

ORDINANCE NO. 2029

AN ORDINANCE APPROVING REZONE #16-04 AND AMENDING THE ZONING MAP OF
THE COUNTY OF TEHAMA

THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA ORDAINS
AS FOLLOWS:

SECTION 1: The Zoning Map of the County of Tehama, as set forth in Section 17.06.020 of the Tehama County Code and its subsections, is hereby amended by the addition of a new subsection 17.06.020.15-05, being Amended Zoning Map No. 16-04.

SECTION 2: Amended Zoning Map No. 16-04 is attached hereto and incorporated herein. The brief description of the property, as recited in the notice of hearing, is as follows: The project site is located approximately 800 feet south of the 3rd Street/Highway 99W intersection on the east side of Highway 99W on approximately three (3) acres.

SECTION 3: As conditions and mitigations of this rezoning, any construction or development upon property subject to this Ordinance shall comply with the following:

Condition #1

COMPLIANCE WITH AGENCY REQUIREMENTS. In the case of future development, the Permittee shall obtain any and all local, state and/or federal permits, licenses, and/or other approvals for the construction and/or operation of the Project. This shall include, but not be limited to, local requirements by Tehama County Environmental Health Department, Tehama County Planning Department, Tehama County Building and Safety Department, Tehama County Air Pollution Control District, Tehama County Public Works Department, and Tehama County Sheriff/Coroner's office. Permittee shall likewise comply with all such permit requirements. Tehama County Planning Department

Condition #2

INDEMNIFICATION. As a condition and in consideration of the approval of this General Plan Amendment and Rezone, the Permittee shall defend, indemnify, and hold harmless, at the Permittee's sole expense, the County of Tehama and its employees, officers, contractors, and agents (the "County Indemnities") from and against any claim, action, or judicial or administrative proceeding brought against the County Indemnities, or any of them, to attack, set aside, void, annul, or otherwise challenge the County's decision to issue this Rezone to the Permittee, any environmental review or absence thereof associated with the proposed project, or the manner in which the County interprets or enforces the terms and conditions of this General Plan and Rezone at any time. The Permittee shall further pay all losses, liabilities, damages, penalties, costs, awards, judgments, fees (including reasonable attorney's fees) and expenses arising from such claim, action, or judicial or administrative proceeding. Counsel for

the County Indemnities in any such legal defense shall be selected by the County. Upon request of the County, the Permittee shall execute a formal written agreement containing the foregoing terms, but the Permittee's obligations hereunder shall be fully operative and enforceable regardless of whether such an agreement is executed. Tehama County Planning Department

Condition #3

CONDITIONING. Any future projects requiring conditioning shall be subject to the requirements set forth in the current adopted addition of the California Fire Code. All work shall comply with the latest adopted local, state and federal laws and ordinances whether shown on these documents or not. Tehama County Cooperative Fire Protection

Condition #4

EMERGENCY FIRE SUPPRESSION. A water system including the placement of hydrant with a capacity to flow 2,500 GPM for a duration of two (2) hours. Specific location of hydrant and approval of the system design shall rest with the County Fire Marshal.

OR

If unable to satisfy the above criterion, then the structure shall have engineered and installed an automatic fire suppression system which complies with the most current edition of NFPA 13 (Standard for Installation of Sprinkler Systems in Commercial Occupancies); a stored water supply which will allow for a Fire Flow of 300 GPM for 30 minutes PLUS the amount of water needed for the fire suppression system for 30 minutes and complies with the most current edition of NFPA 22 (Standard for Private Water Storage Tanks); NFPA 24 (Standard For Fire Service Mains); NFPA 72 (Standard for a Monitored Fire Alarm System); specific location of hydrant and approval of the system design shall rest with the County Fire Marshal. Tehama County Cooperative Fire Protection

Condition #5

COMMERCIAL. All Tehama County Fire Department Commercial Standards will apply including Tehama County Ordinance (TCO) 1537 Chapter 9.14, TCO1912 Chapter 9.05, California Fire Code, California Building Code, and California Title 19 Public Safety. Tehama County Cooperative Fire Protection

Condition #6

PLANS. Applicant shall be required to submit three sets of plans with fees for each listed project requirement. All are to be wet stamped and signed by the appropriate California licensed professional prior to construction. Tehama County Cooperative Fire Protection

Condition #7

SOURCE FEE. Any newly constructed industrial, retail and/or residential building(s) will be subject to the District's Indirect Source Fee Program (Rule 2:11D). Tehama County Air Pollution Control District

Condition #8

FUGITIVE DUST. The developer shall obtain a Fugitive Dust and/or Land clearing permit prior to any construction activities commencing. Tehama County Air Pollution Control District

Condition #9

DRAINFIELD LOCATIONS. Primary, secondary and tertiary drainfield locations shall be delineated on the plot-plan. Due to known poor soil quality for treatment and disposal of waste water, soil observations (including percolation tests) shall be conducted by a licensed professional. Tehama County Department of Environmental Health

Condition #10

FISH & WILDLIFE ENVIRONMENTAL FILING FEE. Fish and Wildlife fees to be paid to the Tehama County Clerk and Recorder (\$2,210.25 plus \$50 processing fee). Pursuant to Fish & Game Code Section 711.4 and California Code of Regulations (CCR) Title 14, Section 753.5, all environmental filing fees shall be paid prior to recordation of the final map. State of California, Dept. of Fish & Game

Condition #11

TRASH ENCLOSURE. The trash enclosures shall be constructed of split faced stone with decorative cap and have solid metal doors. Tehama County Planning Department

Condition #12

ROOFTOP EQUIPMENT. All rooftop equipment shall be screened with a parapet wall to hide the equipment from public view. Tehama County Planning Department

Condition #13

LIGHTING POLES. All lighting poles shall not exceed 20 feet in height and will be shielded downward to prevent light pollution. Tehama County Planning Department

Condition #14

LANDSCAPING. Landscaping is required on all street frontages of 99W. No less than 20% live landscaping materials shall be used in landscaping areas. Landscaping areas should consist of drought tolerant materials. There will be one 24" size box tree required every six parking stalls. Tehama County Planning Department

Condition #15

WALL SIGNAGE. Attached wall signage shall be no more than two square feet per linear foot of the frontage of the building. Tehama County Planning Department

Condition #16

MONUMENT SIGNAGE. Monument signage shall not exceed 5 feet in height and 32 square feet in size. No pole signs will be permitted. Tehama County Planning Department

Condition #17

PARKING STALLS. Parking stalls shall be no less than 10 feet wide and 20 feet long as required by the Special Parking Combining District. Parking area must have at least one square foot of parking space for each square foot of floor area. Tehama County Planning Department

Condition #18

PARKING AREA. All parking will be paved with asphalt surfacing. A minimum of 45 parking stalls are required. Tehama County Planning Department

Mitigation Measure #1

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

Mitigation Measure #2

LAND DEVELOPMENT STANDARDS. The Developer/Applicant shall comply with the following;

- A. All the pertinent requirements of Title 16, Subdivisions, Chapters 16.04 thru 16.40 of the Tehama County Code, the Tehama County Land Development and Engineering Design Standards (TCLD&EDS), and the Subdivision Map Act, as amended.
- B. The requirements of the Regional Water Quality Control Board (RWQCB) regarding storm water permitting via Storm Water Pollution Prevention Plan (SWPPP). Tehama County Public Works

Mitigation Measure #3

ROAD IMPROVEMENT REQUIREMENTS. The Developer/Applicant shall construct all road, and related public improvements prior to the issuance of a building permit in accordance with the Tehama County Land Development and Engineering Design Standards (TCLD&EDS) and the following:

- A. The Applicant shall clean/grade/shape the roadside shoulder and the roadside ditch along 99 W (Co. Rd. #708).
- B. The Developer/Applicant shall submit improvement plans prepared by a Registered Civil Engineer (RCE) to the Tehama County Public Works (TCPWD) for approval in accordance with the TCLD&EDS and applicable sections of the Caltrans Highway Design Manual.
 - 1. 99 W (Co. Rd. #708) road encroachment shall be constructed in accordance with the current Caltrans Highway Design Manual
A left turn pocket shall be constructed on the south bound lane of Highway 99W in accordance with the current Caltrans Highway Design Manual.
 - 3. An acceleration and deceleration lane shall be constructed at the proposed driveway in accordance with Caltrans Highway Design Manual.
- C. Construction shall not commence prior to approval of the improvement plans, grading permit and encroachment permit by the TCPWD.

1. The Developer/Applicant shall notify TCPWD a minimum of two working days prior to commencement of construction activities.
- D. The Developer/Applicant shall provide the TCPWD with a RCE certification that all improvements were constructed in accordance with the approved improvement plans, TCLD&EDS, and applicable section of the Caltrans Standard Plans and Specifications.
- E. The Developer/Applicant shall submit AS-BUILT improvement plans prior to acceptance of the completed improvements and/or the release of any improvement security. Tehama County Public Works

Mitigation Measure #4

ACCESS CONTROL. The Developer shall create a one foot wide non-vehicular access strip along 99W (Co. Rd. #708) in all locations other than permitted driveways. Tehama County Public Works

Mitigation Measure #5

ENCROACHMENT PERMIT. The Developer/Applicant shall obtain an encroachment permit from the Tehama County Public Works Department prior to work commencing for the new driveway connection to 99W (Co. Rd. #708). Tehama County Public Works

Mitigation Measure #6

GRADING PERMIT. The Applicant shall submit a Grading Plan and obtain a Grading Permit from Tehama County Public Works prior to the start of any grading or work related to construction of access or building. Applicant shall submit a Site Development Plan to scale showing all temporary and permanent improvements, preliminary grading, drainage, any piping, tanks or other appurtenances directly relating to this project and how they meet the TCLD&EDS, as well as complying with the Americans with Disabilities Act. Any grading or construction will not increase current storm water time and concentration runoff. Tehama County Public Works

Mitigation Measure #7

WATER QUALITY PERMIT. Applicant shall obtain a General Construction Activity Permit from California Regional Water Quality Control Board prior to the start of any work related to road construction of access road, grading or building construction if total disturbed area is greater than one (1) acre. Tehama County Public Works

Mitigation Measure #8

FENCING. Any installation of new fencing along 99W (Co. Rd. #708) shall be placed one (1) foot outside of the Public Right of Way. Tehama County Public Works

Mitigation Measure #9

ROADWAY IMPACT FEE AND TRANSIT IMPACT FEE. Prior to the issuance of a building permit, a Roadway Impact Fee and Transit Impact Fee Program shall be established, with the assistance of the project proponent/developer, to mitigate the project's reasonable share of impacts on County roadways, the State Highway System, transit, and pedestrian systems affected by the project. The Program shall collect funds from this project and all future projects that affect such County roadways, State Highway System, transit, and pedestrian systems, in an amount sufficient to construct the improvements to fully mitigate the direct and cumulative impacts of the projects upon the affected County roadways, State Highway System, transit, and pedestrian systems.

The project proponent/developer shall have the necessary studies (including all documentation required under the Mitigation Fee Act) prepared in coordination with the Tehama County Public Works Department and Caltrans to establish the Roadway Impact Fee and Transit Impact Fee Program, which shall be in place prior to recordation of the Final Map. The project proponent/developer shall be reimbursed through the Program for the full amount of costs incurred in preparing the necessary studies, to the extent permitted by law. The County shall collect the established fee on a per lot basis at the time of building permit issuance.

In the alternative, this Condition shall be deemed satisfied if the subdivider elects to pay a transportation impact fee equal to 25% of the amount listed in the Tehama County Development Impact Fee Program Nexus Study Report, April 2010, Table S.2 Proposed Development Impact Fee Schedule – Unincorporated Area, Column “Transportation”, in which case a note shall be placed on the final map requiring that all development undertaken pursuant to this project pay either the Countywide transportation impact fee, if such fee has been adopted at the time the building permit for such development is obtained, or, if no such Countywide fee has been adopted, a transportation impact fee equal to 25% of the amount listed in the Tehama County Development Impact Fee Program Nexus Study Report, April 2010, Table S.2 Proposed Development Impact Fee Schedule – Unincorporated Area, Column “Transportation”. Tehama County Public Works

SECTION 4: This Ordinance shall take effect thirty (30) days from and after its adoption, and prior to the expiration of fifteen (15) days from the adoption thereof shall be published for at least one time in the Red Bluff Daily News, a newspaper of general circulation in Tehama County.

The above and foregoing Ordinance was duly passed and adopted by the Board of Supervisors of the County of Tehama, State of California, at a regular session of said Board on the 27th day of September, 2016 by the following vote of the Board:

AYES: Supervisors Carlson, Garton, Chamblin, Bundy and Williams

NOES: None

ABSENT OR NOT VOTING: None

Robert A. Williams
Chairman of the Board of Supervisors

ATTEST: September 27, 2016

Jennifer A. Vise, County Clerk and
ex-officio Clerk of the Board of Supervisors
of the County of Tehama, State of California

By Maeve Landon
Deputy