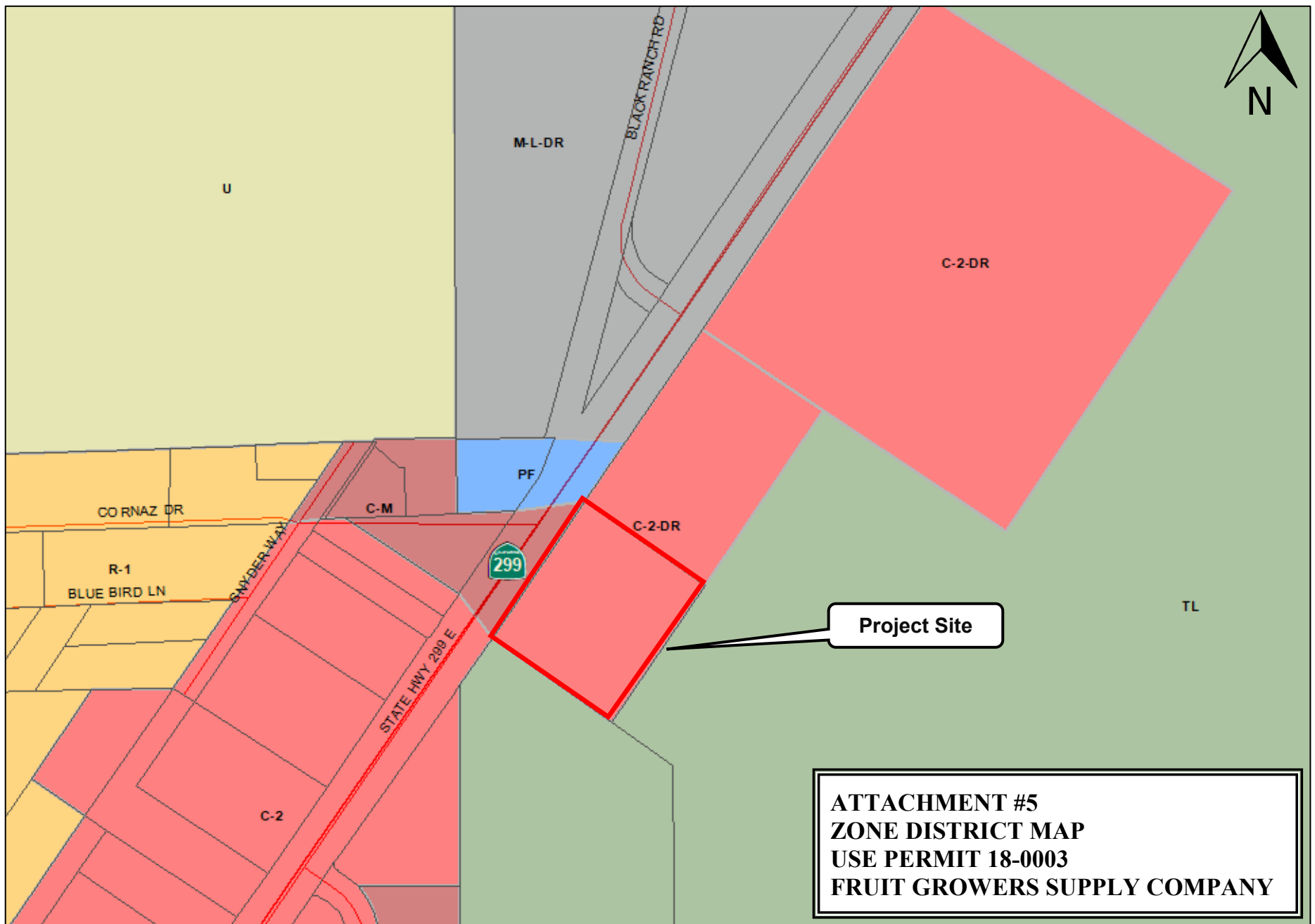




Project Site

**ATTACHMENT #3
PROJECT AERIAL
USE PERMIT 18-0003
FRUIT GROWERS SUPPLY COMPANY**

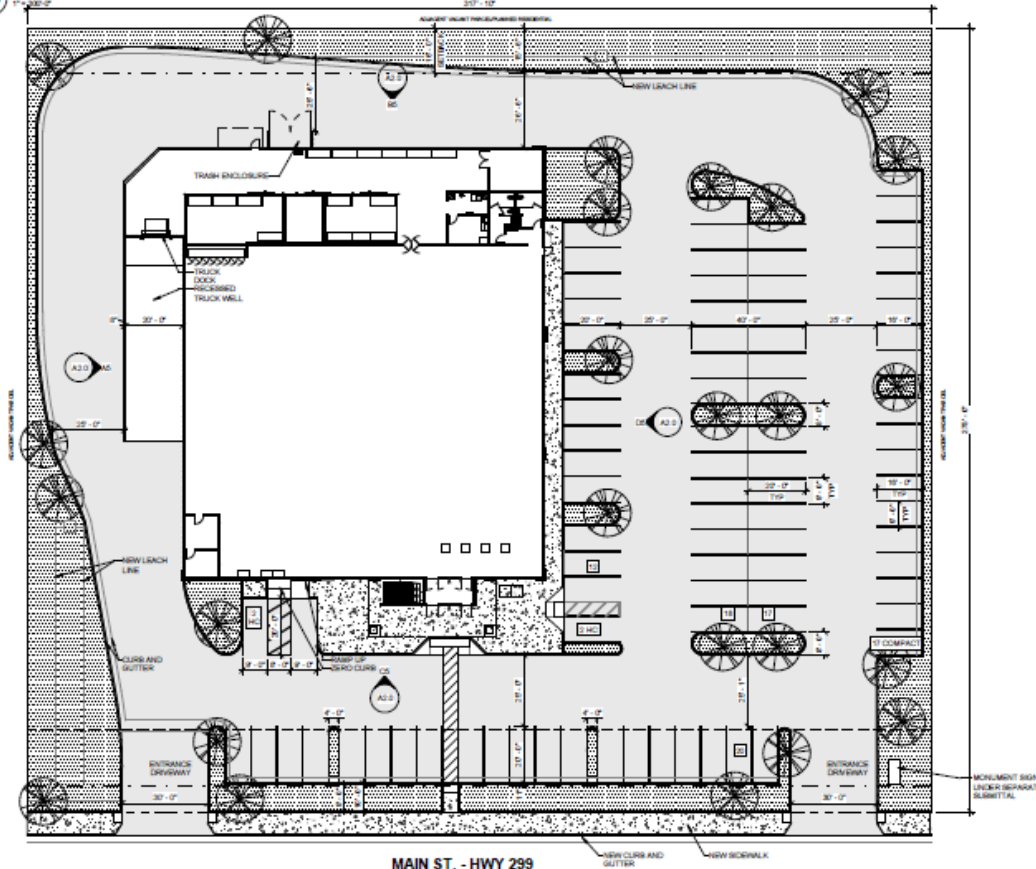






D5 VICINITY MAP
1" = 300'

ATTACHMENT #6 **SITE PLAN – EXHIBIT “A”** **USE PERMIT 18-0003** **FRUIT GROWERS** **SUPPLY COMPANY**



A5 CONCEPTUAL SITE PLAN
1" = 30'

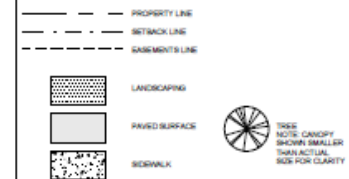
SHEET INDEX

GENERAL
SP1 CONCEPTUAL SITE PLAN
SP1.1 TRUCK TURNING STUDY

ARCHITECTURAL
A1.0 FLOOR PLAN
A2.0 EXTERIOR ELEVATIONS

CIVIL
C1 PRELIMINARY GRADING PLAN
SHEET TOTAL: 5

LEGEND



PROJECT INFORMATION

ZONE: C-2 COMMUNITY COMMERCIAL/RESIDENTIAL
TOTAL BUILDING AREA: 25,000 SF (22% OF TOTAL LOT)
TOTAL SALES: 14,000 SF
TOTAL STORAGE: 5,100 SF

PARKING INFORMATION

PARKING REQUIRED: 14,000 SQFT / 200 SQFT = 70
TOTAL: 70
PARKING PROVIDED: 80
HANDICAP STALLS REQUIRED: 4 (4.75-100 STALLS)
HANDICAP STALLS PROVIDED: 3 AND 1 VAN
COMPACT SPACES ALLOWED: 30 (30%)
COMPACT SPACES PROVIDED: 17

LANDSCAPE INFORMATION

PROPERTY SIZE: 307'4" X 220'0" (67,715 SQFT)
PROPERTY SIZE NOT INCLUDING BUILDING AREA: 67,175 SQFT
LANDSCAPE AREA REQUIRED: 5% (3,389 SQFT)
TOTAL LANDSCAPE AREA PROVIDED: 21.5% (14,400 SQFT)
LANDSCAPE AREA REQUIREMENT:
10' AT FRONTAGE: 3.0% (2,025 SQFT)
3' AT FRONTAGE: 3.0% (2,025 SQFT)
TOTAL LANDSCAPE AREA PROVIDED: 14.2% (9,500 SQFT)
NOT INCLUDING REQUIRED 10' AT FRONTAGE: 14.2% (9,500 SQFT)
THREE REQUIRED: 11 (18 STALLS)
SHADE COVERAGE REQUIRED: 25,000 SF (50% OF PARKING STALLS, DRIVE AISLES AND PEDESTRIAN WAYS, TOTAL, 50% SQ)
SHADE COVERAGE PROVIDED: 25,000 SF (50.1%)
CANOPY COVERAGE AT 10 YEARS: APPROX. 30' IN DIAMETER = 1,000 SQ
THREE PROVIDED: 25 TREES
THREE TYPE: COMBINATION OF QUINCE PLUM (P.D. 0.00) AND COLUMBIAN COCKATOO (P.D. 0.00)

brr

ARCHITECT OF RECORD:
JAMES A. VALEY
BVA ARCHITECTURE, INC.
2000 ANTONIO PLAZA, SUITE 200
MERRIFIELD, KS 66504
WWW.BVAARCHITECT.COM TEL: 415-703-4100

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CONTRACT INFO
PROJECT NO.:
DATE: 05/25/18
DRAWN BY: JMA
CHECKED BY: JMA
JOB # 62930117
SHEET TOTAL: 5
CONCEPTUAL SITE PLAN

BEST DEVELOPMENT GROUP
APN: 028-370-024-000
BURNLEY, CA 95013

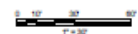
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PRELIMINARY
NOT FOR CONSTRUCTION

DATE: 05/25/18
DRAWN BY: JMA
CHECKED BY: JMA
JOB # 62930117
SHEET TOTAL: 5

CONCEPTUAL SITE PLAN

SP1



ENVIRONMENTAL INITIAL STUDY & MITIGATED NEGATIVE DECLARATION

Use Permit 18-0003
Fruit Growers Supply Company

November 30, 2018

ENVIRONMENTAL INITIAL STUDY &
MITIGATED NEGATIVE DECLARATION
WITH
References and Documentation

Prepared by
SHASTA COUNTY DEPARTMENT OF RESOURCE MANAGEMENT
PLANNING DIVISION
1855 Placer Street, Suite 103
Redding, California 96001

**SHASTA COUNTY
ENVIRONMENTAL CHECKLIST FORM
INITIAL STUDY & MITIGATED NEGATIVE DECLARATION**

- 1. Project Title:**
Use Permit 18-0003 (Fruit Growers Supply Company)
- 2. Lead agency name and address:**
Shasta County Department of Resource Management, Planning Division
1855 Placer Street, Suite 103
Redding, CA 96001-1759
- 3. Contact Person and Phone Number:**
Luis Topete, Associate Planner (530) 225-5532
- 4. Project Location:**
The project is located in the Burney area on a 2.07-acre parcel, adjacent to and east of State Highway 299 E, approximately 0.1 miles northeast of the intersection of State Highway 299 E and Commerce Way (Assessor Parcel Number 028-370-024).
- 5. Owner/Applicant Name and Address:**
Fruit Growers Supply Company
27770 N. Entertainment Drive
Valencia, CA 91355
- 6. Representative Name and Address:**
Best Development Group
2580 Sierra Boulevard, Suite E
Sacramento, CA 95825
- 7. General Plan Designation:**
Commercial (C)
- 8. Zoning:**
Community Commercial combined with Design Review (C-2-DR)
- 9. Description of Project:**
The project is a use permit application to allow the use of an undeveloped 2.07-acre parcel for construction and operation of a 20,000-square-foot grocery store with 92 on-site parking spaces, drive aisles, loading dock, two driveway entrances, on-site landscaping, and installation of new sidewalk along the project frontage.
- 10. Surrounding Land Uses and Setting:**
Surrounding land uses include undeveloped timberland designated properties to the east and south; and an undeveloped commercially designated property to the northeast. Across Highway 299 E to the northwest and west are existing commercial businesses, including Custom Audio Sound, Burney Disposal and Superior Avenue Steel Supply. Calvary Chapel Burney Falls is approximately 300-feet south of the project site and the Rite Aid commercial complex is approximately 0.15 miles south of the project.

The project site is undeveloped. Vegetation at the site is composed of a ponderosa pine overstory with shrubs and annual grasses in the mid and understory. The topography of the site is predominantly flat with gentle slopes. The project is in the Pit River-Burney watershed. No streams or other waterbodies are present within the project site.

11. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):**
Burney Fire Protection District
Burney Water District
California Department of Transportation (Caltrans)
State Water Resources Control Board

12. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?**
In accordance with Public Resources Code (PRC) Section 21080.3.1, the Pit River Tribe (Tribe) filed and Shasta County received a request for formal notification of proposed projects within an area of Shasta County that is traditionally and culturally affiliated with the Tribe. Pursuant to PRC §21080.3.1 the Department of Resource Management sent a certified letter to notify the Tribe that the project was under review and to provide the Tribe 30 days from the receipt of the letter to request consultation on the project in writing. To date, no response has been received.

NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Agricultural Resources		Air Quality
	Biological Resources		Cultural Resources		Geology / Soils
	Greenhouse Gas Emissions		Hazards & Hazardous Materials		Hydrology / Water Quality
	Land Use / Planning		Mineral Resources		Noise
	Population / Housing		Public Services		Recreation
	Transportation / Traffic		Tribal Cultural Resources		Utilities / Service Systems
	Mandatory Findings of Significance				

DETERMINATION: (To be completed by the Lead Agency)

On the basis of the initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

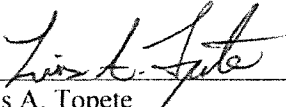
☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.


☐ I find that although the proposed project could have a significant effect on the environment because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Copies of the Initial Study and related materials and documentation may be obtained at the Planning Division of the Department of Resource Management, 1855 Placer Street, Suite 103, Redding, CA 96001. Contact Luis A. Topete, Associate Planner at (530) 225-5532.



Luis A. Topete
Associate Planner

11/28/2018
Date



Paul A. Hellman
Director of Resource Management

11/28/18
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parenthesis following each question. A “No Impact” answer is adequately supported if all the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less-than-significant with mitigation, or less-than-significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more, “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less-than-significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-than-significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from Section XVIII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures: For effects that are “Less-than-significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. General Plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify the following:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less-than-significant.

I. AESTHETICS: Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			✓	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?				✓
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			✓	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		✓		

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) Views of the project site are characterized by the surrounding forest environment and existing commercial development in the vicinity. The proposed single-story building would not significantly obstruct any view from surrounding properties. There is no view of the project site which includes a unique or aesthetically significant scenic vista. Thus, the project would not result in a substantial adverse effect on a scenic vista.
- b) The project would not substantially damage any scenic resource. The project site is not visible from a designated scenic highway or State route eligible for official scenic highway designation. The project site is located in a corridor in which the natural and man-made environment contrast as shown on the Shasta County General Plan Scenic Highways map. The proposed retail store and related improvements would be aesthetically consistent with the General Plan description of development located within the subject corridor.
- c) The project would not substantially degrade the existing visual character or quality of the site and its surroundings. The project surroundings include undeveloped properties to the south, east and northeast. Across Highway 299 E to the northwest and west are existing commercial businesses, including Custom Audio Sound, Burney Disposal and Superior Avenue Steel Supply. This DR district does not have specific design guidelines that have been adopted. As proposed, the development complies with the general development standards of the Zoning Plan, including the general development standards of the DR zone district.
- d) The County Zoning Plan requires that all lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. The California Department of Fish and Wildlife has expressed concerns of the adverse effects that the new source of artificial lighting from the project could have on birds and other nocturnal species on the adjacent wildlife habitat. The proposed on-site fixtures would directly illuminate areas within the project, but some light from the fixtures will spill onto the adjoining commercial and timberland properties.

In order to minimize potential impacts of project lighting it is recommended that all decorative lighting fixtures be downward facing, shielded and designed and installed to minimize photo-pollution and spillover of light onto adjacent wildlife habitat, and that a photometric plan indicating that predicted light spillage on adjoining residential properties will not exceed the moon's potential ambient illumination of one-tenth (0.1) of a foot-candle during the nighttime hours between 10 p.m. and 7 a.m.. With the incorporation of these measures, the project would not create a significant new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Mitigation/Monitoring: With the following proposed mitigation measures being proposed, the aesthetic impacts of the project will be less-than-significant.

- I.d.1) Prior to issuance of a building permit, the applicant shall submit a photometric plan and lighting plan, including cut sheets for all exterior lighting fixtures, to the Shasta County Planning Division for review and approval. All decorative lighting fixtures shall be downward facing, shielded and designed and installed to minimize photo-pollution and spillover of light onto adjacent wildlife habitat. The photometric plan shall demonstrate that predicted light spillage on adjoining residential properties will not exceed 0.1 foot candles during the nighttime hours between 10 p.m. and 7 a.m.

II. AGRICULTURE AND FORESTRY RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?				✓
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓
d) Result in the loss of forest land or conversion of forest land to non-forest use?			✓	
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			✓	

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) The subject property is not identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the map titled Shasta County Important Farmland 2014.
- b) Neither this property nor the surrounding properties are zoned for agricultural use nor are they in a Williamson Act Contract.
- c) The project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). The project site is not zoned for, nor would the project cause the rezoning of forest land, timberland, or timberland zoned Timberland production. The project site is zoned Community Commercial combined with Design Review (C-2-DR).
- d) The project would convert forestland, as defined by Title 14, Chapter 4 of the California Code of Regulations (Forest Practices), to a non-forest use. Cal Fire has determined the project exempt from timberland conversion and timber harvest plan requirements pursuant to Forest Practices, Section 1104.1. This "Less Than Three Acre Conversion Exemption" is applicable to a conversion of timberland to a non-timber use only, of less than three acres in one contiguous ownership, and exempts the timber harvest operations on this parcel from conversion permit and timber harvest plan requirements. Timber operations shall comply with all provisions of the exemption and all other applicable provisions of the Z'berg-Nejedly Forest Practice Act, regulations of the Board and currently effective provisions of the County's general plan, zoning ordinances and any implementing ordinances.

- e) The project would not result in any other changes in the existing environment that could result in conversion of Farmland to non-agricultural use, or conversion of forest land to non-forest use other than what is discussed under II.d above.

Mitigation/Monitoring: None proposed.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				✓
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			✓	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emission which exceed quantitative thresholds for ozone precursors)?			✓	
d) Expose sensitive receptors to substantial pollutant concentrations?			✓	
e) Create objectionable odors affecting a substantial number of people?			✓	

Discussion: Based on related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a-c) The project would not conflict with or obstruct implementation of the Northern Sacramento Valley Planning Area (NSVPA) 2015 Triennial Air Quality Attainment Plan for the Northern Sacramento Valley Air Basin as adopted by Shasta County, or any other applicable air quality plan. Using ITE Trip Generation Manual, 10th Edition, Land Use Code 854 for "Discount Supermarket" the project is anticipated to generate 168 additional PM peak hour trips. Of these trips 60% are assumed to be "pass-by" trips (vehicles that were already in route to other destinations) for a total of approximately 67 new PM peak hour trips per day with the proposed project as their primary destination.

According to the California Air Pollution Officers Association's Threshold 2.3, the California Air Resources Board Reporting Threshold of 10,000 metric tons of carbon-dioxide equivalents per year (mtCO₂eq/yr) is recommended as a quantitative non-zero threshold. This threshold would be the operational equivalent of 550 dwelling units, 400,000 square feet of office use, 120,000 square feet of retail, or 70,000 square feet of supermarket use. Thus, this project will have a less than significant increase in traffic with regards to air quality impacts.

The NSVPA Air Quality Attainment Plan (2015) designates Shasta County as an area of Nonattainment with respect to the established ozone California ambient air quality standards. Nitrogen oxides (NO_x) are a group of highly reactive gasses and are also known as "oxides of nitrogen." Because NO_x is an ingredient in the formation of ozone, it is referred to as an ozone precursor. NO_x is emitted from combustion sources such as cars, trucks and buses, power plants, and off-road equipment. Construction equipment and activities associated with making probable improvements would generate air contaminants, including oxides of nitrogen (NO_x), reactive organic gases (ROG), carbon dioxide (CO₂) and particulate matter (PM₁₀), in the form of engine exhaust and fugitive dust. However, the emissions emitted during construction would be limited and temporary.

The project is consistent with the air quality attainment plan. In addition, the Shasta County General Plan requires Standard Mitigation Measures and Best Available Mitigation Measures on all discretionary land use applications as recommended by the AQMD in order to mitigate both direct and indirect emissions of non-attainment pollutants. The project will not significantly violate any air quality standard or contribute substantially to an existing or projected air quality violation increase in any criteria pollutant, including ozone, ozone pre-cursors or PM₁₀ (particulate matter), and would not conflict with or obstruct implementation of the NSVPA Air Quality Attainment Plan (2015) as adopted by Shasta County, or any other applicable air quality plan.

- d-e) The project is not anticipated to expose sensitive receptors to substantial pollutant concentrations or create objectionable odors affecting a substantial number of people. Equipment used to construct the proposed improvements would produce emissions that

some may find objectionable. Potential impacts from exhaust odor during construction and from delivery trucks would depend on the degree of transport, relative concentration upon arrival at the project site, and/or sensitivity of the receiving party. Surrounding land uses include undeveloped properties to the south, east and northeast. Across Highway 299 E to the northwest and west are existing commercial businesses; Calvary Chapel Burney Falls is approximately 300-feet south of the project site and there appears to be a residential structure approximately 350-feet from the project in a C-2 zone district. Mobile equipment operators and delivery truck drivers would be subject to Air Quality Management District and State diesel idling rules which minimizes the length of time that a diesel engine can remain idle.

Mitigation/Monitoring: None proposed.

IV. <u>BIOLOGICAL RESOURCES</u>: Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Have a substantial effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		✓		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✓
c) Have a substantial adverse effect on Federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		✓		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community, Conservation Plan, or other approved local, regional, or State habitat conservation plan?				✓

Discussion: Based on related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, and a Biological Review prepared by Wildlife Resource Managers (2018), the following findings can be made:

- a) No species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or the U.S. Fish and Wildlife Service have been identified on the project site. The lack of water exclude wetland habitat features and associated flora and fauna. The California Natural Diversity Database for the Burney, Cassel, East Burney and West Burney quadrangles which surround the project area was reviewed. The query yielded 22 animal species and 27 plant species. For nearly all species, suitable habitat does not exist within the project area. The exceptions include one mammal species, the Townsend's big eared bat which roosts in snags and four plant species, Bidwell's knotweed, Susanville milk vetch, Baker's globe mallow and Shasta beartongue. None of these species were observed on the project site. However, the occasional snag within the project area may be suitable habitat for this species.

The project would result in the removal of habitat, that among other values, may provide roosting and nesting habitat for special

status bat species and migratory birds. The loss of potential roosting and nesting habitat would be less-than-significant and not cumulatively considerable given the extent of suitable roosting and nesting habitat in the vicinity of the project site, but potential direct impacts on individual roosting or nesting bats or birds would be considered potentially significant. In order to avoid, reduce, and/or minimize the potential direct impacts on individual roosting or nesting bats or birds it is proposed that pre-construction surveys for the presence of roosting bats and/or nesting birds be conducted prior to any tree removal.

CDFW expressed concerns that the biological survey occurred in October, outside the blooming period. The Biological Review identified Lassen paintbrush (*Castilleja lassenensis*), with a California rare plant rank of 1B.3, which are plants rare, threatened, or endangered in California and elsewhere, but not very threatened in California, within the quadrangle query. With a satisfactory precipitation rate, the project area may provide suitable habitat for this species. In order to avoid, reduce, and/or minimize the potential on this plant species, it is proposed that surveys be conducted during the appropriate blooming period. If no plants are observed, no further mitigation would be needed. If the species is observed, CDFW would need to be notified and appropriate mitigation, as approved by CDFW, would be required.

- b) There is no riparian habitat or other sensitive natural community on the project site or in the project area.
- c) There are no vernal pools or wetlands identified on the subject property based on the field survey conducted by Wildlife Resource Managers and based on the Vernal Pools, Wetlands, and Waterways Map of Shasta County prepared by the Geographic Information Center, California State University, Chico, on August 24, 1996. There is one area identified on the project site that does hold water for a short duration after a storm event but does not meet the Army Corps of Engineers or US Fish and Wildlife Service definitions of a wetland feature. The feature may be classified as a road-side ditch, which are not considered a feature by the Army Corps of Engineers. There are no ephemeral, intermittent, perennial streams, or drainage ditches or other wetlands on the project site.
- d) The field surveyed conducted on October 16, 2018 showed no evidence of nesting raptors and passerine species were nearly absent when the area was surveyed. Mid-story browse species showed little evidence of browsing while being in a vigorous growth condition. No large nests were found in the tree canopy and no deer trails or pellets were observed. However, the presence of species protected under the federal Migratory Bird Treaty Act remains possible due to the potential nesting habitat on-site. In order to avoid potential impacts to nesting migratory birds and/or raptors protected under federal Migratory Bird Treaty Act and California Fish and Game Code Section 3503 and Section 3503.5, including their nests and eggs, implementation of one of the following mitigation measures shall be required to ensure these species are not affected by the development of the site: 1) vegetation removal and other ground-disturbance activities shall occur during the non-nesting season (September 1 thru January 31); or 2) if vegetation removal or ground disturbance activities occur during the nesting season (February 1 thru August 31), a pre-construction nesting survey shall be conducted by a qualified biologist to identify active nests in and adjacent to the work area. Therefore, the project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- e) Second growth ponderosa pine dominates the overstory at the project site which is otherwise interspersed with black oak, Oregon white oak and western juniper. Shasta County encourages the retention of native vegetation where feasible. The project would not conflict with any ordinances or policies which protect biological resources. Shasta County Board of Supervisors' Resolution No. 95-157 provides guidance regarding use and protection of oak trees on a voluntary basis. While two species of oak trees are present at the project site, as a whole, vegetation at the project site is representative of the conifer forest type. Therefore, the project would have no impact on oak woodlands.
- f) There are no adopted Habitat Conservation Plan, Natural Community, Conservation Plan, or other approved local, regional, or State habitat conservation plans for the project site or project area.

Mitigation/Monitoring: With the mitigation measures being proposed, the impacts will be less-than-significant.

- IV.a.1) Any vegetation removal or construction on the property should be conducted between September 1 - October 15 and between March 1 - March 31 to avoid the bat maternity season as well as the winter season when bats are torpor and are inactive. If vegetation removal or construction activities occur during the bat maternity season (April 1 - August 31) or the bats torpor period (October 16 - February 28) then a bat roost survey shall be conducted by a biologist qualified to identify any bat roosting sites within the property, and who shall do the following:
 - a. Conduct a pre-construction bat roost survey(s) within one (1) week of vegetation removal that involves the removal of potential diurnal roosting trees.
 - b. Surveys shall be conducted within the entire area where potential diurnal roosting trees are to be removed and within 100 feet of the area.

- c. If a maternity roost with young is observed then the biologist will map the location and establish an appropriate “no disturbance” buffer around the roost as determined by the biologist. Construction and vegetation removal activity shall be prohibited within the buffer until the young are volant (i.e. flying). Roosts shall be monitored at least once per week and a report submitted to the County Planning Division monthly.
- d. If a roost is observed without young then the biologist should establish a “no disturbance” buffer until the bats are excluded from the roost or there are no roosting bats present.

IV.a.2) The Project Applicant must do surveys for the Lassen paintbrush (*Castilleja lasseensis*) during the appropriate blooming period (June 1st – September 30th). If no plants are observed, no further mitigation would be needed. If the species is observed, CDFW would need to be notified and appropriate mitigation, as approved by CDFW, would be required. Depending upon the level of impact, the mitigation could include purchasing another parcel with that species on it or redesigning the project. As the Department does not do transplanting of species, this would not be a mitigation option. All species listed as CRPR 1B – 4 observed onsite would need to be reported to the California Natural Diversity Database.

IV.d.1) In order to avoid impacts to nesting migratory birds and/or raptors protected under federal Migratory Bird Treaty Act and California Fish and Game Code Section 3503 and Section 3503.5, including their nests and eggs, one of the following shall be implemented:

- a. Vegetation removal and other ground-disturbance activities associated with construction shall occur between September 1 and January 31 when birds are not nesting; or
- b. If vegetation removal or ground disturbance activities occur during the nesting season, a pre-construction nesting survey shall be conducted by a qualified biologist to identify active nests in and adjacent to the work area. The survey shall be conducted no more than one week prior to the initiation of construction. If construction activities are delayed or suspended for more than two weeks after the pre-construction survey, the site shall be resurveyed.

If nesting birds are found, the nest sites shall not be disturbed until after the young have fledged, as determined through additional monitoring by a qualified biologist. Further, to prevent nest abandonment and mortality of chicks and eggs, no construction activities shall occur within 500 feet of an active nest, unless a smaller buffer zone is authorized by a qualified biologist in consultation the CDFW and the USFWS (the size of the construction buffer zone may vary depending on the species of nesting birds present). A qualified biologist shall delineate the buffer zone with construction tape or pin flags that shall remain in place until the young have fledged, as determined through additional monitoring by a qualified biologist.

The biologist shall monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. Guidance from CDFW will be requested if the nestlings within the active nest appear disturbed. The monitoring biologist shall have the authority to stop any work determined to be adversely affecting the nesting activity. The monitoring biologist shall report any “take” of active nests to CDFW.

<u>V. CULTURAL RESOURCES:</u> Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				✓
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				✓
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓
d) Disturb any human remains, including those interred outside of formal cemeteries?				✓

Discussion: Based on related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, and a Cultural Resources Investigation prepared by Sub Terra Consulting (2018), the following findings can be made:

- a-b) The project would not cause a substantial adverse change in the significance of any historical resource or an archeological resource.

According to the Cultural Resources Investigation prepared by Sub Terra Consulting (2018), a records search and document review was conducted at the California Office of Historic Preservation (CalOHP) Northeast Information Center of the California Historical Resources Inventory System (NEIC) on July 23, 2018. No previously recorded cultural resources were identified within the boundaries or within a 1.0 mile radius of the project site. A Sacred Lands File and Native American Contacts List Request was submitted to the California Native American Heritage Commission (NAHC) on July 31, 2018, and a response was received on August 1, 2018. No previously recorded sacred lands were identified in the vicinity of the project site. Coordination letters containing a project description, a map location of the project site, and a request for information were sent to 11 additional recommended tribal contacts on August 11, 2018. No responses have been received. Additionally, an intensive archeological field survey was conducted on August 16, 2018. No cultural resources, prehistoric or historical artifacts or features were identified by the field survey. The report concluded that no specific cultural resource treatment measures are necessary.

- c) Upon review of the Minerals Element of the General Plan, there is no evidence to suggest that the project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- d) The project site is not on or adjacent to any known cemetery or burial area. Therefore, there is no evidence to suggest that the project would disturb any human remains.

Although there is no evidence to suggest that the project would result in any significant effect to historical, archeological, paleontological, or unique geologic resource, or human remains, there is always the possibility that such resources or remains could be encountered. Therefore, if, in the course of development, any archaeological, historical, or paleontological resources are uncovered, discovered or otherwise detected or observed, ground disturbance activities in the affected area shall cease and a qualified archaeologist shall be contacted to review the site and advise the County of the site's significance. If the findings are deemed significant by the Environmental Review Officer, appropriate mitigation shall be required.

Mitigation/Monitoring: None proposed.

<u>VI. GEOLOGY AND SOILS:</u> Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> i) Rupture of a known earthquake, fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publications 42. ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction? iv) Landslides? 				✓
b) Result in substantial soil erosion or the loss of topsoil?				✓

VI. GEOLOGY AND SOILS: Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?				✓
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				✓
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?				✓

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity and percolation tests completed by Barrett Consulting, the following findings can be made:

- a) The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault;

According to the Alquist-Priolo Earthquake Fault Zoning Maps for Shasta County, there is no known earthquake fault on the project site.

- ii) Strong seismic ground shaking;

According to the Shasta County General Plan Section 5.1, Shasta County has a low level of historic seismic activity. The entire County is in Seismic Design Category D. All structures shall be constructed according to the seismic requirements of the currently adopted seismic standards of California Building Standards Code.

- iii) Seismic-related ground failure, including liquefaction;

The California Building Standards Code (Code) enforced by Shasta County requires a soils report be prepared and submitted with building permit applications for commercial structures. The report must be prepared by a California Licensed Engineer. As previously noted, Shasta County has a low level of historic seismic activity. In addition, it is likely that the conditions at the site are suitable for construction as evidenced by development of properties in the immediate vicinity. There is no evidence of seismic-related ground failure, including liquefaction on or near the project site.

- iv) Landslides.

There is no evidence of landslides on the subject property or the surrounding area. The project site is flat and is not located at top or toe of any significant slope. Therefore, impacts from landslides are considered to be less-than-significant.

- b) The project would not result in substantial soil erosion or the loss of topsoil. The Soil Survey of Intermountain Area, California, published by U.S. Department of Agriculture, Natural Resource Conservation Service and Forest Service; the California Department of Forestry, Soil Vegetation Survey; the University of California Agricultural Experiment Station; and the United States Department of the Interior, Bureau of Land Management, 1994, identified the project site as Burney-Arkrigh complex soil map unit with a hazard of erosion low to moderate. A grading permit is required prior to any grading activities. The grading permit includes requirements for erosion and sediment control, including retention of topsoil.
- c) Topography on the site is predominantly level, with small undulations. According to the Shasta County General Plan Section 5.1, Shasta County has a low level of historic seismic activity. Based on a review of the Soil Survey of Intermountain Area, California and discussion in Sections VI.a and VI.b above, the threat of landslides, lateral spreading, subsidence, liquefaction, or collapse is less than significant.
- d) The site soils are not described as expansive soils in the "Soil Survey of Intermountain Area, California."

- e) The project does not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. A permit to install an onsite wastewater treatment system (OWTS) shall be obtained from the Shasta County Environmental Health Division. OWTS permits are written after submission of a completed application, suitable soils testing data, site plot plan, and payment of fees. Building permit(s) for project will not be issued until an OWTS permit has been issued.

Mitigation/Monitoring: None proposed.

VII. <u>GREENHOUSE GAS EMISSIONS:</u> Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	

Discussion: Based on these comments, the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

a-b) In 2005, the Governor of California signed Executive Order S-3-05, establishing that it is the State of California's goal to reduce statewide greenhouse gas (GHG) emission levels. Subsequently, in 2006, the California State Legislature adopted Assembly Bill AB 32, the California Global Warming Solutions Act. In part, AB 32 requires the California Air Resources Board to develop and adopt regulations to achieve a reduction in the State's GHG emissions to year 1990 levels by year 2020.

California Senate Bill 97 established that an individual project's effect on GHG emission levels and global warming must be assessed under CEQA. SB 97 further directed that the State Office of Planning and Research (OPR) develop guidelines for the assessment of a project's GHG emissions. Those guidelines for GHG emissions were subsequently included as amendments to the CEQA Guidelines. The guidelines did not establish thresholds of significance and there are currently no state, regional, county, or city guidelines or thresholds with which to direct project-level CEQA review. As a result, Shasta County reserves the right to use a qualitative and/or quantitative threshold of significance until a specific quantitative threshold is adopted by the state or regional air district.

The City of Redding currently utilizes a quantitative non-zero project-specific threshold based on a methodology recommended by the California Air Pollution Officers Association (CAPCOA) and accepted by the California Air Resources Board. According to CAPCOA's Threshold 2.3, CARB Reporting Threshold, 10,000 metric tons of carbon-dioxide equivalents per year (mtC02eq/yr) is recommended as a quantitative non-zero threshold. This threshold would be the operational equivalent of 550 dwelling units, 400,000 square feet of office use, 120,000 square feet of retail, or 70,000 square feet of supermarket use. This approach is estimated to capture over half the future residential and commercial development projects in the State of California and is designed to support the goals of AB 32 and not hinder it. The use of this quantitative non-zero project-specific threshold by Shasta County, as lead agency, would be consistent with certain practices of other lead agencies in the County and throughout the State of California.

The United States Environmental Protection Agency (EPA) identifies four primary constituents that are most representative of the GHG emissions. They are:

- Carbon Dioxide (C02): Emitted primarily through the burning of fossil fuels. Other sources include the burning of solid waste and wood and/or wood products and cement manufacturing.
- Methane (CH4): Emissions occur during the production and transport of fuels, such as coal and natural gas. Additional emissions are generated by livestock and agricultural land uses, as well as the decomposition of solid waste.
- Nitrous Oxide (N20): The principal emitters include agricultural and industrial land uses and fossil fuel and waste combustion.
- Fluorinated Gases: These can be emitted during some industrial activities. Also, many of these gases are substitutes for ozone-depleting substances, such as CFC's, which have been used historically as refrigerants. Collectively, these gases are often referred to as "high global-warming potential" gases.

The primary generators of GHG emissions in the United States are electricity generation and transportation. The EPA estimates that nearly 85 percent of the nation's GHG emissions are comprised of carbon dioxide (C02). The majority of C02 is generated by petroleum consumption associated with transportation and coal consumption associated with electricity generation. The remaining emissions are predominately the result of natural-gas consumption associated with a variety of uses.

The project would involve the construction of a new 20,000-square-foot grocery store with 92 on-site parking spaces, drive aisles, loading dock, two driveway entrances, on-site landscaping, and installation of new sidewalk along the frontage. The anticipated vehicle

trip generation is described in Section III (Air Quality). Construction equipment and activities associated with making the proposed improvements would generate greenhouse gas emissions, including carbon dioxide. However, the emissions emitted during construction would be limited and temporary. Based on the thresholds discussed above, the potential impact of this project for both construction and operational emissions would be less than significant.

Mitigation/Monitoring: None proposed.

VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				✓
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas, or where residences are intermixed with wildlands?			✓	

Discussion: Based on these comments, the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- The use resulting from the project would be a retail grocery store. No routine transport, use, or disposal of hazardous materials is anticipated as a result of the project.
- Hazardous materials such as industrial fuels, oils, and solvents may be stored at the site during construction. If it is necessary to store such material in reportable quantities, the operator and/or contractor would have to prepare and submit a hazardous materials business plan to the Shasta County Environmental Health Division for review and approval. The conditions of approval for the project would include a standard condition requiring compliance with this regulatory requirement. Therefore, the project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- The project is not located on a site which is included on a list of hazardous materials sites compiled by the California Department

of Toxic Substances Control pursuant to Government Code Section 65962.5.

- e) The project is not located within an airport land use plan or within two miles of a public airport or public use airport.
- f) The project is not located within the vicinity of a private airstrip.
- g) A review of the project and the Shasta County and City of Anderson Multi-Jurisdictional Hazard Mitigation Plan, and the Shasta County Emergency Operations Plan, indicates that the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.
- h) The project is located in an area designated as "Very High" fire hazard severity zone. All roadways, driveways and for the proposed project will be required to be constructed in accordance with the Shasta County Fire Safety Standards. These standards also require the clearing of combustible vegetation around all structures for a distance of not less than 30 feet on each side or to the property line. The California Public Resources Code Section 4291 includes a "Defensible Space" requirement of clearing 100 feet around all buildings or to the property line, whichever is less.

Mitigation/Monitoring: None proposed.

IX. <u>HYDROLOGY AND WATER QUALITY:</u> Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				✓
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a new deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			✓	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			✓	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?		✓		
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				✓
f) Otherwise substantially degrade water quality?				✓
g) Place housing within 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				✓
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓
j) Inundation by seiche, tsunami, or mudflow?				✓

Discussion: Based on these comments, the related documents listed in the Sources of Documentation for Initial Study Checklist, staff

review of the project, observations on the project site and in the vicinity, and a Hydrology Study for Detention Requirement prepared by Hydmet Consulting (2018), the following findings can be made:

- a) The project would not violate any water quality standards or waste discharge requirements. Grading will be needed for this project. A grading permit will be required. The provisions of the permit will address erosion and siltation containment on-and off-site. In addition, the project will disturb more than an acre of land. Therefore the applicant will also be required to prepare a Storm Water Pollution Prevention Plan (SWPP) and obtain a General Construction Storm Water Permit (SWP) from the State of California Regional Water Quality Control Board. The SWPP and SWP would include specific erosion control measures and monitoring requirements. Through adherence to construction standards; including erosion and sediment control measures, water quality and waste discharge standards will not be violated.
- b) Water service for the proposed development will be provided by the Burney Water District. The District is responsible for review of groundwater supplies prior to approving the water supply for the project. The District has indicated they will provide water service to the proposed project, subject to the conditions in the Will Serve letter dated November 5, 2018. The retailer that would occupy the proposed building would, on a typical day, have a total of 20 employees working at the site over two shifts, approximately 8-10 employees per shift. Per the U.S. EPA, use of 20-35 gallons, per employee, per day, are estimated in commercial settings. This level of staffing would result in the use of approximately 700 gallons per day. Landscaping required for the project would have to comply with water efficiency standards of the model Water Efficient Landscape Ordinance and would therefore be designed to minimize water usage. Therefore, the project is unlikely to result in a substantial depletion of groundwater supplies or interfere substantially with groundwater recharge.
- c) Drainage improvements and designs will be subject to an approved grading plan and permit issued by the Shasta County Building Division. The grading permit includes requirements for erosion and sediment control, including retention of topsoil. In addition, the applicant will be required to obtain a Construction General Permit (CGP) from the State Water Resources Control Board for storm water associated with construction activity. The project will be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP. Therefore, the project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.
- d) The project site is 2.07-acres in size, with 20,000-square-feet of building area, approximately 50,885-square-feet of other non-permeable surfaces (parking stalls, drive aisles and pedestrian walkways), and 14,492-square-feet of landscaping. Runoff from the site ultimately drains into Burney Creek with no defined drainage course. If undeveloped areas of the project site are converted to impervious surfaces as proposed, peak storm water discharge rates from the project site would increase. Increased peak discharge rates from the site would increase peak flows in downstream conveyances (ditches, drainages, creeks, etc) which could result in or contribute to potential downstream flooding. A hydrology study was prepared by Hydmet Consulting to determine the amount of on-site storm water detention needed to reduce potential post construction project discharge rates to levels equal to discharge rates modeled for the undeveloped project site. It was determined that an on-site detention area of 0.3-acre-feet (13,000-cubic-feet) with an 8-inch discharge outlet is required to prevent increased downstream peak flows for the 10-year and 100-year design storm events. Subsurface storm water detention has been incorporated into the project design. The subsurface detention basin would be located on the east side of the project under the proposed parking and drive-aisle. Ensuring the 0.3-acre-feet storm water detention is incorporated into the project would mitigate to a less-than-significant level those impacts associated with the project's potential to substantially increase the rate or amount of surface runoff.
- e-f) Impervious surface area created by the project would increase the volume and rate runoff from the site. Runoff generated from the site may pick up grease and oils from driveways and parking stalls at the facility, but pollutants deposited on the driveways would not be a substantial additional source of polluted runoff. Runoff would be captured on-site in the new storm water detention area which will restrict runoff to post-construction project discharge rates. Additionally, the grading permit includes requirements for erosion and sediment control, and the required Construction General Permit (CGP) from the State Water Resources Control Board requires storm water pollution controls during construction and post-construction. Therefore, the project would not otherwise substantially degrade water quality nor would it create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.
- g) The project would not place housing within the 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. The project site is not located within a flood hazard area nor is housing proposed for this project.
- h) The project would not place within a 100-year flood hazard area structures which would impede or redirect flood flows. The project site is not located within a flood hazard area.
- i) The project would not expose people or structures to a significant risk of loss, injury, or death involving flooding. There are no levees, dams, or impoundments within or upstream from the project area which would create flooding in the event of levee or dam failure.
- j) The project would not result in inundation by seiche, tsunami, or mudflow. The project is not located near a large lake or the ocean so would not be subject to seiche or tsunami. It is not located on or near a mountainside or hillside which is subject to mudflows.

Mitigation/Monitoring: With the mitigation measures being proposed, the noise impacts from the project will be less-than-significant.

- IX.d.1) A detention facility capable of detaining 0.3-acre-feet (13,000-cubic-feet) of stormwater with an 8-inch maximum discharge outlet shall be constructed to prevent any increase in downstream peak flow for the 10-year and 100-year design storm events. Minor modification of the proposed design may be approved by the Director of Resource Management provided the modified design is functionally equivalent to the proposed detention facility.

X. LAND USE AND PLANNING: Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Physically divide an established community?				✓
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- The project does not include the creation of any road, ditch, wall, or other feature which would physically divide an established community.
- The project is consistent with the Community Commercial combined with Design Review (C-2-DR) zone district and Commercial (C) General Plan land use designation of the project site. The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.
- The project would not conflict with any applicable habitat conservation plan or natural community conservation plan. There is no adopted Habitat Conservation Plan, Natural Community, Conservation Plan, or other approved local, regional, or State habitat conservation plan for the project site or project area.

Mitigation/Monitoring: None proposed.

XI. MINERAL RESOURCES: Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?				✓
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, specific plan or other land use plan?				✓

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- The project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State. There are no known mineral resources of regional value located on or near the project site.
- The project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. The project site is not identified in the General Plan Minerals Element as

containing a locally-important mineral resource. There is no other land use plan which addresses minerals.

Mitigation/Monitoring: None proposed.

<u>XII. NOISE:</u> Would the project result in:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				✓
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels				✓
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		✓		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- The General Plan Noise Standards for projects, including new non-transportation noise sources, is 55 dBA Leq, (hourly average noise level in decibels) daytime (7:00 a.m. to 10 p.m.), and 50 dBA Leq, nighttime (10:00 p.m. to 7:00 a.m.) at a point 100-feet from residences in a rural area. Primary project noise sources would include vehicular traffic, pedestrian activity and roof mounted HVAC. Noise generated from the roof mounted HVAC, vehicular traffic and pedestrian activity would be similar in volume and character to that of the other commercial uses in the vicinity. The intermittent nature and limited duration of noise generated by on-site customer vehicles and pedestrian activity is unlikely to create significant noise concerns or exceed General Plan noise standards.
- The type of equipment necessary for a construction project of this scope is not expected to generate excessive groundborne vibration or groundborne noise that would result in significant exposure to persons in the vicinity. Therefore, the project would not result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.
- As discussed above, it is unlikely that the project will produce significant noise concerns or noise in excess of General Plan standards, particularly from vehicular traffic or pedestrian movements. The project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- Noise from construction of the improvements would temporarily increase ambient noise levels in the vicinity. In order to reduce potential impacts from construction noise it is recommended that construction activities be limited to the daylight hours between 7:00 a.m. and 7:00 p.m. and be prohibited on Sundays and Federal holidays. This measure would reduce temporary increases in ambient noise levels in the project vicinity to a less-than-significant level.
- The project is not located within an airport land use plan or within two miles of a public airport or public use airport.
- The project is not located within the vicinity of a private airstrip.

Mitigation/Monitoring: With the mitigation measures being proposed, the noise impacts from the project will be less-than-significant.

XII.d.1) Construction activities shall be limited to the daylight hours between 7:00 a.m. and 7:00 p.m. and be prohibited on Sundays

and Federal holidays.

<u>XIII. POPULATION AND HOUSING:</u> Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			✓	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- The applicant has indicated that the project would create 20 jobs with approximately 8 to 10 employees per shift when complete and in operation. Some temporary employment may be created during the construction phase. Using data from the Bureau of Labor Statistics, as of July of 2018, Burney has an unemployment rate of 4.5%. Some or most of the permanent jobs would likely be filled by current residents of the area. Overall the project would not create temporary or permanent jobs in numbers that would be expected to induce substantial population growth in an area, either directly or indirectly.
- The project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. The project does not include destruction of any existing housing.
- The project would not displace any number of people.

Mitigation/Monitoring: None proposed.

<u>XIV. PUBLIC SERVICES:</u> Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
Fire Protection?			✓	
Police Protection?			✓	
Schools?				✓
Parks?				✓
Other public facilities?			✓	

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for:

Fire Protection:

The project is located in an area which is designated as a "Very High" fire hazard severity zone. However, no significant additional level of fire protection is necessary. Additional fire hydrants will be installed according to the County Fire Safety Standards. Potential

impacts to fire protection will be mitigated through the payment of applicable development impact fees prior to the issuance of a Certificate of Occupancy.

Police Protection:

The County has a total of 147 sworn and 119 non-sworn County peace officers (Sheriff's deputies) for the County population of 67,116 (California Department of Finance 2017) persons in the unincorporated area of the County. That is a ratio of one officer per 252 persons. The project is not expected to induce substantial growth in the area. No significant additional level of police protection is necessary. Additionally, potential impacts to police protection will be mitigated through the payment of applicable development impact fees prior to the issuance of a Certificate of Occupancy.

Schools:

Potential impacts to schools will be mitigated through the payment of applicable development impact fees prior to the issuance of a Certificate of Occupancy.

Parks:

The project is located in the unincorporated portion of Shasta County which does not have a formal park and recreation program normally found within incorporated cities.

Other public facilities:

Potential impacts to general government services, public health, the library system, and animal control will be mitigated through the payment of applicable development impact fees prior to the issuance of a Certificate of Occupancy.

Mitigation/Monitoring: None proposed.

XV. RECREATION:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✓
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The County does not have a neighborhood or regional parks system or other recreational facilities.
- The project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Mitigation/Monitoring: None proposed.

XVI. <u>TRANSPORTATION/TRAFFIC</u>: Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			✓	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				✓
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✓	
e) Result in inadequate emergency access?				✓
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				✓

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) The project would not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system. Using ITE Trip Generation Manual, 10th Edition, Land Use Code 854 for "Discount Supermarket" the project is anticipated to generate 168 additional PM peak hour trips. Of these trips 60% are assumed to be "pass-by" trips (vehicles that were already in route to other destinations) for a total of approximately 67 new PM peak hour trips per day with the proposed project as their primary destination. Per correspondence with the California Department of Transportation, the project did not warrant a traffic study as no operational issues on Highway 299 are anticipated. The project would not generate enough traffic to significantly reduce the volume-to-capacity ratio of the adjacent roadway to a reduced level of service.
- b) The project would not exceed, either individually or cumulatively, a level-of-service standard established by the County congestion management agency for designated roads or highway. There is no County congestion management agency, and no level-of-service established by such an agency.
- c) The project would not result in a change in air traffic patterns.
- d) Per correspondence with the California Department of Transportation (Caltrans), the project did not warrant a traffic study as no operational issues on Highway 299 are anticipated. It was also determined by Caltrans that the existing center turn lane should address turning issues into the development, no deceleration/acceleration lanes were needed, and although a single driveway to minimize conflict points is preferred, two driveways are acceptable provided they are located strategically with road connections on the other side of the highway. A Caltrans encroachment permit will be required for all work in the State highway right of way, which will include the project driveways and tie-in paving. The project is in a 45-mph speed limit zone. The proposed use is compatible with existing uses in the project vicinity. The project would not substantially increase hazards due to a design feature or incompatible uses.
- e) The project has been reviewed by the Burney Fire Department which has determined that there is adequate emergency access. The project would not result in inadequate emergency access. Emergency access to the project is provided by State Highway 44.

- f) The project would not conflict with adopted policies, plans or programs supporting alternative transportation.

Mitigation/Monitoring: None proposed.

XVII. TRIBAL CULTURAL RESOURCES: Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<p>a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p> <p>i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</p> <p>ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>				✓

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) The project would not cause a substantial adverse change in the significance of a tribal cultural resource as there is no evidence of historical resources at the site that are listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources; or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. Formal notification of determination that a project application is complete, pursuant to Public Resources Code (PRC) § 21080.3.1 was sent to the Pit River Tribe. No response was received by the County.

Mitigation/Monitoring: None proposed.

XVIII. UTILITIES AND SERVICE SYSTEMS: Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	

XVIII. UTILITIES AND SERVICE SYSTEMS: Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project which serves or may serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			✓	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓
g) Comply with Federal, State, and local statutes and regulations related to solid waste?				✓

Discussion: Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) The project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. On-site septic systems will be used. The project has an identified site for sewage disposal. A permit to install an onsite wastewater treatment system (OWTS) shall be obtained from the Shasta County Environmental Health Division. OWTS permits are written after submission of a completed application, suitable soils testing data, site plot plan, and payment of fees. Building permit(s) for the project will not be issued until an OWTS permit has been issued. No other wastewater treatment system would be affected by the project.
- b) The project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. The project will be served by the Burney Water District. The Burney Water District has indicated that it has adequate capacity to serve the project without the need for construction of new water treatment facilities, or expansion of existing facilities.

An on-site septic system will be used. The project has an identified site for sewage disposal. A permit to install an onsite wastewater treatment system (OWTS) shall be obtained from the Shasta County Environmental Health Division. OWTS permits are written after submission of a completed application, suitable soils testing data, site plot plan, and payment of fees. Building permit(s) for the project will not be issued until an OWTS permit has been issued. No other wastewater treatment system would be affected by the project. No other wastewater treatment system would be affected by the project.

- c) The project would result in the construction of new on-site drainage facilities, including paved drive aisles and parking areas, curbs, and storm drains which would flow to the 0.3-acre-feet of on-site detention at the east side of the project under the proposed parking and drive-aisle. No new off-site storm water drainage facilities or expansion of existing facilities are required or proposed. The construction of these on-site facilities is not expected to create significant impacts.
- d) The project would have sufficient water supplies available to serve the project which serves or may serve the project from existing entitlements and resources, nor are new or expanded entitlements needed. The project will be served by the Burney Water District. The Burney Water District has indicated that it has adequate water supplies available to serve this project.
- e) An on-site septic system will be used. The project has an identified site for sewage disposal. A permit to install an onsite wastewater treatment system (OWTS) shall be obtained from the Shasta County Environmental Health Division. OWTS permits are written after submission of a completed application, suitable soils testing data, site plot plan, and payment of fees. Building permit(s) for the project will not be issued until an OWTS permit has been issued. No other wastewater treatment system would be affected by the project. No other wastewater treatment system would be affected by the project.
- f) The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. The West Central Landfill has sufficient capacity to accommodate the project and is in compliance with Federal, State, and local statutes and regulations related to solid waste. The maximum permitted capacity at this facility is 13,115,844 cubic yards, with a remaining capacity of approximately 6,589,044 cubic yards.
- g) The project would comply with Federal, State, and local statutes and regulations related to solid waste. The Burney Disposal transfer station and recycling center is located within a mile of the project site.

Mitigation/Monitoring: None proposed.

XIX. <u>MANDATORY FINDINGS OF SIGNIFICANCE:</u>	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below the self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			✓	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			✓	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		✓		

Discussion:

- a) Based on the discussion and findings in Section I. Aesthetics, and Section IV. Biological Resources, there is evidence to support a finding that the project would have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below the self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal.

With the incorporation of mitigation measures into the project specified in Section I. Aesthetics, and Section IV. Biological Resources, the impacts will be less-than-significant.

Based on the discussion and findings in Section V. Cultural Resources, there is no evidence to support a finding that the project would have the potential to eliminate important examples of the major periods of California history or prehistory.

- b) Based on the discussion and findings in all Sections above, there is no evidence to suggest that the project would have impacts that are cumulatively considerable.
- c) Based on the discussion and findings in all Sections above, there is evidence to support a finding that the project would have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.

With the incorporation of the recommended mitigation measures into the project specified in Section I. Aesthetics, Section IX. Hydrology and Water Quality, and Section XII. Noise, the impacts of the project will be less-than-significant.

Mitigation/Monitoring: With the mitigation measures being proposed, the impacts will be less-than-significant. See the attached Mitigation Monitoring Program (MMP) for a complete listing of the proposed mitigation measures, timing/implementation of the measures, and enforcement/monitoring agent.

INITIAL STUDY COMMENTS

PROJECT NUMBER Use Permit 18-0003 – Fruit Growers Supply Company

GENERAL COMMENTS:

Special Studies: The following project-specific studies have been completed for the proposal and will be considered as part of the record of decision for the Mitigated Negative Declaration. These studies are available for review through the Shasta County Planning Division.

1. Biological Review, Wildland Resource Managers, October, 2018
2. Cultural Resources Investigation, Sub Terra Consulting, August 23, 2018
3. Hydrology Study for Detention Requirement, Hydmet Consulting, May 1, 2018

Agency Referrals: Prior to an environmental recommendation, referrals for this project were sent to agencies thought to have responsible agency or reviewing agency authority. The responses to those referrals (attached), where appropriate, have been incorporated into this document and will be considered as part of the record of decision for the Mitigated Negative Declaration. Copies of all referral comments may be reviewed through the Shasta County Planning Division. To date, referral comments have been received from the following State agencies or any other agencies which have identified CEQA concerns:

1. Department of Fish and Wildlife, Region 1 – Northern

Conclusion/Summary: Based on a field review by the Planning Division and other agency staff, early consultation review comments from other agencies, information provided by the applicant, and existing information available to the Planning Division, the project, as revised and mitigated, is not anticipated to result in any significant environmental impacts.

SOURCES OF DOCUMENTATION FOR INITIAL STUDY CHECKLIST

All headings of this source document correspond to the headings of the initial study checklist. In addition to the resources listed below, initial study analysis may also be based on field observations by the staff person responsible for completing the initial study. Most resource materials are on file in the office of the Shasta County Department of Resource Management, Planning Division, 1855 Placer Street, Suite 103, Redding, CA 96001, Phone: (530) 225-5532.

GENERAL PLAN AND ZONING

1. Shasta County General Plan and land use designation maps.
2. Applicable community plans, airport plans and specific plans.
3. Shasta County Zoning Ordinance (Shasta County Code Title 17) and zone district maps.

ENVIRONMENTAL IMPACTS

I. AESTHETICS

1. Shasta County General Plan, Section 6.8 Scenic Highways, and Section 7.6 Design Review.
2. Zoning Standards per Shasta County Code, Title 17.

II. AGRICULTURAL AND FORESTRY RESOURCES

1. Shasta County General Plan, Section 6.1 Agricultural Lands.
2. Shasta County General Plan, Section 6.2 Timber Lands.
3. Soil Survey of Shasta County Area, California, published by U.S. Department of Agriculture, Soil Conservation Service and Forest Service, August 1974.

III. AIR QUALITY

1. Shasta County General Plan Section, 6.5 Air Quality.
2. Northern Sacramento Valley Air Basin, 2015 Triennial Air Quality Attainment Plan.
3. Records of, or consultation with, the Shasta County Department of Resource Management, Air Quality Management District.

IV. BIOLOGICAL RESOURCES

1. Shasta County General Plan, Section 6.2 Timberlands, and Section 6.7 Fish and Wildlife Habitat.
2. Designated Endangered, Threatened, or Rare Plants and Candidates with Official Listing Dates, published by the California Department of Fish and Wildlife.
3. Natural Diversity Data Base Records of the California Department of Fish and Wildlife.
4. Federal Listing of Rare and Endangered Species.
5. Shasta County General Plan, Section 6.7 Fish and Wildlife Habitat.
6. State and Federal List of Endangered and Threatened Animals of California, published by the California Department of Fish and Wildlife.
7. Natural Diversity Data Base Records of the California Department of Fish and Wildlife.

V. CULTURAL RESOURCES

1. Shasta County General Plan, Section 6.10 Heritage Resources.
2. Records of, or consultation with, the following:
 - a. The Northeast Information Center of the California Historical Resources Information System, Department of Anthropology, California State University, Chico.
 - b. State Office of Historic Preservation.
 - c. Local Native American representatives.
 - d. Shasta Historical Society.

VI. GEOLOGY AND SOILS

1. Shasta County General Plan, Section 5.1 Seismic and Geologic Hazards, Section 6.1 Agricultural Lands, and Section 6.3 Minerals.
2. County of Shasta, Erosion and Sediment Control Standards, Design Manual.
3. Soil Survey of Shasta County Area, California, published by U.S. Department of Agriculture, Soil Conservation Service and Forest Service, August 1974.
4. Soil Survey of Intermountain Area, California, published by U.S. Department of Agriculture, Natural Resource Conservation Service and Forest Service; the California Department of Forestry, Soil Vegetation Survey; the University of California Agricultural Experiment Station; and the United States Department of the Interior, Bureau of Land Management, 1994.
5. Alquist - Priolo, Earthquake Fault Zoning Maps.
6. Shasta County and City of Anderson Multi-Jurisdictional Hazard Mitigation Plan.

VII. GREENHOUSE GAS EMISSIONS

1. Shasta Regional Climate Action Plan.
2. California Air Pollution Control Officers Association (White Paper) CEQA & Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act.

VIII. HAZARDS AND HAZARDOUS MATERIALS

1. Shasta County General Plan, Section 5.4 Fire Safety and Sheriff Protection, and Section 5.6 Hazardous Materials.
2. Shasta County and City of Anderson Multi-Jurisdictional Hazard Mitigation Plan.
3. Shasta County Emergency Operations Plan.
4. Records of, or consultation with, the following:
 - a. Shasta County Department of Resource Management, Environmental Health Division.
 - b. Shasta County Fire Prevention Officer.
 - c. Shasta County Sheriff's Department, Office of Emergency Services.
 - d. Shasta County Department of Public Works.
 - e. California Environmental Protection Agency.
 - f. California Regional Water Quality Control Board, Central Valley Region.

IX. HYDROLOGY AND WATER QUALITY

1. Shasta County General Plan, Section 5.2 Flood Protection, Section 5.3 Dam Failure Inundation, and Section 6.6 Water Resources and Water Quality.
2. Flood Boundary and Floodway Maps and Flood Insurance Rate Maps for Shasta County prepared by the Federal Emergency Management Agency, as revised to date.
3. Records of, or consultation with, the Shasta County Department of Public Works acting as the Flood Control Agency and Community Water Systems manager.

X. LAND USE AND PLANNING

1. Shasta County General Plan land use designation maps and zone district maps.
2. Shasta County Assessor's Office land use data.

XI. MINERAL RESOURCES

1. Shasta County General Plan Section 6.3 Minerals.

XII. NOISE

1. Shasta County General Plan, Section 5.5 Noise and Technical Appendix B.

XIII. POPULATION AND HOUSING

1. Shasta County General Plan, Section 7.1 Community Organization and Development Patterns.
2. Census data from U.S. Department of Commerce, Bureau of the Census.
3. Census data from the California Department of Finance.
4. Shasta County General Plan, Section 7.3 Housing Element.
5. Shasta County Department of Housing and Community Action Programs.

XIV. PUBLIC SERVICES

1. Shasta County General Plan, Section 7.5 Public Facilities.
2. Records of, or consultation with, the following:
 - a. Shasta County Fire Prevention Officer.
 - b. Shasta County Sheriff's Department.
 - c. Shasta County Office of Education.
 - d. Shasta County Department of Public Works.

XV. RECREATION

1. Shasta County General Plan, Section 6.9 Open Space and Recreation.

XVI. TRANSPORTATION/TRAFFIC

1. Shasta County General Plan, Section 7.4 Circulation.
2. Records of, or consultation with, the following:
 - a. Shasta County Department of Public Works.
 - b. Shasta County Regional Transportation Planning Agency.
 - c. Shasta County Congestion Management Plan/Transit Development Plan.
3. Institute of Transportation Engineers, Trip Generation Rates.

XVII. TRIBAL CULTURAL RESOURCES

1. Tribal Consultation in accordance with Public Resources Code section 21080.3.1.

XVIII. UTILITIES AND SERVICE SYSTEMS

1. Records of, or consultation with, the following:
 - a. Pacific Gas and Electric Company.
 - b. Pacific Power and Light Company.
 - c. Pacific Bell Telephone Company.
 - d. Citizens Utilities Company.
 - e. T.C.I.

- f. Marks Cablevision.
- g. Shasta County Department of Resource Management, Environmental Health Division.
- h. Shasta County Department of Public Works.
- i. CalRecycle – Facility/Site Summary Details.

**MITIGATION MONITORING PROGRAM (MMP)
FOR USE PERMIT 18-0003 (FRUIT GROWERS SUPPLY COMPANY)**

Mitigation Measure/Condition	Timing/Implementation	Enforcement/Monitoring	Verification (Date & Initials)
<p>Section I. Aesthetics</p> <p>I.d.1) Prior to issuance of a building permit, the applicant shall submit a photometric plan and lighting plan, including cut sheets for all exterior lighting fixtures, to the Shasta County Planning Division for review and approval. All decorative lighting fixtures shall be downward facing, shielded and designed and installed to minimize photo-pollution and spillover of light onto adjacent wildlife habitat. The photometric plan shall demonstrate that predicted light spillage on adjoining residential properties will not exceed 0.1 foot candles during the nighttime hours between 10 p.m. and 7 a.m.</p>	<p>Prior to Issuance of Building Permit Final Inspection of Building Permit In Perpetuity</p>	<p>Resource Management, Planning Division</p>	
<p>Section IV. Biological Resources</p> <p>IV.a.1) Any vegetation removal or construction on the property should be conducted between September 1 - October 15 and between March 1 - March 31 to avoid the bat maternity season as well as the winter season when bats are torpor and are inactive. If vegetation removal or construction activities occur during the bat maternity season (April 1 - August 31) or the bats torpor period (October 16 - February 28) then a bat roost survey shall be conducted by a biologist qualified to identify any bat roosting sites within the property, and who shall do the following:</p> <ol style="list-style-type: none"> Conduct a pre-construction bat roost survey(s) within one (1) week of vegetation removal that involves the removal of potential diurnal roosting trees. Surveys shall be conducted within the entire area where potential diurnal roosting trees are to be removed and within 100 feet of the area. If a maternity roost with young is observed then the biologist will map the location and establish an appropriate "no disturbance" buffer around the roost as determined by the biologist. 	<p>Prior to Issuance of Building Permit Final Inspection of Building Permit For the Life of the Use Permit</p>	<p>Resource Management, Planning Division / California Department of Fish and Wildlife</p>	

Mitigation Measure/Condition	Timing/Implementation	Enforcement/Monitoring	Verification (Date & Initials)
<p>Construction and vegetation removal activity shall be prohibited within the buffer until the young are volant (i.e. flying). Roosts shall be monitored at least once per week and a report submitted to the County Planning Division monthly.</p> <p>d. If a roost is observed without young then the biologist should establish a "no disturbance" buffer until the bats are excluded from the roost or there are no roosting bats present.</p>			
<p>IV.a.2) The Project Applicant must do surveys for the Lassen paintbrush (<i>Castilleja lasseensis</i>) during the appropriate blooming period (June 1st – September 30th). If no plants are observed, no further mitigation would be needed. If the species is observed, CDFW would need to be notified and appropriate mitigation, as approved by CDFW, would be required. Depending upon the level of impact, the mitigation could include purchasing another parcel with that species on it or redesigning the project. As the Department does not do transplanting of species, this would not be a mitigation option. All species listed as CRPR 1B – 4 observed onsite would need to be reported to the California Natural Diversity Database.</p>	<p>Prior to Issuance of Building Permit Final Inspection of Building Permit For the Life of the Use Permit</p>	<p>Resource Management, Planning Division / California Department of Fish and Wildlife</p>	
<p>IV.d.1) In order to avoid impacts to nesting migratory birds and/or raptors protected under federal Migratory Bird Treaty Act and California Fish and Game Code Section 3503 and Section 3503.5, including their nests and eggs, one of the following shall be implemented:</p> <p>a. Vegetation removal and other ground-disturbance activities associated with construction shall occur between September 1 and January 31 when birds are not nesting; or</p> <p>b. If vegetation removal or ground disturbance activities occur during the nesting season, a pre-construction nesting survey shall be conducted by a qualified biologist to identify active nests in and adjacent to the work area. The survey shall be conducted no more than one week prior to the initiation of construction. If construction activities are delayed or suspended for more than two weeks after the pre-construction survey, the site shall be resurveyed.</p>	<p>Prior to Issuance of Building Permit Final Inspection of Building Permit For the Life of the Use Permit</p>	<p>Resource Management, Planning Division / California Department of Fish and Wildlife</p>	

Mitigation Measure/Condition	Timing/Implementation	Enforcement/Monitoring	Verification (Date & Initials)
<p>If nesting birds are found, the nest sites shall not be disturbed until after the young have fledged, as determined through additional monitoring by a qualified biologist. Further, to prevent nest abandonment and mortality of chicks and eggs, no construction activities shall occur within 500 feet of an active nest, unless a smaller buffer zone is authorized by a qualified biologist in consultation the CDFW and the USFWS (the size of the construction buffer zone may vary depending on the species of nesting birds present). A qualified biologist shall delineate the buffer zone with construction tape or pin flags that shall remain in place until the young have fledged, as determined through additional monitoring by a qualified biologist.</p> <p>The biologist shall monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. Guidance from CDFW will be requested if the nestlings within the active nest appear disturbed. The monitoring biologist shall have the authority to stop any work determined to be adversely affecting the nesting activity. The monitoring biologist shall report any "take" of active nests to CDFW.</p>			
<p>Section IX. Hydrology and Water Quality</p> <p>IX.d.1) A detention facility capable of detaining 0.3-acre-feet (13,000-cubic-feet) of storm water with an 8-inch maximum drainage discharge outlet shall be constructed to prevent any increase in downstream peak flow increase for the 10-year and 100-year design storm events. Minor modification of the proposed design may be approved by the Director of Resource Management provided the design is functionally equivalent to the proposed detention facility.</p>	<p>Prior to Issuance of Building Permit Final Inspection of Building Permit In Perpetuity</p>	<p>Resource Management, Planning Division</p>	
<p>Section XI. Noise</p> <p>XI.d.1) Construction activities shall be limited to the daylight hours between 7:00 a.m. and 7:00 p.m. and be prohibited on Sundays and Federal holidays.</p>	<p>For the Life of the Use Permit</p>	<p>Resource Management, Planning Division</p>	

Luis A. Topete, Associate Planner
Shasta County Department of Resource Management – Planning Division
1855 Placer Street, Suite 103
Redding, CA 96001

RE: Use Permit 18-0003, Mitigated Negative Declaration

Dear Mr. Topete,

This letter is submitted in regards to the proposed use permit for a proposed development of a Fruit Growers Supply Company at Highway 299 and Commerce Way. We would like to thank you for your office's attention to this project.

The developer is proposing developing and operating a 20,000 square foot grocery store with 92 parking spaces, adding significant impervious surface to a currently undeveloped property in the Pit River watershed. There is currently significant vegetation on the site in the form of Ponderosa Pine trees.

As you are aware, a mitigated negative declaration is permitted only if the initial study identified potential significant effects on the environment but revisions in the project plans "would avoid or mitigate the effects to a point where clearly no significant effect on the environment would occur" and there is no substantial evidence that the project may have a significant effect on the environment. The courts in California have therefore limited the scenarios in which a Mitigated Negative Declaration, as opposed to an Environmental Impact Review ("EIR") can be prepared, for example in Architectural Heritage Assn. v. County of Monterey (2004) 122 Cal.App.4th 1095.

We are concerned about the potential for significant impacts arising from the addition of so much impervious surface to the project site, as well as the potential of greater than significant impacts from noise.

As you are aware, high-activity retail sites, in particular groceries, can generate high levels of noise at hours when noise levels are required to be lowest, i.e., in the early morning and late evening hours. This typically results from logistical causes, such as truck deliveries, truck braking, truck engine noises and back-up warning beeps, as well as dock facilities, specifically exterior HVAC equipment, metal doors on docks, and related noises. The potential for these noises to exceed ordinance requirements is not insignificant; given the hours in the day when deliveries occur for groceries in particular, there is a strong likelihood of excessive noise impact.

Absent an intensive noise study, noise impacts from grocery sites can be significant, even for relatively distant receptors; this is particularly true where grading is intended to level gentle hills, as is proposed for the project site. Without noise impact studies, it is impossible to know what appropriate mitigation measures should be; this is because the appropriate sizing and design of, for example, sound walls cannot be known if the approximate decibel levels of generated noise is known.

Impacts XII(a) and (c) do not mention several of the above-mentioned sources of noise, i.e., truck beeping, loading dock-associated noises, and truck engines and exhaust noises. These are intermittent, but likely could exceed the decibel levels permitted under the General Plan of 50 decibels; in comparable studies, noise levels at between 50 and 100 feet from these sources, in particular truck beeping, can reach as much as 70 decibels. Again, since these deliveries typically happen in the early morning hours, this would represent a significant excess above the level permissible under the General Plan. At a minimum, the County should not adopt a mitigated negative declaration until such time as a proper noise study can be performed to ascertain the actual decibel levels and the amount of attenuation that can be expected at the appropriate distances to allow for a proper analysis of whether the anticipated and likely noise sources will have a significant impact.

Currently, the sources of documentation for the Initial Study Checklist lacks any reference to an independent noise study. We would ask the County not to adopt the MND and conduct an independent noise study.

The current mitigation measures proposed for the stormwater runoff and detention are currently inadequate as proposed. Specifically, the MND relies on assumptions regarding the

amount of discharge and the ability of the system to handle that runoff that are not supported by any particular documentation or study. This is of particular concern because of the nature of stormwater runoff from impervious surfaces, which tends to gather particulates, including automotive oil and other pollutants, which can then discharge into the groundwater. The potential rate of particulate discharge into the groundwater and soils surrounding the project site needs to be analyzed with specificity, rather than merely based on a conclusion about how much stormwater the detention system can retain. This is because of the nature of the surrounding sites and the likelihood of direct discharge of pollutants into soils and water, rather than, e.g., into a stormwater or sewage system meant to carry polluted runoff waters away.

We would urge the County to fully study the likelihood of accumulation of pollutant discharge into the surrounding soil and into the groundwater prior to adopting an MND. Thank you again for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cory Hynth".



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



December 17, 2018

Luis A. Topete, Associate Planner
Planning Division
Department of Resource Management
1855 Placer Street, Suite 103
Redding, CA 96001

Subject: Review of the Mitigated Negative Declaration for Use Permit 18-0003 (Fruit Growers Supply Company), Assessor Parcel Number 028-370-024, Community of Burney, Shasta County

Dear Mr. Topete:

The California Department of Fish and Wildlife (Department) has reviewed the Mitigated Negative Declaration for Use Permit 18-0003 dated November 30, 2018, for the above-referenced project (Project). The Department's review of this Project is pursuant to our role as the State's trustee and responsible agency for fish and wildlife resources under the California Environmental Quality Act, California Public Resources Code section 21000 et seq. The Project as proposed is to build a new 20,000-square-foot grocery store with 92 on-site parking spaces, drive aisles, loading dock, two driveway entrances, on-site landscaping, and installation of new sidewalk along the Project frontage. The Project is located in the Community of Burney on a 2.07-acre parcel. The Department commented on this Project during the early consultation process on September 17, 2018. All of the Department's requests and comments have been incorporated; therefore, the Department has no further comment. If the Project description changes in any way or additional biological resource information becomes available, the Department should be notified and provided an opportunity to offer comments regarding the updated information.

We appreciate the opportunity to review this Project. If you have any questions, please contact Amy Henderson, Environmental Scientist, at (530) 225-2779, or by email at Amy.Henderson@wildlife.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam McKannay".

Adam McKannay
Senior Environmental Scientist - Supervisor
Interior Cannabis and LSA Permitting

Conserving California's Wildlife Since 1870

Luis A. Topete, Associate Planner

December 17, 2018

Page 2

ec: Luis A. Topete, Associate Planner

ltopete@co.shasta.ca.us

State Clearinghouse

State.clearinghouse@opr.ca.gov

Amy Henderson

California Department of Fish and Wildlife

Amy.Henderson@wildlife.ca.gov



Central Valley Regional Water Quality Control Board

7 December 2018

Luis A. Topete, Associate Planner
Shasta County Department of Resource Management – Planning Division
1855 Placer Street, Suite 103
Redding, CA 96001

COMMENTS ON THE ENVIRONMENTAL INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE USE PERMIT 18-0003 (FRUIT GROWERS SUPPLY COMPANY) PROJECT, ASSESSOR PARCEL NUMBER 028-370-024, REDDING, SHASTA COUNTY

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 3 December 2018, we received your request for comments on the Environmental Initial Study and Mitigated Negative Declaration for the Use Permit 18-0003 (Fruit Growers Supply Company) Project.

The project is a use permit application to allow the use of an underdeveloped 2.07-acre parcel for construction and operation of a new 20,000-square-foot grocery store with 92 on-site parking spaces, drive aisles, loading dock, two driveway entrances, on-site landscaping, and installation of new sidewalk along the project frontage. The project site is located in the Burney area on a 2.07-acre parcel, adjacent to and east of the State Highway 299 E, approximately 0.1 miles northeast of the intersection of State Highway 299 E and Commerce Way.

Based on our review of the information submitted for the proposed project, we have the following comments:

General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP)

Construction activity, including demolition, resulting in a land disturbance of one acre or more must obtain coverage under the CGP. The Use Permit 18-0003 (Fruit Growers Supply Company) Project must be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP. To apply for coverage under the CGP the property owner must submit Permit Registration Documents electronically prior to construction. Detailed information on the CGP can be found on the State Water Board website:

https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Use Permit 18-0003
(Fruit Growers Supply Company) Project

- 2 -

7 December 2018

If you have any questions or comments regarding this matter, please contact me at (530) 224-4783 or by email at Dannas.Berchtold@waterboards.ca.gov.

Danny Berchtold for

Dannas J. Berchtold
Engineering Associate
Storm Water & Water Quality Certification Unit

DJB: ch

cc: Mr. Matt Kelley, U.S. Army Corps of Engineers, Redding
Ms. Donna Cobb, Department of Fish and Wildlife, Region 1, Redding
Fruit Growers Supply Company, Valencia
Terry Johnson, Best Development Group, Sacramento

Section IV. Biological Resources
Mitigation Measure IV.a.2

Existing

The Project Applicant must do surveys for the Lassen paintbrush (*Castilleja lasseensis*) during the appropriate blooming period (June 1st – September 30th). If no plants are observed, no further mitigation would be needed. If the species is observed, CDFW would need to be notified and appropriate mitigation, as approved by CDFW, would be required. Depending upon the level of impact, the mitigation could include purchasing another parcel with that species on it or redesigning the project. As the Department does not do transplanting of species, this would not be a mitigation option. All species listed as CRPR 1B – 4 observed onsite would need to be reported to the California Natural Diversity Database.

Proposed

Prior to issuance of a development permit(s) for the project, surveys for endangered, rare or threatened plant species, including the Lassen paintbrush (*Castilleja lasseensis*) and its host plant, as defined in section 15380 of the CEQA guidelines, must be conducted during the appropriate blooming period (June 1st – September 30th). If no plants are observed, no further mitigation would be needed. If a species is observed, CDFW would need to be notified and appropriate mitigation, as approved by and required by CDFW, would have to be implemented. Avoidance/mitigation measures would include, but are not limited to:

1. Avoidance Measures

- a. Avoid the impact altogether by redesigning project.
- b. Fencing off the *Castilleja lasseensis* plant population using:
 - i. Orange construction fencing;
 - ii. Actual fencing material (metal post, barbed wire, etc.).
- c. Transferring of development rights or placing a conservation or open space easement over the portion of the property with the *Castilleja lasseensis*.

2. Mitigation Measures

- a. Permanent protection of an existing offsite native population with a conservation easement.
 - i. This involves the purchase of a parcel of land with *Castilleja lasseensis* growing on it.
 - ii. Placing a conservation easement over the parcel once purchased. This easement could be held by CDFW or another entity, such as a land trust.
 - iii. The parcel should have at least double the population and/or double the area of the occurrence.

As the Department does not do transplanting of species, this would not be a mitigation option. All species listed as CRPR 1B – 4 observed onsite would need to be reported to the California Natural Diversity Database.

Darcey Prior

~~CLERK OF THE BOARD~~

From: Mark Wolfe <mrw@mrwolfeassociates.com>
Sent: Monday, February 25, 2019 10:15 AM
To: Clerk of the Board
Cc: Mark R. Wolfe
Subject: Letter to Board re: Appeal of Use Permit No. 18-0003 (Fruit Growers Supply Co., Burney)
Attachments: Letter to Board re Appeal of UP 18-003 - Fruit Growers Supply.pdf; ATT00001.htm

To the Clerk of the Board:

Please find attached, in PDF format, correspondence addressed to the Board of Supervisors concerning the subject appeal hearing, currently agenda item no. RM-9 on the Board's regular meeting agenda for February 26, 2019.

Please distribute copies to Supervisors before the hearing and include a copy in the administrative record of the matter.

I would also be grateful if you could acknowledge receipt of this email and the attachment at your convenience.

Thank you very much.

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All Board Members ☒

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Coco-Cruise, Ross
BDS, CEO/Analysts
DEM-P. Hellman
Kim Hunter

Board Members Received ☐

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RECEIVED**COMMUNICATIONS****FEB 26 2019****FEB 25 2019**

CLERK OF THE BOARD

m|r|wolfe
 & associates, p.c.
 attorneys-at-law

February 25, 2019

Via E-Mail

Acknowledgement of Receipt Requested

Shasta County Board of Supervisors
 c/o Clerk of the Board
 County of Shasta
 1450 Court St., Suite 308B
 Redding, CA 96001-1673
clerkoftheboard@co.shasta.ca.us

COMMUNICATIONS-DISTRIBUTIONAll Board Members ☒

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**Re: Appeal of the adoption of a Mitigated Negative Declaration and
 the approval of Use Permit 18-0003 (Fruit Growers Supply Co.)**

Dear Chairman Moty and Supervisors:

This office represents Mardine Matwijiw, the appellant in the above matter, as well as Burney resident Wally Estes and Better Burney, a unincorporated association of Burney residents and business owners. On their behalf, please accept the following points and authorities in support of the appeal of the Planning Commission's January 10, 2019 actions adopting a Mitigated Negative Declaration and approving a Use Permit for a 20,000 square foot grocery store proposed by Fruit Growers Supply Co. ("Project"). As explained below, as well as in the accompanying letters from air quality engineer Ray Kapahi of the environmental consulting firm Environmental Permitting Specialists, and traffic engineer Daniel Smith, P.E., there is substantial evidence that the Project may have one or more significant effects on the environment. The County should therefore prepare an environmental impact report ("EIR") before approving land use entitlements for the Project.

**Significant Impacts to Sensitive Receptors from Cumulative Exposure to
 Diesel Exhaust Emissions from Delivery Trucks**

The Project site is adjacent the Intermountain Community Center, a facility that provides childcare and educational services to children aged 2.5 to 12 years old, as well as meals and other services to elderly residents. Like the Project site, the Center is immediately adjacent to Highway 299, a major thoroughfare for logging trucks and other diesel-powered vehicles. See attached photos. Diesel particulate

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matter ("DPM") is a known human carcinogen and is accordingly regulated as a toxic air contaminant ("TAC") by the California Air Resources Board.

The Project, a retail grocery operation, will require deliveries of food and other items by diesel-powered trucks, many with top-mounted refrigeration units, which themselves emit DPM. The Project therefore has the potential to increase the existing health risk to sensitive receptors in the community facility, both individually as well as on a cumulative basis. The initial study is silent on this potential. Normally, a lead agency would prepare a health risk assessment in accordance with the Office of Environmental Health Hazard Assessment's (OEHHA's) Risk Assessment Guidelines. The County here undertook no such risk assessment.

The attached expert opinion of Ray Kapahi shows there is substantial evidence supporting a fair argument the Project may pose a significant individual and/or cumulative health risk to nearby sensitive receptors, including children and the elderly who occupy or frequent the Intermountain Community Center in both its indoor and outdoor spaces, from exposure to increased DPM emissions from delivery trucks and other diesel vehicles.

Potentially Significant Traffic Impacts

The Initial Study asserts that the Project approvals do not require a formal traffic study, according to correspondence from Caltrans. However, as explained in the attached letter from traffic engineer Daniel Smith, P.E., the Initial Study contains information that is inaccurate or misleading, resulting in an underreporting of the Project's trip-generation characteristics. Specifically, the initial study evaluated the Project's trip-generation based on an erroneous assumption that it is a "Discount Supermarket," rather than a "Supermarket," while also grossly overstating the number of pass-by trips, all in contravention of the ITE *Trip Generation* Manual's protocols for calculating net trip generation for grocery store land uses. Please refer to Mr. Smith's letter for further explanation.

The County Should Prepare a Full EIR for the Project.

Because of the informational deficiencies described above, the County may not properly approve the Project based only on the Mitigated Negative Declaration as proposed. A negative declaration is proper only if there is no substantial evidence whatsoever that the project may have a significant effect on the environment. Pub. Resources Code, § 21080(c)(1), (d); Guidelines, §§ 15063(b)(2), 15070(a). A project "may" have a significant effect on the environment if there is a "reasonable probability" that it will result in a significant impact. *Sundstrom v County of Mendocino* (1988) 202 Cal.App.3d 296, 309. If any aspect of the project may result in a

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significant impact on the environment, an EIR must be prepared even if the overall effect of the project is beneficial. Guidelines, §15063(b)(1). *See County Sanitation Dist. No. 2 v County of Kern* (2005) 127 Cal.App.4th 1544, 1580. Here, there is substantial evidence in the form of Mr. Kapahi's letter and supporting information that the Project may have a significant human health impact on nearby sensitive receptors, both individually and cumulatively.

Furthermore, if an agency fails entirely to evaluate a project's environmental consequences, as the County has here with respect to health risks, it cannot support a decision to adopt a negative declaration. *Sundstrom v County of Mendocino* (1988) 202 Cal.App.3d 296, 311 ("agency should not be allowed to hide behind its own failure to gather relevant data"); *see also City of Redlands v County of San Bernardino* (2002) 96 Cal.App.4th 398. If an agency has failed to study a potential environmental impact, a fair argument of a significant impact based on limited facts in the record may still exist, triggering the duty to prepare a full EIR. *See Kostka & Zischke, Practice Under the California Environmental Quality Act* (2nd Ed., 2018 Update), § 6.77.

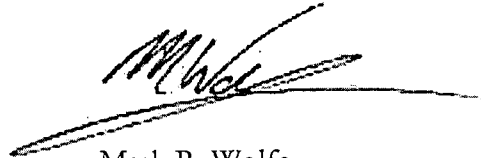
Finally, evidence that is "clearly erroneous or inaccurate" does not constitute substantial evidence for purposes of determining whether a project impact may be significant. 14 Cal.Code.Regs. § 15384(a). Here, the Initial Study's discussion of the Project's potential traffic impacts are clearly erroneous and inaccurate as a result of the mischaracterization of the Project as a less intense trip-generating land use.

Conclusion

For the above reasons, we respectfully request that the Board of Supervisors UPHOLD the and to direct staff to work with the Project proponent to prepare and circulate a draft EIR in accordance with CEQA before taking any further action to consider or approve as Use Permit for the Project.

Yours sincerely,

M. R. WOLFE & ASSOCIATES, P.C.

A handwritten signature in black ink, appearing to read 'M Wolfe', with a long horizontal line extending to the right.

Mark R. Wolfe
On behalf of Mardine Matwijiw, et al.

MRW:sa
Attachments



TECHNICAL MEMORANDUM

To: Mark Wolfe
M. R. Wolfe & Associates, P.C.
San Francisco, California

Date: February 22, 2019

From: Ray Kapahi *RK*
Environmental Permitting Specialists
Tel: 916-687-8352
E-Mail: ray.kapahi@gmail.com

Subject: Public Health Risks Associated with Proposed Fruit Growers Supply Company
Project, Burney, (Shasta County) CA

Environmental Permitting Specialists (EPS) has reviewed the staff report submitted to Shasta County Planning Commission at its meeting January 10, 2019, including the appended "Environmental Initial Study and Mitigated Negative Declaration" (IS/MND). The proposed project is a grocery store that would occupy 20,000 square feet in a new building in Burney that would include 92 parking spaces. The project is located on a 2.07 acre parcel adjacent to Highway 299E near a senior center (Eastern Shasta Senior Center) that also serves as a day care center. There is also another school (Shasta Head Start School) Southwest of the project location along SR 299E.

The IS/MND nominally included a review of environmental impacts, including impacts to air quality. The air quality impact analysis evaluated whether the project emissions would:

- Conflict with applicable air quality plan
- Violate any air quality standard or contribute substantially to an existing violation

- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under state or federal ambient air quality standard
- Expose sensitive receptors to substantial pollutant concentrations
- Create objectionable odors

The IS/MND concluded that air quality impacts will be less than significant for all of the above noted items without presenting any technical data to support its findings.

EPS' review has disclosed that the report lacks the following items:

1. The report does not present any quantitative data on the short-term and long term emissions of various criteria air pollutants. Normally, this is done using the CalEEMod emissions model. Without such data, it is not possible to conclude that sensitive receptors would not be exposed to substantial pollutant concentrations.
2. Specifically, the report acknowledges that emissions of NOx and PM-10 would be released during construction but no data are presented to show that the ambient air quality standards would not be violated. The report also fails to acknowledge that these emissions would also occur during the operational (occupancy) phase of the project. The applicable air quality standards are 50 micrograms per cubic meter (24-Hour PM-10) and 0.18 parts per million (1-hour NOx standard).
3. The report fails to evaluate project and cumulative human health impacts of diesel exhaust emissions from delivery trucks and other diesel vehicles serving the project during its construction and operational phases. SR 299E carries a large number of heavy duty logging and other trucks that release diesel particulate matter (DPM). Based on the latest Caltrans¹ truck count data (2016 and 2017), Hwy 299 at Black Ranch Road (about 200' from the G.O. project site) shows 8400 total vehicles/day with 11.41% of those, or 958, as heavy-duty diesels. Both the California Air Resources Board and the Office of Environmental Health Hazard Assessment² have designated DPM as a toxic air contaminant for both cancer and chronic non-cancer health effects. Since there is a children's day care and a senior center immediately adjacent to SR 299E, a high level of exposure to DPM is expected among a sensitive receptor population. If the current risk without the project due to heavy truck traffic on Hwy 299 is near to or exceeds applicable significance thresholds, or is otherwise significant, then any additional DPM emissions from the project could result in a significant health impact. Two types of project and cumulative health risks therefore need to be evaluated:

¹ CalTrans Traffic Counts Data (2016-2017). available at: <http://www.dot.ca.gov/trafficops/census/>

² OEHHA standards and toxicity of DPM can be found at: <https://oehha.ca.gov/chemicals/diesel-exhaust-particulate>

- A residential cancer risk
- Chronic non-cancer risk evaluation

In sum, given the high toxicity of DPM and the proximity of sensitive receptors, there is a reasonable probability that the project's impacts to public health would be significant and therefore a health risk assessment needs to be prepared.

Ray Kapahi
Senior Air Quality
Consulting Engineer



Ray.Kapahi@gmail.com

Office: 916.687.8352
Mobile: 916.806.8333

Practice Areas

- Air Quality Permitting
- Odor Investigation and Control
- Health Risk Assessment
- Computational Fluid Dynamics
- Greenhouse Gas Analysis
- Atmospheric Dispersion Modeling

Industries

- Solid Waste
- Energy Production
- Construction and Mining
- Food Industries
- Oil and Gas Production

Education and Training

- BSc. Physics (1972)
- MEng. Chemical Engineering (1975)
- CARB Accredited Green House Gas (GHG) Lead Verifier with Specialization in Process Emissions and Electricity Transactions (2009)

News

- Presentation "Numerical Modeling of Landfill Gas and Odors" 33rd International Conference on Solid Waste Technology and Management. March 11 to 14, 2018, Annapolis, MD.
- Presentation "Integrated Approach to Effective Odor Control at Landfills and Composting Facilities" Wastecon 2016, Indianapolis, IN.

EXPERIENCE

Over 30 years of experience in analyzing air quality and odor impacts, permitting of stationary sources, and preparation of environmental impact documents. Mr. Kapahi assists a broad range of clients identify and meet their regulatory obligations.

The scope of his experience includes siting of new landfills, waste to energy plants, obtaining conditional use permits from City and County Governments for new projects or expansion of existing projects. Specific experience and skills include preparation of emission inventories, analysis and measurements of odors, dispersion modeling, oversight of air quality monitoring, analysis impacts to public health, respond to public comments, and appear before City and County Planning Boards and Commissions as an expert witness on behalf of clients.

Following approvals for new facilities or expansion of existing facilities, Mr. Kapahi continues to work with clients to ensure on-going compliance.

REPRESENTATIVE PROJECTS

Air Quality Modeling and Permitting

- **Permitting of a Powdered Milk Plant (Turlock, CA)**

Evaluate emissions of various air pollutants from the proposed 30 million gallon per year mild processing/drying facility. Demonstrate compliance with local and state air quality regulations, including regulation of toxic air pollutants.

- **Modeling Emissions from a Major Printing Operation (Fernley, NV)**

As part of renewing the facility's Title V federal permit, AERMOD model was used to determine the facility's emissions of CO, NOX and PM-10 would exceed the federal ambient air quality standards. Evaluate if emissions of VOCs would lead to significant impacts to local ozone concentration. The results were submitted to Nevada Department of Environmental Protection (Carson City, NV)

- **Permitting of a Waste to Energy Plant (Fort Irwin, CA)**

Quantify emissions from a proposed 34 tons per day solid waste to energy project. Analyze emissions associated with pyrolysis and subsequent utilization of synthetic gas to generate 1.5 MW of electric power. Prepare the necessary permit applications and supporting documentation.

Publications and Presentations

Presentation "Use of Advanced Models to Control Fugitive Odors from Composting Sites".
US Compost Council Annual Meeting, January 2015, Austin, TX.

"Air Emissions from Landfills and Transfer Stations – Do they Increase Public Health Risks?"
Presented at Quad State Environmental Conference, Pigeon Forge TN, Sept 2015.

"Risks of Carbon Credit Invalidation Under California's Cap-and-Trade Program", Presented at the 2014 Air and Waste Management Association Annual Conference. June 24-27, 2014. Long Beach, CA

"Estimate of VOC Emissions from Sludge Drying", Presented at the 1995 SWANA Conference. November 1995, Baltimore, MD.

"Use of Biofilters to Control VOCs", Biocycle, February 1995.

"Impacts of the 1990 Clean Air Act Amendments", San Jose Business Journal, March 24, 1994.

"Modeling Fine Particulates" in Municipal Waste Incineration Risk Assessment, Edited by Curtis Travis, Plenum Press, 1990.

Specialized Training

Accidental Release Modeling Workshop. Trinity Consultants. Dallas, TX November 1-2, 2018.

HARP2 (Risk Assessment Model) Training at California Air Resources Board. Redding, CA April 2016.

Hearing Board Variance Training – California Air Resources Board (1995)

Air Emissions and Odors from Wastewater – University of Texas, Austin (1994)

Professional Affiliations

Air and Waste Management Association
(Board Member)

American Institute of Chemical Engineers
(Member)

Dust and Odor Mitigation

• **Ventilation System for Odor Control (Anaheim, CA)**

Advanced computational fluid mechanics (CFD) models were used to predict the air flow and building pressure to identify the location, size and number of exhaust fans required to remove odors from the transfer station building.

• **Migration of Odors and Aerosol from Leachate Evaporation Pond (Bi-County Landfill, Montgomery County, TN)**

Analyze the movement of odors and aerosols from leachate evaporators. Demonstrate that evaporators were ineffective in reducing volume of leachate, but were release odors and VOCs to nearby homes.

• **Analysis and Control of Fugitive Dust and Odors from a Soil Blending Facility (Stockton, CA)**

Advanced computational fluid mechanics (CFD) models were used to predict the air flow and movement of fugitive dust at a soil blending facility. With this information, the client was able to install appropriate mitigation services to mitigate off-site migration of fugitive dust. View how the movement of dust occurs at:

<https://www.youtube.com/watch?v=wXEX6IT-54U>

• **Measurement and Analysis of Styrene Odors from a Proposed Fiberglass Manufacturing Facility (San Jose, CA)**

A large manufacturer of decorative fiberglass home products was planning to move into an industrial area in San Jose, CA. The City of San Jose expressed concern of potential odors impacting nearby businesses. NCM staff calculated the emission rates of styrene and determined the concentration in the vicinity of the proposed new plant. The findings of the study were presented to the Planning Commission along with recommendation for on-going monitoring and mitigation.

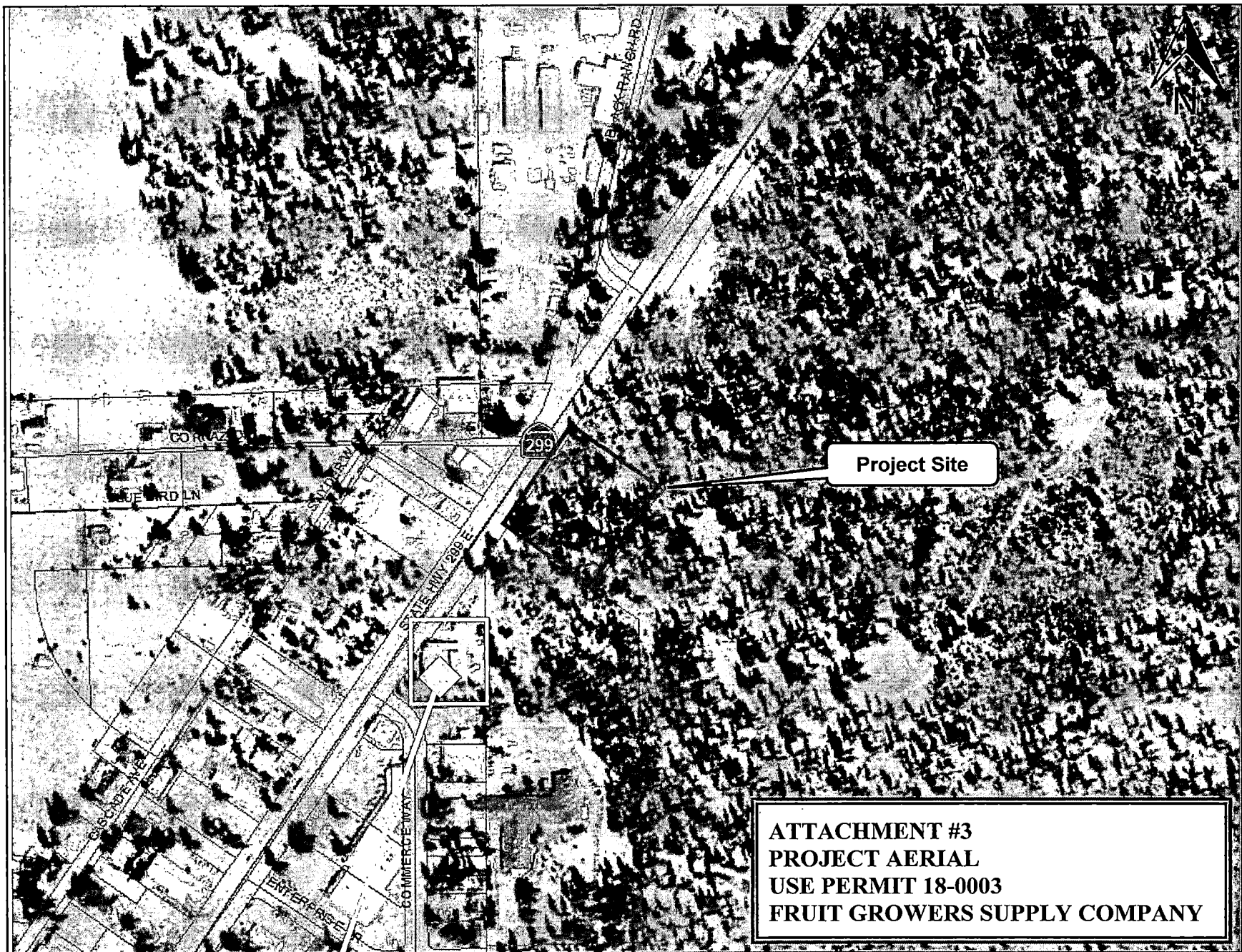
Analysis of Public Health Risks

• **Analysis of Public Health Risks Associated with Composting Operations (Napa County, CA)**

Estimate the types and amounts of toxic air contaminants (TAC) released from green waste and food waste composting. An air dispersion model was used with local wind data to determine the concentration of each TAC. The concentration estimates were supplemented with toxicity data to quantify public health risks from exposure to the various toxic pollutants.

• **Analysis of Public Health Risks from Proposed Asphalt Plant (Kern County, California)**

Analyze emissions of any toxic air pollutants from a proposed 250 tons per day asphalt plant. Emissions from aggregate drying, propane combustion and asphalt oil were quantified. Acute and chronic public health risks from exposure to various toxic pollutants were calculated and compared with regulatory thresholds of significance.

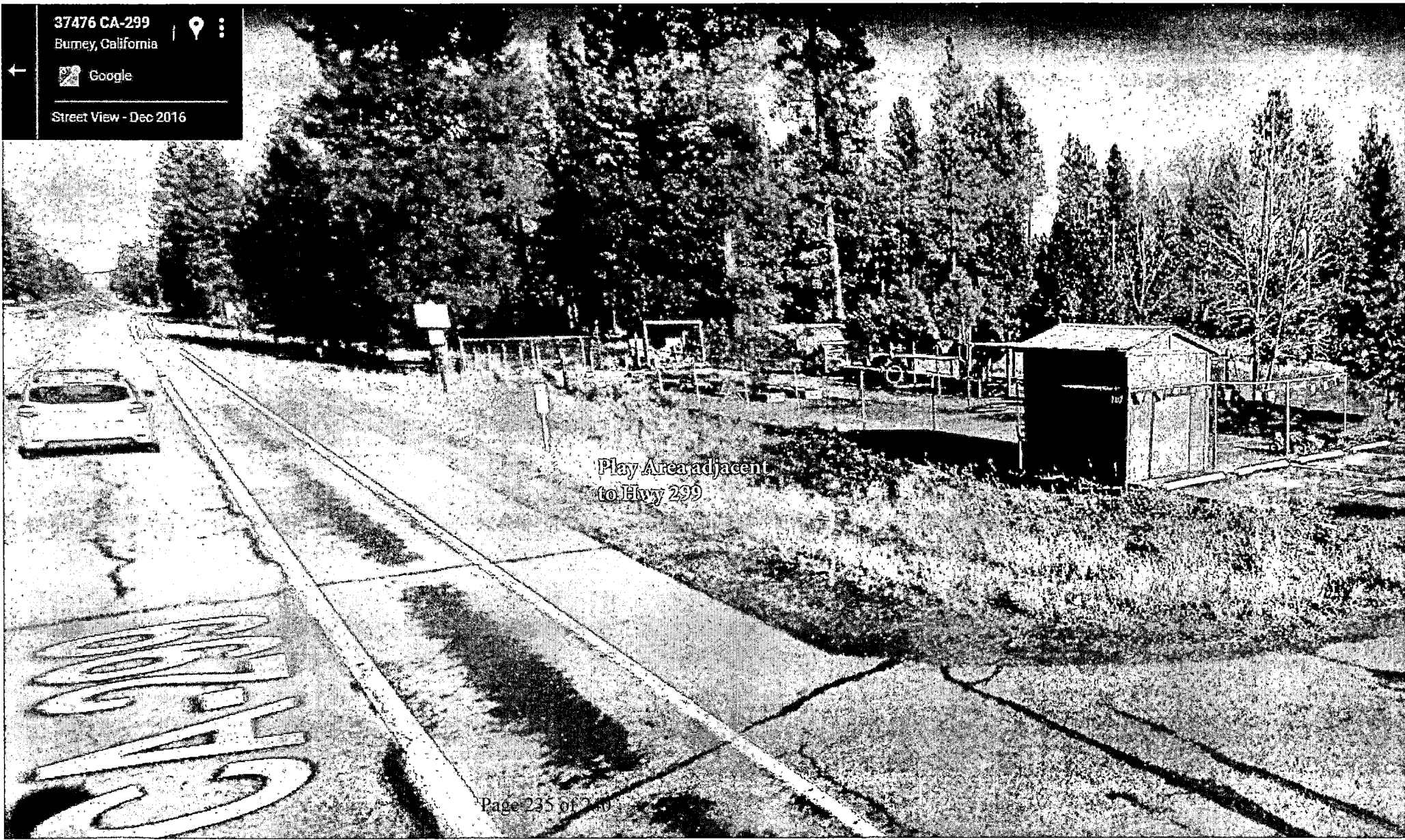


37476 CA-299

Burney, California



Street View - Dec 2016



Play Area adjacent
to Hwy 299



SMITH ENGINEERING & MANAGEMENT

February 21, 2019

Mr. Mark Wolfe
M. R. Wolfe & Associates
555 Sutter Street, Suite 405
San Francisco, CA 94102

Subject: Fruit Growers Supply Company Proposed Grocery, Burney, Shasta
County (UP 18-0003) P19008

Dear Mr. Wolfe:

Per your request, I have reviewed the Initial Study/Mitigated Negative Declaration (the "IS/MND") for the proposed Fruit Growers Supply Company grocery (the "Project") in the Burney community of Shasta County (the "County"). My review is specific to the Transportation/Traffic section.

My qualifications to perform this review include registration as a Civil and Traffic Engineer in California and 50 years of consulting practice in traffic and transportation engineering. I have both prepared and reviewed the traffic and transportation components of numerous CEQA environmental documents. My professional resume is attached herewith.

The IS/MND Understates Project Traffic by Considering the Project In the Wrong Land Use Category

The IS/MND traffic analysis considers the Project as being in the wrong land use category. It assumes the Project as being in Institute of Transportation Engineers ("ITE") *Trip Generation, 10th Edition* Land Use Category 854, "Discount Supermarket". The problem with this is that the data in Trip Generation, 10th Edition (the source relied on by the County) shows that discount supermarkets mostly range from about 65,000 to 95,000 square feet with a few examples over 100,000 square feet. The subject project is only 20,000 square feet, less than a third the size of the smallest discount

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supermarkets represented in the Category 854 data base. The County should have used Land Use Category 850, "Supermarket". *Trip Generation, 10th Edition* shows ordinary supermarkets range in size from about 10,000 to about 60,000 square feet with a few outliers going much larger. The proposed Project's 20,000 square foot size fits well within that range. And throughout the IS/MND documentation, except for in the traffic section, the Project is described simply as a "grocery", never as a "discount supermarket".

Treating the Project as Land Use Category 854 Discount Supermarket, the IS/MND estimates the Project would have a gross PM peak hour trip generation of 168 trips. If it had assumed the proposed store as an ordinary Land Use Category 850 Supermarket and bother to use the fitted curve equation for the data provided in that section of *Trip Generation, 10th Edition*, it would have found that the Project would have a gross PM peak hour trip generation of 234 trips instead of 168.

The IS/MND Compounds the Above Error by Assuming an Excessive Share of Project Traffic would be Drawn from Existing Passers-by

The IS/MND assumes, without substantiation or source reference, that 60 percent of the Project's PM peak hour trips will be attracted from passer-by traffic, thereby concluding that the project will add only 67 net new trips on the roadway. However, ITE's *Trip Generation Handbook, 3rd Edition* (the current edition and authoritative source on passer-by attraction) indicates that indicates that only 36 percent of PM peak Supermarket traffic is attracted passers-by. So if the IS/MND had used the right ITE land use category and the right attracted passer-by percentage, it would have found that the Project would generate 150 net new PM peak hour trips instead of just 67. We also note that the same reference source indicates that the attracted passer-by percentage for Discount Supermarkets is just 21 percent in the PM peak, not the 60 percent assumed in the IS/MND.

The IS/MND Lacks Essential Information for Determining Whether or Not the Higher Level of Added Traffic Would Create Operational or Safety Problems

The IS/MND contains no existing or future traffic projections that would enable it to determine whether the added Project traffic would have operational or safety impacts of significance. It contains no analysis of traffic collision experience in the area. In addition, the Project Site Plan (Attachment #6 to the IS/MND provides no indication of whether the Project's driveways line up with the intersection of Cornez Drive on the opposite side of SR 299E and with other private driveways on the opposite side, or whether the Project's driveways would be offset from them in a manner that increases the potential for hazardous conflict. So not only is the amount of new traffic caused by the Project understated in the IS/MND; there is no factual context that would substantiate a conclusion that the Project would not have significant traffic impact.

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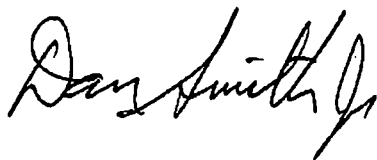
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Conclusion

This concludes my comments on the IS/MND for the Fruit Growers Supply Company proposed grocery Project in Burney. Due to the errors and omissions identified in the foregoing, the IS/MND analysis is materially erroneous and cannot be relied upon to support a conclusion that the Project will not have any significant traffic impact.

Sincerely,

Smith Engineering & Management
A California Corporation



Daniel T. Smith Jr., P.E.
President

Attachment:
Resume of Daniel T. Smith Jr., P.E.

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SMITH ENGINEERING & MANAGEMENT

DANIEL T. SMITH, Jr.
President

EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967
Master of Science, Transportation Planning, University of California, Berkeley, 1968

PROFESSIONAL REGISTRATION

California No. 21913 (Civil) Nevada No. 7969 (Civil) Washington No. 29337 (Civil)
California No. 938 (Traffic) Arizona No. 22131 (Civil)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present, President.
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.
De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.
Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-50N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 93 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

Area Transportation Plans. Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 3 million gsf multi-use complex for EMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

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Transportation Centers. Project manager for Daly City Intermodal Study which developed a \$7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

Campus Transportation. Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

Special Event Facilities. Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

Parking. Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking.

Transportation System Management & Traffic Restraint. Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

Bicycle Facilities. Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS

Residential Street Design and Traffic Control, with W. Homburger *et al.* Prentice Hall, 1989.

Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

Residential Traffic Management, State of the Art Report, U.S. Department of Transportation, 1979.

Improving the Residential Street Environment, with Donald Appleyard *et al.*, U.S. Department of Transportation, 1979.

Strategic Concepts in Residential Neighborhood Traffic Control, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

Planning and Design of Bicycle Facilities: Pitfalls and New Directions, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.