

## RESOLUTION NO. 2023-020

### **A RESOLUTION OF THE SHASTA COUNTY PLANNING COMMISSION RECOMMENDING THAT THE SHASTA COUNTY BOARD OF SUPERVISORS APPROVE USE PERMIT 22-0002 (BAR OVER HEART ENTERPRISES, LLC)**

WHEREAS, the Planning Commission of the County of Shasta has considered Use Permit 22-0002, filed by the Bar Over Heart Enterprises, LLC, for the development of a 5-megawatt bioenergy facility, small specialty sawmill, dry kilns, chipping and grinding operation, firewood sales, outdoor storage and office, and exceedance of the maximum structural height standard of 45 feet for Unclassified (U) zoned parcels that are designated Full-Time Agricultural-Crops (A-C) in the Shasta County General Plan located on the east side of Black Ranch Road, at the intersection of Black Ranch Road and State Highway 299 East, in Burney, CA 96013 (Assessor's Parcel Numbers (APN's) 028-370-028, 030-390-070, and a portion of 030-390-066 as these APN's are assigned for purposes of the 2023 Assessment Roll). Use Permit 22-0002 is proposed in accordance with sections 17.92.020, 17.84.030(B)(4), and 17.88.100 of the Shasta County Ordinance Code, Title 17, Zoning; 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 Shasta County Environmental Review Officer has reviewed the project and recommends a specific environmental finding; and

WHEREAS, a duly noticed public hearing was held on September 28, 2023, at which time all interested persons were given an opportunity to comment and those comments were considered by the Planning Commission; 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. Recommends that the Shasta County Board of Supervisors makes the following environmental review findings:
  - A. An Initial Study (IS) 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 (MND) has been prepared and circulated to the State Clearinghouse (SCH# 2023070441) 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 IS/MND 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 IS/MND, 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. Revised mitigation measure MM-BIO2 is equivalent in mitigating or avoiding potential impacts from the project on special status plant species and will not cause any potentially significant effects on the environment.
  - E. Revisions to the IS/MND are not substantial and recirculation is not required pursuant to State CEQA Guidelines sections 15073.5 and 15074.1.
- 2. Recommends that the Shasta County Board of Supervisors adopt the CEQA determination of a Mitigated Negative Declaration.
  - 3. Recommends that the Shasta County Board of Supervisors makes the following findings for the use permit:
    - A. That the establishment, maintenance, or operation of the use, building or facilities applied for will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County.
    - B. The project, as conditioned, is consistent with the objectives, policies, uses, and programs of the General Plan;
  - 4. Recommends that the Shasta County Board of Supervisors approve Use Permit 22-0002, subject to the enactment of Zone Amendment 22-0008, and subject to the conditions set forth in Exhibit A to this resolution and incorporated herein.

DULY PASSED AND ADOPTED this 28<sup>th</sup> day of September, 2023, by the following vote:

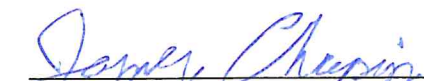
AYES: CHAPIN, KERNS, MACLEAN, ROSS

NOES:

ABSENT: WALGAMUTH

ABSTAIN:

RECUSE:



JAMES CHAPIN, Chair

Planning Commission

County of Shasta, State of California

ATTEST:



PAUL A. HELLMAN, Secretary

Planning Commission

County of Shasta, State of California

Exhibit A to Resolution 2023-020

STATEMENT OF CONDITIONS

Project Identification

Use Permit 22-0002 (Bar Over Heart Enterprises, LLC)

**GENERAL:**

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 use permit is granted for the following listed uses and structures which are to be located as shown on the approved plot plan (Exhibit A) attached hereto. 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 5-megawatt bioenergy facility, including a 49,140-square foot bioenergy facility building as described in the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for Use Permit 22-0002, including compliance with the provisions of the California Public Utilities Commission BioMat program (SCH# 2023070441), small specialty sawmill, dry kilns, chipping and grinding operation, firewood sales, office, 20,000-square-foot sawmill building, 5,000-square-foot planer building, and four 2,940 dry kiln buildings, and other ancillary improvements including parking area, landscaping and bioswale, fencing, and outdoor storage.
  - b. An exceedance of the maximum structural height standard of 45 feet for Unclassified (U) zoned parcels that are designated Agricultural-Crops (A-C) in the Shasta County General Plan for the 79.2-foot tall bioenergy facility building with a stack extending to 115 feet.
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. The applicant shall apply for a grading permit from the Shasta County Building Division prior to any construction or soil disturbance activities. All grading shall conform to the Shasta County Grading Ordinance.
6. Drainage facilities shall be constructed to Shasta County Development Standards.
7. The applicant shall apply for and have a building permit approved from the Shasta County Building Division prior to any construction. All construction shall conform to applicable building occupancy and related codes.

8. Improvement plans for public utilities and infrastructure must be reviewed and approved by the Burney Fire Protection District, Burney Water District, Shasta County Department of Public Works Department, State of California Department of Transportation, and Shasta County Planning Division as conforming with the use permit approval and all applicable jurisdictional standards prior to issuance of a grading and/or building permit.
9. 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.
10. There shall be no storage or accumulation of wrecked or dismantled vehicles or parts thereof, discarded items, junk, or inoperable machinery.
11. All outdoor storage area shall be screened from public view by fencing or berm or a combination thereof, six (6) feet in height prior to outdoor storage use. No material shall be stored to a height greater than that of the wall or fence enclosing the storage area (tractors, trailers, and other similar equipment are not material). A chain-link fence with slats is considered acceptable. Fencing placed along the project frontage shall be located behind the required landscaped bed and the landscaping required in accordance with mitigation measures AES1 such that the landscaped bed/landscaping is visible from the public street and Great Shasta Rail Trail alignment and parking area.
12. 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 mitigation shall be required prior to any resumption of work on the project.
13. If the bioenergy facility structures are no longer utilized by the applicant or a successor for power generation purposes they shall be removed at the owner's expense and the approved bioenergy facility use surrendered. The unused bioenergy facility structures may stand for up to six months, at which time the permittee or its successors must remove the bioenergy facility and all associated equipment, except for the fire protection water system and/or other utilities which may remain.
14. Prior to issuance of a building permit, the property owner shall submit a signed and notarized private agreement provided by the County obligating the property owner to remove any abandoned bioenergy facility structures and related equipment.

#### Noise

15. Noise levels generated from the project shall not exceed 55 dB hourly Leq daytime (7:00 a.m. to 10:00 p.m.) or 50 dB hourly Leq nighttime (10:00 p.m. to 7:00 a.m.) at the property lines consistent with the Shasta County General Plan Noise Element.
16. 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.

### **Lighting**

17. 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.
18. Prior to issuance of a building permit, the applicant shall submit lighting plans, including cut sheets for all exterior lighting fixtures to the Shasta County Planning Division for review and approval.

### **Aesthetics**

19. 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.
20. All buildings and structures within the M-DR zone district shall conform with the standards required therein.

### **Signs**

21. 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.
22. Lighted signs shall be shielded in such a manner to prevent light from shining directly onto adjoining properties or streets.
23. 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.
24. The applicant shall submit a sign plan for approval by the Planning Director prior to final building inspection or initiation of the use.
25. All signage shall comply with Section 17.84 of the Shasta County Zoning Ordinance.

### **Landscaping**

26. Provide landscaping to a depth of ten (10) feet measured from the abutting the Plaza Drive right-of-way line, with openings for walkway or driveway purposes in accordance with County standards.
27. 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.
28. All required planted areas shall be served with adequate and permanent watering systems, except where native plants that do not need a watering system are used. All plants shall be maintained in a living condition.

29. Except where abutting a sidewalk, 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.
30. All required landscaped areas shall be maintained in a neat and clean condition.
31. 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.
32. 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.
33. 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.
34. All landscaping within the M-DR zone district shall conform with the standards required therein.

#### **Parking/On-Site Access**

35. A parking plan showing space location, dimensions, and total number of spaces shall be provided prior to issuance of a building permit. The minimum of spaces shall be provided in accordance with Shasta County zoning code section 17.86.140. Improvements shall be completed prior to final building inspection.
36. 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.

#### **Fire Protection**

37. All fires shall be reported to the Burney Fire Protection District, even though they may be extinguished by the permittee.

38. A person shall be present, onsite 24 hours per day, 7 days per week, to secure the area and detect fires, except where waived or an alternative is approved by the Burney Fire Protection District.
39. Automatic fire extinguishing systems and fire alarms shall transmit signals to a constantly attended location.
40. The permittee shall keep records of all maintenance and tests of fire protection systems. Such records shall be made available to Burney Fire Protection District upon request.
41. Debris such as trash, sawdust, and chips shall be removed regularly from structures and cleared areas. Proper housekeeping shall be maintained at all times. Weeds shall be kept down in the yard throughout the entire year.
42. To prevent fires from originating during transportation and/or disposal, all ash, char, residue and unburned fuel from the power plant shall be contained within a closed system until any remaining fire is extinguished and/or the temperature drops below 200°F, except where waived or an alternative is approved by the Burney Fire Protection District.
43. Biomass truckloads shall be periodically and randomly inspected for metal, rocks, and/or other materials and debris that could create sparks, generate heat, or contribute to accidental or spontaneous ignition during biomass processing or storage. Inspection logs shall be maintained by the applicant and made available to the Burney Fire Protection District and Shasta County Planning Division upon request.

#### **Chip Pile Storage**

44. Each processed fuel pile shall be on a reasonably level, paved surface or other surface approved by the Burney Fire Protection District.
45. The maximum turnover time for processed fuel shall be not more than 180 days, providing that no fires originate from spontaneous combustion. If it is determined by the Burney Fire Protection District that turnover time was a contributing factor to an incidence of spontaneous combustion, the applicant shall request a recommendation from the District regarding the appropriate turnover time. If a lesser turnover time is recommended by the District, then the applicant shall abide by the District's recommendation.
46. The perimeter of each processed fuel pile shall be defined with posts or barriers approved by the Burney Fire Protection District, unless waived by the Burney Fire Protection District.
47. The following clearances shall be required, except where a lesser clearance is approved by the Burney Fire Protection District:
  - a. 30 feet between processed fuel pile and any adjacent chip pile.
  - b. 150 feet between processed fuel pile and all vegetation.
  - c. 50 feet between processed fuel pile and any structures, except for fuel that is staged and actively being fed to the biomass facility. During shutdown or other periods of inactivity, staged fuel shall be managed in accordance with this clearance standard.

- d. 30 feet between processed fuel pile and access roadway.
  - e. 20 feet between processed fuel pile and fire hydrant.
- 48. The area within 50 feet of each processed fuel pile shall be posted "NO SMOKING".
  - 49. Unauthorized access to processed fuel piles and log decks shall be restricted.
  - 50. Welding, cutting, flammable liquids, etc., shall be prohibited or utilized in accordance with NFPA restrictions in the vicinity of the processed fuel pile.
  - 51. Only diesel-powered equipment shall be permitted in the vicinity of the processed fuel pile. Gasoline powered equipment may only be used within the boundaries of the processed fuel pile when the equipment is operated in accordance with an OSHA Hot Work Permit program, if applicable, or with similar care, which establishes a fire watch during use and for at least one hour after use.
  - 52. All equipment with internal combustion engines operating in the vicinity of the processed fuel pile shall be equipped with approved spark arrester.
  - 53. All stacks shall be equipped to prevent the emission of any sparks.
  - 54. All mobile equipment in the vicinity of the processed fuel pile shall be equipped with an ABC fire extinguisher.
  - 55. Daily visual inspections of the storage piles to observe whether temperature-related effects and/or signs of spontaneous combustion are occurring (e.g., steam).

Temperature monitoring of piles shall be conducted at least once a week to ensure temperature levels are maintained below the typical thermal runaway range for woody biomass (70 to 80 degrees Celsius). Temperature logs shall be maintained by the applicant and made available to the Burney Fire Protection District and Shasta County Planning Division upon request.

### **Log Deck Storage**

- 56. Log decks are to be a maximum of one log length wide, 500 feet long and 20 feet in height, except where more or less stringent dimensions are approved by the Burney Fire Protection District.
- 57. Log decks must be placed on reasonably level, solid ground, preferably paved or surfaced with gravel or cinders.
- 58. All weeds, grass, brush and other vegetation within the project site shall be removed and prevented within 100 feet of any log deck.
- 59. A metal collection or detection system shall be installed on all chippers or hogs, except where waived or an alternative is approved by the Burney Fire Protection District
- 60. Any waiver or approval of alternatives to condition numbers 39, 43, 44, 45, 46, 47, 55, and 58 by



Burney Fire Protection District shall be provided in writing and transmitted to the Department of Resource Management Planning Division.

**MITIGATION MEASURES FROM IS/MND (SCH# 2023070441):**

61. **MM AES-1: Construct Visual Barrier:** A visual barrier consisting of a solid fence (cyclone fence with slats) and native trees/vegetation shall be constructed between project operations and the adjacent Great Shasta Rail Trail alignment and parking area. The barrier shall be constructed sufficiently tall and long enough to screen the majority of activities at the project site (excluding the bioenergy facility stack) from view of trail users.
62. **MM AIR-1: Implement SMM for NOx and Fugitive Dust Emissions during project construction:**
  - a. Nontoxic soil stabilizers shall be applied according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for ten days or more).
  - b. All grading operations shall be suspended when winds (as instantaneous gusts) exceed 20 miles per hour.
  - c. Temporary traffic control shall be provided as appropriate during all phases of construction to improve traffic flow (e.g., flag person).
  - d. Construction activities that could affect traffic flow shall be scheduled in off-peak hours.
  - e. Active construction areas, haul roads, etc., shall be watered at least twice daily or more as needed to limit dust.
  - f. Exposed stockpiles of soil and other backfill material shall either be covered, watered, or have soil binders added to inhibit dust and wind erosion.
  - g. All truck hauling solid and other loose material shall be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the trailer). This provision is enforced by local law enforcement agencies.
  - h. All public roadways used by the project contractor shall be maintained free from dust, dirt, and debris caused by construction activities. Streets shall be swept at the end of the day if visible soil materials are carried onto adjacent public paved roads. Wheel washers shall be used where vehicles enter and exit unpaved roads onto paved roads, or trucks and any equipment shall be washed off leaving the site with each trip.
  - i. All vehicle speeds on unpaved surfaces shall be limited to 15 miles per hour.
  - j. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - k. A publicly visible sign shall be posted with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
  - l. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Air Resources Board).

toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.

- m. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- n. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.
- o. All off-road equipment larger than 50 horsepower shall have engines that meet or exceed USEPA or CARB Tier 3 off-road emission standards and Level 3 Diesel Particulate Filters. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the agency and demonstrated to reduce community risk impacts to less-than-significant.
- p. Haul truck shall be 2010 model year trucks or newer (a gross vehicle weight rating of at least 14,001 pounds), or best commercially available equipment, that meet CARB's 2010 engine emissions standards at 0.01 g/hp-hour of particulate matter and 0.20 g/hp-hour of NO<sub>x</sub> emissions or newer, cleaner trucks.
- q. The VOC architectural coating limits specify that the use paints and solvents with a VOC content of 100 grams per liter or less for interior and 150 grams per liter or less for exterior surfaces shall be required.

63. **MM BIO-1: Surveys for nesting birds if tree removal at the project site occurs within nesting season:** 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 (February 1 through August 31), a pre-construction nesting survey shall be conducted by a qualified biologist within 14 days of vegetation removal or construction activities. If an active nest is located during the preconstruction surveys, a non-disturbance buffer shall be established around the nest by a qualified biologist in consultation with the California Department of Fish and Wildlife (CDFW). No vegetation removal or construction activities shall occur within this non-disturbance buffer until the young have fledged, as determined through additional monitoring by the qualified biologist. The results of the pre-construction surveys shall be sent electronically to CDFW at [R1CEQARedding@wildlife.ca.gov](mailto:R1CEQARedding@wildlife.ca.gov).

64. **MM BIO-2: Surveys for special-status plants prior to additional ground disturbance:** If new ground disturbance occurs within habitat for Lassen paintbrush or Jepson's dodder five or more years following completion of the August 2023 botanical survey, then the applicant shall retain a qualified Biologist to conduct protocol-level surveys during the appropriate flowering window for the species. Surveys shall comply with survey protocols for plants species listed under the California Endangered Species Act and Federal Endangered Species Act and the California Department of Fish and Wildlife (CDFW) March 20, 2018, Protocols for Surveying and Evaluating

Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. A report summarizing the findings of surveys will be prepared and submitted to the County and CDFW. In the event sensitive species are identified on the project site, the plants should be marked by a qualified biologist familiar with the species and the Biologist shall consult with CDFW and the U.S. Fish and Wildlife Service (USFWS) to determine appropriate measures to reduce the impact of identified species to a less-than-significant level, including but not limited to, the establishment of an avoidance buffer around the plant(s) that is adequate to prevent direct and indirect disturbance to the plant(s). Fencing shall be installed at the perimeter of the buffer area and shall be maintained by the operator. If avoidance is not possible, the biologist will be contacted to coordinate seed collection from the plant(s) for propagation and restoration on-site, in consultation with CDFW. Other mitigation, including but not limited to conservation, establishment, or restoration of the species off-site, may be required if seed collection or onsite propagation is not possible. The final survey report, including if necessary, a written description of the required measures(s) and site plan showing the location of the special status plant(s) and measures shall be provided to the Shasta County Planning Division, CDFW, and USFWS prior to initiation of ground disturbing activities.

65. **MM BIO-3: Preconstruction surveys for long-eared myotis prior to tree removal at the site:** In order to avoid impacts to bats, the following shall be implemented:
- a. Conduct removal and disturbance of trees outside of the bat maternity season and bat hibernacula (September 1 to October 31); or
  - b. If removal or disturbance of trees will occur during the bat maternity season, when young are non-volant (March 1 - August 31), or during the bat hibernacula (November 1 - March 1), large trees (those greater than 6 inches in diameter) shall be thoroughly surveyed for cavities, crevices, and/or exfoliated bark that may have high potential to be used by bats within 14 days of tree removal or disturbance. The survey shall be conducted by a qualified biologist or arborist familiar with these features to determine if tree features and habitat elements are present. Trees with features potentially suitable for bat roosting should be clearly marked prior to removal and humane evictions must be conducted by or under the supervision of a biologist with specific experience conducting exclusions. Humane exclusions could consist of a two-day tree removal process whereby the non-habitat trees and brush are removed along with certain tree limbs on the first day and the remainder of the tree on the second day.
66. **MM BIO-4: Stop work if individuals are encountered:** If any special-status mammal or other wildlife is observed within the project site during construction or operation of the project, activities with the potential to impact the animal will cease until the animal has moved out of harm's way on its own accord.
67. **MM BIO-5: Provide escape from trenches and/or excavation areas:** Prior to stopping work each day any open trench and/or excavation areas shall be covered securely, or a wildlife exit ramp shall be provided in the trench to prevent entrapment, and any pipes left out onsite shall be inspected for wildlife prior to burying, capping, moving or filling. Dimensions of the ramps shall be a minimum of 12 inches wide and will not exceed a 2:1 slope.

68. **MM BIO-6: Education program to prevent nighttime traffic collisions:** Employees who will be responsible for driving to/from the facility during nocturnal hours will receive awareness training about the potential for wildlife encounters while driving at night.
69. **MM HYD-1: Provide final drainage plan:** Prior to approval of the first grading or building permit the applicant shall provide a final drainage plan, including a final design for the proposed vegetative swale, final drainage report prepared in accordance with Caltrans standards, and maintenance plan for the vegetative swale, including for mosquito control. The final drainage report shall, based on the design criteria of the applicable agencies responsible for maintaining the conveyance(s), demonstrate that the proposed drainage facilities will not result increase the peak rate and/or volume of runoff to county and/or Caltrans drainage facilities in excess of the capacity of existing improvements. If the preliminary design of the proposed vegetative cannot achieve this standard, additional on-site Best Management Practices (BMPs) shall be implemented, including but not limited to constructing landscaped areas near buildings and directing rooftop run-off to these areas, placement of rain barrels to capture roof top run-off, and/or reducing impervious surface area where feasible. The final drainage plan shall be implemented prior to initiating the proposed use(s) and may be achieved incrementally based on the phasing of construction and initiation of the use(s).
70. **MM NOI-1: Limit Construction Hours:** Construction will occur between 7:00 a.m. and 10:00 p.m. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards. On occasions, when activities related to construction at the project site must occur between 10:00 p.m. and 7:00 a.m., neighbors will be notified in advance.
71. **MM NOI-2: Attenuation of Biomass Plant Noise Levels:** An acoustical analysis will be conducted prior to issuance of the first building permit for construction of the bioenergy facility to establish existing ambient baseline noise levels in the vicinity of the project site. The bioenergy plant building will be constructed to provide the attenuation required to meet the Shasta County noise standards for non-transportation noise sources (55 dB Leq between 7:00 a.m. and 10:00 p.m. and 50 dB Leq between 10:00 p.m. and 7:00 a.m.) at the property line of the closest noise-sensitive land use to the bioenergy facility estimated to be 950 feet due north of the project site boundary.

The County can impose noise level standards which are more restrictive than those specified above based upon determination of low ambient noise levels. The Federal Interagency Committee on Noise (FICON) developed noise guidance to be used for the assessment of project-generated increases in noise levels that take into account the ambient noise level at the closest sensitive receptors to the project site. Based upon FICON recommended noise evaluation for ambient noise levels less than 60 dB, an increase of 5 dB or greater would be considered significant at the closest sensitive receptor. Noise measurements will be conducted at the property line of the closest noise-sensitive land use following construction of the bioenergy facility to ensure noise levels generated by the plant do not exceed Shasta County Noise standards or an increase of greater than 5 dB over existing ambient noise levels (if existing ambient noise levels are less than 50 dB) at the nearest noise-sensitive land use.

Measures to control noise from the facility could include locating all plant and/or processing activities indoors where possible, acoustically treating and sealing the building to prevent noise

breakout, keeping doors closed except for entry and exit of vehicles, fitting all internal noise-generating equipment with acoustical enclosures, acoustically treating external air-cooled condenser fans, and minimizing tonal exhaust from the stack through fitting of a silencer within the stack.

72. **MM NOI-3: Limit Hours of Unloading Feedstock and Wood Product Operations:** Loading and unloading of feedstock, timber, lumber, or logs/slash and operation of equipment associated with wood production activities will be limited to 7:00 a.m. to 10:00 p.m.

**SHASTA COUNTY AIR QUALITY MANAGEMENT DISTRICT (SCAQMD):**

73. 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.
74. Applicant shall obtain all applicable permits required by the SCAQMD.

**SHASTA COUNTY ENVIRONMENTAL HEALTH DIVISION (SCEHD):**

75. Applicant shall prepare and submit an updated Hazardous Materials Business Plan to 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 SCEHD, 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 CERS website is [www.cers.calepa.ca.gov](http://www.cers.calepa.ca.gov).

76. Chipping and grinding operations shall comply with the requirements of a Chip and Grind Facility, per Title 14 of the California Code of Regulation, Section 17852, except as may be otherwise determined to be an activity excluded from regulation pursuant to Title 14 of the California Code of Regulation, Section 17855.

**SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS:**

77. Prior to FIRST FINAL INSPECTION OR A BUILDING PERMIT AND/OR FIRST CERTIFICATE OF OCCUPANCY, offer for dedication to the public the following rights-of-way width for public use and construct the following roads to the current Shasta County standards, as described below:

- A. Street Name: BLACK RANCH RD Co. Rd. No.: 7P200  
Limits: ALONG ENTIRE FRONTAGE OF ALL PARCELS INVOLVED

Minimum Width: 60' ft., being 30' ft. from the existing centerline of road.

78. Prior to FIRST FINAL INSPECTION OR A BUILDING PERMIT AND/OR FIRST CERTIFICATE OF OCCUPANCY, obtain an encroachment permit from the Shasta County Department of Public Works, Development Services Division and construct the Type 'B' road connections as described by the encroachment permit at the following locations:

A. ALL DRIVEWAY ACCESS POINTS ALONG BLACK RANCH RD

79. Install main distribution lines as required by Utilities to service all lots. Where underground utilities are located within the required right-of-way, such utilities shall be installed, or conduits shall be installed to allow for future installation, prior to placing pavement or concrete. These installations shall be approved by the utility company prior to placing pavement or concrete.
80. Prior to FIRST FINAL INSPECTION OR A BUILDING PERMIT AND/OR FIRST CERTIFICATE OF OCCUPANCY, install all street signs, traffic delineation devices, warning and regulatory signs, guardrail, barricades, and other similar devices where required by the Department of Public Works. Signing shall be in conformance with the Department of Public Works standards and the current State of California Uniform Sign Chart. Installation of traffic devices shall be subject to review and modification after construction.

**BURNEY WATER DISTRICT:**

81. The applicant shall comply with all rules, regulations, policies, resolutions, fees, and specifications applicable to domestic water service for the project as it is anticipated and described in the October 6, 2022, preliminary will serve letter from the Burney Water District as may be amended, reissued, or rescinded.
82. The applicant shall comply with all rules, regulations, policies, resolutions, fees, and specifications applicable to industrial (process) water and wastewater service for the project as it is anticipated and described in the May 26, 2022, initial response to a requested will serve letter from the Burney Water District as may be amended, reissued, or rescinded.
83. The applicant shall file a request for and receive a final will serve letter for domestic and process water prior to issuance of a building permit and shall complete all necessary improvements and pay all required fee in full prior to connection to the Burney Water District domestic and process water and wastewater systems.

**BURNEY FIRE PROTECTION DISTRICT:**

84. Construction plans shall be reviewed and approved by the Burney Fire Protection District prior to issuance of a building permit.
85. Construction plans submitted for review shall include a building code summary analysis that includes the use and occupancy classification(s), type(s) of construction, occupancy separations or non-separated occupancy, number of stories, exterior opening analysis, maximum height above grade plane, floor area per floor and total floor area, use or process hazards, and presence of and design

standard for automatic sprinklers. [CBC §107.2.1, as may be amended from time to time]

86. Fire Apparatus: Access Roads. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall be not less than 20-feet wide and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. The access road shall be public, under the control of the owner or be recorded as a non-revocable (capable of being revoked or canceled) easement with the easement shown on the site plan or other sheet included in construction plans submitted for review. [CFC §503.1.1, as may be amended from time to time]
87. Water Supply/Fire Flow: A water supply shall be capable of supplying manual fire suppression and shall provide sufficient pressure to supply fire protection systems or supplementary equipment may be required. For buildings equipped with an automatic fire sprinkler system, the water supply shall be capable of providing the greater of the sprinkler system demand with hose stream allowances or the required fire flow. [CFC §507.1 and B-§105.3, as may be amended from time to time] This requirement shall be addressed on the improvement or construction plans submitted for review, including details regarding the source, volume, and duration for the water supply/fire flow.
88. Construction plans submitted for review, including the site plan, shall demonstrate conformance with the following sections of the California Building and Fire Codes, as may be amended from time to time:
  - a) California Building Code:
    - i) §426: Combustible Dusts, Grain Processing and Storage
    - ii) Chapter 10: Means of Egress
  - b) California Fire Code:
    - i) §304: Combustible Waste Material
    - ii) Chapter 5: Fire Service Features
    - iii) §906: Portable Fire Extinguishers
    - iv) Chapter 22: Combustible Dust-Producing Operations
    - v) Chapter 28: Lumber Yards and Agro-Industrial, Solid Biomass and Woodworking Facilities.
    - vi) Chapter 32: High-piled Combustible Storage
    - vii) Chapter 50: Hazardous Materials
89. Hazardous Materials Inventory Statement (HMIS). An HMIS is required to evaluate the quantity hazardous materials that may be permitted in the proposed buildings. California Fire Code Appendix H, Section H2 identifies the required HMIS contents. [CFC §407.5, as may be amended from time to time] A HMIS shall be submitted with construction plans submitted for review.

#### **CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE:**

90. 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.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD:**

91. The applicant shall obtain coverage under the General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (CGP) for construction activity, including demolition, resulting in a land disturbance of one acre or more.
92. The applicant shall obtain coverage under the General Permit for Stormwater Discharges Associated with Industrial Activities (IGP) for industries with a Standard Industrial Classification (SIC) 2421, sawmills and planing mills, general and 4911, Electric Services. Industrial operations with a 2421 and/or 4911 SIC code.

**CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS):**

93. Existing driveways on State Route 299 East should be surrendered and the proposed bioenergy facility and sawmill should utilize Black Ranch Road for access. If existing driveways on State Route 299 East are to be used for the proposed use and/or there is a change in ownership an encroachment permit shall be obtained for the new use and/or change in ownership. Caltrans reserves the right to determine whether to allow continued use of existing driveways on State Route 299 East.
94. The shoulders on Black Ranch Road where it connects to SR-299 shall be widened to 4 feet within the State R/W to allow for off-tracking of trucks, to minimize deterioration of the pavement and reduce maintenance work. A Caltrans encroachment permit is required for the work in the highway right of way. The encroachment permit shall be obtained prior to the issuance of the first building permit and be completed in accordance with requirements of the encroachment permit.

**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 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 use permit is approved, or during the two years following approval or affirmation of approval of the use permit, if an application for an extension of time is made to the planning division prior to expiration of the 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 applicant is responsible for demonstrating, in writing, that all conditions requiring completion prior to initiation of the use have been satisfied. Failure to demonstrate compliance with conditions may be grounds for and result in revocation of the use permit.



